

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 333

Session of  
1983

INTRODUCED BY LLOYD, BELFANTI, HALUSKA, D. R. WRIGHT, VAN HORNE,  
JAROLIN, BLAUM, FARGO, DeWEESE, BALDWIN, MORRIS, McVERRY,  
TELEK, CAWLEY, DALEY, WARGO AND KASUNIC, MARCH 14, 1983

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 14, 1983

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further regulating highway maintenance.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 4902 of Title 75 of the Pennsylvania  
6 Consolidated Statutes is amended by adding subsections to read:  
7 Section 4902. Restrictions on use of highways and bridges.

8 \* \* \*

9 (c.1) Assumption of normal maintenance responsibility.--  
10 Notwithstanding any provisions to the contrary in the act of  
11 June 1, 1945 (P.L.1242, No.428), known as the State Highway Law,  
12 the Commonwealth and any person, firm or corporation seeking a  
13 permit pursuant to subsection (c) may, without competitive  
14 bidding, enter an agreement whereby:

15 (1) the permittee agrees to provide whatever security  
16 would otherwise be required pursuant to subsection (c) and to  
17 perform normal and excess maintenance of the posted highway

1 to which the permit applies and the Commonwealth agrees to  
2 reimburse the permittee on a specified periodic basis for  
3 normal maintenance performed by the permittee, which  
4 reimbursement is to be in an amount not to exceed the amount  
5 the Commonwealth estimates as its cost of performing normal  
6 maintenance of that posted road; or

7 (2) the permittee agrees to perform normal and excess  
8 maintenance of the posted highway to which the permit applies  
9 and the Commonwealth agrees to waive any requirement for  
10 security which would otherwise be imposed pursuant to  
11 subsection (c) to cover the cost of excess maintenance.

12 (c.2) Termination of agreements.--If either the permittee or  
13 the Commonwealth fails to substantially comply with an agreement  
14 entered pursuant to subsection (c.1), the other party may  
15 terminate the agreement, in which case the Commonwealth shall  
16 thereafter perform normal maintenance and the permittee shall  
17 perform excess maintenance and provide whatever security the  
18 Commonwealth requires pursuant to subsection (c) less any amount  
19 owed but not paid to the permittee for normal maintenance  
20 performed prior to termination of the agreement.

21 (c.3) Definitions.--As used in subsections (c.1) and (c.2),  
22 the following words and phrases shall have the meanings given to  
23 them in this subsection:

24 "Excess maintenance." The maintenance or restoration, or  
25 both, of the roadway, shoulders and drainage facilities of a  
26 posted highway in excess of normal maintenance which excess is  
27 necessitated by the movement of over-posted-weight vehicles over  
28 the highway. The term does not include maintenance or  
29 restoration which would improve the roadways, shoulders or  
30 drainage facilities to a state of repair better than the state

1 of repair existing as of the date of a joint inspection by the  
2 Commonwealth and the applicant for a permit before issuance of  
3 that permit pursuant to subsection (c) and does not include snow  
4 and ice removal.

5 "Normal maintenance." The usual and typical activities  
6 necessary to maintain the roadway, shoulders and drainage  
7 facilities of a posted highway in the state of repair existing  
8 as of the date of a joint inspection by the Commonwealth and the  
9 applicant for a permit before issuance of that permit pursuant  
10 to subsection (c). The term does not include snow and ice  
11 removal.

12 "Over-posted-weight vehicle." A vehicle or combination  
13 operating upon a posted highway and having a gross weight  
14 greater than the weight restriction imposed upon that highway  
15 pursuant to this section.

16 "Posted highway." A highway under the jurisdiction of the  
17 Commonwealth which is restricted pursuant to this section as to  
18 the weight or size of vehicles operated upon the highway.

19 \* \* \*

20 Section 2. This act shall take effect in 60 days.