

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 825

Session of  
1985

INTRODUCED BY STAUFFER, JUBELIRER, CORMAN, SCANLON, WILT, LYNCH,  
FISHER, O'PAKE AND ANDREZESKI, MAY 6, 1985

SENATOR CORMAN, TRANSPORTATION, AS AMENDED, JUNE 17, 1985

## AN ACT

1 Providing for transportation development projects by  
2 municipalities AND MUNICIPAL AUTHORITIES. <—

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the  
7 Transportation Partnership Act.

8 Section 2. Transportation development districts.

9 (a) Establishment of districts.--The governing body of any  
10 municipality OR MUNICIPAL AUTHORITY, acting singly or in <—  
11 cooperation with one or more other municipalities OR MUNICIPAL <—  
12 AUTHORITIES, may establish within the BOUNDARIES OF THE <—  
13 municipality or municipalities, OR IN THE CASE OF A MUNICIPAL <—  
14 AUTHORITY WITHIN THE BOUNDARIES OF THE MUNICIPALITY OR  
15 MUNICIPALITIES THAT ORGANIZED THE MUNICIPAL AUTHORITY, an area  
16 or areas designated as a transportation development district for  
17 the purpose of planning, financing, acquiring, developing,

1 improving and operating transportation facilities or  
2 transportation services within the district. HOWEVER, A <—  
3 MUNICIPAL AUTHORITY MAY NOT DESIGNATE OR JOIN IN THE DESIGNATION  
4 OF AN AREA OR AREAS AS A TRANSPORTATION DEVELOPMENT DISTRICT  
5 WITHOUT THE EXPRESS APPROVAL OF THE GOVERNING BODY OR BODIES OF  
6 THE MUNICIPALITY OR MUNICIPALITIES THAT ORGANIZED THAT MUNICIPAL  
7 AUTHORITY.

8 (b) Facility projects.--Transportation facility projects  
9 which may be undertaken within a district shall include any  
10 system of public highway or passenger transportation, including,  
11 but not limited to, local streets, roads, sidewalks, alleys,  
12 passageways, traffic control systems, structures, roadbeds,  
13 railroads, buses, trolleys, subways, and other equipment for  
14 public passenger transportation; guideways, elevated structures,  
15 buildings, stations, terminals, docks, shelters, waterways,  
16 ferryboats, airports and parking areas for use in connection  
17 with any of the foregoing; tunnels, systems for connecting  
18 transportation routes or corridors, and rights-of-way therefor;  
19 communication systems, equipment, furnishings, paving or any  
20 other materials required for any of the foregoing; or any  
21 fractional or undivided co-ownership interest in any one or  
22 combination of any of the foregoing that may be deemed by the  
23 municipality OR MUNICIPAL AUTHORITY to be necessary and <—  
24 desirable.

25 (c) Services.--Transportation services which may be provided  
26 within a district shall include any system of public passenger  
27 transportation by any mode and the salaries and costs associated  
28 therewith, the provision of any system of public highway  
29 transportation and the salaries and costs associated therewith,  
30 and any method by which a municipality OR MUNICIPAL AUTHORITY <—

1 provides, plans for, implements, undertakes, maintains,  
2 preserves or otherwise makes available to the public  
3 transportation facilities and any method by which a municipality  
4 OR MUNICIPAL AUTHORITY operates, provides, maintains or holds <—  
5 out for the public transportation benefits under the provisions  
6 of this act.

7 (d) Governing body.--The governing body of a municipality OR <—  
8 MUNICIPAL AUTHORITY designating a transportation development  
9 district may exercise all powers otherwise granted by law to  
10 such municipality OR MUNICIPAL AUTHORITY in order to plan, <—  
11 finance, develop, improve or operate any transportation  
12 facilities or services, including, but not limited to, the  
13 appropriation and expenditure of funds, and the acquisition, by  
14 gift, purchase or eminent domain, of land, real property or  
15 rights-of-way needed for the purpose of transportation  
16 facilities or services within the district.

17 Section 3. Financing of transportation development.

18 (A) IN GENERAL.--The governing body of any municipality OR <—  
19 IN THE CASE OF PARAGRAPHS (4) AND (5) ANY MUNICIPAL AUTHORITY  
20 which has designated an area as a transportation development  
21 district may finance a transportation facility or transportation  
22 service within such district by:

23 (1) ~~imposing~~ IMPOSING an assessment upon business <—  
24 property located within the district subject to the  
25 limitations of and pursuant to the procedures and  
26 requirements of SECTIONS 2(2) THROUGH (5), 3 AND 4 OF the act <—  
27 of November 30, 1967 (P.L.658, No.305), known as the Business  
28 Improvement District Act of 1967. HOWEVER, IF THE ASSESSMENT <—  
29 IMPOSED IS AUTHORIZED TO BE PAID IN INSTALLMENTS, THE  
30 INSTALLMENTS NEED NOT BE EQUAL. ALSO, THE PROPERTY ON WHICH

1 IMPROVEMENTS ARE TO BE MADE NEED NOT BE ACQUIRED IF THE  
2 IMPROVEMENTS WILL BE IN A RIGHT-OF-WAY.

3 (2) ~~imposing~~ IMPOSING an assessment on each benefited <—  
4 property within the district using a formula adopted by the  
5 governing body of the municipality based upon actual or  
6 projected usage of the transportation facilities or services  
7 to be financed by the district.

8 (3) ~~imposing~~ IMPOSING any tax otherwise permitted by <—  
9 law, but restricting such tax to subjects of taxation located  
10 within a transportation development district, and restricting  
11 the receipts of such tax to the financing of such  
12 transportation facility or service.

13 (4) ~~incurring debt~~ ISSUING NOTES AND BONDS, AND ENTERING <—  
14 INTO LEASES, GUARANTEES AND SUBSIDY CONTRACTS pursuant to the  
15 provisions of the act of July 12, 1972 (P.L.781, No.185),  
16 known as the Local Government Unit Debt Act~~+-or~~, OR IN THE <—  
17 CASE OF A MUNICIPAL AUTHORITY PURSUANT TO THE PROVISIONS OF  
18 THE ACT OF MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE  
19 MUNICIPALITY AUTHORITIES ACT OF 1945.

20 (5) ~~accepting~~ ACCEPTING grants, gifts and donations. <—

21 (B) MUNICIPAL AUTHORITY.--A MUNICIPAL AUTHORITY MAY NOT <—  
22 IMPOSE AN ASSESSMENT UNDER PARAGRAPH (1) OR (2) OF SUBSECTION  
23 (A) WITHOUT THE EXPRESS APPROVAL OF THE GOVERNING BODY OR BODIES  
24 OF THE MUNICIPALITY OR MUNICIPALITIES IN WHICH THE DISTRICT IS  
25 LOCATED, AS PROVIDED IN SECTION 4B(W) OF THE MUNICIPALITY  
26 AUTHORITIES ACT OF 1945, AND A MUNICIPAL AUTHORITY MAY NOT  
27 IMPOSE ANY TAX PURSUANT TO SUBSECTION (A)(3). HOWEVER, A  
28 MUNICIPALITY MAY IMPOSE A TAX PURSUANT TO SUBSECTION (A)(3) TO  
29 ASSIST A MUNICIPAL AUTHORITY IN FINANCING A TRANSPORTATION  
30 FACILITY OR SERVICE IN A TRANSPORTATION DEVELOPMENT DISTRICT IF

1 THE DISTRICT WAS DESIGNATED AS SUCH BY THE MUNICIPAL AUTHORITY  
2 WITH THE APPROVAL OF THE MUNICIPALITY AS PROVIDED FOR IN SECTION  
3 2(A).

4 (C) CLAIMS TO SECURE ASSESSMENTS.--CLAIMS TO SECURE THE  
5 ASSESSMENTS IMPOSED PURSUANT TO THIS SECTION SHALL BE ENTERED IN  
6 THE OFFICE OF THE PROTHONOTARY OF THE COUNTY AT THE SAME TIME  
7 AND IN THE SAME FORM AND SHALL BE COLLECTED IN THE SAME MANNER  
8 AS MUNICIPAL CLAIMS ARE FILED AND COLLECTED, SUBJECT TO THE  
9 PROVISIONS OF SECTION 4(C) OF THE BUSINESS IMPROVEMENT DISTRICT  
10 ACT OF 1967. THE RESOLUTION OR ORDINANCE AUTHORIZING AN  
11 ASSESSMENT IMPOSED PURSUANT TO THIS SECTION MAY LIMIT THE  
12 ABILITY OF A BENEFITED PROPERTY OWNER TO PREPAY SCHEDULED  
13 INSTALLMENTS OF SUCH ASSESSMENTS.

14 Section 4. Transportation planning.

15 (a) Study.--~~The municipality or municipalities~~ <—  
16 MUNICIPALITIES OR MUNICIPAL AUTHORITIES establishing a district <—  
17 shall undertake or commission the undertaking of a comprehensive  
18 study to determine the program of projects to be financed within  
19 the district. The analysis of projects shall conform with  
20 Federal, State and regional standards for integrated  
21 transportation planning and programming.

22 (b) Multiyear program.--~~The municipality or municipalities~~ <—  
23 MUNICIPALITIES OR MUNICIPAL AUTHORITIES establishing a district <—  
24 shall develop a multiyear transportation improvement program  
25 identifying priorities for transportation facilities to be  
26 constructed or reconstructed or transportation services to be  
27 offered. The program must be submitted to the appropriate county  
28 or municipal planning commission or commissions for approval.

29 (c) Countywide plan.--Municipalities OR MUNICIPAL <—  
30 AUTHORITIES establishing transportation development districts

1 shall cooperate in the formulation of a countywide plan of any  
2 programs affecting the State highway system. The plan shall be  
3 submitted to the regional planning commission for consideration  
4 of consolidation into the regional transportation plan and  
5 program. Where no regional planning commission exists, such  
6 plans and programs shall be submitted directly to the Department  
7 of Transportation for consideration for consolidation into the  
8 Commonwealth's 12-year transportation plan.

9 (d) Department of Transportation.--An adopted plan shall be  
10 presented to the Department of Transportation for consideration  
11 for the 12-year transportation program.

12 (e) Financing activities.--No financing activities under  
13 section 3 shall take place until a program of projects for the  
14 ensuing year (or group of years) has been adopted, and all  
15 planning activities FOR THE PROJECT required by the section have <—  
16 been completed.

17 Section 5. Termination.

18 (A) TERMINATION OF DISTRICT.--THE DESIGNATION OF AN AREA AS <—  
19 A DISTRICT OR THE IMPOSITION PURSUANT TO SECTION 3 OF ANY TAXES  
20 OR ASSESSMENTS WITHIN THE BOUNDARIES OF THE DISTRICT SHALL NOT  
21 BE TERMINATED UNTIL:

22 (1) THE PROJECTS CONSTITUTING THE PROGRAM OF PROJECTS  
23 PLANNED PURSUANT TO SECTION 4 HAVE BEEN COMPLETED OR CANCELED  
24 BY THE GOVERNING BODY OF THE MUNICIPALITIES OR MUNICIPAL  
25 AUTHORITIES DESIGNATING THE DISTRICT.

26 (2) THE MUNICIPALITIES OR MUNICIPAL AUTHORITIES HAVE  
27 FINALLY PAID AND DISCHARGED ALL NOTES, BONDS OR OTHER  
28 OBLIGATIONS ISSUED AND OUTSTANDING AND THE INTEREST DUE  
29 THEREON, AND SETTLED ALL OTHER CLAIMS WHICH MAY BE  
30 OUTSTANDING AGAINST THEM WHICH SHALL HAVE BEEN SECURED BY A

1 PLEDGE OF ANY OF THE REVENUES OR RECEIPTS OF A PROJECT OR  
2 SERVICE OR BY A PLEDGE OF TRANSPORTATION DISTRICT TAXES OR  
3 ASSESSMENTS.

4 ~~(a)~~ (B) Joint action.--Municipalities jointly designating <—  
5 any area as a transportation development district, and imposing  
6 PURSUANT TO SECTION 3 any taxes or assessments within the <—  
7 boundaries of such district, may terminate the designation of  
8 the district and the imposition of such taxes and assessments  
9 only upon action by all such municipalities. MUNICIPAL <—  
10 AUTHORITIES JOINTLY DESIGNATING ANY AREA AS A TRANSPORTATION  
11 DEVELOPMENT DISTRICT WHICH PURSUANT TO SECTION 3(B) RECEIVED  
12 APPROVAL FROM A MUNICIPALITY OR MUNICIPALITIES TO IMPOSE ANY  
13 ASSESSMENTS MAY TERMINATE THE DESIGNATION OF THE DISTRICT AND  
14 THE IMPOSITION OF SUCH ASSESSMENTS ONLY UPON ACTION BY ALL SUCH  
15 MUNICIPAL AUTHORITIES.

16 ~~(b) Termination of district. The designation of an area as <—~~  
17 ~~a district may not be terminated until the projects constituting~~  
18 ~~the program of projects planned pursuant to section 4 have been~~  
19 ~~completed or canceled by the governing body of the municipality~~  
20 ~~or municipalities designating such district.~~

21 (c) Refund.--Upon cancellation of projects OR SERVICES, any <—  
22 taxes or assessments collected for those projects OR SERVICES <—  
23 and not utilized by the ~~municipality or municipalities for the~~ <—  
24 ~~projects shall be~~ MUNICIPALITIES OR MUNICIPAL AUTHORITIES FOR <—  
25 THE PROJECTS OR SERVICES AND NOT REQUIRED FOR THE PURPOSE OF  
26 RETIRING RELATED OUTSTANDING OBLIGATIONS OF THE MUNICIPALITIES  
27 OR MUNICIPAL AUTHORITIES SHALL BE refunded.

28 Section 6. Participation in State highway projects.

29 The governing body of any municipality OR MUNICIPAL AUTHORITY <—  
30 may participate in and contribute to the planning, financing,

1 development or improvement of any State highway located within a  
2 transportation development district upon terms and conditions  
3 agreed upon between the municipality OR MUNICIPAL AUTHORITY and <—  
4 the Secretary of Transportation.

5 Section 7. Repeals.

6 All acts and parts of acts are repealed insofar as they are  
7 inconsistent with this act.

8 Section 8. Effective date.

9 This act shall take effect immediately.