
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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 1985

AN ACT

1 Providing for transportation development projects by CERTAIN <—
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~~ EXCEPT IN COUNTIES OF <—
10 THE SECOND CLASS, THE governing body of any municipality or
11 municipal authority, acting singly or in cooperation with one or
12 more other municipalities or municipal authorities, may
13 establish within the boundaries of the municipality or
14 municipalities, or in the case of a municipal authority within
15 the boundaries of the municipality or municipalities that
16 organized the municipal authority, an area or areas designated

1 as a transportation development district for the purpose of
2 planning, financing, acquiring, developing, improving and
3 operating transportation facilities or transportation services
4 within the district. However, a municipal authority may not
5 designate or join in the designation of an area or areas as a
6 transportation development district without the express approval
7 of the governing body or bodies of the municipality or
8 municipalities that organized that municipal authority.

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

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

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

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

18 Section 3. Financing of transportation development.

19 (a) In general.--The governing body of any municipality or
20 in the case of paragraphs (4) and (5) any municipal authority
21 which has designated an area as a transportation development
22 district may finance a transportation facility or transportation
23 service within such district by:

24 (1) Imposing an assessment upon business property
25 located within the district subject to the limitations of and
26 pursuant to the procedures and requirements of sections 2(2)
27 through (5), 3 and 4 of the act of November 30, 1967
28 (P.L.658, No.305), known as the Business Improvement District
29 Act of 1967. However, if the assessment imposed is authorized
30 to be paid in installments, the installments need not be

1 equal. Also, the property on which improvements are to be
2 made need not be acquired if the improvements will be in a
3 right-of-way.

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

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

14 (4) Issuing notes and bonds, and entering into leases,
15 guarantees and subsidy contracts pursuant to the provisions
16 of the act of July 12, 1972 (P.L.781, No.185), known as the
17 Local Government Unit Debt Act, or in the case of a municipal
18 authority pursuant to the provisions of the act of May 2,
19 1945 (P.L.382, No.164), known as the Municipality Authorities
20 Act of 1945.

21 (5) Accepting grants, gifts and donations.

22 (b) Municipal authority.--A municipal authority may not
23 impose an assessment under paragraph (1) or (2) of subsection
24 (a) without the express approval of the governing body or bodies
25 of the municipality or municipalities in which the district is
26 located, as provided in section 4B(w) of the Municipality
27 Authorities Act of 1945, and a municipal authority may not
28 impose any tax pursuant to subsection (a)(3). However, a
29 municipality may impose a tax pursuant to subsection (a)(3) to
30 assist a municipal authority in financing a transportation

1 facility or service in a transportation development district if
2 the district was designated as such by the municipal authority
3 with the approval of the municipality as provided for in section
4 2(a).

5 (c) Claims to secure assessments.--Claims to secure the
6 assessments imposed pursuant to this section shall be entered in
7 the office of the prothonotary of the county at the same time
8 and in the same form and shall be collected in the same manner
9 as municipal claims are filed and collected, subject to the
10 provisions of section 4(c) of the Business Improvement District
11 Act of 1967. The resolution or ordinance authorizing an
12 assessment imposed pursuant to this section may limit the
13 ability of a benefited property owner to prepay scheduled
14 installments of such assessments.

15 Section 4. Transportation planning.

16 (a) Study.--Municipalities or municipal authorities
17 establishing a district shall undertake or commission the
18 undertaking of a comprehensive study to determine the program of
19 projects to be financed within the district. The analysis of
20 projects shall conform with Federal, State and regional
21 standards for integrated transportation planning and
22 programming.

23 (b) Multiyear program.--Municipalities or municipal
24 authorities establishing a district shall develop a multiyear
25 transportation improvement program identifying priorities for
26 transportation facilities to be constructed or reconstructed or
27 transportation services to be offered. The program must be
28 submitted to the appropriate county or municipal planning
29 commission or commissions for approval.

30 (c) Countywide plan.--Municipalities or municipal

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

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

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

18 Section 5. Termination.

19 (a) Termination of district.--The designation of an area as
20 a district or the imposition pursuant to section 3 of any taxes
21 or assessments within the boundaries of the district shall not
22 be terminated until:

23 (1) The projects constituting the program of projects
24 planned pursuant to section 4 have been completed or canceled
25 by the governing body of the municipalities or municipal
26 authorities designating the district.

27 (2) The municipalities or municipal authorities have
28 finally paid and discharged all notes, bonds or other
29 obligations issued and outstanding and the interest due
30 thereon, and settled all other claims which may be

1 outstanding against them which shall have been secured by a
2 pledge of any of the revenues or receipts of a project or
3 service or by a pledge of transportation district taxes or
4 assessments.

5 (b) Joint action.--Municipalities jointly designating any
6 area as a transportation development district, and imposing
7 pursuant to section 3 any taxes or assessments within the
8 boundaries of such district, may terminate the designation of
9 the district and the imposition of such taxes and assessments
10 only upon action by all such municipalities. Municipal
11 authorities jointly designating any area as a transportation
12 development district which pursuant to section 3(b) received
13 approval from a municipality or municipalities to impose any
14 assessments may terminate the designation of the district and
15 the imposition of such assessments only upon action by all such
16 municipal authorities.

17 (c) Refund.--Upon cancellation of projects or services, any
18 taxes or assessments collected for those projects or services
19 and not utilized by the municipalities or municipal authorities
20 for the projects or services and not required for the purpose of
21 retiring related outstanding obligations of the municipalities
22 or municipal authorities shall be refunded.

23 Section 6. Participation in State highway projects.

24 The governing body of any municipality or municipal authority
25 may participate in and contribute to the planning, financing,
26 development or improvement of any State highway located within a
27 transportation development district upon terms and conditions
28 agreed upon between the municipality or municipal authority and
29 the Secretary of Transportation.

30 Section 7. Repeals.

1 All acts and parts of acts are repealed insofar as they are
2 inconsistent with this act.

3 Section 8. Effective date.

4 This act shall take effect immediately.