

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 557 Session of
1989

INTRODUCED BY WOGAN, KOSINSKI, WESTON, LANGTRY, TRELLO,
PHILLIPS, ITKIN, NAHILL, LASHINGER, RAYMOND, KENNEY,
J. TAYLOR, CIVERA, SAURMAN, BELARDI, GANNON AND OLASZ,
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 15, 1989

AN ACT

1 Amending the act of January 22, 1968 (P.L.42, No.8), entitled,
2 as amended, "An act empowering and authorizing the Department
3 of Transportation to establish and administer certain grant
4 programs for the betterment of mass transportation systems
5 and facilities throughout the Commonwealth; providing for
6 State grants to transportation companies, municipalities,
7 counties, or their instrumentalities and to agencies and
8 instrumentalities of the Commonwealth for studies, research,
9 demonstration programs, promotion programs, purchase of
10 service projects, and capital improvement projects under
11 certain conditions; authorizing grants by counties or
12 municipalities in metropolitan areas to local transportation
13 organizations, authorizing the creation of a transportation
14 authority to function in each metropolitan area consisting of
15 any county of the first class and all nearby counties within
16 a radius of twenty miles of any such first class county, as a
17 body corporate and politic for the purpose of establishing an
18 integrated mass transportation system with all pertinent
19 powers including, but not limited to, leasing, acquiring,
20 owning, operating and maintaining a system for, or otherwise
21 providing for, the transportation of persons, authorizing the
22 borrowing of money and issuance of bonds therefor, conferring
23 the right of eminent domain on the authority; altering the
24 jurisdiction of the Public Utility Commission, authorizing
25 the acceptance of grants from Federal, State and local
26 governments, limiting actions against the authority and
27 exempting it from taxation, authorizing counties and
28 municipalities to enter into compacts for the financing of
29 each authority and to make appropriations in accordance with
30 such compacts, creating a citizen advisory committee,
31 conferring exclusive jurisdiction upon certain courts with
32 respect to matters relating to such authority, empowering

each authority to function outside of the metropolitan area under certain terms and conditions," imposing maintenance responsibilities concerning certain streets on the authority, municipalities and the Commonwealth of Pennsylvania.

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

Section 1. The act of January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban Mass Transportation Law, is amended by adding a section to read:

Section 309.1. Responsibility for Maintaining Certain Street Surfaces.--(a) The authority shall be responsible for maintaining the street surfaces falling between the rails used by its transit vehicles and extending a distance of eighteen inches on the outer side of each rail. The authority's maintenance responsibility shall continue for a period of one year following discontinuance of service using the rails unless the authority or its successor intends to resume use of the rails to provide service in the future. The authority's maintenance responsibilities shall include, but not be limited to, repairing holes, depressions or cracks in the street surface and resurfacing street surfaces where resurfacing is necessary.

(b) In any case where the authority ceases to provide service over its rails and does not intend to resume service in the future, the maintenance responsibilities imposed upon the authority by subsection (a) shall be assumed with regard to municipal roads and streets by the municipality in which the rails are located and with regard to State highways by the Department of Transportation of the Commonwealth.

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