

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 992 Session of
1997

INTRODUCED BY TOMLINSON AND PICCOLA, JUNE 2, 1997

REFERRED TO TRANSPORTATION, JUNE 2, 1997

AN ACT

1 Authorizing counties to assume responsibility for maintenance of
2 certain highways; and providing for funding of maintenance
3 costs.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Local Option
8 Highway Maintenance Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "County." A county of this Commonwealth, regardless of
14 class. The term includes a county which has adopted a home rule
15 charter or optional plan of government under 53 Pa.C.S. Pt. III
16 Subpt. E (relating to home rule and optional plan government).

17 "Department." The Department of Transportation of the
18 Commonwealth.

1 "Distribution." The term shall have the meaning ascribed to
2 it in section 2 of the act of May 21, 1931 (P.L.149, No.105),
3 known as The Liquid Fuels Tax Act.

4 "Governing body." The board of county commissioners,
5 including the successor in function to the board of county
6 commissioners in a county which has adopted a home rule charter.

7 "Highway." A State-designated highway or a highway over
8 which municipal officials have jurisdiction. The term does not
9 include an interstate highway.

10 "Liquid fuels." Diesel fuel, gasoline any other blended or
11 compounded product that is practically and commercially suitable
12 for use in internal combustion engines for the generation of
13 power.

14 "Municipality." A city, borough, incorporated town or
15 township.

16 Section 3. Option to maintain highways.

17 (a) Election.--A county may elect to assume responsibility
18 for maintenance of highways within its borders. An election
19 shall be made by notifying the department in the case of State-
20 designated highways. Upon receipt of notice, the department and
21 affected municipalities shall transmit to the county a
22 description and a map for each highway that is transferred.

23 (b) Publication of list.--A list of highways transferred
24 under this act shall be submitted to the Legislative Reference
25 Bureau, which shall publish the list in the Pennsylvania
26 Bulletin as a notice under 45 Pa.C.S. § 725(a)(3) (relating to
27 additional contents of Pennsylvania Bulletin). The list shall
28 also be certified to the office of recorder of deeds of the
29 county.

30 (c) Restoration.--The county and the department and affected

1 municipalities shall jointly determine whether any
2 rehabilitative work is required to put a highway in a
3 satisfactory condition. If rehabilitative work is required, it
4 shall be performed by the department or the affected
5 municipality, as the case may be. Transfer of a highway shall
6 not take effect until all agreed upon rehabilitative work has
7 been completed.

8 (d) Public liability.--Upon transfer of a highway, the
9 county shall assume public liability for the transferred
10 highway.

11 (e) Funding.--The department shall make an annual
12 maintenance payment to the county for each highway that is
13 transferred as follows:

14 (1) The base payment shall be the average yearly amount
15 expended to maintain the highway for the five-year period
16 immediately preceding the transfer.

17 (2) If current revenues collected under the act of May
18 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax
19 Act, exceed revenues collected during the preceding fiscal
20 year, 25% of the increase in revenues shall be appropriated
21 for annual maintenance payments under this subsection. From
22 the amount appropriated, the department shall make a pro rata
23 distribution to counties to which highways have been
24 transferred under this act.

25 (f) Lump sum payment of maintenance moneys.--A county may
26 elect to receive a lump sum payment of maintenance moneys. The
27 Commonwealth shall issue revenue bonds through the Pennsylvania
28 Economic Development Financing Authority on behalf of counties
29 electing this option. The bonds shall be secured by payments
30 received by a county under subsection (e)(1). A county may

1 receive up to a maximum of 80% on a present value basis, less
2 expenses, on a lump sum distribution of maintenance moneys. A
3 county electing to receive a lump sum payment shall receive not
4 less than 20% of the maintenance payment under subsection (e)(1)
5 and the maintenance payment under subsection (e)(2) on an annual
6 basis. The maturity period for the revenue bonds shall be not
7 more than 15 years.

8 Section 4. Effective date.

9 This act shall take effect in 60 days.