

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 894 Session of
1999

INTRODUCED BY GEIST, BATTISTO, MARSICO, ARGALL, BELFANTI,
CALTAGIRONE, CAPPABIANCA, CAWLEY, CHADWICK, CIVERA, CLARK,
COLAFELLA, COY, CURRY, DALEY, DERMODY, DRUCE, FARGO, FLICK,
FREEMAN, GIGLIOTTI, GORDNER, GRUCELA, HARHAI, HENNESSEY,
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LYNCH, MAHER, MANDERINO, MARKOSEK, MASLAND, McCALL,
McILHINNEY, McNAUGHTON, MELIO, MUNDY, NAILOR, ORIE, PESCI,
PETRARCA, PLATTS, PRESTON, RAYMOND, ROONEY, SAINATO, SATHER,
SAYLOR, SCHRODER, SCHULER, SEMMEL, SHANER, SNYDER, SOLOBAY,
STABACK, STAIRS, STEELMAN, STERN, TANGRETTI, TIGUE, TRUE,
TULLI, VAN HORNE, WILLIAMS, WOJNAROSKI, YEWCIC, YOUNGBLOOD,
ZUG, ALLEN, BARD, BELARDI, BENNINGHOFF, BISHOP, BUXTON,
L. I. COHEN, CORRIGAN, DEMPSEY, GLADECK, HERSHEY, PIPPY,
ROEBUCK, SCRIMENTI, STRITTMATTER, TRICH, SERAFINI AND WALKO,
MARCH 15, 1999

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 15, 1999

AN ACT

1 Reestablishing the High Speed Intercity Rail Passenger
2 Commission and providing for its powers and duties; providing
3 for duties of the Department of Transportation; and making a
4 repeal.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the High Speed
9 Intercity Rail Passenger Commission Act of 1999.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Commission." The High Speed Intercity Rail Passenger
3 Commission established by this act.

4 "Compact." The Interstate High Speed Intercity Rail
5 Passenger Network Compact entered into by the Commonwealth
6 pursuant to the act of June 22, 1980 (P.L.259, No.75), entitled
7 "An act adopting the interstate high speed intercity rail
8 passenger network compact and for related purposes."

9 "System." A high speed intercity rail passenger system for
10 this Commonwealth.

11 Section 3. High Speed Intercity Rail Passenger Commission
12 established.

13 (a) Commission established.--There is hereby established the
14 High Speed Intercity Rail Passenger Commission which shall have
15 those powers and duties imposed by section 4.

16 (b) Commission membership.--The commission shall be composed
17 of the following nine members:

18 (1) The chairman and minority chairman of the
19 Transportation Committee of the Senate and the chairman and
20 minority chairman of the Transportation Committee of the
21 House of Representatives, or their successor committees, or
22 their designees.

23 (2) One person representing the Executive Branch to be
24 appointed by the Governor.

25 (3) One person representing organized rail labor to be
26 appointed by the Governor.

27 (4) One person representing the rail industry to be
28 appointed by the Governor.

29 (5) Two general interest members to be appointed by the
30 Governor.

1 (c) Vacancies.--Vacancies occurring on the commission shall
2 be filled in the same manner in which the original appointments
3 were made. Members of the commission shall serve at the pleasure
4 of their appointing authority.

5 (d) Commission chairman and compensation.--The commission
6 shall select a chairman and such other officers it deems
7 necessary from among its membership. Members of the commission
8 shall not be compensated for serving on the commission but shall
9 be entitled to receive reimbursement for their actual expenses
10 incurred while on commission business.

11 Section 4. Powers and duties.

12 The commission shall have the overall responsibility, power
13 and duty to investigate, study and make recommendations
14 concerning the need for and establishment and operation of a
15 high speed intercity rail passenger system in this Commonwealth.
16 The commission shall, without limiting its authority to study
17 related subjects, address the following specific areas and
18 issues:

19 (1) The need and demand for high speed intercity rail
20 service in this Commonwealth.

21 (2) The level of high speed rail service required to
22 meet the need for such service.

23 (3) System, equipment, roadbed, right-of-way and other
24 technical and technological options such as electrification.

25 (4) Location and extent of the specific routes in the
26 system.

27 (5) Cost of implementing the system.

28 (6) Economic impact of the system.

29 (7) Financing, ownership and operating options for the
30 system.

1 (8) Impact and interaction of the system on existing
2 freight rail operations and on existing or proposed rail
3 passenger systems.

4 (9) Present or proposed operation of similar systems in
5 the United States and in other countries.

6 (10) Issues and problems relating to local and commuter
7 rail service, including funding.

8 Section 5. Cooperation with other agencies and organizations.

9 The commission shall cooperate and exchange information with
10 other Federal and State agencies and with the private sector and
11 related nonprofit organizations involved in rail transportation.
12 The commission shall provide appropriate assistance and support
13 to the Interstate Rail Passenger Advisory Council established by
14 the compact.

15 Section 6. Staff.

16 The commission may employ such professional, technical and
17 clerical staff and engage the services of consultants, as it
18 deems necessary to carry out its responsibilities under this
19 act. Further, the Department of Transportation shall provide
20 necessary office space and administrative support for the
21 commission. Whenever possible, the commission shall utilize the
22 services and expertise of existing personnel and staff of State
23 Government and to this end the Governor is hereby directed to
24 make such personnel and staff available to the commission to the
25 fullest extent commensurate with the performance of their other
26 duties. The commission shall reimburse State agencies, including
27 the Department of Transportation, for any expenses incurred in
28 providing to the commission the services as required by this
29 act.

30 Section 7. Meetings and hearings.

1 The commission shall hold an organizational meeting as soon
2 as possible after the appointment of all its members.
3 Thereafter, the commission shall hold meetings at the call of
4 the chairman or of a majority of the members serving thereon.
5 Five members shall constitute a quorum. The commission shall
6 also hold public hearings on the matters to be considered by it
7 at locations throughout this Commonwealth, including
8 specifically those areas most likely to be served by the system.
9 All meetings and public hearings of the commission shall be
10 deemed public meetings for the purposes of the act of July 3,
11 1986 (P.L.388, No.84), known as the Sunshine Act.

12 Section 8. Reports.

13 The commission shall make at least annual reports of its
14 activities and recommendations to the General Assembly and the
15 Governor.

16 Section 9. Finances and contributions.

17 In addition to any moneys that may be appropriated from time
18 to time by the General Assembly for its work, the commission is
19 authorized to make application for and expend such Federal
20 grants as may be available and may also receive and expend
21 contributions from other public, quasi-public or private sources
22 as may become available.

23 Section 10. Committee on Oversight.

24 (a) Composition.--There shall be a Committee on Oversight
25 which shall be composed of the chairman and minority chairman of
26 the Transportation Committee of the Senate, the chairman and
27 minority chairman of the Transportation Committee of the House
28 of Representatives and the person appointed by the Governor to
29 represent the Executive Branch. Meetings shall be called by
30 either the chairman of the Transportation Committee of the

1 Senate or the chairman of the Transportation Committee of the
2 House of Representatives. A quorum shall consist of three
3 members and any actions by the committee shall require a
4 majority vote.

5 (b) Oversight consultants.--The Committee on Oversight shall
6 select oversight consultants and shall direct oversight
7 functions relating to data, methods, studies and reports used by
8 or prepared for the commission. The oversight consultants shall
9 be the contractor or contractors selected by and responsible to
10 the committee for the review and evaluation of all data,
11 methods, studies and reports prepared for the commission.

12 (c) Fees and expenses.--All fees and expenses for oversight
13 functions shall be paid by the commission at the direction of
14 the Committee on Oversight from funds appropriated to it by the
15 General Assembly.

16 (d) Publication of findings.--Oversight function findings
17 shall be submitted to the Committee on Oversight and shall be
18 published by the commission when and as presented by the
19 committee in all related public documents.

20 Section 11. Transfer of records.

21 Any Commonwealth agency in possession of any records,
22 contracts, agreements, files or other materials used by the High
23 Speed Intercity Rail Passenger Commission under the act of
24 December 22, 1981 (P.L.518, No.144), known as the High Speed
25 Intercity Rail Passenger Commission Act, on the effective date
26 of this act shall transfer and deliver the same to the High
27 Speed Intercity Rail Passenger Commission established under this
28 act. To the extent possible, the High Speed Intercity Rail
29 Passenger Commission under this act may use and update the
30 results of any investigation or study conducted under the High

1 Speed Intercity Rail Passenger Commission Act.

2 Section 12. Repeal.

3 The act of December 22, 1981 (P.L.518, No.144), known as the
4 High Speed Intercity Rail Passenger Commission Act, is repealed.

5 Section 13. Effective date.

6 This act shall take effect immediately.