

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2464 Session of
2002

INTRODUCED BY RUBLEY, GEIST, STETLER, ARGALL, ARMSTRONG, BARRAR, BEBKO-JONES, CAPPELLI, CLYMER, L. I. COHEN, M. COHEN, COSTA, CREIGHTON, DAILEY, DERMODY, DeWEESE, FLICK, FRANKEL, FREEMAN, HENNESSEY, HORSEY, LEH, MANDERINO, MANN, MARKOSEK, McCALL, McGEEHAN, McILHATTAN, MICHLOVIC, MICOZZIE, R. MILLER, PIPPY, ROEBUCK, SAINATO, SANTONI, SCHRODER, STEELMAN, STEIL, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TRELLO, WANSACZ, WATSON, WOJNAROSKI AND YOUNGBLOOD, MARCH 27, 2002

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 27, 2002

AN ACT

1 Empowering municipalities, counties and public transportation
2 agencies to work cooperatively to establish Transit
3 Revitalization Investment Districts (TRID), including
4 partnerships with the National Railroad Passenger Corporation
5 requiring planning studies, comprehensive plan and zoning
6 amendments and use of existing statutes and techniques to
7 achieve transit-oriented development, redevelopment,
8 community revitalization and enhanced community character
9 through TRID creation; establishing value capture areas as a
10 means to reserve and use future, designated incremental tax
11 revenues for public transportation capital improvements,
12 related site development improvements and maintenance;
13 promoting the involvement of and partnerships with the
14 private sector in TRID development and implementation;
15 encouraging public involvement during TRID planning and
16 implementation; providing for duties of the Department of
17 Community and Economic Development; and making an
18 appropriation.

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

21 CHAPTER 1

22 GENERAL PROVISIONS

23 Section 101. Short title.

1 This act shall be known and may be cited as the Transit
2 Revitalization Investment District Act.

3 Section 102. Declaration of policy.

4 The General Assembly finds and declares as follows:

5 (1) The overall purpose and legislative intent of this
6 act is to authorize public transportation agencies throughout
7 this Commonwealth to work cooperatively with counties, local
8 governments, the private sector and the National Railroad
9 Passenger Corporation (AMTRAK) to create and designate
10 Transit Revitalization Investment Districts (TRIDs).

11 (2) The specific purposes and intent of a designated
12 TRID are to:

13 (i) Promote local, county and regional economic
14 development and revitalization activities through private
15 sector investment, reinvestment and joint development
16 activities in conjunction with public transportation
17 improvements.

18 (ii) Encourage multimunicipal, cooperative
19 approaches to generate new investment, reinvestment and
20 revitalization through transit-oriented development,
21 around rail transit stations and along public
22 transportation corridors.

23 (iii) Increase overall ridership on public
24 transportation systems, including AMTRAK, while
25 generating additional revenues for current and expanded
26 services, capital improvements and related ongoing
27 maintenance.

28 (iv) Encourage and support municipal and
29 multimunicipal comprehensive plan implementation,
30 including consistency of plans at the local, county and

1 regional levels.

2 (v) Stimulate public-private partnerships created by
3 prospective development opportunities around, within or
4 adjacent to the transit system, station areas and transit
5 system components.

6 (vi) Establish appropriate mechanisms to capture the
7 real estate taxation and other values added by joint
8 development activities for reinvestment in the transit
9 system and local communities.

10 (vii) Encourage greater community involvement in
11 TRID location, design and implementation and resulting
12 investment activities.

13 (viii) Promote flexible, cooperative, coordinated
14 and enhanced support for innovative, intermodal solutions
15 in TRID development and implementation activities by
16 municipal officials, public agencies, nonprofit
17 organizations and the private sector.

18 (ix) Support TRID implementation by maximizing use
19 of existing Federal and State laws and programs that are
20 consistent with the purposes of this act.

21 Section 103. Definitions.

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

25 "AMTRAK." The National Railroad Passenger Corporation.

26 "Department." The Department of Community and Economic
27 Development of the Commonwealth.

28 "Public transportation agency." A public transit authority
29 or similar entity, created through the laws of this
30 Commonwealth, charged with the provision of mass transit

1 services to the traveling public, that owns and maintains a
2 physical plant, including rolling stock, stations, maintenance
3 and support facilities.

4 "TRID." A Transit Revitalization Investment District created
5 in accordance with this act.

6 "TRID planning study." A study required to be undertaken by
7 one or more municipalities, with the active involvement of a
8 public transportation agency and the pertinent county or
9 counties, for the purpose of establishing the boundaries,
10 existing environmental conditions, existing and proposed land
11 use, property availability, development potential, required
12 zoning amendments, desired infrastructure and necessary
13 transportation-related improvements to support the designation
14 and implementation of a proposed TRID.

15 "Value capture area." An area coincident with the boundaries
16 of a TRID, established simultaneously with TRID designation, in
17 accordance with this act, in which real estate tax revenues and
18 any other designated tax revenues shall, at a minimum, be shared
19 by the participating local jurisdiction or jurisdictions and
20 public transportation agency or agencies, for the purpose of
21 implementing a TRID.

22 CHAPTER 3

23 TRID CREATION AND LOCATION

24 Section 301. Criteria for proposed TRID.

25 Local municipalities, counties and public transportation
26 agencies proposing to define and develop a TRID shall use the
27 following criteria and process:

- 28 (1) Eligible TRID locations may include any geographic
29 area of a municipality, including vacant, underutilized or
30 potentially redevelopable land, within an area generally

1 formed by a minimum radius of one-eighth mile, not to exceed
2 a radius of one-half mile, from a railroad, transit, light
3 rail, busway or similar transit stop or station, measured
4 from the centerline of the track or roadway traversing the
5 station or stop location. TRID designation may also include
6 new station locations proposed in conjunction with a planned
7 public transportation service, as defined on an adopted
8 county, regional or public transportation agency plan.

9 (2) The specific boundaries of a TRID may be expanded or
10 reduced based on local circumstances such as local economic
11 development and planning goals, community character, property
12 boundary and scale variations, but only when:

13 (i) authorized by the governing body of the affected
14 jurisdiction or jurisdictions in cooperation with the
15 pertinent public transportation agency; and

16 (ii) the rationale for the boundaries is supported
17 by the findings of the required TRID planning study.

18 (3) A local municipality or municipalities shall further
19 define and support the rationale for the TRID designation
20 through a TRID planning study, as well as appropriate
21 amendments to the municipal comprehensive plan, zoning
22 ordinance and other pertinent regulations.

23 (4) A local municipality may designate the county
24 planning agency to undertake or assist the TRID planning
25 study on its behalf.

26 (5) An existing neighborhood improvement district, tax
27 increment district or urban renewal area may be used as the
28 basis for the boundaries of a TRID, when justified by the
29 TRID planning study required in section 304.

30 Section 302. TRID designation.

1 (a) Designation.--Local municipalities and counties working
2 with public transportation agencies or AMTRAK, or both, may
3 designate TRIDs in advance of implementation of a new public
4 transit service, or in conjunction with an existing public
5 transportation service and in advance of or in conjunction with
6 actual development proposals.

7 (b) Agreement.--To create a TRID, in addition to the
8 planning study described in section 301(3), the municipality or
9 municipalities shall enter into an agreement with the transit
10 agency that defines the activities and commitments of each party
11 to the TRID, including any specific actions or financial
12 participation to help implement the TRID. The agreement shall
13 include the development agreement specified in section 504, as
14 well as a description of the TRID management entity described in
15 section 502(4).

16 Section 303. Implementing authority.

17 A participating county, local municipality and public
18 transportation agency may designate on their behalf the county
19 redevelopment authority to assume responsibility for TRID
20 implementation.

21 Section 304. TRID planning study factors.

22 The scope and scale of transit improvements and community
23 facility improvements, as well as any needed support facilities,
24 shall be assessed in the TRID planning study. The TRID planning
25 study shall also serve as the basis for a comprehensive plan
26 amendment to establish the TRID, if the municipality has a
27 currently adopted comprehensive plan. The following shall apply:

- 28 (1) The planning study shall consider the need for
29 capital improvements to transit-related facilities and
30 adjacent public infrastructure including roads, sidewalks and

1 water, sewer and storm drainage service and public
2 facilities, as well as opportunities for private sector real
3 estate development and ways in which such facilities,
4 services and development can be financed.

5 (2) Municipalities undertaking a TRID planning study
6 shall receive priority consideration for planning and
7 implementation grants and technical assistance from the
8 department, working in partnership with the pertinent county
9 planning agency or agencies. The additional funding available
10 as a result of the appropriation under section 2101 is
11 intended to assist counties and local governments, on a 25%
12 matching basis, to undertake TRID planning studies and
13 related implementation activities. Individual grants for a
14 TRID planning study or implementation project shall not
15 exceed \$75,000. The department shall administer the
16 supplemental TRID program through the existing land use
17 planning and technical assistance program, with additional
18 regulations and application guidance as necessary.

19 Section 305. Roles and responsibilities of public
20 transportation agencies and municipalities.

21 As guidelines to implement the findings and recommendation of
22 the TRID planning study, the following roles and
23 responsibilities are defined:

24 (1) The scope and scale of needed or proposed transit
25 capital improvements within the TRID area are the
26 responsibility of the partnering public transportation
27 agency. The cost, financing, phasing and schedule of all
28 transit-related improvements shall be included in the public
29 transportation agency's adopted capital program.

30 (2) The scope and scale of needed or proposed support

1 facilities, highway accessways, and community or neighborhood
2 facility improvements, for example, sidewalks and recreation
3 facilities, are the responsibility of the partnering county
4 and local jurisdiction or jurisdictions, and may include
5 support from the private sector.

6 (3) Notwithstanding these stated roles and
7 responsibilities, the parties to a TRID shall be responsible
8 for defining the administrative and management roles and
9 responsibilities that will be most appropriate to achieve
10 implementation of the TRID in their community.

11 Section 306. Amendments to TRID planning study.

12 Proposed real estate development or redevelopment may trigger
13 additional needs for transit improvements and community facility
14 improvements or support facilities, and shall be accommodated
15 through pertinent amendments of the TRID planning study and
16 county, multimunicipal or local municipal comprehensive plan.

17 Section 307. Municipal cooperation.

18 Nothing in this act shall preclude two or more municipalities
19 from working together cooperatively with a public transportation
20 agency to define and establish one or more TRIDs along a public
21 transportation corridor, using the criteria established under
22 this act.

23 CHAPTER 5

24 LAND DEVELOPMENT POWERS OF PUBLIC TRANSPORTATION AGENCIES

25 Section 501. Authority to acquire and improve property.

26 Consistent with the existing authority or limitations of
27 public transportation agencies to condemn and acquire land for
28 public transportation purposes, such entities are hereby
29 authorized to acquire and improve property located within a
30 designated TRID for real estate development purposes, provided

1 such acquisition and improvement:

2 (1) Is consistent with any pertinent municipal
3 comprehensive plan and TRID planning study.

4 (2) Is coordinated with pertinent county and local
5 jurisdictions and redevelopment or other special purpose
6 authorities.

7 (3) Furthers the stated purposes of this act.

8 (4) Does not exceed the minimum land area necessary to
9 accomplish the needs specified in the TRID planning study and
10 the development agreement.

11 Section 502. Development or redevelopment of property.

12 Development or redevelopment of property within a TRID shall
13 generally occur in the following manner:

14 (1) The public transportation agency may acquire the
15 property, improve it for future development, such as site
16 clearance, utility work, environmental remediation and
17 similar improvements, and work cooperatively with the
18 pertinent local jurisdiction or jurisdictions and
19 implementing agencies to offer it for sale to the private
20 sector through a competitive proposal process.

21 (2) Alternatively, the public transportation agency may
22 advertise the presence of available development sites within
23 a TRID, including a map of potentially developable or
24 redevelopable properties and invite interested developers to
25 submit proposals in cooperation with the pertinent local
26 jurisdiction or jurisdictions and implementing agencies.

27 (3) In the case of either paragraph (1) or (2), the
28 public transportation agency may not be the primary real
29 estate developer, and joint development activities are
30 confined to the construction of support and access

1 facilities, that is, vehicular access, parking, pedestrian
2 ways, building pads, foundation columns, signage and similar
3 items.

4 (4) The partnering TRID local municipality or
5 municipalities shall designate a management entity for the
6 TRID which may be a municipal authority or joint municipal
7 authority, in accordance with the requirements of the act of
8 May 2, 1945 (P.L.382, No.164), known as the Municipality
9 Authorities Act of 1945, to manage and facilitate TRID
10 implementation. The local municipality or municipalities
11 involved in the TRID may retain policy and oversight
12 responsibilities for all budgetary and programmatic actions
13 of the designated TRID management entity.

14 (5) Creative partnerships with AMTRAK and the private
15 sector to accomplish TRID purposes that use the benefits of
16 AMTRAK's existing real estate development powers are both
17 desirable and encouraged.

18 (6) Neighborhood improvement districts, business
19 improvement districts or similar entities may be designated
20 to manage the TRID implementation activities.

21 Section 503. Coordination of development activities.

22 The public transportation agency shall coordinate development
23 activities with the pertinent county or local redevelopment
24 authority, planning commission and governing body. If such
25 entities are able to accommodate the land acquisition or
26 marketing needs of the TRID in a more timely fashion, an
27 agreement may be established between the public transportation
28 agency and such entities to implement this aspect of the overall
29 TRID program.

30 Section 504. Development agreements.

1 In furtherance of the agreement specified in section 302, the
2 partnering municipal, public transportation agency and, if
3 participating, county representatives, including the designated
4 management entity, shall enter into a development agreement with
5 the pertinent private sector development organization or
6 organizations to implement the proposed TRID. The development
7 agreement shall stipulate the final project scope, as well as
8 the partners' roles, responsibilities, financing arrangements,
9 schedule of improvements and the exactions or contributions to
10 the project.

11 CHAPTER 7

12 VALUE CAPTURE APPROACHES

13 Section 701. Creation of value capture area.

14 In conjunction with the formal establishment of the TRID
15 boundaries, a coterminous value capture area shall
16 simultaneously be created to enable local municipalities, school
17 districts, the county and the public transportation agency to
18 share the increased tax increment of real estate and other
19 designated tax revenues generated by new real estate investment
20 within the TRID. The participants in the TRID, through the
21 designated management entity, shall develop an administrative
22 and project schedule and budget to implement the project,
23 including future maintenance needs, as defined in the TRID
24 planning study, as well as the shares and use of such tax
25 revenues as are projected to be generated from the TRID value
26 capture area. The participating municipality or municipalities
27 may review and revise the TRID budget.

28 Section 702. Dedication of tax revenues.

29 Tax revenues generated within a TRID shall be dedicated to
30 completion and future maintenance of the specific and necessary

1 improvements designated in the comprehensive plan amendment and
2 TRID planning study as follows:

3 (1) Local municipalities and counties shall not use such
4 revenues for general government purposes, and a public
5 transportation agency shall not use such revenues for transit
6 capital investments elsewhere on the public transportation
7 system.

8 (2) Local municipalities, school districts and the
9 county shall establish an amortization schedule for receipt,
10 investment and expenditure of any TRID tax revenues, not to
11 exceed 20 years, similar to the amortization schedule in the
12 act of July 11, 1990 (P.L.465, No.113), known as the Tax
13 Increment Financing Act. However, where a municipal or joint
14 municipal authority has been created, it shall be responsible
15 for fixing the amortization schedule and for defining the
16 TRID capital improvement plan.

17 Section 703. Applicability of other statutes.

18 Local municipalities, counties, the public transportation
19 agency and local property owners are encouraged and may make
20 maximum use of existing laws and regulations to advance and
21 further implement TRID purposes. Without limitation, application
22 of the following acts and similar acts, as well as pertinent
23 Federal programs and statutes, are consistent with the intent of
24 TRID implementation:

25 (1) Act of May 24, 1945 (P.L.982, No.383), known as the
26 Redevelopment Cooperation Law.

27 (2) Act of May 24, 1945 (P.L.991, No.385), known as the
28 Urban Redevelopment Law.

29 (3) Act of December 1, 1977 (P.L.237, No.76), known as
30 the Local Economic Revitalization Tax Assistance Act.

1 (4) Act of July 9, 1985 (P.L.187, No.47), known as the
2 Transportation Partnership Act.

3 (5) Act of July 11, 1990 (P.L.465, No.113), known as the
4 Tax Increment Financing Act.

5 (6) Act of July 11, 1996 (P.L.677, No.116), known as the
6 Infrastructure Development Act.

7 (7) Act of October 6, 1998 (P.L.705, No.92), known as
8 the Keystone Opportunity Zone and Keystone Opportunity
9 Expansion Zone Act.

10 (8) Act of December 20, 2000 (P.L.949, No.130), known as
11 the Neighborhood Improvement District Act.

12 Section 704. Private sector involvement.

13 Nothing described in this act shall preclude a private sector
14 entity from offering to implement or finance needed public
15 transportation or community improvements at the initiation of or
16 concurrent with proposed TRID-related real estate development.

17 CHAPTER 9

18 COMMUNITY INVOLVEMENT

19 Section 901. Public meeting to explain TRID and alternative
20 implementation approaches.

21 Community and public involvement in the establishment of
22 TRIDs is required. The municipality and the public
23 transportation agency shall jointly conduct at least one public
24 meeting in the proposed TRID area prior to the enactment of a
25 TRID, TRID planning study, comprehensive plan or zoning
26 amendment. The meeting is intended to explain the purpose and
27 components of the TRID and the alternative implementation
28 approaches. The public meeting or meetings shall be in addition
29 to any required local government public hearing or hearings
30 prior to comprehensive or multimunicipal plan amendment

1 adoption. However, nothing in this act shall relieve the TRID
2 management entity from conducting all public meetings required
3 by law, where the TRID is acting or seeking to act under the:

4 (1) Act of May 24, 1945 (P.L.991, No.385), known as the
5 Urban Redevelopment Law.

6 (2) Act of July 11, 1990 (P.L.465, No.113), known as the
7 Tax Increment Financing Act.

8 (3) Act of December 20, 2000 (P.L.949, No.130), known as
9 the Neighborhood Improvement District Act.

10 Section 902. Public meeting to review proposed joint
11 development plan and related improvements.

12 The municipality and the public transportation agency shall
13 jointly conduct at least one public meeting in the TRID area to
14 review the proposed joint development plan and its related
15 public improvements prior to implementation.

16 Section 903. Cooperation with neighborhood or community
17 representatives.

18 The municipality and the public transportation agency shall
19 encourage private sector real estate entities and land
20 developers to work proactively and cooperatively with pertinent
21 neighborhood or community representatives during the planning
22 and implementation of TRID development proposals.

23 CHAPTER 21

24 MISCELLANEOUS PROVISIONS

25 Section 2101. Appropriation.

26 The sum of \$5,000,000, or as much thereof as may be
27 necessary, is hereby appropriated to the Department of Community
28 and Economic Development, for the fiscal year July 1, 2002, to
29 June 30, 2003, to supplement the department's existing land use
30 planning and technical assistance program. This appropriation

1 shall be a continuing appropriation and shall lapse on June 30,
2 2007.

3 Section 2102. Repeal.

4 All acts and parts of acts are repealed insofar as they are
5 inconsistent with this act.

6 Section 2103. Effective date.

7 This act shall take effect in 60 days.