
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1291 Session of
2007

INTRODUCED BY GEIST, MARKOSEK, QUIGLEY, ADOLPH, ARGALL, BARRAR, BENNINGHOFF, BIANCUCCI, BOYD, BROOKS, CALTAGIRONE, CAPPELLI, CARROLL, COX, DALLY, DePASQUALE, J. EVANS, EVERETT, FABRIZIO, FRANKEL, FREEMAN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, HALUSKA, HARPER, HARRIS, HENNESSEY, HERSHEY, HUTCHINSON, JAMES, JOSEPHS, M. KELLER, W. KELLER, KILLION, KORTZ, KOTIK, LONGIETTI, MANN, McILHATTAN, R. MILLER, MOYER, MUNDY, MURT, NAILOR, PARKER, PETRONE, PICKETT, PYLE, RAYMOND, REED, REICHLEY, ROSS, SAINATO, SANTONI, SCAVELLO, SCHRODER, SEIP, SOLOBAY, SONNEY, WALKO AND WATSON, MAY 18, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 18, 2007

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, further providing for metropolitan
3 transportation authority powers relating to alternative means
4 of raising revenue or reducing expenses.

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

7 Section 1. Section 1741(a)(24) of Title 74 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 1741. General powers.

10 (a) Powers enumerated.--An authority shall have and may
11 exercise all powers necessary or convenient for the carrying out
12 of the purposes of this chapter, including the following rights,
13 powers and duties:

14 * * *

15 (24) To explore alternative means of raising revenue or

1 reducing expenses, including, but not limited to, real estate
2 leases and rentals, equipment leases and rentals, contracting
3 of services, the solicitation of competitive bids and the
4 awarding of contracts to the highest responsive, responsible
5 bidder for both interior and exterior advertising on all
6 authority equipment on which the public is charged a fare for
7 riding. [However, on rail passenger units only bids for
8 interior advertising shall be solicited.] Nothing in this
9 chapter or in any other law of this Commonwealth shall
10 preclude the negotiation and execution of contracts with
11 respect to real estate-related matters in accordance with and
12 subject solely to the provisions of this paragraph. The
13 general manager may recommend in writing that the board make
14 a finding of special opportunity with respect to a real
15 estate-related matter. The board shall consider the general
16 manager's recommendation at a public meeting. The notice
17 given in accordance with the [act of July 3, 1986 (P.L.388,
18 No.84), known as the Sunshine Act] provisions of 65 Pa.C.S.
19 Ch. 7 (relating to open meetings), with respect to such
20 meeting shall state that the board will consider making a
21 finding of special opportunity at such meeting and shall
22 describe the nature of the proposed finding of special
23 opportunity. Any finding of special opportunity shall be
24 approved by the board in accordance with the provisions of
25 section 1715 (relating to meetings, quorum, officers and
26 records). The board shall adopt, by resolution, a process
27 under which the authority shall enter into contracts needed
28 to implement a finding of special opportunity. The process
29 adopted by the board shall provide a method of prequalifying
30 prospective contracting parties, where appropriate; for the

1 reasonable notification of prospective contracting parties of
2 the issuance of requests for proposals and the reasonable
3 opportunity for qualified prospective contracting parties to
4 submit proposals; for review of proposals from qualified
5 prospective contracting parties; for the negotiation of
6 contracts with one or more prospective contracting parties;
7 for award of contracts on the basis of evaluation of the
8 characteristics of the proposals; and for giving such weight
9 to the various characteristics of any proposal as the board
10 shall determine is in the best interest of the authority. The
11 characteristics by which proposals may be evaluated under a
12 finding of special opportunity may include the likely
13 complexity of the transaction; the amount of investment any
14 selected contracting party will be required to make or offers
15 to make in the real estate-related matter; the experience and
16 prior success of the proposed contracting party in other
17 similar dealings with the same type of real estate-related
18 matters or with the authority; the quality, feasibility and
19 potential for economic success of the proposal; any cost or
20 potential return to the authority; the economic reliability
21 and financial viability of the proposed contracting party;
22 the compatibility of the proposal with the authority's basic
23 function as a public transportation provider; the date by
24 which the proposed contracting party agrees to complete the
25 real estate-related matter; and other factors which the board
26 shall specify. The authority shall make available a copy of
27 the process adopted by the board to any person requesting a
28 copy of the process. The general manager may make a written
29 recommendation to the board concerning the award of a
30 contract under a finding of special opportunity. The general

1 manager's recommendation shall include the identity of the
2 prospective contracting party or parties, the purpose of the
3 contract, the substance of the finding of special
4 opportunity, the substance and term of the proposed contract,
5 the identities of any other prospective contracting parties
6 who submitted proposals and the criteria upon which the
7 general manager's recommendation was made and the reasons for
8 selecting the prospective contracting party. Upon the written
9 recommendation of the general manager, the board may award
10 contracts under this paragraph after approving the awarding
11 of the contract by a resolution adopted at a public meeting.
12 The notice given in accordance with [the Sunshine Act] 65
13 Pa.C.S. Ch. 7 with respect to such meeting shall state that
14 the board will consider awarding a contract under a finding
15 of special opportunity at such meeting and shall describe the
16 subject matter of such proposed contract. The authority shall
17 by April 15 of each year submit a report to the department.
18 The report shall detail the actions of the authority in
19 exploring alternate means of raising revenue and reducing
20 expenses. The department shall review the report and issue
21 its findings and recommendations to the Appropriations
22 Committee and the Transportation Committee of the Senate and
23 the Appropriations Committee and the Transportation Committee
24 of the House of Representatives no later than 30 days after
25 receipt of such report for review and consideration of future
26 funding by such committees. Where any alternate means have
27 been rejected, the authority shall demonstrate that the
28 feasibility and cost-effectiveness of that alternate means
29 have been considered. As used in this paragraph, "finding of
30 special opportunity" shall mean a written determination by

1 the board that exclusion of a real estate-related matter from
2 bidding procedures, as provided in this chapter or any other
3 law, will be in the best interest of the authority and will
4 be compatible with the authority's basic function as a public
5 transportation provider, considering the nature of the real
6 estate-related matter with respect to which the authority
7 proposes to contract. Any finding of special opportunity
8 shall include the basis on which the finding of special
9 opportunity is being made.

10 * * *

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