

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1047 Session of
2011

INTRODUCED BY MCILHINNEY, FONTANA, WAUGH, GREENLEAF, SCARNATI,
ARGALL, WASHINGTON AND BOSCOLA, MAY 16, 2011

REFERRED TO TRANSPORTATION, MAY 16, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the transfer of bridges to
3 municipalities.

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

6 Section 1. The heading of Chapter 92 and sections 9201,
7 9202, 9203, 9205, 9206 and 9207 of Title 75 of the Pennsylvania
8 Consolidated Statutes are amended to read:

9 CHAPTER 92

10 TRANSFER OF STATE HIGHWAYS

11 AND BRIDGES

12 § 9201. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Functionally-local highways." Highways [and], roads and
17 bridges designated by the department for transfer to municipal
18 responsibility.

1 "Municipality." A county, city, borough, incorporated town
2 or township.

3 § 9202. Application of chapter.

4 This chapter applies to all State highways and bridges
5 designated by the department as functionally-local highways.

6 § 9203. Description of functionally-local highways.

7 Within six months of the effective date of this chapter, the
8 department shall list and describe all functionally-local
9 highways in this Commonwealth. Also, within six months of the
10 effective date of this chapter and annually thereafter, the
11 department shall list the proposed functionally-local highways
12 to be transferred, giving priority to highways and bridges
13 located in counties in which State highways and bridges are in
14 the poorest condition, as indicated in the road quality reports
15 prepared in accordance with Chapter 453 of department
16 regulations. The list and description shall be categorized by
17 municipality and shall include a map showing location, length
18 and type of roadway [and], right-of-way and bridge.

19 § 9205. Mutual agreement.

20 No highway or bridge transfer shall occur between the
21 department and an affected municipality unless the municipality
22 agrees to the transfer of the described highway or bridge.

23 § 9206. Publication of list of highways and bridges
24 transferred.

25 The department shall, from time to time, certify to the
26 Legislative Reference Bureau a list of highways and bridges
27 transferred and the bureau shall cause the list to be published
28 in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. §
29 725(a)(3) (relating to additional contents of Pennsylvania
30 Bulletin). The list shall also be certified to the office of

1 recorder of deeds of the county in which the participating
2 municipalities are located.

3 § 9207. Restoration of highways and bridges.

4 (a) General rule.--The department and the affected
5 municipality shall jointly determine whether any rehabilitative
6 work is required to put the highway [or], road or bridge in a
7 satisfactory condition. The rehabilitative work may be done by
8 department or municipal forces, or by contract, as the parties
9 shall agree. If the work is to be performed by the department or
10 its contractors, the highway [or], road or bridge transfer shall
11 not be effective until all agreed upon rehabilitative work has
12 been completed.

13 (b) Funding.--All restoration work shall be paid from the
14 State Highway Transfer Restoration Restricted Account within the
15 Motor License Fund, provided, however, that the department may
16 in its discretion pay for any or all such work to be performed
17 by the department or its contractors from funds made available
18 to the county maintenance districts under section 9102 (relating
19 to distribution of State highway maintenance funds). No funds
20 shall be allocated to municipalities for the maintenance of
21 highways or bridges transferred under this chapter out of
22 section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655),
23 referred to as the Liquid Fuels Tax Municipal Allocation Law,
24 nor shall highways or bridges transferred under the provisions
25 of this chapter be used to compute or determine the allocations
26 of municipalities under that section.

27 (c) Public liability.--Upon transfer of any highway or
28 bridge, the municipality shall assume the same public liability
29 for the transferred highway or bridge as it assumes for other
30 highways or bridges under municipal jurisdiction.

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