

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 304 Session of 2013

INTRODUCED BY MARSHALL, AUMENT, BAKER, CAUSER, CUTLER, DENLINGER, EVANKOVICH, GINGRICH, GODSHALL, GROVE, C. HARRIS, HICKERNELL, KAUFFMAN, F. KELLER, M. K. KELLER, KORTZ, MATZIE, MICOZZIE, MILLER, MOUL, PICKETT, QUINN, ROCK, SAYLOR, SIMMONS, SWANGER, WATSON, GABLER, PEIFER AND MURT, FEBRUARY 5, 2013

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 2013

AN ACT

1 Requiring certain large mass transit agencies to purchase buses
2 that meet certain criteria within a specific implementation
3 schedule; and providing for the powers and duties of the
4 Department of Transportation.

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 Public
9 Transportation and Natural Gas Act.

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
13 context clearly indicates otherwise:

14 "Bus." A motor vehicle designed for carrying 15 or more
15 passengers, exclusive of the driver, and used for the
16 transportation of persons for compensation.

1 "Department." The Department of Transportation of the
2 Commonwealth.

3 "Large mass transit agency." A mass transit agency in this
4 Commonwealth that:

5 (1) ~~Exceeds~~ EXCEEDS 245,000 revenue vehicle hours for <--
6 two consecutive years as defined in 74 Pa.C.S. § 1503
7 (relating to definitions)-; AND <--

8 (2) ~~Provides~~ PROVIDES regularly scheduled transportation <--
9 that is available to the general public and is provided
10 according to published schedules along designated published
11 routes with specified stopping points for the taking on and
12 discharging of passengers, including public buses. The term
13 does not include a commuter rail system, exclusive ride taxi
14 service, charter or sightseeing service, nonpublic
15 transportation, school bus or limousine service.

16 "Natural gas." Gas issued from the Earth's crust through
17 natural openings or bored wells and that is typically a
18 combustible mixture of methane and other hydrocarbons used
19 chiefly as a fuel and raw material. The term includes the
20 compressed form and liquefied form of natural gas.

21 ~~Section 3. New bus requirements.~~ <--

22 ~~(a) General rule. When purchasing a new bus, a large mass-~~
23 ~~transit agency must purchase a bus that:~~

24 ~~(1) Is manufactured in the United States of America.~~

25 ~~(2) Uses natural gas as its fuel source.~~

26 ~~(3) Complies with the implementation schedule stated in-~~
27 ~~subsection (b).~~

28 ~~(b) Implementation schedule. New bus purchases by a large-~~
29 ~~mass transit agency under subsection (a) shall be made according-~~
30 ~~to the following schedule:~~

1 ~~(1) In calendar years 2013 through 2017, inclusive, no~~
2 ~~less than 25% of all new buses purchased shall use natural~~
3 ~~gas as their fuel source.~~

4 ~~(2) In calendar years 2018 through 2022, inclusive, no~~
5 ~~less than 50% of all new buses purchased shall use natural~~
6 ~~gas as their fuel source.~~

7 ~~(3) In calendar years 2023 through 2027, inclusive, no~~
8 ~~less than 75% of all new buses purchased shall use natural~~
9 ~~gas as their fuel source.~~

10 ~~(4) In calendar year 2028 and each calendar year~~
11 ~~thereafter, 100% of all new buses purchased shall use natural~~
12 ~~gas as their fuel source.~~

13 ~~Section 4. Enforcement.~~

14 ~~The department shall investigate compliance with and enforce~~
15 ~~the provisions of this act.~~

16 SECTION 3. FEASIBILITY. <--

17 (A) GENERAL RULE.--

18 (1) THE DEPARTMENT, AS SOON AS PRACTICABLE, UPON THE
19 EFFECTIVE DATE OF THIS SECTION, SHALL COMPLETE A FEASIBILITY
20 ANALYSIS, EITHER INDEPENDENTLY OR WITH A PRIVATE OR NONPROFIT
21 ENTITY OR BUSINESS OR COLLEGE OR UNIVERSITY, TO DETERMINE THE
22 FOLLOWING:

23 (I) A COST-BENEFIT ANALYSIS TO TRANSITION EXISTING
24 BUS FLEET, OR A PORTION OF EXISTING BUS FLEET BASED UPON
25 EXISTING FACILITY AND SPACE CONSTRAINTS FOR FUELING
26 STATIONS, TO COMPRESSED OR LIQUEFIED FORM OF NATURAL GAS,
27 OR BOTH.

28 (II) INFRASTRUCTURE CHANGES AND COSTS ASSOCIATED
29 WITH EITHER THE CONSTRUCTION OF NEW FACILITIES OR THE
30 RETROFITTING OF EXISTING FACILITIES TO APPROPRIATELY FUEL

1 AND STORE A COMPRESSED OR LIQUEFIED FORM OF NATURAL GAS
2 BUSES, OR BOTH.

3 (2) THE DEPARTMENT SHALL SUBMIT A COPY OF THE FINAL
4 FEASIBILITY ANALYSIS TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
5 THE TRANSPORTATION COMMITTEE OF THE SENATE AND THE CHAIRMAN
6 AND MINORITY CHAIRMAN OF THE TRANSPORTATION COMMITTEE OF THE
7 HOUSE OF REPRESENTATIVES.

8 (3) THE DEPARTMENT SHALL DETERMINE WHETHER THE
9 FEASIBILITY ANALYSIS OUTLINED IN PARAGRAPH (1) SHALL STUDY
10 THE POTENTIAL TRANSITION TO COMPRESSED NATURAL GAS, LIQUID
11 NATURAL GAS OR BOTH FORMS OF NATURAL GAS AND THE OTHER
12 MATERIAL PARAMETERS FOR THE FEASIBILITY ANALYSIS.

13 (4) IF THE LARGE MASS TRANSIT AGENCY, BASED UPON THE
14 FEASIBILITY ANALYSIS AS OUTLINED IN PARAGRAPHS (1) AND (3),
15 DETERMINES AN EFFECTIVE TRANSITION TO COMPRESSED OR LIQUEFIED
16 NATURAL GAS BUSES, IN WHOLE OR IN PART, CAN BE COMPLETED AND
17 IT IS DETERMINED THAT A DEDICATED FUNDING SOURCE HAS BEEN
18 IDENTIFIED OR SECURED TO BUILD THE INFRASTRUCTURE FOR THE
19 LARGE MASS TRANSIT AGENCY TO SAFELY UTILIZE NATURAL GAS, THE
20 LARGE MASS TRANSIT AGENCY SHALL THEN COMMUNICATE WITH THE
21 DEPARTMENT TO DEVELOP, COORDINATE AND INITIATE A REASONABLE
22 AND EFFECTIVE METHOD AND SCHEDULE TO CONVERT OR PURCHASE
23 BUSES, IN WHOLE OR IN PART, THAT UTILIZE NATURAL GAS. IF THE
24 MASS TRANSIT AGENCY, BASED UPON THE FEASIBILITY ANALYSIS
25 OUTLINED IN PARAGRAPH (1), DETERMINES THAT IT CANNOT
26 EFFECTIVELY TRANSITION TO COMPRESSED OR LIQUEFIED NATURAL GAS
27 BUSES, IN WHOLE OR IN PART, DUE TO A LACK OF A DEDICATED
28 FUNDING SOURCE NECESSARY TO BUILD THE INFRASTRUCTURE NEEDS OR
29 FOR OTHER LEGITIMATE AND GOOD FAITH REASONS SET FORTH IN THE
30 ANALYSIS, THE LARGE MASS TRANSIT AGENCY SHALL NOT BE

1 OBLIGATED TO CONVERT OR PURCHASE BUSES, IN WHOLE OR IN PART,
2 THAT UTILIZE NATURAL GAS.

3 (B) EXCEPTIONS.--NOTHING IN THIS SECTION SHALL REQUIRE A
4 LARGE MASS TRANSIT AGENCY TO TRANSITION TO COMPRESSED OR
5 LIQUEFIED NATURAL GAS BUSES, IN WHOLE OR IN PART, IF ANY ONE OF
6 THE FOLLOWING IS MET:

7 (1) THE LARGE MASS TRANSIT AGENCY WOULD HAVE TO OBTAIN A
8 BOND, LOAN OR INCUR OTHER LONG-TERM DEBT TO COMPLETE THE
9 TRANSITION, EXCEPT FOR ANY LOAN SPECIFICALLY DESIGNED BY LAW
10 FOR THIS PURPOSE, SUCH AS CONTAINED IN THE ACT OF _____,
11 (P.L. _____, NO. _____), KNOWN AS THE CLEAN TRANSIT ACT, OR
12 OTHER SIMILAR LEGISLATION.

13 (2) THE LARGE MASS TRANSIT AGENCY WOULD HAVE TO REDUCE
14 ITS EXISTING MASS TRANSIT SERVICES OR LAY OFF EXISTING
15 EMPLOYEES TO COMPLETE THE TRANSITION.

16 (3) THE TRANSITION TO COMPRESSED OR LIQUEFIED NATURAL
17 GAS BUSES WOULD VIOLATE ANY FEDERAL LAW, REGULATION OR GRANT
18 AGREEMENT WITH THE FEDERAL TRANSIT ADMINISTRATION AS A
19 CONDITION TO RECEIVING AND CONTINUING TO RECEIVE FEDERAL
20 TRANSIT FINANCIAL ASSISTANCE, INCLUDING, BUT NOT LIMITED TO,
21 THE APPLICABLE PROVISIONS OF TITLE VI OF THE CIVIL RIGHTS ACT
22 OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

23 (4) THE TRANSITION TO COMPRESSED OR LIQUEFIED NATURAL
24 GAS BUSES WOULD VIOLATE ANY OTHER STATE OR LOCAL LAW,
25 REGULATION OR ORDINANCE.

26 (5) THE LARGE MASS TRANSIT AGENCY INTENDS TO DESIGN,
27 BUILD, OPERATE AND MAINTAIN A COMBINED HEATING AND POWER
28 PLANT WHICH WOULD UTILIZE A COMBUSTION TURBINE ENGINE TO BURN
29 NATURAL GAS THAT PRODUCES ELECTRICITY FOR A TRACTION POWER
30 SUBSTATION ON A REGIONAL RAIL LINE AND THE COMBINED HEATING

1 AND POWER PLANT WOULD UTILIZE APPROXIMATELY 500,000 MMBTU PER
2 YEAR OR THE EQUIVALENT TO THE CONSUMPTION OF OVER 300
3 COMPRESSED NATURAL GAS BUSES.

4 Section ~~5~~ 4. Regulations. <--

5 The department shall promulgate rules and regulations as
6 necessary to implement and administer the provisions of this
7 act.

8 Section ~~6~~ 20. Effective date. <--

9 This act shall take effect in 60 days.