

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2085 Session of 2021

INTRODUCED BY LAWRENCE, BERNSTINE, R. BROWN, DIAMOND, MUSTELLO, OTTEN, SCHMITT, SCHROEDER, STAMBAUGH, GILLEN AND KINKEAD, NOVEMBER 16, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 29, 2022

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled
2 "An act relating to roads, streets, highways and bridges;
3 amending, revising, consolidating and changing the laws
4 administered by the Secretary of Highways and by the
5 Department of Highways relating thereto," providing for
6 commemorative designations; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The title and section 102 of the act of June 1,
10 1945 (P.L.1242, No.428), known as the State Highway Law, are
11 amended to read:

AN ACT

13 Relating to roads, streets, highways and bridges; amending,
14 revising, consolidating and changing the laws administered by
15 the Secretary of [Highways] Transportation and by the
16 Department of [Highways] Transportation relating thereto.

17 Section 102. Definitions.--When used in this act, the
18 following words and phrases shall have the following meanings:

19 (1) "State highway" shall mean and include all roads and

1 highways taken over by the Commonwealth as State highways under
2 the provisions of any act of Assembly. Unless clearly so
3 intended, the term shall not include any street in any city,
4 borough or incorporated town, even though the same may have been
5 taken over as a State highway.

6 (2) "Rural State highway system" shall mean and include all
7 roads and highways taken over by the Commonwealth as State
8 highways under the provisions of the act, approved the twenty-
9 second day of June, one thousand nine hundred thirty-one
10 (Pamphlet Laws, five hundred ninety-four), act number two
11 hundred three, entitled "An act establishing certain township
12 roads as State highways; authorizing their construction,
13 maintenance, and improvement under certain conditions and
14 restrictions; limiting the obligation of the Commonwealth in the
15 construction of certain structures located on such highways;
16 conferring certain powers upon the Department of [Highways]
17 Transportation and local authorities, persons, associations and
18 corporations for sharing the cost of the maintenance and
19 construction of such highways; and making an appropriation to
20 carry out the provisions of said act," and its supplements and
21 amendments, and all other roads and highways specifically
22 designated as rural State highways.

23 (3) "Department" shall mean the Department of [Highways]
24 Transportation of the Commonwealth.

25 (4) "Secretary" shall mean the Secretary of [Highways]
26 Transportation of the Commonwealth.

27 (5) "Commemorative designation" shall mean the naming of a <--
28 bridge, highway, interchange or portion of the turnpike system
29 STATE-OWNED TRANSPORTATION INFRASTRUCTURE as a secondary <--
30 designation and does not replace or supersede the primary

1 designation by the authority with jurisdiction over the bridge,
2 highway, interchange or portion of the turnpike system, by name
3 or number.

4 (6) "STATE-OWNED TRANSPORTATION INFRASTRUCTURE" SHALL MEAN <--

5 ANY OF THE FOLLOWING:

6 (I) A STATE-OWNED HIGHWAY, INCLUDING A PORTION THEREOF.

7 (II) A STATE-OWNED BRIDGE.

8 (III) A STATE-OWNED EXPRESSWAY OR INTERSTATE INTERCHANGE.

9 (IV) A PORTION OF THE TURNPIKE SYSTEM.

10 Section 2. The act is amended by adding a section to read:

11 Section 204.1. Commemorative Designations.--(a) (1) At the

12 secretary's discretion and subject to the limitations in

13 subsection (d), the secretary may, upon receipt of a completed

14 application under subsection (b) and the fee required under

15 subsection (c), approve a commemorative designation of a State <--

16 owned bridge, highway or interchange STATE-OWNED TRANSPORTATION <--

17 INFRASTRUCTURE UNDER AUTHORITY OF THE DEPARTMENT honoring an

18 individual or group and direct the department to erect and

19 maintain appropriate signs for the commemorative designation.

20 (2) At the Pennsylvania Turnpike Commission's discretion and

21 subject to the limitations in subsection (d), the Pennsylvania

22 Turnpike Commission may, upon receipt of a completed application

23 under subsection (b) and the fee required under subsection (c),

24 approve a commemorative designation of a portion of the turnpike <--

25 system or a bridge or interchange STATE-OWNED TRANSPORTATION <--

26 INFRASTRUCTURE under the authority of the Pennsylvania Turnpike

27 Commission honoring an individual or group and erect and

28 maintain appropriate signs for the commemorative designation.

29 (b) An application for a commemorative designation under

30 subsection (a) may be submitted by an individual, organization

1 or a political subdivision and shall be submitted on a form and
2 in a manner as required by the department or the Pennsylvania
3 Turnpike Commission. The application shall include all of the
4 following:

5 (1) A petition containing a minimum of one hundred (100)
6 signatures supporting the commemorative designation from
7 residents of the county or counties in which the State-owned <--
8 bridge, highway or interchange or portion of the turnpike system
9 STATE-OWNED TRANSPORTATION INFRASTRUCTURE is located. <--

10 (2) A description of the State-owned bridge, highway or <--
11 interchange or portion of the turnpike system STATE-OWNED <--
12 TRANSPORTATION INFRASTRUCTURE being requested for the
13 commemorative designation.

14 (3) The name of the individual or group that the
15 commemorative designation would honor and a biography of the
16 individual or a description of the group.

17 (4) Signed letters of support for the commemorative
18 designation from each member of the Senate and the House of
19 Representatives who represent each legislative district in which
20 the State-owned bridge, highway or interchange or portion of the <--
21 turnpike system STATE-OWNED TRANSPORTATION INFRASTRUCTURE is <--
22 located.

23 (5) A resolution supporting the commemorative designation
24 approved by the governing body of each city, borough,
25 incorporated town or township in which the State-owned bridge, <--
26 highway, interchange, roundabout or portion of the turnpike
27 system STATE-OWNED TRANSPORTATION INFRASTRUCTURE is located. <--

28 (6) IF THE COMMEMORATIVE DESIGNATION HONORS AN INDIVIDUAL, A <--
29 SIGNED STATEMENT FROM THE APPLICANT ATTESTING THAT THE
30 INDIVIDUAL HAS NOT BEEN CONVICTED OF AN OFFENSE GRADED AS A

1 FELONY IN THIS COMMONWEALTH OR A SIMILAR OR EQUIVALENT OFFENSE
2 IN ANOTHER JURISDICTION.

3 ~~(6)~~ (7) Other information or supporting documentation as <--
4 required by the department or the Pennsylvania Turnpike
5 Commission.

6 (c) (1) Except as provided in paragraph (2), upon the
7 approval of an application for a commemorative designation under
8 subsection (a), the department or the Pennsylvania Turnpike
9 Commission shall require the applicant, prior to the
10 installation of signs for the commemorative designation, to
11 submit a one-time fee to the department or the Pennsylvania
12 Turnpike Commission to cover costs associated with the erection
13 and maintenance of the signs. The fee shall not exceed an amount
14 determined by the department or the Pennsylvania Turnpike
15 Commission for the commemorative designation.

16 (2) No fee shall be required by the department or the
17 Pennsylvania Turnpike Commission for a commemorative designation
18 approved under subsection (a) for any of the following:

19 (i) A member of the armed forces of the United States,
20 including a reserve component or National Guard, killed in the
21 line of duty.

22 (ii) A member of law enforcement killed in the line of duty.

23 (iii) An emergency responder killed in the line of duty.

24 (iv) A commemorative designation honoring a group consisting
25 of veterans, law enforcement or emergency responders or honoring
26 veterans, law enforcement or emergency responders generally.

27 (d) The secretary or the Pennsylvania Turnpike Commission
28 shall not approve a commemorative designation under subsection
29 (a) for any of the following:

30 (1) An individual who is not deceased.

1 (2) An individual who did not reside in this Commonwealth
2 during their lifetime.

3 (3) A private business.

4 (4) A not-for-profit organization, except for a not-for-
5 profit organization whose membership consists of a majority of
6 veterans, current or former members of law enforcement or
7 current or former emergency responders.

8 (5) A commemorative designation for a State owned bridge, <--
9 highway or interchange or portion of the turnpike system STATE- <--
10 OWNED TRANSPORTATION INFRASTRUCTURE previously designated under
11 this section or by a separate act of the General Assembly.

12 (6) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF AN OFFENSE <--
13 GRADED AS A FELONY IN THIS COMMONWEALTH OR A SIMILAR OR
14 EQUIVALENT OFFENSE IN ANOTHER JURISDICTION.

15 (e) Not later than January 31, 2024, and annually each year
16 thereafter, the department and the Pennsylvania Turnpike
17 Commission shall issue a report to the chairman and minority
18 chairman of the Transportation Committee of the Senate and the
19 chairman and minority chairman of the Transportation Committee
20 of the House of Representatives containing all of the following
21 for the previous calendar year:

22 (1) A list of all commemorative designations approved under
23 subsection (a).

24 (2) A biography or description of each individual or group
25 honored by a commemorative designation.

26 (3) Total amounts collected from the fee required under
27 subsection (c).

28 (4) Any other information at the discretion of the
29 department or the Pennsylvania Turnpike Commission.

30 (f) Notwithstanding any other provision of law,

1 ~~commemorative designations for a State owned bridge, highway or~~ <--
2 ~~interchange or portion of the turnpike system~~ STATE-OWNED <--
3 TRANSPORTATION INFRASTRUCTURE shall only be made by the
4 department or the Pennsylvania Turnpike Commission after the
5 effective date of this section according to the provisions of
6 this section.

7 (G) AS USED IN THIS SECTION, THE TERM "CONVICTION" SHALL <--
8 MEAN A CONVICTION, A FINDING OF GUILTY OR THE ENTERING OF A PLEA
9 OF GUILTY OR NOLO CONTENDERE, WHETHER OR NOT JUDGMENT OF
10 SENTENCE HAS BEEN IMPOSED, AS DETERMINED BY THE LAW OF THE
11 JURISDICTION IN WHICH THE PROSECUTION WAS HELD. THE TERM DOES
12 NOT INCLUDE A CONVICTION THAT HAS BEEN EXPUNGED OR OVERTURNED OR
13 FOR WHICH AN INDIVIDUAL HAS BEEN PARDONED.

14 Section 3. The provisions of this act shall not affect any
15 power of the department or any county or municipality to
16 designate, by letter, or name or number any highway or roadway
17 under the department's or county's or municipality's respective
18 jurisdictions, including any part or parts thereof, or any
19 combinations or parts of highways existing as of the effective
20 date of this act.

21 Section 4. This act shall take effect January 1, 2023.