
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 382 Session of
2021

INTRODUCED BY LANGERHOLC, REGAN, DiSANTO, MENSCH, BARTOLOTTA,
ROBINSON, BAKER, J. WARD, BROOKS, STEFANO, HUTCHINSON, DUSH,
PITTMAN AND GORDNER, MARCH 9, 2021

REFERRED TO TRANSPORTATION, MARCH 9, 2021

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in public-private transportation
3 partnerships, further providing for definitions, for duties
4 of board and for operation of board; and voiding prior
5 initiatives of the Public-Private Transportation Partnership
6 Board.

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

9 Section 1. The definition of "public-private transportation
10 partnership agreement" in section 9102 of Title 74 of the
11 Pennsylvania Consolidated Statutes is amended and the section is
12 amended by adding a definition to read:

13 § 9102. Definitions.

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

17 * * *

18 "Public-private transportation partnership agreement." A
19 contract for a transportation project which transfers the rights

1 for the use or control, in whole or in part, of a transportation
2 facility by a public entity to a development entity for a
3 definite term during which the development entity will provide
4 the transportation project to the public entity in return for
5 the right to receive all or a portion of the revenue generated
6 from the use of the transportation facility, or other payment,
7 such as the following [transportation-related services]:

8 (1) Operations and maintenance.

9 (2) Revenue collection.

10 (3) User fee collection or enforcement.

11 (4) Design.

12 (5) Construction.

13 (6) Development and other activities with respect to
14 existing or new transportation facilities that enhance
15 traffic throughput, reduce congestion, improve safety or
16 otherwise manage or improve a transportation facility.

17 (7) Financing.

18 * * *

19 "Transportation-related service." A proposed or existing
20 service offered by the department or a Commonwealth agency to
21 provide a product, permit or similar authorization in a
22 transaction for a resident or nonresident to move individuals or
23 property within this Commonwealth.

24 Section 2. Section 9104(a)(4) and (c) of Title 74 are
25 amended to read:

26 § 9104. Duties of board.

27 (a) Duties.--The board shall do all of the following:

28 * * *

29 (4) Evaluate and, where the board finds that the
30 requests or plans for transportation projects are in the best

1 interests of the Commonwealth and a public entity, approve
2 the requests or plans for transportation projects[. The board
3 shall approve a proposed transportation project by adopting a
4 resolution.] as provided under section 9105.

5 * * *

6 [(c) General Assembly.--The following shall apply:

7 (1) The General Assembly may, within 20 calendar days or
8 nine legislative days, whichever is longer, of the adoption
9 of the resolution under subsection (a)(4), pass a concurrent
10 resolution rescinding the approval of a transportation
11 project if the transportation facility which is the subject
12 of the transportation project is owned by the Commonwealth.

13 (2) If the General Assembly adopts the concurrent
14 resolution within the time period under paragraph (1) by
15 majority vote in both the Senate and the House of
16 Representatives, the transportation project shall be deemed
17 disapproved.

18 (3) If the General Assembly fails to adopt the
19 concurrent resolution by majority vote in both the Senate and
20 the House of Representatives within the time period under
21 paragraph (1), the transportation project shall be deemed
22 approved.]

23 Section 3. Section 9105(b) of Title 74 is amended and the
24 section is amended by adding subsections to read:

25 § 9105. Operation of board.

26 * * *

27 (b) Analysis.--The following shall apply:

28 (1) The department shall develop a detailed analysis of
29 a request or recommendation for a transportation project
30 prior to approval by the board.

1 (2) The analysis shall include the following:

2 (i) The exact location of the proposed
3 transportation project.

4 (ii) The type of transportation facility or
5 transportation-related service to be improved.

6 (iii) The estimated costs of the transportation
7 project to the public entity.

8 (iv) The estimated length of the public-private
9 transportation partnership agreement.

10 (v) The social, economic and environmental impacts
11 of the transportation project.

12 (vi) If the proposed transportation project will
13 include a public-private transportation partnership
14 agreement, include the estimated amount and type of user
15 fees.

16 (vii) Applicable Federal and State laws.

17 (2.1) The department may conduct additional evaluations
18 prior to the development of the analysis.

19 (3) The department shall post a copy of the analysis on
20 the department's publicly accessible Internet website, submit
21 the analysis to the board and the chairperson and minority
22 chairperson of the Transportation Committee of the Senate and
23 the chairperson and minority chairperson of the
24 Transportation Committee of the House of Representatives and
25 transmit notice of the analysis to the Legislative Reference
26 Bureau for publication in the Pennsylvania Bulletin for 30
27 days prior to any action by the board.

28 (b.1) Public input.--The department shall collect comments
29 from the public on the proposed transportation project during a
30 public comment period which shall commence with the publication

1 of the notice in the Pennsylvania Bulletin of the analysis and
2 shall continue for a period of not less than 30 days. Prior to
3 any action by the board, the department shall post a copy of the
4 results on the department's publicly accessible Internet website
5 and submit the results to the board and the chairperson and
6 minority chairperson of the Transportation Committee of the
7 Senate and the chairperson and minority chairperson of the
8 Transportation Committee of the House of Representatives.

9 (b.2) Evaluation and approval.--The following shall apply:

10 (1) After consideration of the analysis and public
11 input, if the board finds that the transportation project is
12 in the best interests of the Commonwealth, it may approve the
13 transportation project.

14 (2) The board shall approve a proposed transportation
15 project by adopting a resolution with or without a user fee.
16 A copy of the resolution shall be posted on the department's
17 publicly accessible Internet website and shall be transmitted
18 by the department to the following entities within 24 hours
19 after approval:

20 (i) The chairperson and minority chairperson of the
21 Transportation Committee of the Senate and the
22 chairperson and minority chairperson of the
23 Transportation Committee of the House of Representatives.

24 (ii) The Legislative Reference Bureau for
25 publication in the Pennsylvania Bulletin.

26 (b.3) Transportation projects without user fee.--The
27 following shall apply for a transportation project without a
28 user fee:

29 (1) The General Assembly may pass a concurrent
30 resolution rescinding the approval of a transportation

1 project without a user fee if the transportation facility
2 which is the subject of the transportation project is owned
3 by the Commonwealth through the following procedure:

4 (i) Either chamber of the General Assembly may
5 initiate a concurrent resolution under this paragraph. If
6 the chamber of origin passes a concurrent resolution, the
7 chamber of reference must within 10 calendar days or five
8 legislative days, pass the concurrent resolution. The
9 passage of a concurrent resolution by a majority vote in
10 both chambers may not collectively exceed 20 calendar
11 days or 10 legislative days of the resolution being
12 published in the Pennsylvania Bulletin, whichever is
13 longer.

14 (ii) If the period of 20 calendar days or 10
15 legislative days, whichever is longer, under subparagraph
16 (i) expires before a session of the General Assembly
17 adjourns sine die, the General Assembly shall have 20
18 calendar days or 10 legislative days, whichever is
19 longer, starting on the first day of succeeding session
20 of the General Assembly.

21 (2) If the General Assembly adopts the concurrent
22 resolution within the time period under paragraph (1),
23 proceeded by presentment to the Governor, the transportation
24 project without a user fee shall be deemed disapproved.

25 (3) If the General Assembly fails to adopt the
26 concurrent resolution within the time period under paragraph
27 (1), the transportation project without a user fee shall be
28 deemed approved and the public entity may proceed with the
29 public-private transportation partnership agreement.

30 (b.4) Transportation projects with user fee.--The following

1 shall apply for a transportation project with a user fee:

2 (1) If the approved transportation project includes a
3 user fee, the project shall be deemed disapproved unless the
4 General Assembly passes a concurrent resolution approving the
5 transportation project with a user fee.

6 (2) The General Assembly may pass a concurrent
7 resolution approving a transportation project with a user fee
8 if the transportation facility which is the subject of the
9 transportation project is owned by the Commonwealth through
10 the following procedure:

11 (i) Either chamber of the General Assembly may
12 initiate a concurrent resolution under this paragraph. If
13 the chamber of origin passes a concurrent resolution, the
14 chamber of reference must within 45 calendar days or 10
15 legislative days, pass the concurrent resolution. The
16 passage of a concurrent resolution by a majority vote in
17 both chambers may not collectively exceed 90 calendar
18 days or 20 legislative days of the resolution being
19 published in the Pennsylvania Bulletin, whichever is
20 longer.

21 (ii) If the period of 90 calendar days or 20
22 legislative days, whichever is longer, under subparagraph
23 (i) expires before a session of the General Assembly
24 adjourns sine die, the General Assembly shall have 90
25 calendar days or 20 legislative days, whichever is
26 longer, starting on the first day of succeeding session
27 of the General Assembly.

28 (iii) If the General Assembly adopts the concurrent
29 resolution within the time period under paragraph (i) or
30 (ii), proceeded by presentment to the Governor, the

1 transportation project with a user fee shall be deemed
2 approved and the public entity may proceed with the
3 public-private transportation partnership agreement.

4 (iv) If the General Assembly fails to adopt the
5 concurrent resolution within the time period under
6 paragraph (i) or (ii), the transportation project with a
7 user fee shall remain disapproved.

8 (v) Nothing in this section shall be construed to
9 prevent a proposed transportation project with a user fee
10 that was disapproved under subparagraph (iv) from being
11 resubmitted to the board.

12 * * *

13 Section 4. The amendment of 74 Pa.C.S. § 9105 shall apply to
14 resolutions considered after October 31, 2020, by the Public-
15 Private Transportation Partnership Board. Any resolution
16 considered after October 31, 2020, and prior to the effective
17 date of this section by the Public-Private Transportation
18 Partnership Board, including the resolution authorizing the
19 PennDOT Pathways Major Bridge P3 Initiative, shall be void and
20 must be reconsidered by the Public-Private Transportation
21 Partnership Board.

22 Section 5. This act shall take effect immediately.