



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 382

PRINTERS NO. 1850

PRIME SPONSOR: Langerholc

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
Motor License Fund	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends Title 74 (Transportation) to make changes to the transportation public-private partnership (P3) approval process and prohibit the approval of transportation P3 projects involving mandatory user fees. This legislation would take effect immediately.

ANALYSIS: The legislation amends the P3 chapter of Title 74 to make several changes to the transportation P3 approval process and to limit P3 projects involving mandatory user fees.

Mandatory User Fee Prohibition: A mandatory user fee may not be imposed as part of transportation P3 project under the P3 Chapter. An optional user fee may be imposed as part of transportation P3 project. Which is a fee imposed on individuals who select optional means to transit to a transportation facility, such as limited access lanes or similar programs that allow individuals multiple means to transit the same transportation facility.

Department Analysis: PennDOT is required to develop a detailed analysis of a proposed transportation P3 project prior to approval by the P3 Board. The analysis shall include all of the following:

- The exact location of the project.
- The type of transportation facility or transportation service being improved.
- The estimated cost of the P3 project to the public entity.
- The estimated length of the P3 agreement.
- The potential social, economic, and environmental impacts of the P3 project.
- If the P3 project will include a user fee, the estimated user fee amounts.
- Applicable Federal and state laws.
- Alternative courses of action to improve a transportation facility or transportation-related service without utilizing a P3 agreement.

The aforementioned analysis is to be posted on PennDOT's website and transmitted to the majority and minority chairs of the transportation committees and the Legislative Reference Bureau (LRB) for publication in the PA Bulletin. PennDOT may develop evaluations in addition to the aforementioned mandatory analysis.

Public Comment: The P3 Board may not take action on a proposed transportation P3 project for at least 30 days from the date the analysis is published in the PA Bulletin. During this minimum 30-day period, PennDOT is required to collect public comments regarding the proposed P3 transportation project and shall transmit the collected public comments and a summary of the comments to the chairs of the transportation committees and post the comments and summary on its website. The summary of the public comments shall include all of the following:

- A description of the proposed transportation P3 project.
- A copy of the notice published in the PA Bulletin.
- The time period in which public comments were solicited.
- A chart or graph summarizing the submitted comments.

P3 Board Approval: After consideration of PennDOT's analysis and the public comments, the P3 Board may approve a proposed transportation P3 project if the P3 Board determines the project is in the best interest of the Commonwealth. Approval shall be in the form of resolution. A copy of the resolution shall be posted on PennDOT's website and transmitted, within 24 hours, to the chairs of the transportation committees and the LRB. The LRB shall publish the resolution in the PA Bulletin.

A proposed transportation P3 project involving optional user fees may only proceed if approved by the P3 Board unanimously. Upon receipt of the P3 Board's resolution approving a project, the time-period for which the General Assembly may disapprove a state-owned P3 project via passage of a concurrent resolution begins (20 calendar days, or 9 legislative days, whichever is longer)

Retroactive Applicability: The resolution adopted by the P3 Board approving the P3 tolling of bridges is rescinded to the extent the resolution authorized user fees and generally authorized the P3 delivery model for all bridges on interstate and expressway bridges.

PennDOT may continue to proceed with the 9 proposed bridges via the P3 model, including through their existing contracts, provided that they may not impose or collect optional user fees unless they resubmit the project for approval by the P3 Board after the effective date of the legislation, which only allows for optional user fees.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds. PennDOT may continue work and proceed with the P3 project approved on November 12, 2020, but without optional user fees, if submitted to the P3 Board after the effective date of this legislation.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: July 7, 2022

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.