

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 382

**PRINTER NO.** 638

**AMOUNT**

No Fiscal Impact

**FUND**

Motor License Fund  
Public-Private Transportation Account

**DATE INTRODUCED**

March 9, 2021

**PRIME SPONSOR**

Senator Langerholc

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 382 amends Title 74 (Transportation) to reform the Public-Private Transportation Partnership (P3) statute and to void the Pennsylvania Department of Transportation’s (department) Pathways Major Bridge P3 Initiative.

Section 9102 (relating to definitions): Adds a definition for “transportation-related service” as only the following services:

- 1) Operations and maintenance;
- 2) Revenue collection;
- 3) User fee collection or enforcement;
- 4) Design;
- 5) Construction;
- 6) Development and other activities with respect to existing or new transportation facilities that enhance traffic throughput, reduce congestion, improve safety or otherwise manage or improve a transportation facility; and
- 7) Financing.

Section 9105 (relating to operation of board): Directs the department to develop a detailed analysis of a proposed transportation project prior to requesting approval by the Public-Private Transportation Partnership Board (board) which shall include the following:

- 1) Exact location of the proposed transportation project;
- 2) Type of transportation facility or transportation-related service to be improved;
- 3) Estimated costs of the proposed transportation project to the public entity;
- 4) Estimated length of the P3 agreement;
- 5) Social, economic and environmental impacts of the proposed transportation project;
- 6) Estimated amount and type of user fees, if required by the project;

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

- 7) Applicable federal and state laws; and
- 8) Alternative courses of action to improve the transportation facility or transportation-related service without a public-private transportation partnership and the associated risks of improving the transportation facility or transportation-related service with a public-private transportation partnership.

The department shall publish the analysis as follows:

- 1) Post a copy on the department's publicly accessible internet website;
- 2) Submit the analysis to the board and the chairperson and minority chairperson of the Transportation Committees of the Senate and the House of Representatives; and
- 3) Transmit notice of the analysis to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin for 30 days prior to any action by the board.

The department shall collect comments from the public on the proposed transportation project during a public comment period which shall commence with the publication of the analysis in the Pennsylvania Bulletin and shall continue for a period of not less than 30 days. Prior to any action by the board, the department shall post a copy of all submitted comments and a summary on the department's publicly accessible internet website and submit the comments and summary to the board and the chairperson and minority chairperson of the Transportation Committees of the Senate and the House of Representatives. The summary shall include a description of the proposed transportation project, a copy of the notice that was published in the Pennsylvania Bulletin, the time period that the public was allowed to provide input, an overview of how the department equitably solicited input and a chart or graph that accurately portrays all submitted comments on the proposed transportation project.

After consideration of the analysis and public input, the board may approve the proposed transportation project if it is in the best interests of the Commonwealth. The board shall approve a proposed transportation project in the form of a resolution. The resolution shall be signed by the chairperson of the board. A copy of the resolution shall be posted on the department's publicly accessible internet website and transmitted to the following entities within 24 hours after approval:

- 1) Chairperson and minority chairperson of the Transportation Committees of the Senate and House of Representatives; and
- 2) Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

### Transportation projects with a user fee:

- The department shall transmit the resolution to the Governor within five calendar days after it has been published in the Pennsylvania Bulletin. The Governor shall have 10 calendar days to approve or disapprove the resolution. If no action is taken on the resolution by the Governor, the resolution shall be deemed approved;
- If the Governor approves the resolution or fails to act, the Governor shall transmit the resolution to the Secretary of the Senate and the Chief Clerk of the House of Representatives within 10 calendar days;
- If the Governor disapproves the resolution, the objections of the Governor disapproving the resolution shall be transmitted to the department within 10 calendar days;
- If no action is taken on the resolution by the General Assembly within 20 calendar days or 10 legislative days, whichever is later, of receipt of the resolution from the Governor, five members of the Senate or 25 members of the House of Representatives may petition their respective presiding officer to schedule a vote on the resolution. The vote shall be scheduled to occur within 10 calendar days or five legislative days, whichever is later, of the presentation of the petition. Each chamber shall have 20 calendar days or 10 legislative days, whichever is later, to independently pass the resolution. If the General Assembly disapproves the resolution, the objections of the General Assembly disapproving the resolution shall be transmitted by the presiding officer of each chamber to the department within 10 calendar days;
- If the General Assembly approves the resolution, the public entity may proceed with the public-private transportation partnership agreement.
- If the Governor or the General Assembly disapproves a resolution, the department may, upon receiving approval from the board, submit an amended resolution;
- The department may only submit one amended resolution. If the amended resolution is disapproved, the approval process shall start over again; and
- If a time period expires after a session of the General Assembly adjourns sine die, the department shall reinitiate the process starting on the first day of the succeeding session of the General Assembly, except that the department shall not be required to republish the resolution in the Pennsylvania Bulletin.

### Transportation projects without a user fee:

- The department shall transmit the resolution to the Governor within five calendar days after it has been published in the Pennsylvania Bulletin. The Governor shall have 10 calendar days to approve or disapprove the resolution. If no action is taken on the resolution by the Governor, the resolution shall be deemed approved;

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

- If the Governor approves the resolution or fails to act, the Governor shall, transmit the resolution to the Secretary of the Senate and the Chief Clerk of the House of Representatives within 10 calendar days;
- If the Governor disapproves the resolution, the objections of the Governor disapproving the resolution shall be transmitted to the department within 10 calendar days;
- If no action is taken on the resolution by the General Assembly within 20 calendar days or 10 legislative days, whichever is later, of receipt of the resolution from the Governor, five members of the Senate or 25 members of the House of Representatives may petition their respective presiding officer to schedule a vote on the resolution. The vote shall be scheduled to occur within 10 calendar days or five legislative days, whichever is later, of the presentation of the petition. Each chamber shall have 20 calendar days or 10 legislative days, whichever is later, to independently pass the resolution. The resolution shall be deemed approved unless both chambers vote to disapprove the resolution in the time period outlined above;
- If the General Assembly disapproves the resolution, the objections of the General Assembly disapproving the resolution shall be transmitted by the presiding officer of each chamber to the department within 10 calendar days;
- If the General Assembly approves the resolution, the public entity may proceed with the public-private transportation partnership agreement;
- If the Governor or the General Assembly disapproves a resolution, the department may, upon receiving approval from the board, submit an amended resolution;
- The department may only submit one amended resolution. If the amended resolution is disapproved, the approval process shall start over; and
- If a time period expires after a session of the General Assembly adjourns sine die, the department shall reinitiate the process starting on the first day of the succeeding session of the General Assembly, except that the department shall not be required to republish the resolution in the Pennsylvania Bulletin.

The amendment of 74 Pa.C.S. § 9105 outlined above shall apply to resolutions considered after October 31, 2020, by the Public-Private Transportation Partnership Board. Any resolution considered after October 31, 2020, and prior to the effective date of this section by the Public-Private Transportation Partnership Board, including the resolution authorizing the PennDOT Pathways Major Bridge P3 Initiative, shall be void and must be reconsidered by the Public-Private Transportation Partnership Board.

This act shall take effect immediately.

## **FISCAL IMPACT:**

Enactment of this legislation will have no fiscal impact on Commonwealth funds.