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Memorandum

January 17, 2011

TO: All House Members

FROM: Rep. Mark Longietti

SUBJECT: Legislation requiring PennDOT to update regulations concerning the posting of road bonds (Former HB 297)

Current law permits municipalities to require vehicles in excess of 10 tons to apply for a permit and post a bond to ensure that any damage caused to the roadways will be repaired. However, PennDOT has not increased the bond amounts in many years even though the cost of reconstructing and repairing roadways has increased dramatically. As a result, I intend to introduce legislation that would require PennDOT to publish a revised schedule of bonding amounts based on increased or decreased maintenance costs by January 1, 2012, and at least every three years thereafter.

This legislation would also create a rebuttable presumption in favor of the municipalities for any road damage which occurs while being utilized by the permittee. In other words, instead of requiring the municipality to show that the permittee damaged the roadway, any damage would now be presumed to have been caused by the permittee. If this was not the case, the permittee could then offer evidence showing that the damage was caused by some other source.

As you may recall this legislation was introduced last session (HB 297) with the support of the Pennsylvania State Association of Township Supervisors. Therefore, I hope that will join me in co-sponsoring this important legislation by contacting my Legislative Assistant Bob Brownawell at 772-4035 or via email at rbrownaw@pahouse.net.

Previous co-sponsors: DeWEESE, KOTIK, MARSHALL, McILVAINE SMITH, PASHINSKI, SIPTROTH, STEVENSON, WHITE, CALTAGIRONE, BAKER, CARROLL, EVERETT, GEORGE, GIBBONS, HARKINS, HARPER, HORNAMAN, KORTZ, MAHONEY, MANN, MELIO, PETRARCA, PRESTON, K. SMITH, SOLOBAY, STURLA, YOUNGBLOOD and BRENNAN