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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2330 Session of  
2020

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INTRODUCED BY MIZGORSKI, KIM, ECKER AND SCHLEGEL CULVER,  
MARCH 4, 2020

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REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 4, 2020

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AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania  
2 Consolidated Statutes, providing for Pennsylvania  
3 Infrastructure Bank and for Pennsylvania Infrastructure Bank  
4 Fund; and making related repeals.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 74 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 94

10 PENNSYLVANIA INFRASTRUCTURE BANK

11 Sec.

12 9401. Scope of chapter.

13 9402. Definitions.

14 9403. Pennsylvania Infrastructure Bank.

15 9404. Pennsylvania Infrastructure Bank Fund.

16 9405. Federal law.

17 9406. Prohibition.

18 9407. Other appropriations.

19 § 9401. Scope of chapter.

1 This chapter relates to the Pennsylvania Infrastructure Bank.

2 § 9402. Definitions.

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

6 "Aviation infrastructure." The term includes, but is not  
7 limited to, the following:

8 (1) Runway, taxiway, apron, terminal and hangar  
9 construction.

10 (2) Land acquisition, equipment procurement and  
11 obstruction removal relating to aviation.

12 (3) Access roads for airports.

13 (4) Airport lighting.

14 "Department." The Department of Transportation of the  
15 Commonwealth.

16 "Fund." The Pennsylvania Infrastructure Bank Fund continued  
17 under section 9404 (relating to Pennsylvania Infrastructure Bank  
18 Fund).

19 "Highway and bridge infrastructure." The term includes, but  
20 is not limited to, the following:

21 (1) Road construction, resurfacing and preservation.

22 (2) Bridge rehabilitation and replacement.

23 (3) Traffic signals and signal upgrades.

24 (4) Drainage structures relating to highways and  
25 bridges.

26 (5) Stormwater management relating to highways and  
27 bridges.

28 (6) Municipal roadway and bridge maintenance equipment.

29 (7) Complete streets.

30 (8) Intermodal facilities.

1 "Qualified borrower." A person that meets qualification  
2 criteria set by the department.

3 "Qualified project." A project which meets qualification  
4 criteria set by the department for aviation infrastructure,  
5 highway and bridge infrastructure, rail freight infrastructure  
6 and transit infrastructure.

7 "Rail freight infrastructure." The term includes, but is not  
8 limited to, ties, rails and ballast which may include supporting  
9 infrastructure, rail spur lines to customers, crossings and  
10 other similar structures.

11 "Transit infrastructure." The term includes, but is not  
12 limited to, capital purchases, buildings and intermodal  
13 facilities relating to transit.

14 § 9403. Pennsylvania Infrastructure Bank.

15 (a) Continuation.--The Pennsylvania Infrastructure Bank is  
16 continued as a program within the department.

17 (b) Powers of department.--The department may do all of the  
18 following:

19 (1) make loans to or enter into leases with qualified  
20 borrowers to finance the costs of qualified projects and to  
21 acquire, hold and sell borrower obligations evidencing the  
22 loans;

23 (2) enter into guaranties relating to qualified projects  
24 secured solely by or purchase insurance or other credit  
25 enhancement through amounts on deposit in the fund;

26 (3) enter into contracts, arrangements and agreements to  
27 provide assistance to qualified borrowers for qualified  
28 projects through amounts on deposit in the fund. The  
29 department shall determine the form and content of any  
30 borrower obligation, including the terms and rate of interest

1 on any loans or leases;

2 (4) enter into contracts, arrangements and agreements  
3 with other persons and execute and deliver all trust  
4 agreements, loan agreements and other instruments necessary  
5 or convenient to the exercise of the powers granted by this  
6 section;

7 (5) enter into grant cooperative, operating and other  
8 agreements with the United States relating to the fund;

9 (6) establish and collect fees, charges and interest;

10 (7) establish fiscal controls and accounting procedures  
11 for the fund;

12 (8) adopt regulations, procedures or guidelines for the  
13 Pennsylvania Infrastructure Bank and for accounting  
14 procedures by qualified borrowers for financial assistance  
15 and projects; and

16 (9) establish accounts and subaccounts in the fund as  
17 necessary and invest money held in the fund.

18 § 9404. Pennsylvania Infrastructure Bank Fund.

19 (a) Continuation.--The Pennsylvania Infrastructure Bank Fund  
20 is continued as a special fund within the State Treasury.

21 (b) Appropriation.--Money in the fund is appropriated to the  
22 department on a continuing basis for the purposes of the  
23 Pennsylvania Infrastructure Bank.

24 (c) Administration.--The fund shall be administered by the  
25 department and the State Treasurer shall be the treasurer-  
26 custodian of the fund.

27 (d) Deposits.--The following shall be deposited in the fund:

28 (1) Loan principal and interest repayments from the  
29 Pennsylvania Infrastructure Bank.

30 (2) Appropriations or transfers of money of the

1 Commonwealth to the fund.

2 (3) Federal money which may be deposited in the fund.

3 (e) Disbursements.--The State Treasurer shall hold and  
4 disburse all Federal and State money deposited into the fund in  
5 accordance with this section.

6 § 9405. Federal law.

7 The department may take any actions required by Federal law  
8 or regulation in order to qualify as a state infrastructure bank  
9 and to receive Federal money made available to state  
10 infrastructure banks.

11 § 9406. Prohibition.

12 The department shall not be considered a bank, trust company,  
13 insurance company or dealer in securities subject to any Federal  
14 or State banking or insurance regulating agency or any  
15 securities, securities exchange or securities dealers' law.

16 § 9407. Other appropriations.

17 The department may use money in the Highway and Safety  
18 Improvement Program appropriation from the Motor License Fund to  
19 provide payments as authorized by Federal law, including  
20 matching money, for the fund.

21 Section 2. Repeals are as follows:

22 (1) The General Assembly declares that the repeal under  
23 paragraph (2) is necessary to effectuate the addition of 74  
24 Pa.C.S. Ch. 94.

25 (2) Section 2015 of the act of April 9, 1929 (P.L.177,  
26 No.175), known as The Administrative Code of 1929, is  
27 repealed.

28 (3) The General Assembly declares that the repeal under  
29 paragraph (4) is necessary to effectuate the addition of the  
30 definitions of "qualified projects" and "rail freight

1 infrastructure" in 74 Pa.C.S. § 9402.

2 (4) The act of November 29, 2004 (P.L.1324, No.165),  
3 known as the State Railroad Infrastructure Act, is repealed.

4 Section 3. The addition of 74 Pa.C.S. Ch. 94 is a  
5 continuation of section 2015 of the act of April 9, 1929  
6 (P.L.177, No.175), known as The Administrative Code of 1929, and  
7 the act of November 29, 2004 (P.L.1324, No.165), known as the  
8 State Railroad Infrastructure Act. Except as otherwise provided  
9 in 74 Pa.C.S. Ch. 94, all activities initiated under section  
10 2015 of The Administrative Code of 1929 and the State Railroad  
11 Infrastructure Act shall continue and remain in full force and  
12 effect and may be completed under 74 Pa.C.S. Ch. 94. Orders,  
13 regulations, rules and decisions which were made under section  
14 2015 of The Administrative Code of 1929 and the State Railroad  
15 Infrastructure Act and which are in effect on the effective date  
16 of section 2(2) and (4) of this act shall remain in full force  
17 and effect until revoked, vacated or modified under 74 Pa.C.S.  
18 Ch. 94. Contracts, obligations and collective bargaining  
19 agreements entered into under section 2015 of The Administrative  
20 Code of 1929 and the State Railroad Infrastructure Act are not  
21 affected nor impaired by the repeal of section 2015 of The  
22 Administrative Code of 1929 and the State Railroad  
23 Infrastructure Act.

24 Section 4. This act shall take effect in 60 days.