

TESTIMONY OF  
ROBERT J. MIDDLETON  
FOR THE  
PENNSYLVANIA AAA FEDERATION  
ON HOUSE BILL 527

A PROPOSAL FOR TRANSFER OF CERTAIN STATE ROADS TO LOCAL CONTROL  
HARRISBURG, PA.  
MAY 21, 1981

MR. CHAIRMAN, AND OTHER MEMBERS OF THE TRANSPORTATION COMMITTEE: GOOD MORNING. I AM ROBERT J. MIDDLETON, PUBLIC AFFAIRS DIRECTOR OF THE PENNSYLVANIA AAA FEDERATION. OUR ORGANIZATION REPRESENTS OVER A MILLION AND A HALF PENNSYLVANIANS WHO ARE MEMBERS OF THE 38 LOCAL AAA CLUBS THROUGHOUT THE STATE.

WE ARE PLEASED TO BE GIVEN A CHANCE TO COMMENT TODAY ON HOUSE BILL 527, THE PROPOSAL TO ESTABLISH A HIGHWAY TRANSFER BOARD TO OVERSEE THE TRANSFER OF LOCAL-SERVICE ROADS FROM THE STATE HIGHWAY SYSTEM TO LOCAL JURISDICTION. THE TURNBACK OF THIS 12,000-ODD MILES OF CLASS 6 ROADS IS SOMETHING THAT THE PENNSYLVANIA AAA FEDERATION HAS LONG WANTED TO SEE COME ABOUT, FOR THIS WOULD APPRECIABLY REDUCE THE SIZE OF THE STATE SYSTEM AND ACCORDINGLY MAKE PENNDOT'S RESPONSIBILITIES LESS DEMANDING.

IT IS SIGNIFICANT TO NOTE THAT IN THE PAST BOTH THE PENNSYLVANIA ECONOMY LEAGUE AND THE AUTOMOTIVE SAFETY FOUNDATION HAVE RECOMMENDED THAT THE LEGISLATURE REDUCE THE SIZE OF THE STATE'S ROAD MAINTENANCE RESPONSIBILITIES. LOTS OF OTHER ORGANIZATIONS AND INDIVIDUALS HAVE SIMILARLY ADVOCATED REDUCTION OF THE STATE-MAINTAINED ROAD SYSTEM EVER SINCE 1946. BUT NEVER HAS THIS IDEA PREVAILED, PRIMARILY, IT SEEMS, BECAUSE OF A DISAGREEMENT

BETWEEN THE COMMONWEALTH AND THE LOCAL GOVERNMENTS OVER THE FINANCIAL ASPECTS OF THE MATTER.

THE PENNSYLVANIA AAA FEDERATION'S POSITION ON THE QUESTION HAS BEEN STATED AS FOLLOWS IN A POLICY DEVELOPED BY OUR HIGHWAY COMMITTEE AND APPROVED BY OUR BOARD OF DIRECTORS IN FEBRUARY OF THIS YEAR:

THE COMMONWEALTH SHOULD CONTINUE IN ITS EFFORTS TO DEVISE AND IMPLEMENT A PRACTICAL MEANS OF TURNING OVER TO LOCAL GOVERNMENT THE APPROXIMATELY 12,000 MILES OF LOCAL SERVICE ROADS STILL IN THE STATE HIGHWAY SYSTEM. THIS WOULD INVOLVE A FAIR TAX PROGRAM TO PROVIDE MUNICIPALITIES WITH AN ADDITIONAL PROPORTION OF TAX REVENUES.

PUTTING THIS POLICY INTO EFFECT LETS US SUPPORT MORE THAN ONE PARTICULAR PIECE OF LEGISLATION, OF COURSE, AS LONG AS WE ARE IN FAVOR OF A PRACTICAL MEANS OF ACCOMPLISHING THE TRANSFER AND A FAIR WAY OF FINANCING IT. WHICH LEADS ME BACK TO HOUSE BILL 527, THE PROPOSED "HIGHWAY TRANSFER LAW."

HOUSE BILL 527- RECOMMENDED CHANGES IN IT

- I. WE HAVE NO PROBLEM WITH THE CONCEPT OF AN INDEPENDENT HIGHWAY TRANSFER BOARD TO ADMINISTER THE TURNOVER OF THE CLASS 6 ROADS TO LOCAL GOVERNMENT, AS RECOMMENDED BY THE PENNSYLVANIA ECONOMY LEAGUE. THAT DOES TAKE THE MATTER OUT OF PENNDOT'S HANDS TO SOME EXTENT, WHICH HAS CERTAIN ADVANTAGES. HOWEVER, IT SEEMS TO US THAT IT WOULD BE BETTER IN SECTION 3 TO HAVE NINE RATHER THAN EIGHT MEMBERS OF THE BOARD FOR THE SIMPLE REASON THAT EIGHT IS AN EVEN NUMBER. PERHAPS THE NINTH MEMBER COULD BE DESIGNATED BY THE SECRETARY OF COMMUNITY AFFAIRS, THUS PROVIDING SOME KIND OF BALANCE BETWEEN THE GOVERNOR'S FOUR APPOINTEES AND THE FOUR APPOINTEES OF THE LOCAL GOVERNMENT ASSOCIATIONS.

2. AFTER A MUNICIPALITY IS NOTIFIED BY THE BOARD THAT A PARTICULAR HIGHWAY OR PIECE OF HIGHWAY IS TO BE TRANSFERRED TO IT, IN THE CASES WHERE THE MUNICIPALITY ACCEPTS THE PROPOSED TRANSFER, THE ACTION TO THIS EFFECT SHOULD BE TAKEN BY EITHER ORDINANCE OR RESOLUTION BY THE GOVERNING BODY, A COPY OF WHICH SHOULD BE SENT TO THE BOARD. WHERE A PROPOSED TRANSFER IS REJECTED, THE GOVERNING BODY SHOULD ALSO SEE TO IT THAT THE BOARD IS INFORMED SO THAT THE ARBITRATION PROCESS MAY BE COMMENCED. LANGUAGE TO THIS EFFECT COULD BE ADDED TO SECTION 7.

THERE MAY BE THOSE WHO WILL OBJECT TO THE COMPULSORY FEATURES OF THIS LEGISLATION, BUT THE FACT REMAINS THAT THIS APPROACH WILL GET THE TRANSFER JOB DONE, AND NOTHING ELSE HAS WORKED TO DATE TO FACILITATE A MASS TRANSFER.

3. IN REGARD TO SECTION 10, "TERMS OF TRANSFER," WE FEEL THAT THIS SHOULD BE AMENDED TO PROVIDE SOME FLEXIBILITY IN THE AMOUNT OF MONEY THAT THE COMMONWEALTH WOULD PROVIDE AS AN ANNUAL SUBSIDY PAYMENT TO THE TRANSFEREE MUNICIPALITY. THE BILL PROPOSES \$2,500 PER LINEAL MILE PER YEAR, WITH ANNUAL ADJUSTMENT BASED ON THE FEDERAL HIGHWAY CONSTRUCTION COMPOSITE INDEX. THE ADJUSTMENT-FOR-INFLATION IDEA IS GOOD AND CERTAINLY NECESSARY, BUT WE THINK IT WOULD BE FAIRER TO HAVE A SLIDING SCALE OF PAYMENTS BASED ON THE COSTS TO THE MUNICIPALITY OF MAINTAINING COMPARABLE ROADS WITHIN THEIR JURISDICTION. TWO THOUSAND FIVE HUNDRED DOLLARS PER YEAR MAY BE FINE IN CERTAIN 2ND CLASS TOWNSHIPS, BUT WE UNDERSTAND THAT IN CITIES THE COST TO MAINTAIN SOME STREETS IS FAR MORE THAN \$2,500 PER MILE. THIS DIFFERENTIAL SHOULD BE REFLECTED IN THE ANNUAL SUBSIDY.

ALSO, WE SUGGEST THAT A SEPARATE AMOUNT OF MONEY BE SET ASIDE EVERY YEAR BY THE COMMONWEALTH TO BE USED TO BRING THE ROADS TO BE TRANSFERRED TO

TO LOCAL CONTROL UP TO ACCEPTABLE STANDARDS TO BE TURNED OVER. THIS COULD PROBABLY BE DONE LEAST PAINFULLY, AS IN HB-924, BY ALLOCATING A PORTION OF THE REVENUE DERIVED FROM ANY NEW HIGHWAY USER TAX TO PENNDOT FOR THIS PURPOSE. THIS WOULD NECESSARILY STRETCH OUT THE PERIOD DURING WHICH THE 12,000 MILES OF ROAD WOULD BE TRANSFERRED, BUT WE DO NOT KNOW ANY WAY AROUND THAT. WE FEEL IT WOULD NOT BE FAIR TO THE LOCAL GOVERNMENTS FOR THE STATE TO TURN THEM OVER IN BAD CONDITION, AND A PERIOD OF TIME, SAY, FIVE TO TEN YEARS, WOULD BE NEEDED TO GET ALL THE DESIGNATED ROADS INTO SHAPE.

4. THE TRANSFER BOARD SHOULD NOT GO ON FOREVER. THERE SHOULD BE SOME "SUNSET PROVISION" TO PHASE IT OUT AFTER A CERTAIN PERIOD, DEPENDING ON HOW LONG IT TAKES TO BRING ALL THE ROADS TO BE TRANSFERRED UP TO SNUFF AND THEN TAKE CARE OF THE LEGAL PROCEEDING INVOLVED IN DOING THIS IN EACH CASE.

PERHAPS SECTIONS I) AND II COULD BE MODIFIED SO THAT THE BOARD WOULD CEASE TO EXIST AFTER TEN YEARS, LEAVING AMPLE TIME FOR ALL TURN-OVERS, AND APPROPRIATIONS FOR THE BOARD WOULD ALSO BE CUT OFF AT THAT POINT. THE LEGISLATURE WOULD SURELY BE KEEPING AN EYE ON THIS AND KNOW WHEN TO CALL A HALT.

LET ME ALSO POINT OUT THAT WE DO APPRECIATE THE WISDOM OF PERIODIC LEGISLATIVE REVIEWS, AS POINTED TO BY SECTION II, AND RECOMMEND THAT THE HOUSE AND SENATE TRANSPORTATION COMMITTEES KEEP CLOSE TABS ON THE TRANSFER PROCESS AND MAKE SURE THAT IT CONTINUES TO BE HANDLED AS THEY ENVISION IT UNDER THIS LEGISLATION. THIS WOULD BE IN ADDITION TO THE PUBLICATION OF A PERIODIC LIST OF TRANSFERRED HIGHWAYS, WHICH IS CALLED FOR IN SECTION 9 TO BE PUBLISHED BY THE LEGISLATIVE REFERENCE BUREAU.

CONCLUSION

AGAIN, MAY I SAY THAT WE APPRECIATE THE CHANCE TO BE HERE TODAY TO GIVE YOU AAA'S VIEWS ABOUT THIS VERY IMPORTANT MATTER OF HOW YOU GET 12,000 MILES OF THE STATE ROAD SYSTEM OFF THE STATE SYSTEM AND INTO THE HANDS OF LOCAL GOVERNMENT. WE ARE NOT LOCKED INTO ANY PARTICULAR APPROACH. ALTHOUGH WE THINK THE PLAN EMBODIED IN HB-527 IS A GOOD ONE, NEEDING SOME ALTERATIONS ALONG THE LINE WE HAVE SUGGESTED, THE AAA IS NOT COMMITTED TO THIS AND WOULD CERTAINLY GIVE SERIOUS CONSIDERATION TO ALTERNATIVES. THIS BILL WITH OUR SUGGESTED CHANGES DOES, HOWEVER, MEET OUR TWO TESTS OF PRACTICALITY AND FAIRNESS.