

Hon. Richard Peltz, Deputy Secretary for Local and Area Transportation
Pennsylvania Department of Transportation
Testimony Before The
Joint Committees on Transportation of the Senate and House of Representatives
Wednesday, September 30, 1998, 10:00 a.m.

As early as 1945, Pennsylvania's General Assembly was discussing the desirability of reducing its state-owned and state-maintained highway system. State and local officials had come to realize there were many roads on the state system that could best be described as "local" in nature: narrow and fragmented with low traffic counts.

The first legislative attempt at reducing the state's road mileage, enacted in 1945, established guidelines for review and approval by the General Assembly of each abandonment, vacation and road transfer. In short order, this process proved to be drawn out and often resulted in misunderstanding and distrust between local governments and the state.

In 1981, a more-workable roadway reduction mechanism was established. Initially, no funds were appropriated, and the only payment that accompanied a turnback was an increase in the municipality's liquid fuels allocation.

Two years later, the legislature established within **the Motor License Fund** the *State Highway Transfer Restoration Restricted Account*. The Department annually receives \$16.1 million to manage this program which pays for restoring a road before it is "turned back" to the municipality and provides an annual maintenance payment of \$2500 per mile made to the local jurisdiction. Municipalities receive this payment for turn-back roads, instead of a liquid fuels tax allocation.

A completely **voluntary** program, a highway turnback occurs if it is mutually beneficial to the local government and the department. From both a local and state perspective, officials cite various reasons why they find turnbacks appealing. Among these are:

- * Providing greater control of development in future land use planning.
- * Expediting economic development.
- * Offering better service to constituents.
- * Defragmenting the state road system, thus increasing PennDOT's maintenance efficiency.

-- More --

Page 3 . . . Deputy Secretary Richard Peltz

By coordinating department maintenance activities and turnback program funds, PennDOT can provide a high quality road, acceptable to the locals for a turnback at a reduced cost to the turnback program. This, in turn, will afford the department the ability to turn back more roads each year.

I am excited about this opportunity. With your help, we can expand the turnback program and raise its value in our maintenance program activities without specifically directing additional Motor License Fund dollars to the program.

I welcome this opportunity to discuss the turnback program with you, and I would be happy to answer questions from members of the committee.

###

CHAPTER 92
TRANSFER OF STATE HIGHWAYS

Sec.

- 9201. Definitions.
- 9202. Application of chapter.
- 9203. Description of functionally-local highways.
- 9204. Notice to municipalities.
- 9205. Mutual agreement.
- 9206. Publication of list of highways transferred.
- 9207. Restoration of highways.
- 9208. Periodic review by General Assembly.

Enactment. Chapter 92 was added July 22, 1983, P.L.122, No.32, effective immediately.

Cross References. Chapter 92 is referred to in section 9511 of this title.

§ 9201. Definitions.

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

"Functionally-local highways." Highways and roads designated by the department for transfer to municipal responsibility.

"Municipality." A county, city, borough, incorporated town or township.

§ 9202. Application of chapter.

This chapter applies to all State highways designated by the department as functionally-local highways.

§ 9203. Description of functionally-local highways.

Within six months of the effective date of this chapter, the department shall list and describe all functionally-local highways in this Commonwealth. Also, within six months of the effective date of this chapter and annually thereafter, the department shall list the proposed functionally-local highways to be transferred, giving priority to highways located in counties in which State highways are in the poorest condition, as indicated in the road quality reports prepared in accordance with Chapter 453 of department regulations. The list and description shall be categorized by municipality and shall include a map showing location, length and type of roadway and right-of-way.

Cross References. Section 9203 is referred to in section 9204 of this title.

§ 9204. Notice to municipalities.

Upon preparation of the list and description provided for in section 9203 (relating to description of functionally-local highways), the department shall notify each municipality of the department's readiness to transfer to it all functionally-local highways located in the municipality. The notice shall include a copy of the department's highway description and map.

§ 9205. Mutual agreement.

No highway transfer shall occur between the department and an affected municipality unless the municipality agrees to the

transfer of the described highway.

§ 9206. Publication of list of highways transferred.

The department shall, from time to time, certify to the Legislative Reference Bureau a list of highways transferred and the bureau shall cause the list to be published in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin). The list shall also be certified to the office of recorder of deeds of the county in which the participating municipalities are located.

§ 9207. Restoration of highways.

(a) General rule.--The department and the affected municipality shall jointly determine whether any rehabilitative work is required to put the highway or road in a satisfactory condition. The rehabilitative work may be done by department or municipal forces, or by contract, as the parties shall agree. If the work is to be performed by the department or its contractors, the highway or road transfer shall not be effective until all agreed upon rehabilitative work has been completed.


(b) Funding.--**All restoration work shall be paid from the State Highway Transfer Restoration Restricted Account within the Motor License Fund.** No funds shall be allocated to municipalities for the maintenance of highways transferred under this chapter out of section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, nor shall highways transferred under the provisions of this chapter be used to compute or determine the allocations of municipalities under that section.

(c) Public liability.--Upon transfer of any highway, the municipality shall assume the same public liability for the transferred highway as it assumes for other highways under municipal jurisdiction.

§ 9208. Periodic review by General Assembly.

Every two years the transportation committees of the House of Representatives and the Senate shall hold joint public hearings and jointly review the performance and effectiveness of the program of highway transfer established by this chapter. The committees shall make a joint report to the Speaker of the House of Representatives, the President pro tempore of the Senate and the House and Senate appropriations committees.

COMMONWEALTH OF PENNSYLVANIA ♦
DEPARTMENT OF TRANSPORTATION ♦
Office of Chief Counsel ♦

Date: May 12, 1998
Subject: Department-Performed Work on Turnback Roads
Use of Maintenance Funds
Revisions to Section 9207(b) of Vehicle Code
To: FILE
From: Michael H. Kline 
Assistant Counsel in Charge
Contract and Legal Services Section

As a result of our meeting yesterday about the above-referenced matter, I propose adding the following language (which is underscored) to the first sentence of Section 9207(b) of the Vehicle Code, 75 Pa. C.S. § 9207(b), to permit the Department to use maintenance funds to fund work performed by Department forces or a Department contractor:

All restoration work shall be paid from the State Highway Transfer Restoration Restricted Account within the Motor License Fund; provided, however, that the department may, in its sole discretion, pay for any or all such work to be performed by the department or its contractors from funds made available to the county maintenance districts under section 9102 (relating to distribution of State highway maintenance funds).

According to Mike Corrigan, November is the earliest that the Department could approach the General Assembly with this legislative change. Rick Peltz wants the matter "tickled" for late September, so that we will be ready to proceed in November.

- cc: Richard J. Peltz, Deputy Secretary for Local and Area Transportation
- Jeffrey T. Haste, Director, Bureau of Municipal Services
- Michael S. Corrigan, Director, Office of Legislative Affairs
- Kenneth E. Collins, Chief, Highways Division, Bureau of Fiscal Management
- Eugene L. Smetzer, Chief, Engineering/Payment Divisions, Bureau of Municipal Services
- Andrew S. Gordon, Chief Counsel
- Robert J. Shea, Assistant Chief Counsel