



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE AND HOUSE TRANSPORTATION COMMITTEES**

ON

TURNBACK OF ROADS PROGRAM

PRESENTED BY:

**ELAM M. HERR
DIRECTOR OF LEGISLATION**

SEPTEMBER 30, 1998

HARRISBURG, PENNSYLVANIA

Good morning, Senator Corman, Rep. Geist, and members of the Senate and House Transportation Committees. My name is Elam Herr, and I am director of legislation for the Pennsylvania State Association of Township Supervisors. The Association represents the commonwealth's 1,457 townships of the second class, which are home to more than 4.6 million residents.

Today, townships represent more citizens than any other type of municipality. And thanks in part to the Turnback of Roads program, townships also maintain more road miles than any other class of municipality. With more than 52,000 miles of roads under township jurisdiction, townships also maintain more miles of roads than the commonwealth itself.

It's always a pleasure to begin testimony on a positive note, and I'm happy to report that the Turnback of Roads program established by Act 81 of 1981 certainly stands today as a successful partnership between the commonwealth and local government. Since 1983, 4,150 miles of state roads that are functionally local have been voluntarily accepted back by municipalities. Of that number, 92 percent, or 3,813 miles, have come back to townships of the second class.

Why is the Turnback Program so successful? First of all, participation in the Turnback Program has from the start been voluntary for municipalities. The law does not force any municipality to accept a state Turnback road or any bridge that may be located on it, no matter how much the department may want to return the road to the local jurisdiction.

Second, the program includes funding to restore roads to a level acceptable to the local officials and then to maintain them afterwards. And finally, the program allows for a certain degree of flexibility and discretion, thus enabling the Department of Transportation and the municipality to jointly decide what work needs to be done to the road and who will perform the restoration work. Voluntary participation, adequate funding, and flexibility – these are the three key elements to successful state and local ventures.

It's interesting to note that in 1977, a study conducted by the State Highway System Task Subcommittee found that over 80 percent of the state's townships were willing to take back functionally-local state roads if adequate financial remuneration was made and if roads were upgraded before the transfer. Since 95 percent of the Turnback candidates were found in townships of the second class, their opinion was certainly important in the debate.

The study also notes that in 1977, townships were spending an average of \$2,628 per mile on their roads and would therefore require \$32 million for annual maintenance on Turnback roads. From this, the \$2,500-per-mile maintenance payment was derived. Based on the Department of Community and Economic Development's statistics for township road and street maintenance budgets, townships are now spending nearly \$5,000 for each mile of township road – twice the annual maintenance payment.

It was also noted in the 1977 study that the turnback of roads should save PennDOT at least an equal amount of money, thus justifying the state payment to local governments for maintenance. The report further noted that: "the road transfer program entails a reduction in road

level for municipalities from the state's highway user fees – the liquid fuels taxes. Yet when the liquid fuels taxes have been increased in more recent years, municipalities' portion of these user fee increases have been less and less – to the point where the total municipal funding level is closer to 15 percent. The last two liquid fuels tax increases yielded only a 12 percent share for local government – far short of their 20 percent share. And there has been no increase at all in the level of funding dedicated to the Turnback of Roads Program.

Why bring this up in a discussion about the Turnback Program? A 1982 article in the Harrisburg *Patriot-News* noted that “the financial incentive is the key” to the success of the Turnback program. Certainly, for the Turnback payment to serve as a true financial incentive, it must be at a level that's worth a township's while. But continued funding for all local roads is also important in this equation. As local governments find it increasingly difficult to meet their financial commitment to the roads they already maintain at existing funding levels, they will be less willing to take on more roads that will eat even more into their local budgets. Let's face it – the maintenance payment does not cover all of the maintenance costs for these roads. At \$2,500 per mile, townships must pay at least half the cost to continue to maintain Turnback roads from their general fund.

And I would venture to say that despite the much smaller portion of state user fees that municipalities receive, local roads are some of the best-maintained roads in the commonwealth. This is because of the dedication of local officials across the commonwealth to their road maintenance and construction responsibilities. It's also because local officials have to answer directly to their citizens if they don't keep up with their road responsibilities. There's certainly truth to the saying that “local governments are where the rubber meets the road”.

Also under the heading of adequate funding is the need to fairly resolve the issue of funding and liability for traffic lights and signage, including their installation and maintenance. Along with this, we must address the issue of how to handle funding for signals and signage when on state roads, local roads, and at intersections of state and local roads.

The Turnback of Roads Program is a partnership between the state and municipalities. But it also represents a promise – a promise that says that in return for taking over responsibility for a state road, the municipality will receive adequate funding separate from the liquid fuels formula to maintain that road without the need to increase taxes. Therefore, it is incumbent upon the legislature to make sure that this promise is kept to local government. To that end, we urge the Senate and House Transportation Committees to look at the funding levels under the Turnback Program and to increase funding to a sufficient level to continue the program successfully and provide adequate annual maintenance funding.

At the same time, we believe the committees should look at the bigger picture as well and suggest ways in which to provide steady and reliable highway user fee-based funding to local governments so they can continue to maintain their portion of the commonwealth's highway system.

We also believe that a periodic review of the Turnback Program like this one is very helpful and necessary. By examining the program from time to time, the committees can keep