
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1394

Session of
1981

INTRODUCED BY POTT, FRAZIER, MANDERINO, HEISER, FLECK, CESSAR,
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PETRARCA, KOLTER, PRATT, FEE, PERZEL AND SWEET, MAY 5, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 2, 1982

AN ACT

1 To facilitate vehicular traffic across the Commonwealth by
2 providing for the construction, operation and maintenance of
3 turnpike extensions in southwestern Pennsylvania, and
4 conferring powers and imposing duties on the Pennsylvania
5 Turnpike Commission; authorizing the issuance of turnpike
6 revenue bonds, notes or other obligations of the
7 Commonwealth, payable solely from revenues of the commission,
8 including tolls, or from such funds as may be available to
9 the commission for that purpose, to pay the cost of such
10 turnpikes; providing that no debt of the Commonwealth shall
11 be incurred in the exercise of any of the powers granted by
12 this act; providing for the collection of tolls for the
13 payment of such bonds, notes or other obligations, and for
14 the cost of maintenance, operation and repair of the
15 turnpikes; making such turnpike bonds, notes or other
16 obligations exempt from taxation; constituting the same legal
17 investments in certain instances; requiring suits against the
18 commission to be brought in Dauphin County; prescribing
19 conditions on which such turnpikes shall become free;
20 providing for grade separations, grade changes, relocations,
21 restorations and vacation of public roads and State highways
22 affected by the turnpike; providing for the purchasing or
23 condemnation of land and procedure for determining damages in
24 condemnation; granting certain powers and authority to
25 municipalities and agencies of the Commonwealth to cooperate
26 with the commission; and authorizing the issuance of turnpike
27 revenue refunding bonds.

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20 Section 18. Termination of commission.
21 Section 19. Construction of act.
22 Section 20. Repeals.
23 Section 21. Effective date.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Short title.

27 This act shall be known and may be cited as the "Pennsylvania
28 Turnpike System Southwestern Extensions Act."

29 Section 2. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given them in this section unless the context
2 clearly indicates otherwise:

3 "Commission." The Pennsylvania Turnpike Commission created
4 by the act of May 21, 1937 (P.L.774, No.211), referred to as the
5 Pennsylvania Turnpike Commission Act, or if the commission shall
6 be abolished, any board, commission or officer succeeding to the
7 principal functions thereof or upon whom the power and functions
8 given by this act to the commission shall be given by law.

9 "Cost of the turnpikes." Includes the cost of constructing
10 the turnpikes and all connecting roads, storm water management
11 systems, tunnels and bridges, the cost of all lands, property
12 rights, rights-of-way, easements and franchises acquired by
13 purchase or other means, which are deemed necessary or
14 convenient for such construction, the cost of all machinery and
15 equipment, financing charges, interest prior to and during
16 construction and for one year after completion of construction,
17 cost of traffic estimates and of engineering and legal expenses,
18 plans, specifications, surveys, estimates of cost and of
19 revenues, other expenses necessary or incident to determining
20 the feasibility or practicability of the enterprise,
21 administrative and legal expense, and such other expenses as may
22 be necessary or incident to the financing herein authorized, the
23 construction of the turnpikes and connecting roads, storm water
24 management systems, tunnels and bridges, the placing of the same
25 in operation, and the condemnation or other means of acquisition
26 of property necessary for such construction and operation. Any
27 obligation or expense contracted for by the commission with the
28 Department of Transportation of the Commonwealth of
29 Pennsylvania, or with the United States or any agency thereof,
30 for traffic surveys, preparation of plans and specifications,

1 supervision of construction, and other engineering,
2 administrative and legal services and expenses in connection
3 with the construction of the turnpike or any of the connecting
4 roads, storm water management systems, tunnels and bridges, and
5 any costs of reimbursing the Federal Government pursuant to the
6 mandates of Federal law for funds expended for interstate
7 highways which are to be made part of the turnpike pursuant to
8 this act, shall be regarded as a part of the cost of the
9 turnpikes, and shall be reimbursed or paid out of the proceeds
10 of the turnpike revenue bonds, notes or other obligations
11 hereinafter authorized. Payment of any bonds, notes or other
12 obligations shall be considered payment of the cost of the
13 turnpikes, provided such bonds, notes or other obligations were
14 issued for such purpose.

15 "Owner." Includes all individuals, copartnerships,
16 associations or corporations having any title or interest in any
17 property rights, easements or franchises authorized to be
18 acquired by this act.

19 "The turnpikes." The turnpikes to be constructed, as more
20 particularly described in section 3 and as otherwise provided
21 for in this act, and shall be deemed to include not only the
22 turnpikes and all connecting roads, storm water management
23 systems, tunnels and bridges connected therewith, but also all
24 property rights, easements and franchises relating thereto and
25 deemed necessary or convenient for the construction or the
26 operation thereof.

27 Section 3. Southwestern extensions authorization.

28 (a) In order to facilitate vehicular traffic in the western
29 and southwestern sections of the Commonwealth, the Pennsylvania
30 Turnpike Commission heretofore created by virtue of the

1 provisions of the act of May 21, 1937 (P.L.774, No.211),
2 referred to as the Pennsylvania Turnpike Commission Act, and the
3 supplements and amendments thereto, is hereby authorized,
4 empowered and directed to construct, operate and maintain
5 turnpikes, at such specific locations and according to such
6 schedule as shall be deemed feasible and approved by the
7 commission as follows:

8 (1) From a point at the intersection of the western
9 extension of the turnpike and interstate 79 in northern
10 Allegheny County in the vicinity of Warrendale; thence in a
11 general southerly direction following and coincident with
12 existing Interstate 79 to the vicinity of Franklin Park;
13 thence in a general south southeasterly direction generally
14 along the line of the proposed North Hills and East Street
15 Valley Expressways to connect with existing Interstate 579
16 (Crosstown Expressway) in the City of Pittsburgh so as to
17 include such ramps, pylons, road surface and base, and other
18 structures added to the southern terminus of said existing
19 Crosstown Expressway providing complete interchanges of said
20 Crosstown Expressway (I-579) portion of the turnpike
21 extension with the Boulevard of the Allies, the Penn-Lincoln
22 Parkway (I-376), the Liberty Bridge thereby providing ingress
23 and egress to the City of Pittsburgh from the areas south of
24 the City of Pittsburgh; thence along the Monongahela River to
25 the Glennwood Bridge; thence in a general southerly direction
26 generally along the line of the proposed Mon Valley
27 Expressway to a point intersecting existing Interstate 70
28 west of the Monongahela River, including the unfinished
29 portions of the Mon-Valley Expressway south of Interstate 70
30 to U.S. Route 40, plus entrances and exits and any spurs

1 called for in the original plan, and including a spur from
2 just south of the Glennwood Bridge in a general southwesterly
3 direction along the path of the proposed Streets Run
4 Expressway to a point at its intersection with State Route 51
5 in the vicinity of Pleasant Hills, together with connecting
6 roads, storm water management systems, tunnels and bridges.

7 (2) Upon completion of the turnpike extension set forth
8 in paragraph (1) between the aforementioned points, the
9 commission is hereby authorized and empowered, but not
10 directed, to construct, operate and maintain a further
11 extension of the turnpike, at such specific location as shall
12 be approved by the commission, from a point at the
13 intersection of the aforementioned turnpike extension and
14 Interstate 70, thence in a general southeasterly direction to
15 a point at or near the intersection of the Pennsylvania,
16 Maryland and West Virginia borders.

17 (3) The commission is also authorized, empowered and
18 directed to construct, operate and maintain a further
19 extension of the turnpike, at such specific location and
20 according to such schedule deemed feasible and as shall be
21 approved by the commission, from a point or near the
22 intersection of State Route 60 and State Route 168 in
23 Lawrence County, thence in a general southerly direction to a
24 point at or near the intersection of State Route 60 and State
25 Route 51 in Beaver County.

26 (4) The commission is also authorized and empowered to
27 construct, operate and maintain a turnpike at such specific
28 locations as shall be approved by the commission along
29 T.R.119 in the Borough of Youngwood in Westmoreland County in
30 a northerly direction along T.R.119, T.R.66 and T.R.22 to the

1 Indiana County line.

2 (5) The commission is further authorized to construct,
3 operate and maintain an additional extension of the turnpike,
4 at such specific location as shall be approved by the
5 commission, from a point or near the intersection of State
6 Route 65 and Crows Run Road in Beaver County, in a
7 southeasterly direction to a point at or near the Perry
8 Highway interchange of the Pennsylvania Turnpike.

9 (6) The commission is also authorized to construct,
10 operate and maintain a further extension of the turnpike, at
11 such specific location as shall be approved by the
12 commission, from a point at or near Exit 5 of the turnpike
13 northerly to Brookville, Jefferson County, to a point of
14 intersection with Interstate Route 80.

15 (7) The commission is also authorized, empowered and
16 directed to construct, operate and maintain a further
17 extension of the turnpike, at such specific location and
18 according to such schedule as shall be deemed feasible and
19 which shall be approved by the commission, from a point in
20 the vicinity north of Bradford at the New York border; thence
21 in a generally southerly direction following and coincident
22 where feasible, with existing Route 219 to the vicinity south
23 of Salisbury at the Maryland border, together with connecting
24 roads, storm water management systems, tunnels and bridges.

25 (8) THE COMMISSION IS ALSO AUTHORIZED, EMPOWERED AND <—
26 DIRECTED TO CONSTRUCT, OPERATE AND MAINTAIN A FURTHER
27 EXTENSION OF THE TURNPIKE, AT SUCH SPECIFIC LOCATION AND
28 ACCORDING TO SUCH SCHEDULE AS SHALL BE DEEMED FEASIBLE AND
29 WHICH SHALL BE APPROVED BY THE COMMISSION, FROM A POINT
30 BEGINNING AT OR NEAR THE EXIT 11 OF THE PENNSYLVANIA TURNPIKE

1 THENCE EXTENDING IN A NORTHERLY DIRECTION ABOUT 14 MILES
2 ALONG EXISTING U.S. ROUTE 220 TO THE BLAIR COUNTY LINE.

3 The commission shall determine and prescribe the exact details
4 of the routing between the fixed points indicated in this
5 section, but it shall not deviate from the overall general
6 routes connecting the points described herein. The commission is
7 further authorized and empowered to issue turnpike revenue bonds
8 of the Commonwealth, notes or other obligations, payable solely
9 from revenues of the commission, including tolls collected on
10 the various extensions authorized by this act and those tolls
11 collected on the Pennsylvania Turnpike System when all financing
12 bonds of that system shall have been redeemed or from such funds
13 as may be available to the commission for that purpose, to pay
14 the cost of any and all construction as otherwise authorized in
15 this act.

16 (b) The commission is also authorized, empowered and
17 directed to construct, operate and maintain a turnpike at such
18 specific location and according to such schedule as shall be
19 deemed feasible and approved by the commission beginning at a
20 point on U.S. Route 40 at Brownsville in Fayette County; thence
21 in a southeasterly direction along U.S. Route 40 to Uniontown;
22 thence in a southerly direction along State Route 857 to the
23 West Virginia border.

24 Section 4. Status of turnpike revenue bonds.

25 The turnpike revenue bonds, notes or other obligations issued
26 under the provisions of this act shall not be deemed to be a
27 debt of the Commonwealth or a pledge of the faith and credit of
28 the Commonwealth, but such bonds, notes or other obligations
29 shall be payable solely from revenues of the commission,
30 including tolls, or from such funds as may be available to the

1 commission for that purpose. All such bonds, notes or other
2 obligations shall contain a statement on their face that the
3 Commonwealth is not obligated to pay the same or the interest
4 thereon except from revenues of the commission, including tolls,
5 or from such funds as may be available to the commission for
6 that purpose, and that the faith and credit of the Commonwealth
7 is not pledged to the payment of the principal or interest of
8 such bonds, notes or other obligations. The issuance of turnpike
9 revenue bonds, notes or other obligations under the provisions
10 of this act shall not directly or indirectly or contingently
11 obligate the Commonwealth to levy or to pledge any form of
12 taxation whatever therefor or to make any appropriation for
13 their payment.

14 Section 5. Exercise of commission powers deemed essential
15 government function.

16 The exercise by the commission of the powers conferred by
17 this act in the construction, operation and maintenance of the
18 southwestern turnpikes shall be deemed and held to be an
19 essential governmental function of the Commonwealth.

20 Section 6. Commission powers and duties enumerated.

21 The commission is authorized to:

22 (1) Maintain a principal office at such place as shall
23 be designated by the commission.

24 (2) Contract and be contracted with in its own name.

25 (3) Sue and be sued in its own name, plead and be
26 impleaded. Any and all actions at law or in equity against
27 the commission shall be brought only in Commonwealth Court.

28 (4) Have an official seal.

29 (5) Make necessary rules and regulations for its own
30 government.

1 (6) Acquire, hold, accept, own, use, hire, lease,
2 exchange, operate and dispose of, personal property, real
3 property and interests in real property, and to make and
4 enter into all contracts and agreements necessary or
5 incidental to the performance of its duties and the execution
6 of its powers under this act, and to employ engineering,
7 traffic, architectural and construction experts and
8 inspectors, and attorneys, and such other employees as may in
9 its judgment be necessary, and fix their compensation.

10 (7) The southwestern turnpikes when completed and opened
11 to traffic shall be maintained and repaired by and under the
12 control of the commission and all charges and costs for such
13 maintenance and repairs actually expended by the commission
14 shall be paid out of tolls. The southwestern turnpikes shall
15 also be policed and operated by such force of police,
16 tolltakers and other operating employees as the commission
17 may, in its discretion, employ.

18 (8) The commission shall have authority, at its own
19 cost, to provide grade separations with respect to all public
20 roads, State highways and interstate highways intersected by
21 the turnpikes and to change and adjust the lines and grades
22 thereof so as to accommodate the same to the design of such
23 grade separation. The damages incurred in changing and
24 adjusting the lines and grades of such public roads, State
25 highways and interstate highways shall be ascertained and
26 paid by the commission in the same manner as is provided for
27 by this act in regard to the location and construction of the
28 southwestern turnpikes.

29 (9) If the commission shall find it necessary to provide
30 a grade separation or change the site of any portion of any

1 interstate highway, State highway or public road, or vacate
2 the same, it shall cause it to be reconstructed and restored
3 forthwith, at the commission's own proper expense, on the
4 most favorable location and in as satisfactory a manner as
5 the original road, or vacate it, as the case may be. The
6 method of acquiring the right-of-way and determining damages
7 incurred in changing the location of or vacating such road,
8 State highway or interstate highway shall be ascertained and
9 paid for by the commission in the same manner as is provided
10 for by this act in regard to the location and construction of
11 the southwestern turnpikes. In such cases, the plan of such
12 reconstruction and restoration or vacation shall be submitted
13 to the governing body of the appropriate municipality for
14 approval, and in the event of failure of the governing body
15 to approve the plan, then it shall be submitted to the
16 Department of Transportation for final approval. In the case
17 of State highways, the plan shall be submitted to the
18 Department of Transportation for its approval. The net
19 proceeds of any damages payable to any municipality or the
20 Department of Transportation under this paragraph which are
21 not expended on the relocation or restoration of the road or
22 highway in question may only be expended, in the case of a
23 municipality, for other road and bridge related expenses, and
24 in the case of the Department of Transportation, for highway
25 and bridge construction, reconstruction or maintenance in the
26 same engineering and maintenance district wherein the
27 relocated or vacated highway is located.

28 (10) Petition the court of common pleas of the county
29 wherein is situate any public road or part thereof affected
30 by the location therein of the turnpike, for the vacation,

1 relocation, or supply of the same, or any part thereof, with
2 the same force and effect as is now given by existing laws to
3 the inhabitants of any township of such county, and the
4 proceedings upon such petition, whether it be for the
5 appointment of viewers or otherwise, shall be the same as
6 provided by existing law for similar proceedings upon such
7 petitions.

8 (11) The commission shall otherwise have all of the
9 powers and perform all of the duties prescribed by the act of
10 May 21, 1937 (P.L.774, No.211), referred to as the
11 Pennsylvania Turnpike Commission Act.

12 (12) Adequate compensation shall be made by the
13 commission out of funds provided under the authority of this
14 act for damages to all public or private property taken,
15 injured or destroyed in carrying out the powers granted by
16 this act, or such property may be restored or repaired and
17 placed in its original condition as nearly as practicable, as
18 the commission may deem it expedient in any particular case.

19 (13) Conduct a feasibility study to extend the
20 Pennsylvania Turnpike System into various areas of Berks
21 County in order to complete the construction of the Inner
22 Loop System and Outer Loop System of highways surrounding the
23 City of Reading and to complete the missing links on Routes
24 222 to 422 to 1035.

25 (14) CONDUCT A FEASIBILITY STUDY TO EXTEND THE
26 PENNSYLVANIA TURNPIKE SYSTEM INTO VARIOUS AREAS OF DELAWARE
27 COUNTY IN ORDER TO COMPLETE THE MID-COUNTY EXPRESSWAY AND TO
28 CONSTRUCT A TURNPIKE EXTENSION BETWEEN KING OF PRUSSIA,
29 MONTGOMERY COUNTY AND A POINT ON INTERSTATE 95 IN THE
30 VICINITY OF CHESTER, PENNSYLVANIA, TO FOLLOW THE CORRIDOR

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1 PROPOSED BY THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR
2 I-476 COMMONLY KNOWN AS THE BLUE ROUTE.

3 Section 7. Expenses and bonding of commission members.

4 (a) Each member of the commission shall be reimbursed for
5 the necessary expenses incurred in the performance of their
6 duties under the provisions of this act.

7 (b) All expenses incurred in carrying out the provisions of
8 this act shall be paid solely from funds provided under the
9 authority of this act, and sufficient funds shall be provided
10 under the authority of this act to meet any liability or
11 obligation incurred in carrying out the provisions of this act.

12 (c) Before the issuance of any turnpike revenue bonds, notes
13 or other obligations under the provisions of this act, each
14 appointed member of the commission shall execute a bond in the
15 penalty of \$25,000, and the secretary and treasurer shall
16 execute a bond in the penalty of \$50,000, each bond to be
17 approved by the Governor and to be conditioned upon the faithful
18 performance of the duties of his office under the provisions of
19 this act, which bonds shall be filed in the office of the
20 Secretary of the Commonwealth. If the southwestern turnpike, as
21 defined in this act, shall be designated by the commission as
22 part of the Pennsylvania Turnpike System, as provided in the act
23 of August 14, 1951 (P.L.1232, No.282), referred to as the
24 Pennsylvania Turnpike System Financing Act, the bonds provided
25 for under this section shall no longer be required, and if
26 previously delivered may be cancelled.

27 Section 8. Acquisition of property rights by commission.

28 (a) The commission is hereby authorized and empowered to
29 condemn, by resolution, any lands, interests in lands, property
30 rights, rights-of-way, franchises, easements and other property

1 deemed necessary or convenient for the construction and
2 efficient operation of the southwestern turnpikes or necessary
3 in the restoration or relocation of public or private property
4 damaged or destroyed, and the date of such resolution shall be
5 the effective date of condemnation.

6 (b) The commission is hereby authorized and empowered to
7 acquire by purchase, whenever it shall deem such purchase
8 expedient, or otherwise accept if dedicated to it, any lands,
9 interests in lands, property rights, rights-of-way, franchises,
10 easements and other property deemed necessary or convenient for
11 the construction and efficient operation of the turnpikes or
12 necessary in the restoration or relocation of public or private
13 property damaged or destroyed, whether the same had theretofore
14 been condemned or otherwise, upon such terms and at such price
15 as may be considered by it to be reasonable and can be agreed
16 upon between the commission and the owner thereof, and to take
17 title thereto in the name of the commission. The net proceeds of
18 any compensation or damages payable to a municipality or the
19 Department of Transportation for any real property or interest
20 therein obtained by the commission pursuant to this act, less
21 the cost of retiring any bonded indebtedness on such property or
22 interest, shall be used exclusively in the case of a
23 municipality, for road and bridge slated expenses and, in the
24 case of the Department of Transportation, for highway and bridge
25 construction, reconstruction and maintenance in the same
26 engineering and maintenance district wherein the subject
27 property is located.

28 Section 9. Procedural requirements of acquisition.

29 (a) Title to any property condemned by the commission shall
30 be taken in the name of the commission. Prior to physical entry

1 upon the land, the commission shall be under no obligation to
2 accept and pay for any property condemned or any costs
3 incidental to any condemnation proceedings. However, in any
4 condemnation proceedings, the court having jurisdiction of the
5 suit, action or proceeding may make such orders as may be just
6 to the commission and to the owners of the property to be
7 condemned, and may require an undertaking or other security to
8 secure such owners against any loss or damage by reason of the
9 failure of the commission to enter upon, accept and pay for the
10 property, but neither such undertaking or security nor any act
11 or obligation of the commission shall impose any liability upon
12 the Commonwealth except such as may be paid from the funds
13 provided under the authority of this act.

14 (b) The commission, in its discretion, may vacate any
15 portion or all of the land condemned either prior to or after
16 physical entry upon the land or any part thereof and prior to
17 final determination of damages. In such cases, the commission
18 shall be under no obligation to accept and pay for any property
19 condemned and subsequently vacated. However, in any such case,
20 the court having jurisdiction of the suit, action or proceeding
21 may make such orders as may be just to the commission and to the
22 owners of the property, and may require an undertaking or other
23 security to secure such owners against any and all loss or
24 damages occasioned to the owner from the time of the original
25 condemnation to the time of the modification thereof, but
26 neither such undertaking or security nor any act or obligation
27 of the commission shall impose any liability upon the
28 Commonwealth except such as may be paid from the funds provided
29 under the authority of this act.

30 (c) In addition to the foregoing powers, the commission and

1 its authorized agents and employees may enter upon any lands,
2 waters and premises in this Commonwealth for the purpose of
3 making surveys, soundings, drillings and examinations, as it may
4 deem necessary or convenient for the purpose of this act, and
5 such entry shall not be deemed a trespass, nor shall an entry
6 for such purposes be deemed an entry under any condemnation
7 proceedings which may be then pending. However, the commission
8 shall make reimbursement for any actual damages resulting to
9 such lands, waters and premises as a result of such activities.

10 (d) All political subdivisions and all public agencies and
11 commissions of the Commonwealth, notwithstanding any contrary
12 provision of law, are hereby authorized and empowered to lease,
13 lend, dedicate, grant, convey or otherwise transfer to the
14 commission upon its request upon such terms and conditions as
15 the proper authorities of such political subdivisions, or public
16 agencies and commissions of the Commonwealth may deem reasonable
17 and fair, and without the necessity for any advertisement, order
18 of court or other action or formality, other than the regular
19 and formal action of the authorities concerned, any real
20 property which may be necessary or convenient to the
21 effectuation of the authorized purposes of the commission,
22 including public roads and other real property already devoted
23 to public use.

24 Section 10. Entry and possession of property condemned.

25 Whenever the commission has condemned any lands, rights,
26 rights-of-way, easements and franchises, or interests therein,
27 as otherwise provided in this act, and has tendered a bond or
28 other security to secure the owner or owners for damages and the
29 same has been accepted, or if the acceptance of said bond has
30 been refused and the same has been filed in and approved by the

1 court of common pleas of the county in which the property is
2 located, or, in the case of property located in two or more
3 counties, then in any one of such counties, the commission shall
4 have the right to immediate possession of the property covered
5 by the bond and may enter thereon in the name of the commission.
6 If the owner, lessee or occupier of any of said premises or any
7 building or structure thereon shall refuse to remove his
8 personal property therefrom, or give up possession thereof, the
9 commission may proceed to obtain possession in the manner now
10 provided by law for the obtaining possession by the Secretary of
11 Transportation of occupied structures.

12 Section 11. Issuance of turnpike revenue bonds.

13 (a) The commission is hereby authorized to provide, by
14 resolution, at one time or from time to time, for the issuance
15 of turnpike revenue bonds of the Commonwealth for the purpose of
16 paying the cost, as defined in section 2, of the southwestern
17 turnpikes, which resolution shall recite an estimate of such
18 cost. The principal and interest of such bonds shall be payable
19 solely from revenues of the commission, including tolls
20 collected on the various extensions authorized by this act and
21 those tolls collected on the Pennsylvania Turnpike System when
22 all financing bonds of that system shall have been redeemed or
23 from such funds as may be available to the commission for that
24 purpose. The bonds shall be dated, shall bear interest at such
25 rate or rates acceptable to the commission, payable
26 semiannually, shall mature at such time or times not exceeding
27 40 years from their date or dates, as may be determined by the
28 commission, and may be made redeemable before maturity, at the
29 option of the commission, at such price or prices and under such
30 terms and conditions as may be fixed by the commission prior to

1 the issuance of the bonds. The bonds may be issued in series
2 with varying provisions as to rates of interest, maturity and
3 other provisions not inconsistent with this act, but all bonds,
4 of whatever series, shall share ratably in the tolls hereinafter
5 pledged as security therefor. The principal and interest of such
6 bonds may be made payable in any lawful medium. The commission
7 shall determine the form of bonds, including any interest
8 coupons to be attached thereto, and shall fix the denomination
9 or denominations of the bonds, and the place or places of
10 payment of principal and interest thereof, which may be at any
11 bank or trust company within or without the Commonwealth. The
12 bonds shall bear the facsimile signatures of the Governor and of
13 the chairman of the commission, and the facsimile of the
14 official seal of the commission shall be affixed thereto, and
15 attested by the secretary and treasurer of the commission, and
16 any coupons attached thereto shall bear the facsimile signature
17 of the chairman of the commission. In case any officer whose
18 signature or a facsimile of whose signature shall appear on any
19 bonds or coupons shall cease to be such officer before the
20 delivery of such bonds, such signature or such facsimile shall
21 nevertheless be valid and sufficient for all purposes, the same
22 as if he had remained in office until such delivery. All
23 turnpike revenue bonds issued under the provisions of this act
24 shall have and are hereby declared to have all the qualities and
25 incidents of negotiable instruments under the negotiable
26 instruments law of the Commonwealth. The bonds may be issued in
27 coupon or in registered form, or both, as the commission may
28 determine, and provision may be made for the registration of any
29 coupon bonds as to principal alone and also as to both principal
30 and interest, and registered and coupon bonds shall be

1 interchangeable. The commission may sell such bonds in such
2 manner and for such price as it may determine to be for the best
3 interest of the Commonwealth. The proceeds of such bonds shall
4 be used solely for the payment of the cost of the southwestern
5 turnpikes, and shall be disbursed upon requisition of the
6 chairman of the commission under such restrictions, if any, as
7 the resolution authorizing the issuance of the bonds, or the
8 trust indenture hereinafter mentioned, may provide. If the
9 proceeds of such bonds, by error of calculation or otherwise
10 shall be less than the cost of the southwestern turnpikes,
11 additional bonds may, in like manner, be issued to provide the
12 amount of such deficit and, unless otherwise provided in the
13 resolution authorizing the issuance of the bonds or in the trust
14 indenture, shall be deemed to be of the same issue and shall be
15 entitled to payment from the same fund, without preference or
16 priority of the bonds first issued. If the proceeds of the bonds
17 shall exceed the cost of the southwestern turnpikes, the surplus
18 shall be paid into the fund provided in this act for the payment
19 of principal and interest of such bonds. Prior to the
20 preparation of definitive bonds, the commission may, under like
21 restrictions, issue temporary bonds, with or without coupons,
22 exchangeable for definitive bonds upon the issuance of the
23 latter. The commission may also provide for the replacement of
24 any bond which shall become mutilated or be destroyed or lost.
25 Such turnpike revenue bonds may be issued without any other
26 proceedings or the happening of any other conditions or things
27 than those proceedings, conditions and things which are
28 specified and required by this act.

29 (b) Such bonds are hereby made securities in which all State
30 and municipal officers and administrative departments, boards

1 and commissions of the Commonwealth; all banks, bankers, savings
2 banks, trust companies, saving and loan associations, investment
3 companies and other persons carrying on a banking business; all
4 insurance companies, insurance associations and other persons
5 carrying on an insurance business; and all administrators,
6 executors, guardians, trustees and other fiduciaries; and all
7 other persons whatsoever who now or may hereafter be authorized
8 to invest in bonds or other obligations of the Commonwealth, may
9 properly and legally invest any funds, including capital,
10 belonging to them or within their control, and said bonds are
11 hereby made securities which may properly and legally be
12 deposited with and received by any State or municipal officers
13 or agency of the Commonwealth, for any purpose for which the
14 deposit of bonds or other obligations of the Commonwealth is now
15 or may hereafter be authorized by law.

16 (c) The commission is hereby authorized to borrow money from
17 time to time to provide for preliminary or interim financing, up
18 to but not exceeding the estimated total cost of the turnpikes,
19 and to evidence such borrowing by the issuance of turnpike
20 revenue notes or other revenue obligations of the Commonwealth,
21 and, in its discretion, to pledge as collateral for such notes
22 or other obligations, turnpike revenue bonds issued under the
23 provisions of this act, and to renew any such notes or other
24 obligations from time to time, and the payment or retirement of
25 such notes or other obligations shall be considered to be
26 payment of the cost of such project. All such notes or other
27 obligations shall be executed by the same persons in the same
28 manner and with the same effect as provided herein for the
29 execution of revenue bonds. All such notes or other obligations
30 shall contain a statement on their face that the Commonwealth is

1 not obligated to pay the same or interest thereon, except from
2 revenues of the commission, including tolls, or from such funds
3 as may be available to the commission for that purpose, and that
4 the faith and credit of the Commonwealth is not pledged to the
5 payment of the principal or interest of such notes or other
6 obligations. The issuance of turnpike notes or other obligations
7 under the provisions of this act shall not directly or
8 indirectly or contingently obligate the Commonwealth to levy or
9 to pledge any form of taxation therefor or make any
10 appropriation for their payment.

11 (d) All State and municipal officers and administrative
12 departments, boards and commissions of the Commonwealth; all
13 banks, bankers, savings banks, trust companies, saving and loan
14 associations, investment companies and other persons carrying on
15 a banking business; all insurance companies, insurance
16 associations and other persons carrying on an insurance
17 business, may properly and legally invest any funds, including
18 capital, belonging to them or within their control, in such
19 notes or other obligations, or loan any such funds and accept as
20 evidence of the same such notes or other obligations.

21 (e) All such notes or other obligations shall have and are
22 hereby declared to have all the qualities and incidents of
23 negotiable instruments under the laws of the Commonwealth.

24 Section 12. Obligation proceeds restricted and lien created.

25 All moneys received from any bonds, notes or other
26 obligations issued pursuant to this act shall be applied solely
27 to the payment of the cost of the southwestern turnpikes or to
28 the appurtenant fund, and there shall be and hereby is created
29 and granted a lien upon such moneys, until so applied, in favor
30 of holders of such bonds, notes or other obligations or the

1 trustee hereinafter provided for in respect of such bonds, notes
2 or other obligations.

3 Section 13. Trust indenture authorized.

4 In the discretion of the commission, such bonds, notes or
5 other obligations may be secured by a trust indenture by and
6 between the commission and a corporate trustee, which may be any
7 trust company or bank having the powers of a trust company,
8 within or outside of this Commonwealth. Such trust indenture may
9 pledge or assign tolls and revenue to be received, but shall not
10 convey or mortgage the southwestern turnpikes or any part
11 thereof. Either the resolution providing for the issuance of
12 such bonds, notes, or other obligations or such trust indenture
13 may contain such provisions for protecting and enforcing the
14 rights and remedies of the bondholders or holders of notes or
15 other obligations as may be reasonable and proper and not in
16 violation of law, including covenants setting forth the duties
17 of the commission in relation to the acquisition of properties
18 and the construction, maintenance, operation and repair, and
19 insurance of, the turnpikes, and the custody, safe-guarding and
20 application of all moneys. It shall be lawful for any bank or
21 trust company incorporated under the laws of this Commonwealth
22 to act as a depository of the proceeds of bonds, notes or other
23 obligations or revenues, and to furnish such indemnity bonds or
24 to pledge such securities as may be required by the commission.
25 The trust indenture may set forth the rights and remedies of the
26 bondholders or holders of notes or other obligations and of the
27 trustee, and may restrict the individual right of action of
28 bondholders or holders of notes or other obligations as is
29 customary in trust indentures securing bonds, debentures of
30 corporations, notes or other obligations. In addition to the

1 foregoing, the trust indenture may contain such other provisions
2 as the commission may deem reasonable and proper for the
3 security of bondholders or holders of notes or other
4 obligations. All expenses incurred in carrying out the trust
5 indenture may be treated as part of the cost of maintenance,
6 operation and repair of the southwestern turnpikes.

7 Section 14. Commission and obligations tax exempt.

8 The accomplishment by the commission of the authorized
9 purposes stated in this act being for the benefit of the people
10 of the Commonwealth and for the improvement of their commerce
11 and prosperity, in which accomplishment the commission will be
12 performing essential governmental functions, the commission
13 shall not be required to pay any taxes or assessments on any
14 property acquired or used by it for the purposes provided in
15 this act, and the bonds, notes or other obligations issued by
16 the commission, their transfer, and the income therefrom,
17 including any profits made on the sale thereof, shall at all
18 times be free from taxation within the Commonwealth.

19 Section 15. Collection and disposition of tolls and other
20 revenue.

21 (a) Consistent with the unique and urban character of the
22 southwestern extensions, the commission is hereby authorized to
23 fix, and to revise from time to time, tolls for the use of the
24 turnpikes and the different parts or sections thereof, and to
25 charge and collect the same, and to contract with any person,
26 partnership, association or corporation desiring the use of any
27 part thereof, including the right-of-way adjoining the paved
28 portion, for placing thereon telephone, telegraph, electric
29 light or power lines, gas stations, garages, stores, hotels,
30 restaurants, and advertising signs, or for any other purpose,

1 except for tracks for railroad or railway use, and to fix the
2 terms, conditions, rents and rates of charges for such use.
3 Tolls shall be so fixed and adjusted as to provide a fund at
4 least sufficient with other revenues of the southwestern
5 turnpikes, if any, to pay:

6 (1) the cost of maintaining, repairing and operating the
7 southwestern turnpikes; and

8 (2) the bonds, notes or other obligations and the
9 interest thereon, and all sinking fund requirements, and
10 other requirements provided by the resolution authorizing the
11 issuance of the bonds, notes or other obligations, or by the
12 trust indenture, as the same shall become due.

13 (b) Tolls shall not be subject to supervision or regulation
14 by any other State commission, board, bureau or agency. The
15 tolls and all other revenues derived from the southwestern
16 turnpikes, except such part thereof as may be required to pay
17 the cost of maintaining, repairing and operating the turnpikes
18 and to provide such reserve therefor as may be provided for in
19 the resolution authorizing the issuance of the bonds, notes or
20 other obligations, or in the trust indenture, shall be set
21 aside, at such regular intervals as may be provided in such
22 resolution or such trust indenture, in a sinking fund, which is
23 hereby pledged to and charged with the payment of:

24 (1) the interest upon such bonds, notes or other
25 obligations, as such interest shall fall due;

26 (2) the principal of the bonds, notes or other
27 obligations, as the same shall fall due;

28 (3) the necessary fiscal agency charges for paying
29 principal and interest; and

30 (4) any premium upon bonds retired by call or purchase,

as herein provided.

(c) The use and disposition of the sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds, notes or other obligations, or in the trust indenture, but, except as may otherwise be provided in the resolution or trust indenture, the sinking fund shall be a fund for the benefit of all bonds, notes or other obligations issued under this act, without distinction or priority of one over another. Subject to the provisions of the resolutions authorizing the issuance of bonds, notes or other obligations, or of the trust indenture, any moneys in the sinking fund in excess of an amount equal to one year's interest on all bonds, notes or other obligations then outstanding may be applied to the purchase or redemption of bonds, notes or other obligations. All bonds, notes or other obligations so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

Section 16. Revenue refunding bonds.

The commission is hereby authorized to provide, by resolution, for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds, notes or other obligations issued under the provisions of this act and then outstanding. The issuance of such turnpike revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Commonwealth and of the commission in respect to the same, shall be governed by the provisions of this act insofar as the same may be applicable.

Section 17. Rights of obligation holders and trustees.

Any holder of bonds, notes or other obligations issued under

1 the provisions of this act, or any of the coupons attached
2 thereto, and the trustee under the trust indenture, if any,
3 except to the extent the rights herein given may be restricted
4 by resolution passed before the issuance of the bonds, notes or
5 other obligations, or by the trust indenture, may, either at law
6 or in equity, by suit, action, mandamus or other proceedings,
7 protect and enforce any and all rights granted hereunder or
8 under such resolution or trust indenture, and may enforce and
9 compel performance of all duties required by this act or by such
10 resolution or trust indenture to be performed by the commission
11 or any officer thereof, including the fixing, charging and
12 collecting of tolls for the use of the turnpikes.

13 Section 18. Termination of commission.

14 When all bonds, notes or other obligations and the interest
15 thereon shall have been paid, or a sufficient amount for the
16 payment of all bonds, notes or other obligations and the
17 interest to maturity thereon shall have been set aside in trust
18 for the benefit of the holders of such bonds, notes or other
19 obligations and shall continue to be held for that purpose, the
20 turnpike and the connecting roads, tunnels and bridges shall
21 become a part of the system of State highways and shall be
22 maintained by the Department of Transportation free of tolls.
23 Thereupon, the commission shall be dissolved, and all funds of
24 the commission not required for the payment of the bonds, notes
25 or other obligations, and all machinery, equipment and other
26 property belonging to the commission, shall be vested in the
27 Department of Transportation.

28 Section 19. Construction of act.

29 This act shall be deemed to provide an additional and
30 alternative method for the doing of things authorized thereby,

1 and shall be regarded as supplemental and additional to powers
2 conferred by other laws, and shall not be regarded as in
3 derogation of any powers now existing. Such sections, being
4 necessary for the welfare of the Commonwealth and its
5 inhabitants, shall be liberally construed to effect the purposes
6 thereof.

7 Section 20. Repeals.

8 All acts or parts of acts inconsistent with this act are
9 repealed to the extent of the inconsistency.

10 Section 21. Effective date.

11 This act shall take effect in 60 days.