

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 333

Session of
1983

INTRODUCED BY LLOYD, BELFANTI, HALUSKA, D. R. WRIGHT, VAN HORNE,
JAROLIN, BLAUM, FARGO, DeWEESE, BALDWIN, MORRIS, McVERRY,
TELEK, CAWLEY, DALEY, WARGO AND KASUNIC, MARCH 14, 1983

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 14, 1983

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further regulating highway maintenance.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 4902 of Title 75 of the Pennsylvania
6 Consolidated Statutes is amended by adding subsections to read:

7 Section 4902. Restrictions on use of highways and bridges.

8 * * *

9 (c.1) Assumption of normal maintenance responsibility.--
10 Notwithstanding any provisions to the contrary in the act of
11 June 1, 1945 (P.L.1242, No.428), known as the State Highway Law,
12 the Commonwealth and any person, firm or corporation seeking a
13 permit pursuant to subsection (c) may, without competitive
14 bidding, enter an agreement whereby:

15 (1) the permittee agrees to provide whatever security
16 would otherwise be required pursuant to subsection (c) and to
17 perform normal and excess maintenance of the posted highway

1 to which the permit applies and the Commonwealth agrees to
2 reimburse the permittee on a specified periodic basis for
3 normal maintenance performed by the permittee, which
4 reimbursement is to be in an amount not to exceed the amount
5 the Commonwealth estimates as its cost of performing normal
6 maintenance of that posted road; or

7 (2) the permittee agrees to perform normal and excess
8 maintenance of the posted highway to which the permit applies
9 and the Commonwealth agrees to waive any requirement for
10 security which would otherwise be imposed pursuant to
11 subsection (c) to cover the cost of excess maintenance.

12 (c.2) Termination of agreements.--If either the permittee or
13 the Commonwealth fails to substantially comply with an agreement
14 entered pursuant to subsection (c.1), the other party may
15 terminate the agreement, in which case the Commonwealth shall
16 thereafter perform normal maintenance and the permittee shall
17 perform excess maintenance and provide whatever security the
18 Commonwealth requires pursuant to subsection (c) less any amount
19 owed but not paid to the permittee for normal maintenance
20 performed prior to termination of the agreement.

21 (c.3) Definitions.--As used in subsections (c.1) and (c.2),
22 the following words and phrases shall have the meanings given to
23 them in this subsection:

24 "Excess maintenance." The maintenance or restoration, or
25 both, of the roadway, shoulders and drainage facilities of a
26 posted highway in excess of normal maintenance which excess is
27 necessitated by the movement of over-posted-weight vehicles over
28 the highway. The term does not include maintenance or
29 restoration which would improve the roadways, shoulders or
30 drainage facilities to a state of repair better than the state

1 of repair existing as of the date of a joint inspection by the
2 Commonwealth and the applicant for a permit before issuance of
3 that permit pursuant to subsection (c) and does not include snow
4 and ice removal.

5 "Normal maintenance." The usual and typical activities
6 necessary to maintain the roadway, shoulders and drainage
7 facilities of a posted highway in the state of repair existing
8 as of the date of a joint inspection by the Commonwealth and the
9 applicant for a permit before issuance of that permit pursuant
10 to subsection (c). The term does not include snow and ice
11 removal.

12 "Over-posted-weight vehicle." A vehicle or combination
13 operating upon a posted highway and having a gross weight
14 greater than the weight restriction imposed upon that highway
15 pursuant to this section.

16 "Posted highway." A highway under the jurisdiction of the
17 Commonwealth which is restricted pursuant to this section as to
18 the weight or size of vehicles operated upon the highway.

19 * * *

20 Section 2. This act shall take effect in 60 days.