

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1

Session of  
1985

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JANUARY 23, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 12, 1985

## AN ACT

1 To facilitate vehicular traffic across the Commonwealth by  
2 providing for the construction, reconstruction, improvement,  
3 operation and maintenance of toll roads and the conversion of  
4 existing toll-free roads to toll roads in Pennsylvania;  
5 conferring powers and imposing duties on the Pennsylvania  
6 Turnpike Commission; providing for an executive director of  
7 the Pennsylvania Turnpike Commission and conferring powers  
8 and duties on the executive director; authorizing issuance of  
9 turnpike revenue bonds, notes or other obligations of the  
10 commission, payable solely from revenues of the commission,  
11 including tolls, or from such other funds as may be available  
12 to the commission for that purpose, to pay the costs of such  
13 toll roads; providing that no debt of the Commonwealth shall  
14 be incurred in the exercise of any of the powers granted by  
15 this act; providing for the collection of tolls for the  
16 payment of such bonds, notes or other obligations, and for  
17 the cost of maintenance, operation and repair of the toll  
18 roads; making such turnpike bonds, notes or other obligations  
19 exempt from taxation; constituting the same legal investments  
20 in certain instances; requiring suits against the commission  
21 to be brought in the courts in which such actions may be  
22 brought against the Commonwealth; prescribing conditions on  
23 which toll roads shall be turned over to the Department of  
24 Transportation; providing for grade separations, grade  
25 changes, relocations, restorations and vacations of public  
26 roads and State highways affected by the toll roads;  
27 providing for the purchasing or condemnation of land and

1 procedure for determining damages in condemnation; granting  
2 certain powers and authority to municipalities and agencies  
3 of the Commonwealth to cooperate with the commission;  
4 conferring powers and imposing duties on the Department of  
5 Transportation; authorizing the Secretary of Transportation  
6 to enter into negotiations with the United States Department  
7 of Transportation, the Federal Highway Administration or any  
8 other Federal agency regarding the conversion of toll-free  
9 highways constructed in the Commonwealth using Federal funds  
10 to toll roads; and authorizing the Secretary of  
11 Transportation to enter into agreements on behalf of the  
12 Commonwealth and the commission with the United States  
13 Department of Transportation, the Federal Highway  
14 Administration or any other Federal agency with respect to  
15 obtaining Federal funds for resurfacing, restoring,  
16 rehabilitating or reconstructing toll roads in Pennsylvania.

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10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the Turnpike  
14 Extension and Toll Road Conversion Act.

15 Section 2. Definitions.

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

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

25 "Cost of the turnpikes." Includes the cost of constructing  
26 the turnpikes and all connecting roads, storm water management  
27 systems, tunnels and bridges; the cost of all lands, property  
28 rights, rights-of-way, easements and franchises acquired by  
29 purchase or other means, which are deemed necessary or  
30 convenient for such construction; the cost of all machinery and

1 equipment, financing charges, interest prior to and during  
2 construction and for one year after completion of construction;  
3 the cost of traffic estimates and of engineering and legal  
4 expenses, plans, specifications, surveys, estimates of cost and  
5 of revenues, other expenses necessary or incident to determining  
6 the feasibility or practicability of the enterprise,  
7 administrative and legal expense, and such other expenses as may  
8 be necessary or incident to the financing herein authorized; the  
9 construction of the turnpikes and connecting roads, storm water  
10 management systems, tunnels and bridges, the placing of the same  
11 in operation, and the condemnation or other means of acquisition  
12 of property necessary for the construction and operation. Any  
13 obligation or expense contracted for by the commission with the  
14 Department of Transportation of this Commonwealth, or with the  
15 United States or any agency thereof, for traffic surveys,  
16 preparation of plans and specifications, supervision of  
17 construction, and other engineering, administrative and legal  
18 services and expenses in connection with the construction of the  
19 turnpike or any of the connecting roads, storm water management  
20 systems, tunnels and bridges, and any costs of reimbursing the  
21 Federal Government pursuant to the mandates of the Federal law  
22 for Federal funds expended for interstate or other highways  
23 which are to be made part of the turnpike system pursuant to  
24 this act, shall be regarded as a part of the cost of the  
25 turnpikes and shall be reimbursed or paid out of the proceeds of  
26 the turnpike revenue bonds, notes or other obligations  
27 hereinafter authorized. Payment of any bonds, notes or other  
28 obligations shall be considered payment of the cost of the  
29 turnpikes, provided the bonds, notes or other obligations were  
30 issued for such purpose.

1 "Owner." An individual, copartnership, association or  
2 corporation having any title or interest in any property rights,  
3 easements or franchises authorized to be acquired by this act.

4 "The turnpikes." The turnpike, turnpike extensions and  
5 extension improvements to be constructed, and the toll-free  
6 roads to be converted to toll roads, as described in section 4  
7 and otherwise provided for in this act. The phrase shall be  
8 deemed to include not only the turnpikes and all connecting  
9 roads, storm water management systems, tunnels and bridges  
10 connected therewith, but also all property rights, easements and  
11 franchises relating thereto and deemed necessary or convenient  
12 for the construction or the operation thereof, which may also be  
13 referred to as the Pennsylvania Turnpike System.

14 "Toll road conversion." The inclusion within the turnpike  
15 system and the imposition of tolls thereon of a highway that is  
16 presently toll free.

17 Section 3. Authorization for turnpike extensions, turnpike  
18 improvements and the conversion of toll-free  
19 roads to toll roads.

20 (a) Improvement and extension authorizations.--In order to  
21 facilitate vehicular traffic within this Commonwealth, the  
22 Pennsylvania Turnpike Commission heretofore created by virtue of  
23 the provisions of the act of May 21, 1937 (P.L.774, No.211),  
24 referred to as the Pennsylvania Turnpike Commission Act, and the  
25 supplements and amendments thereto, is hereby authorized,  
26 empowered and directed to construct, operate and maintain  
27 turnpike extensions and turnpike improvements at such specific  
28 locations and according to such schedule as shall be deemed  
29 feasible and approved by the commission, together with  
30 connecting roads, storm water management systems, tunnels and

bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) Widen turnpike to six lanes between the Northeast Extension and the Delaware River Interchange.

(2) Construct Turnpike Interchange with Interstate Route 95 in Bucks County.

(3) Construct Turnpike Interchange with Interstate Route 476 in Montgomery County.

(4) Construct Turnpike Interchange with Keyser Avenue in Lackawanna County.

(5) Construct extensions to the existing turnpike from a point westerly of existing Interchange 2 extending northerly to a connection with the existing interchange between U.S. Route 422 and proposed State Route 60 in Lawrence County and extending southerly to a connection with existing State Route 60 in Beaver County at or near State Route 51.

(6) Construct an extension to the turnpike from a point at or near Interchange 8 in Westmoreland County extending northerly to an interchange with State Route 66 northwest of Greensburg and continuing northerly to an interchange with U.S. Route 22 south of Delmont.

(7) CONSTRUCTION OF AN ADDITIONAL LEHIGH TUNNEL ON THE NORTHEAST EXTENSION OF THE TURNPIKE.

(8) IMMEDIATELY ENTER NEGOTIATIONS WITH THE UNITED STATES DEPARTMENT OF DEFENSE FOR THE CONSTRUCTION AND OPERATION OF A PRIVATE TURNPIKE INTERCHANGE DIRECTLY CONNECTED TO THE NEW CUMBERLAND ARMY DEPOT.

(b) Subsequent extension authorization.--Upon substantial completion of the turnpike extension and improvements set forth in subsection (a), the commission is hereby authorized and

<—

1 empowered to construct, operate and maintain further extensions  
2 of the turnpike at such specific locations and according to such  
3 schedules as shall be deemed feasible and which shall be  
4 approved by the commission, subject to the waiver of the Federal  
5 toll prohibition provisions where applicable, as follows:

6 (1) From an interchange with Interstate Route 70 between  
7 existing interchanges at Lover and Speers extending northerly  
8 to an interchange with Interstate Route 376 in Pittsburgh  
9 extending southerly connecting with the existing interchange  
10 between U.S. Route 40 and the Mon Valley Expressway  
11 (L.R.1125).

12 (2) From an interchange with the turnpike at or near  
13 Interchange 10 extending northerly generally following and  
14 coincident where feasible with existing U.S. Route 219 to an  
15 interchange with Interstate Route 80 at or near Interchange  
16 16.

17 ~~(3) Construction of an additional tunnel or a bypass~~ <—  
18 ~~around the Lehigh Tunnel on the Northeast Extension of the~~  
19 ~~turnpike.~~

20 ~~(4)~~ (3) Construction of an interchange for access to the <—  
21 International Distribution Center at Wilkes-Barre Scranton  
22 International Airport in Luzerne County on the Northeastern  
23 Extension of the Pennsylvania Turnpike System.

24 (c) Additional subsequent extension authorization.--Upon  
25 completion of the turnpike extensions and improvements set forth  
26 in subsections (a) and (b), the commission is hereby authorized  
27 and empowered to construct, operate and maintain further  
28 extensions of the turnpike at such specific locations and  
29 according to such schedules as shall be deemed feasible and  
30 which shall be approved by the commission, subject to the waiver

1 of the Federal toll prohibition provisions where applicable, as  
2 follows:

3 (1) From a point at or near the existing interchange  
4 between U.S. Route 40 and the Mon Valley Expressway  
5 (L.R.1125) in Fayette County southeasterly along U.S. Route  
6 40 to Uniontown and continuing southerly along State Route  
7 857 to the West Virginia border.

8 (2) From a point at or near Turnpike Interchange 10  
9 southerly generally along U.S. Route 219 to the Maryland  
10 border.

11 (3) From a point at or near Interstate Route 80  
12 Interchange 16 northerly generally along U.S. Route 219 to a  
13 connection with the existing U.S. Route 219 Expressway south  
14 of Bradford in McKean County.

15 (4) From a point at or near Interstate Route 80  
16 Interchange 23 at Milesburg southwesterly generally along  
17 U.S. Route 220 to a connection with the existing U.S. Route  
18 220 Expressway south of Bald Eagle.

19 (d) Further subsequent authorizations.--Upon completion of  
20 the turnpike extensions and improvements set forth in  
21 subsections (a), (b) and (c), the commission is hereby  
22 authorized and empowered to construct, operate and maintain a  
23 turnpike at such specific locations as shall be approved by the  
24 commission, subject to the waiver of the Federal toll  
25 prohibition provisions where applicable, as follows:

26 (1) From a point at or near the intersection of State  
27 Route 65 and Crows Run Road in Beaver County, in a  
28 southeasterly direction to a point at or near the Perry  
29 Highway Interchange of the Pennsylvania Turnpike.

30 (2) From a point at or near Exit 5 of the turnpike



1 northerly to Brookville, Jefferson County, to a point at the  
2 intersection with Interstate Route 80.

3 (3) From a point at or near the Pennsylvania Turnpike  
4 System into various areas of Berks County in order to  
5 complete the construction of the inner loop system and outer  
6 loop system of highways surrounding the City of Reading and  
7 to complete the missing links on Routes 222 to 422 to 1035.

8 (4) From a point at or near the intersections of  
9 Interstate Route 70, Interstate Route 76 and T.R. 119 in the  
10 Borough of Youngwood, Westmoreland County in a northerly  
11 direction along T.R. 119 and T.R. 66 to the intersection of  
12 T.R. 22 with a bypass around the City of Greensburg,  
13 Westmoreland County; thence north on T.R. 66 to T.R. 356;  
14 thence north on T.R. 356 to the intersection with T.R. 28.

15 (5) From a point at or near the intersection of T.R. 66  
16 and T.R. 22 in Salem Township, Westmoreland County; thence in  
17 a westerly direction paralleling T.R. 22 to Exit 6 of  
18 Interstate 76.

19 (6) Relocate Turnpike Interchange at Morgantown and  
20 construct access road from relocated interchange to  
21 Interstate Route 176 in Berks County.

22 (e) Conversion to toll roads.--In order to facilitate  
23 vehicular traffic across the Commonwealth, and after completion  
24 of the turnpike extensions and improvements authorized in  
25 subsection (a), and subject to prior Legislative approval by the  
26 General Assembly and the United States Congress, the  
27 Pennsylvania Turnpike Commission is hereby authorized and  
28 empowered to convert to toll roads such portions of  
29 Pennsylvania's interstate highway system as may be required in  
30 order to facilitate the completion of the turnpike extensions

1 and improvements authorized in subsections (b), (c) and (d), and  
2 to operate and maintain such converted interstates as toll roads  
3 upon the approval by the Congress of the United States of  
4 America and the General Assembly of this Commonwealth of special  
5 legislation permitting the conversion of such interstates to  
6 toll roads. Such conversions shall take place at a time and  
7 manner set forth in the plan for the conversion prepared by the  
8 Pennsylvania Department of Transportation. The provisions  
9 authorizing the commission to construct, operate and maintain  
10 the turnpike routes in subsections (b), (c) and (d) shall be  
11 subject to:

12 (1) the prior passage by the Congress of the United  
13 States and the General Assembly of this Commonwealth of  
14 legislation permitting the conversion of certain interstates  
15 to toll roads; or

16 (2) the availability of such other funds as might become  
17 available in amounts that would be sufficient to fund to  
18 completion any of the individual turnpike extensions and  
19 improvements set forth in subsections (b), (c) and (d) so  
20 long as no turnpike extension authorized by subsection (d) is  
21 undertaken until after all the turnpike extensions authorized  
22 by subsection (c) are completed, and no turnpike extension  
23 authorized by subsection (c) is undertaken until after all  
24 the turnpike extensions and improvements authorized by  
25 subsection (b) are completed. The commission is authorized to  
26 use Federal funds which may be available for toll roads only  
27 pursuant to the approval of the Secretary of Transportation  
28 and only pursuant to the authority granted in section 18.

29 (f) Turnpike system.--The turnpike, turnpike extensions and  
30 improvements, and the future toll road conversions authorized by

1 this act are hereby or shall be made part of the Pennsylvania  
2 Turnpike System, as provided in the act of August 14, 1951  
3 (P.L.1232, No.282), referred to as the Pennsylvania Turnpike  
4 System Financing Act.

5 Section 4. Status of turnpike bonds, notes or other  
6 obligations.

7 The turnpike bonds, notes or other obligations issued under  
8 the provisions of this act shall not be deemed to be a debt of  
9 the Commonwealth or a pledge of the faith and credit of the  
10 Commonwealth, but such bonds, notes or other obligations shall  
11 be payable solely from the revenues of the commission, including  
12 tolls, or from such funds as may be available to the commission  
13 for that purpose. All such bonds, notes or other obligations  
14 shall contain a statement on their face that the Commonwealth is  
15 not obligated to pay the same or the interest thereon except  
16 from revenues of the commission, including tolls, or from such  
17 funds as may be available to the commission for that purpose,  
18 and that the faith and credit of the Commonwealth is not pledged  
19 to the payment of the principal or interest of such bonds, notes  
20 or other obligations. The issuance of turnpike bonds, notes or  
21 other obligations under the provisions of this act shall not  
22 directly or indirectly or contingently obligate the Commonwealth  
23 to levy or to pledge any form of taxation whatever therefor or  
24 to make any appropriation for their payment.

25 Section 5. Exercise of commission powers deemed essential  
26 government function.

27 The exercise by the commission of the powers conferred by  
28 this act in the construction, operation and maintenance of the  
29 turnpike, the turnpike extensions and improvements and in the  
30 conversion of toll-free roads to toll roads shall be deemed and

1 held to be an essential governmental function of the  
2 Commonwealth.

3 Section 6. Commission powers and duties enumerated; payment of  
4 maintenance.

5 (a) Powers and duties of commission.--The commission is  
6 authorized to:

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

9 (2) Contract and be contracted within its own name.

10 (3) Sue and be sued in its own name, plead and be  
11 impleaded. Any and all actions at law or in equity against  
12 the commission shall be brought only in the courts in which  
13 such actions may be brought against the Commonwealth.

14 (4) Have an official seal.

15 (5) Make necessary rules and regulations for its own  
16 government.

17 (6) Acquire, hold, accept, own, use, hire, lease,  
18 exchange, operate and dispose of, personal property, real  
19 property and interests in real property, and to make and  
20 enter into all contracts and agreements necessary or  
21 incidental to the performance of its duties and the execution  
22 of its powers under this act, and to employ engineering,  
23 traffic, architectural and construction experts and  
24 inspectors, attorneys, and other employees as may in its  
25 judgment be necessary, and fix their compensation.

26 (7) Provide grade separations, at its own expense, with  
27 respect to all public roads, State highways and interstate  
28 highways intersected by the turnpikes and to change and  
29 adjust the lines and grades thereof so as to accommodate the  
30 same to the design for such grade separation. The damages

1 incurred in changing and adjusting the lines and grades of  
2 public roads, State highways and interstate highways shall be  
3 ascertained and paid by the commission in the same manner as  
4 is provided for by this act in regard to the location and  
5 construction of the turnpike extensions and improvements and  
6 conversions of toll-free roads to toll roads. If the  
7 commission shall find it necessary to provide a grade  
8 separation or change the site of any portion of any  
9 interstate highway, State highway or public road, or vacate  
10 the same, it shall cause it to be reconstructed and restored  
11 forthwith, at the commission's own proper expense, on the  
12 most favorable location and in as satisfactory a manner as  
13 the original road, or vacate it, as the case may be. The  
14 method of acquiring the right-of-way and determining damages  
15 incurred in changing the location of or vacating such road,  
16 State highway or interstate highway shall be ascertained and  
17 paid for in accordance with the act of June 22, 1964  
18 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code.

19 (8) Petition the court of common pleas of the county  
20 wherein is situate any public road or part thereof affected  
21 by the location therein of the turnpike, for the vacation,  
22 relocation or supply of the same, or any part thereof, with  
23 the same force and effect as is now given by existing laws to  
24 the inhabitants of any township or such county, and the  
25 proceedings upon such petition, whether it be for the  
26 appointment of viewers or otherwise, shall be the same as  
27 provided by existing law for similar proceedings upon the  
28 petitions.

29 (9) Have all of the powers and perform all the duties  
30 prescribed by the act of May 21, 1937 (P.L.774, No.211),

referred to as the Pennsylvania Turnpike Commission Act.

(b) Maintenance to be paid out of tolls.--The turnpike extensions and improvements and the conversion of toll-free roads to toll roads when completed and open to traffic shall be maintained and repaired by and under the control of the commission. All charges and costs for the maintenance and repairs actually expended by the commission shall be paid out of tolls. The turnpike, the turnpike extensions and improvements and the toll-free roads converted to toll roads shall also be policed and operated by a force of police, toll takers and other operating employees as the commission may, in its discretion, employ.

Section 7. Expenses and bonding of commission members.

(a) Payment of expenses.--All compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

(b) No additional bond required.--The issuance of any turnpike revenue bonds, notes or other obligations under the provisions of this act shall not cause any member of the commission to be required to execute a bond that a member of the commission is not otherwise required to execute.

Section 8. Acquisition of property rights by commission.

(a) Condemnation.--The commission is hereby authorized and empowered to condemn, pursuant to the provisions of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed

1 necessary or convenient for the construction and efficient  
2 operation of the turnpike extensions, improvements and the toll  
3 road conversions or necessary in the restoration or relocation  
4 of public or private property damaged or destroyed, and the date  
5 of the commission resolution authorizing condemnation shall be  
6 the effective date of condemnation.

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

30 Section 9. Procedural requirements of acquisition.

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

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



1 the funds provided under the authority of this act.

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

13 (d) Restoration of property.--All public or private property  
14 damaged or destroyed in carrying out the powers granted by this  
15 act shall be restored or repaired and placed in their original  
16 condition as nearly as practicable or adequate compensation made  
17 therefor out of funds provided under the authority of this act.

18 (e) Powers of public bodies.--All political subdivisions and  
19 all public agencies and commissions of the Commonwealth,  
20 notwithstanding any contrary provision of law, are hereby  
21 authorized and empowered to lease, lend, dedicate, grant, convey  
22 or otherwise transfer to the commission, upon its request, upon  
23 such terms and conditions as the proper authorities of such  
24 political subdivisions or public agencies and commissions of the  
25 Commonwealth may deem reasonable and fair and without the  
26 necessity for any advertisement, order of court or other action  
27 or formality, other than the regular and formal action of the  
28 authorities concerned, any real property which may be necessary  
29 or convenient to the effectuation of the authorized purposes of  
30 the commission, including public roads and other real property

1 already devoted to public use.

2 Section 10. Entry and possession of property condemned.

3 Whenever the commission has condemned any lands, rights,  
4 rights-of-way, easements and franchises, or interests therein,  
5 as provided in this act, and has tendered a bond or other  
6 security to secure the owner or owners for damages and the same  
7 has been accepted, or if the acceptance of the bond has been  
8 refused and the same has been filed in and approved by the court  
9 of common pleas of the county in which the property is located,  
10 or, in the case of property located in two or more counties,  
11 then in any one of such counties, the commission shall have the  
12 right to immediate possession of the property covered by the  
13 bond and may enter thereon in the name of the commission. If the  
14 owner, lessee or occupier of any of the premises or any building  
15 or structure thereon shall refuse to remove his personal  
16 property therefrom, or give up possession thereof, the  
17 commission may proceed to obtain possession in the manner now  
18 provided by law for obtaining possession, by the Secretary of  
19 Transportation, of occupied structures.

20 Section 11. Issuance of turnpike bonds, notes or other  
21 obligations.

22 (a) Issuance of bonds.--The commission is hereby authorized  
23 to provide, by resolution, at one time or from time to time, for  
24 the issuance of turnpike bonds, notes or other obligations of  
25 the Commonwealth for the purpose of paying the cost of the  
26 turnpikes, as defined in section 2, including the reconstruction  
27 of the converted roads as provided for in this act and the  
28 repayment to the Federal Treasury of any funds so required to be  
29 repaid pursuant to any special legislation passed by the  
30 Congress of the United States authorizing the conversion of

1 toll-free roads to toll roads. The principal and interest of the  
2 bonds, notes or other obligations shall be payable solely from  
3 revenues of the commission, including tolls collected on the  
4 various turnpike extensions, improvements and toll road  
5 conversions authorized by this act and those tolls collected on  
6 the Pennsylvania Turnpike System, subject to the terms of any  
7 trust indenture heretofore entered into by the commission and  
8 any existing bond resolution of the commission or from such  
9 funds as may be available to the commission for that purpose.  
10 The bonds, notes or other obligations shall be dated, shall bear  
11 interest at such rate or rates acceptable to the commission,  
12 shall mature at such time or times not exceeding 40 years from  
13 their date or dates, as may be determined by the commission, and  
14 may be made redeemable before maturity, at the option of the  
15 commission, at such price or prices and under such terms and  
16 conditions as may be fixed by the commission prior to the  
17 issuance of the bonds, notes or other obligations. The principal  
18 and interest of such bonds, notes or other obligations may be  
19 made payable in any lawful medium. The commission shall  
20 determine the form of bonds, notes or other obligations,  
21 including any interest coupons to be attached thereto, and shall  
22 fix the denomination or denominations of the bonds, notes or  
23 other obligations, and the place or places of payment of  
24 principal and interest thereof, which may be at any bank or  
25 trust company within or without the Commonwealth. The bonds,  
26 notes or other obligations shall be approved by and shall bear  
27 the facsimile signatures of the Governor and of the chairman of  
28 the commission, and the facsimile of the official seal of the  
29 commission shall be affixed thereto, and attested by the  
30 secretary and treasurer of the commission, and any coupons

1 attached thereto shall bear the facsimile signature of the  
2 chairman of the commission. In case any officer whose signature  
3 or a facsimile of whose signature shall appear on any bonds,  
4 notes or other obligations or coupons shall cease to be such  
5 officer before the delivery of such bonds, notes or other  
6 obligations, such signature or such facsimile shall nevertheless  
7 be valid and sufficient for all purposes, the same as if he had  
8 remained in office until such delivery.

9 (b) Form of bonds.--The bonds, notes or other obligations  
10 authorized herein may be issued in bearer or registered form,  
11 with or without coupons attached as the commission may  
12 determine, and provision may be made for the registration of any  
13 coupon bonds as to principal alone and also as to both principal  
14 and interest, and registered and coupon bonds, notes or other  
15 obligations shall be interchangeable. The commission may sell  
16 such bonds, notes or other obligations in such manner and for  
17 such price as it may determine to be for the best interest of  
18 the Commonwealth.

19 (c) Use of bond proceeds.--The proceeds of such bonds, notes  
20 or other obligations shall be used for the payment of the cost  
21 of the turnpike extensions and improvements and the toll road  
22 conversions, including the reconstruction of the converted roads  
23 as provided for in this act and the repayment to the Federal  
24 Treasury of any funds so required to be repaid pursuant to any  
25 special legislation passed by the Congress of the United States  
26 authorizing the conversion of toll-free roads to toll roads, and  
27 shall be disbursed upon requisition of the chairman of the  
28 commission under such restrictions, if any, as the resolution  
29 authorizing the issuance of the bonds, notes or other  
30 obligations, or any trust indenture or other agreement entered

1 into by the commission, may provide. If the proceeds of the  
2 bonds, notes or other obligations shall exceed the cost of the  
3 turnpike extensions and improvements and the toll road  
4 conversions, including the reconstruction of the converted roads  
5 as provided for in this act and the repayment to the Federal  
6 Treasury of any funds so required to be repaid pursuant to any  
7 special legislation passed by the Congress of the United States  
8 authorizing the conversion of toll-free roads to toll roads,  
9 such excess proceeds shall be set aside and applied to the  
10 payment of the principal and the interest of such bonds, notes  
11 or other obligations as are issued pursuant to this act. Prior  
12 to the preparation of definitive bonds, notes or other  
13 obligations, the commission may, under like restrictions, issue  
14 temporary bonds, notes or other obligations with or without  
15 coupons, exchangeable for definitive bonds, notes or other  
16 obligations upon the issuance of the latter. The commission may  
17 also provide for the replacement of any bond, note or other  
18 obligation which shall become mutilated or be destroyed or lost.  
19 Such turnpike bonds, notes or other obligations may be issued  
20 without any other proceedings or the happening of any other  
21 conditions or things than those proceedings, conditions and  
22 things which are specified and required by this act.

23 (d) Power to borrow.--The commission is hereby authorized to  
24 borrow money from time to time to provide the preliminary or  
25 interim financing, up to, but not exceeding, the estimated total  
26 cost of the turnpike extensions and improvements and the toll  
27 road conversions, including the reconstruction of said converted  
28 roads as provided for in this act and the repayment to the  
29 Federal Treasury of any funds so required to be repaid pursuant  
30 to any special legislation passed by the Congress of the United

1 States authorizing the conversion of toll-free roads to toll  
2 roads, and to evidence such borrowing by the issuance of  
3 turnpike notes or other obligations of the commission and, in  
4 its discretion, to pledge as collateral for such notes or other  
5 obligations, turnpike bonds, notes or other obligations issued  
6 under the provisions of this act, and to renew any such notes or  
7 other obligations from time to time, and the payment or  
8 retirement of such notes or other obligations shall be  
9 considered to be payment of the cost of the projects authorized  
10 by this act.

11 (e) Bonds as securities.--The bonds, notes or other  
12 obligations authorized herein are hereby made securities in  
13 which all State and municipal officers and administrative  
14 departments, boards and commissions of the Commonwealth; all  
15 banks, bankers, savings banks, trust companies, saving and loan  
16 associations, investment companies and other persons carrying on  
17 a banking business; all insurance companies, insurance  
18 associations and other persons carrying on an insurance  
19 business; and all administrators, executors, guardians, trustees  
20 and other fiduciaries; and all other persons whatsoever who now  
21 or may hereafter be authorized to invest in bonds or other  
22 obligations of the Commonwealth, may properly and legally invest  
23 any funds, including capital, belonging to them or within their  
24 control, and the bonds, notes or other obligations are hereby  
25 made securities which may properly and legally be deposited with  
26 and received by any State or municipal officer or agency of the  
27 Commonwealth, or any purpose for which the deposit of bonds,  
28 notes or other obligations of the Commonwealth is now or may  
29 hereafter be authorized by law.

30 (f) Negotiable instruments.--All such bonds, notes or other

1 obligations authorized herein shall have and are hereby declared  
2 to have all the qualities and incidents of negotiable  
3 instruments under the laws of this Commonwealth.

4 Section 12. Obligation proceeds restricted and lien created.

5 All moneys received from any bonds, notes or other  
6 obligations issued pursuant to this act shall be applied solely  
7 to the payment of the cost of the turnpike, the turnpike  
8 extensions and improvements and the toll road conversions,  
9 including the reconstruction of said converted roads as provided  
10 for in this act and the repayment to the Federal Treasury of any  
11 funds so required to be repaid pursuant to any special  
12 legislation passed by the Congress of the United States  
13 authorizing the conversion of toll-free roads to toll roads or  
14 to the appurtenant fund, and there is created and granted a lien  
15 upon such moneys, until so applied, in favor of holders of such  
16 bonds, notes or other obligations or the trustee hereinafter  
17 provided for in respect of such bonds, notes or other  
18 obligations.

19 Section 13. Trust indenture authorized.

20 (a) Security for bonds.--In the discretion of the  
21 commission, such bonds, notes or other obligations may be  
22 secured by a trust indenture by and between the commission and a  
23 corporate trustee, which may be any trust company or bank having  
24 the powers of a trust company, within or without this  
25 Commonwealth. Such trust indenture may pledge or assign tolls  
26 and revenue to be received but shall not convey or mortgage the  
27 turnpike, the turnpike extensions and improvements or toll road  
28 conversions provided for by this act or any part hereof.

29 (b) Rights of bondholders.--Either the resolution providing  
30 for the issuance of such bonds, notes or other obligations or

1 such trust indenture may contain such provisions for protecting  
2 and enforcing the rights and remedies of the bondholders or  
3 holders of notes or other obligations as may be reasonable and  
4 proper and not in violation of law, including covenants setting  
5 forth the duties of the commission in relation to the  
6 acquisition of properties and the construction, maintenance,  
7 operation and repair, and insurance of, the turnpikes, and the  
8 custody, safeguarding and application of all moneys. It shall be  
9 lawful for any bank or trust company incorporated under the laws  
10 of this Commonwealth to act as a depository of the proceeds of  
11 bonds, notes or other obligations or revenues, and to furnish  
12 such indemnity bonds or to pledge such securities as may be  
13 required by the commission. The trust indenture may set forth  
14 the rights and remedies of the bondholders or holders of notes  
15 or other obligations and of the trustee and may restrict the  
16 individual right of action of bondholders or holders of notes or  
17 other obligations as is customary in trust indentures securing  
18 bonds, debentures of corporations, notes or other obligations.  
19 In addition to the foregoing, the trust indenture may contain  
20 such other provisions as the commission may deem reasonable and  
21 proper for the security of bondholders or holders of notes or  
22 other obligations. All expenses incurred in carrying out the  
23 trust indenture may be treated as part of the cost of  
24 maintenance, operation and repair of the turnpike extensions,  
25 improvements and toll road conversions provided for by this act.  
26 Section 14. Commission and obligations tax exempt.

27 The accomplishment by the commission of the authorized  
28 purposes stated in this act being for the benefit of the people  
29 of the Commonwealth and for the improvement of their commerce  
30 and prosperity, in which accomplishment the commission will be



1 performing essential governmental functions, the commission  
2 shall not be required to pay any taxes or assessments on any  
3 property acquired or used by it for the purposes provided in  
4 this act, and the bonds, notes or other obligations issued by  
5 the commission, their transfer, and the income therefrom,  
6 including any profits made on the sale thereof, shall at all  
7 times be free from taxation within the Commonwealth.

8 Section 15. Collection and disposition of tolls and other  
9 revenue.

10 (a) Establishment and changes in toll amounts.--Subject to  
11 the terms of any trust indenture entered into by the commission  
12 and any resolution authorizing the issuance of any bonds, notes  
13 or other obligations of the commission, the commission is hereby  
14 authorized to fix, and to revise from time to time, tolls for  
15 the use of the Pennsylvania Turnpike System and the different  
16 parts or sections thereof, including the turnpike, the turnpike  
17 extensions and improvements and the toll road conversions  
18 authorized by this act and to charge and collect the same, and  
19 to contract with any person, partnership, association or  
20 corporation desiring the use of any part thereof, including the  
21 right-of-way adjoining the paved portion, for placing thereon  
22 telephone, telegraph, electric light or power lines, gas  
23 stations, garages, stores, hotels, restaurants and advertising  
24 signs, or for any other purpose, except for tracks for railroad  
25 or railway use, and to fix the terms, conditions, rents and  
26 rates of charges for such use. Tolls shall be so fixed and  
27 adjusted as to provide funds at least sufficient with other  
28 revenues of the Pennsylvania Turnpike System, if any, to pay:

29 (1) the cost of constructing, maintaining, repairing and  
30 operating the Pennsylvania Turnpike System and the different

1 parts and sections thereof; and

2 (2) any bonds, notes or other obligations and the  
3 interest thereon of the commission, and all sinking fund  
4 requirements of the commission, and other requirements  
5 provided for by any resolution authorizing the issuance of  
6 the bonds, notes or other obligations by the commission, or  
7 by any trust indenture to which the commission is a party, as  
8 the same shall become due.

9 (b) Restrictions on toll revenue.--Tolls shall not be  
10 subject to supervision or regulation by any other State  
11 commission, board, bureau or agency. Subject to the terms of any  
12 presently existing trust indenture entered into by the  
13 commission and any presently existing resolution authorizing the  
14 issuance of any bonds, notes or other obligations of the  
15 commission, the tolls and all other revenue derived from the  
16 Pennsylvania Turnpike System shall be set aside and pledged as  
17 may be provided in any resolutions, trust indentures or any  
18 other agreements that the commission may hereafter adopt or  
19 hereafter enter into with respect to the issuance of bonds,  
20 notes or other obligations of the commission.

21 Section 16. Revenue refunding bonds.

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

1 Section 17. Rights of obligation holders and trustees.

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

15 Section 18. Authority granted to the Secretary of  
16 Transportation.

17 (a) Agreement with Federal Government.--The Secretary of  
18 Transportation is hereby authorized and empowered to enter into  
19 an agreement with the United States Department of  
20 Transportation, the Federal Highway Administration and any other  
21 Federal agency pursuant to section 105 of the Federal-Aid  
22 Highway Act of 1978 (Public Law 95-599), in order to obtain  
23 Federal funds for projects for resurfacing, restoring and  
24 rehabilitating toll roads in Pennsylvania. The commission is  
25 authorized to use Federal funds which may be available for toll  
26 roads only pursuant to the approval of the Pennsylvania  
27 Secretary of Transportation and only pursuant to the authority  
28 granted in this section.

29 (b) Approval by department.--All contracts and agreements  
30 relating to the construction of the turnpike and connecting

1 tunnels and bridges shall be approved by the Department of  
2 Transportation.

3 Section 19. Construction of act.

4 This act shall be deemed to provide an additional and  
5 alternative method for the doing of things authorized thereby,  
6 and shall be regarded as supplemental and additional to powers  
7 conferred by other laws, and shall not be regarded as in  
8 derogation of any powers now existing and shall be liberally  
9 construed to effect the purposes thereof.

10 Section 20. Repeals.

11 (a) Absolute repeals.--The following acts and parts of acts  
12 are repealed:

13 Section 18 of the act of May 16, 1940 (1941 Sp.Sess. P.L.949,  
14 No.11), known as the Pennsylvania Turnpike Philadelphia  
15 Extension Act.

16 Section 18 of the act of June 11, 1941 (P.L.101, No.53),  
17 known as the Western Pennsylvania Turnpike Extension Act.

18 Section 18 of the act of May 23, 1951 (P.L.335, No.74), known  
19 as the Pennsylvania Turnpike Delaware River Extension Act.

20 Section 18 of the act of September 27, 1951 (P.L.1430,  
21 No.348), known as the Pennsylvania Turnpike Northeastern  
22 Extension Act.

23 Section 18 of the act of May 15, 1956 (1955 P.L.1589,  
24 No.534), known as the Pennsylvania Turnpike Philadelphia Loop  
25 Extension Act.

26 (b) Inconsistent repeals.--The following acts and parts of  
27 acts are repealed insofar as they are inconsistent with this  
28 act:

29 Act of May 21, 1937 (P.L.774, No.211), entitled "An act to  
30 facilitate vehicular traffic between the eastern and western

1 sections of the Commonwealth by providing for the construction,  
2 operation and maintenance of a turnpike from a point at or near  
3 Middlesex in Cumberland County to a point at or near Irwin in  
4 Westmoreland County; providing for the creation of the  
5 Pennsylvania Turnpike Commission, and conferring powers and  
6 imposing duties on said commission; authorizing the issuance of  
7 turnpike revenue bonds of the Commonwealth, payable solely from  
8 tolls, to pay the cost of such turnpike; providing that no debt  
9 of the Commonwealth shall be incurred in the exercise of any of  
10 the powers granted by this act; providing for the collection of  
11 tolls for the payment of such bonds and for the cost of  
12 maintenance, operation and repair of the turnpike; making such  
13 bonds exempt from taxation; constituting such bonds legal  
14 investments in certain instances; prescribing conditions upon  
15 which such turnpike shall become free; providing for  
16 condemnation; granting certain powers and authority to municipal  
17 subdivisions and agencies of the Commonwealth to cooperate with  
18 the commission; and authorizing the issuance of turnpike revenue  
19 refunding bonds."

20 (c) General repeal.--All other acts and parts of acts are  
21 repealed insofar as they are inconsistent with this act.

22 Section 21. Effective date.

23 This act shall take effect in 60 days.