

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 406 Session of
1989

INTRODUCED BY WOZNIAK, VEON, GIGLIOTTI, PRESTON, CAWLEY,
LETTERMAN, DALEY, LLOYD, FREEMAN, STABACK, HERMAN, GEIST,
VAN HORNE, TRELLO, MORRIS, E. Z. TAYLOR, MELIO, MRKONIC,
REBER, BILLOW, BELARDI, LINTON, CIVERA AND BISHOP,
FEBRUARY 13, 1989

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, APRIL 17, 1990

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," requiring the Department of
21 Transportation to do certain work on manhole covers, drains
22 and other devices at the time a road is repaired or
23 resurfaced at the cost of the utility, ~~municipality or~~ <—
24 ~~authority~~, MUNICIPALITY OR AUTHORITY owner. <—

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

27 Section 1. Section 2005 of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of 1929, is
2 amended by adding ~~subsections~~ A SUBSECTION to read: <—

3 Section 2005. General Road Improvement.--The Department of
4 Transportation shall have the power and its duty shall be:

5 * * *

6 (g) To take responsibility for bringing all manhole covers,
7 drains and other devices up to the grade level or other
8 appropriate level at the time any State highway is
9 reconstructed, repaired or resurfaced.

10 (1) The department shall give advance notice of the project
11 to the utility owner and offer the owner the opportunity to
12 undertake the improvements required under this subsection. Such
13 advance notice shall be commensurate with the nature and scope
14 of the improvements to be performed by the utility owner. If the
15 owner does not make the improvements, the department shall
16 perform the work and all costs incurred shall be charged to the
17 owner. If the owner is a municipality, the department may deduct
18 the costs from any liquid fuel tax payments which shall become
19 due the municipality, BUT ONLY AFTER NOTICE TO THE MUNICIPALITY <—
20 OF THE AMOUNT OF THE COSTS AND A REQUEST FOR THE PAYMENT OF
21 SAME. IF THE OWNER IS A UTILITY COMPANY OR MUNICIPAL AUTHORITY,
22 THE DEPARTMENT SHALL HAVE THE AUTHORITY NOT TO ISSUE THE UTILITY
23 COMPANY OR MUNICIPAL AUTHORITY ANY HIGHWAY OCCUPANCY PERMIT IF
24 THE COSTS INCURRED BY THE DEPARTMENT FOR PERFORMING THE WORK
25 REMAIN UNPAID.

26 (2) Nothing in this subsection shall be construed to impair,
27 suspend, contract, enlarge, extend or affect in any manner the
28 powers and duties of the Pennsylvania Public Utility Commission
29 as provided in 66 Pa.C.S. §§ 2702 (relating to construction,
30 relocation, suspension and abolition of crossings), 2703

1 (relating to ejectment in crossing cases) and 2704 (relating to
2 compensation for damages occasioned by construction, relocation
3 or abolition of crossings).

4 ~~(h) To take responsibility from any authority established~~ <—
5 ~~under Article III of the act of January 22, 1968 (P.L.42, No.8),~~
6 ~~known as the "Pennsylvania Urban Mass Transportation Law," for~~
7 ~~the repair or maintenance of that portion of any State highway~~
8 ~~lying between the rails used by authority transit vehicles and~~
9 ~~extending a distance of eighteen inches on the outer side of~~
10 ~~each rail. The department shall give advance notice of the work~~
11 ~~to the authority and offer the authority the opportunity to~~
12 ~~undertake the work required under this subsection. If the~~
13 ~~authority does not respond to the department within fifteen (15)~~
14 ~~days or perform the work, the department shall perform or~~
15 ~~authorize the work and all costs incurred shall be charged to~~
16 ~~the authority. The department shall deduct the costs from any~~
17 ~~grant which shall become due to the authority.~~

18 Section 2. This act shall take effect immediately.