

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2230 Session of
1991

INTRODUCED BY DALEY, VAN HORNE, SALOOM, COLAIZZO, FAJT,
LAUGHLIN, FEE AND SCRIMENTI, NOVEMBER 25, 1991

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 25, 1991

AN ACT

1 Amending the act of May 21, 1937 (P.L.774, No.211), entitled "An
2 act to facilitate vehicular traffic between the eastern and
3 western sections of the Commonwealth by providing for the
4 construction, operation and maintenance of a turnpike from a
5 point at or near Middlesex in Cumberland County to a point at
6 or near Irwin in Westmoreland County; providing for the
7 creation of the Pennsylvania Turnpike Commission, and
8 conferring powers and imposing duties on said commission;
9 authorizing the issuance of turnpike revenue bonds of the
10 Commonwealth, payable solely from tolls, to pay the cost of
11 such turnpike; providing that no debt of the Commonwealth
12 shall be incurred in the exercise of any of the powers
13 granted by this act; providing for the collection of tolls
14 for the payment of such bonds and for the cost of
15 maintenance, operation and repair of the turnpike; making
16 such bonds exempt from taxation; constituting such bonds
17 legal investments in certain instances; prescribing
18 conditions upon which such turnpike shall become free;
19 providing for condemnation; granting certain powers and
20 authority to municipal subdivisions and agencies of the
21 Commonwealth to cooperate with the commission; and
22 authorizing the issuance of turnpike revenue refunding
23 bonds," requiring toll rates to be uniform throughout the
24 turnpike system.

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

27 Section 1. Section 12 of the act of May 21, 1937 (P.L.774,
28 No.211), referred to as the Pennsylvania Turnpike Commission

1 Act, is amended to read:

2 Section 12. The turnpike when completed and opened to
3 traffic shall be maintained and repaired by and under the
4 control of the commission through the Department of Highways of
5 the Commonwealth, and all charges and costs for such maintenance
6 and repairs actually expended by said Department of Highways
7 shall be paid to it by the commission upon certification thereof
8 out of tolls. Such turnpike shall also be policed and operated
9 by such force of police, toll-takers and other operating
10 employes as the commission may in its discretion employ.

11 The commission is hereby authorized to fix and to revise from
12 time to time tolls for the use of the turnpike and the different
13 parts or sections thereof, and to charge and collect the same,
14 and to contract with any person, partnership, association or
15 corporation desiring the use of any part thereof, including the
16 right of way adjoining the paved portion, for placing thereon
17 telephone, telegraph, electric light or power lines, gas
18 stations, garages, stores, hotels, restaurants, and advertising
19 signs, or for any other purpose, except for tracks for railroad
20 or railway use, and to fix the terms, conditions, rents and
21 rates of charges for such use. All toll rates shall be uniform
22 throughout the turnpike system. Such tolls shall be so fixed and
23 adjusted as to provide a fund at least sufficient with other
24 revenues of the turnpike, if any, to pay--(a) the cost of
25 maintaining, repairing and operating the turnpike; and (b) the
26 bonds and the interest thereon, and all sinking fund
27 requirements, and other requirements provided by the resolution
28 authorizing the issuance of the bonds or by the trust indenture
29 as the same shall become due. Such tolls shall not be subject to
30 supervision or regulation by any other State commission, board,

1 bureau or agency. The tolls and all other revenues derived from
2 the turnpike, except such part thereof as may be required to pay
3 the cost of maintaining, repairing and operating the turnpike
4 and to provide such reserves therefor as may be provided for in
5 the resolution authorizing the issuance of the bonds or in the
6 trust indenture, shall be set aside at such regular intervals as
7 may be provided in such resolution or such trust indenture, in a
8 sinking fund which is hereby pledged to, and charged with the
9 payment of, (1) the interest upon such bonds as such interest
10 shall fall due; (2) the principal of the bonds as the same shall
11 fall due; (3) the necessary fiscal agency charges for paying
12 principal and interest; and (4) any premium upon bonds retired
13 by call or purchase as herein provided. The use and disposition
14 of such sinking fund shall be subject to such regulations as may
15 be provided in the resolution authorizing the issuance of bonds
16 or in the trust indenture, but, except as may otherwise be
17 provided in such resolution or trust indenture, such sinking
18 fund shall be a fund for the benefit of all bonds issued
19 hereunder without distinction or priority of one over another.
20 Subject to the provisions of the resolutions authorizing the
21 issuance of bonds or of the trust indenture, any moneys in such
22 sinking fund in excess of an amount equal to one year's interest
23 on all bonds then outstanding may be applied to the purchase or
24 redemption of bonds. All bonds so purchased or redeemed shall
25 forthwith be cancelled and shall not again be issued.

26 Section 2. This act shall take effect immediately.