

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 844 Session of
1995

INTRODUCED BY MILLER, BUNT, LEH, HERSHEY, PETTIT, FICHTER,
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TAYLOR, MERRY, ITKIN, NYCE, BARLEY, PISTELLA, L. I. COHEN AND
BELFANTI, FEBRUARY 14, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 14, 1995

AN ACT

1 Providing for Pennsylvania Turnpike farmers' markets; and
2 conferring powers and duties on the Department of Agriculture
3 and the Pennsylvania Turnpike Commission.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Turnpike
8 Farmers' Market Access Act.

9 Section 2. Definitions.

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

13 "Commission." The Pennsylvania Turnpike Commission.

14 "Department." The Department of Agriculture of the
15 Commonwealth.

1 "Fresh." Harvested within three days prior to sale.

2 "Turnpike." The Pennsylvania Turnpike.

3 "Vendor." Any person or persons who grow, produce or cause
4 to be grown or produced not less than 50% of their farm products
5 in this Commonwealth.

6 Section 3. Establishment of turnpike farmers' markets at
7 turnpike service areas.

8 (a) Authorization.--The commission and the department shall
9 enter into an agreement to provide for the operation of turnpike
10 farmers' markets at turnpike service areas, tollbooth areas and
11 other areas along the turnpike, deemed safe and feasible by the
12 commission, by persons who have received a permit from the
13 department, with the approval of the commission, to operate a
14 turnpike farmers' market on a daily or seasonal basis for the
15 term of the permit. These agreements shall be for terms of not
16 more than five years and may be renewed for terms of not more
17 than five years.

18 (b) Permits and licensees.--

19 (1) A permit shall be granted to a turnpike farmers'
20 market on a daily or seasonal basis to do all of the
21 following:

22 (i) Provide a service to turnpike travelers by
23 offering them an opportunity to purchase Commonwealth-
24 produced and Commonwealth-processed food and agricultural
25 products.

26 (ii) Showcase and promote the variety and quality of
27 Commonwealth food and agricultural products to turnpike
28 travelers.

29 (iii) Provide a location for the distribution of
30 publications on Commonwealth agriculture, including the

1 location of farms where Commonwealth food and
2 agricultural products can be purchased directly from
3 producers.

4 (2) The department shall issue licenses to vendors
5 selling food at turnpike farmers' markets.

6 (3) Notwithstanding any provision in this act to the
7 contrary, the department shall prescribe the qualifications
8 for eligibility to receive and renew permits and licenses and
9 shall specify the term of such permits and licenses.

10 (4) The permit of an operator of a turnpike farmers'
11 market and the license of a vendor may be revoked for cause
12 by either the commission or the department.

13 Section 4. Requirements.

14 (a) General.--Permittees and licensees under section 3(b)
15 shall do all of the following:

16 (1) Obtain and maintain any insurance required by the
17 commission and the department.

18 (2) Be entitled to use the turnpike for the purposes of
19 this act without payment of a toll or other comparable fee.

20 (3) Ensure that all turnpike farmers' market patrons are
21 treated in an honest and courteous manner and cooperate with
22 the commission in meeting the needs of the traveling public.

23 (4) Ensure that displays of all products offered for
24 sale are attractive, neat and, where necessary, well
25 illuminated.

26 (5) Post the prices of all products in a conspicuous
27 manner.

28 (6) Erect signs at appropriate locations to inform
29 turnpike travelers of the location of a turnpike farmers'
30 market.

1 (7) Conduct business in compliance with this act,
2 commission regulation and the agreement between the
3 commission and the department.

4 (8) Comply with other applicable statutes, ordinances
5 and regulations regarding the sale of food and agricultural
6 products, including the packaging, branding and labeling of
7 products.

8 (9) Use certified scales.

9 (b) Perishable products.--Perishable fruits and vegetables
10 offered for sale, with the exception of potatoes, onions, winter
11 squash, pumpkins and other storable crops, must be fresh. All
12 produce items must be in good condition and free from obvious
13 physical defects. Perishable fresh produce and temperature-
14 sensitive processed products shall be kept cool or refrigerated
15 as appropriate to maintain product quality.

16 (c) Additional requirements.--The commission, in
17 consultation with the department, may expand or reduce the
18 required or permitted items or categories of products offered
19 for sale. The commission may restrict the sale of any item or
20 require the removal of any item offered for sale if it, or its
21 condition, is not in accordance with the provisions of this act.

22 Section 5. Powers and duties of commission.

23 The commission has the following powers and duties:

24 (1) To construct, repair, maintain and manage all
25 turnpike farmers' markets.

26 (2) To fix fees for services, licenses and permits and
27 rent space at turnpike farmers' markets and enter into leases
28 with permittees under section 3(b)(1) for the operation of
29 farmers' markets. Fees, rent and leases shall be consistent
30 with the agreement negotiated with the department under

1 section 3(a). The commission shall retain the proceeds
2 derived from fees and rent and shall utilize such revenues to
3 further the purposes of this act and any statute relating to
4 the commission's powers and duties with respect to the
5 turnpike.

6 (3) To investigate and resolve any complaints in
7 relation to the shipment of food or the quality of food or
8 service at any turnpike farmers' market.

9 (4) To promulgate regulations, in consultation with the
10 department, for the operation of farmers' markets and for the
11 implementation of this act.

12 (5) To insure that farmers' markets limit their sales to
13 items that do not have a substantial adverse impact on other
14 turnpike concessions.

15 (6) To consider the potential for farmers' markets at
16 future plazas and service areas, tollbooth areas and other
17 areas along the turnpike, as part of its planning
18 responsibilities in connection with the existing turnpike
19 system or extensions thereto.

20 (7) To delegate administrative and enforcement
21 responsibilities to the department to the extent such
22 delegation is provided for in the agreement between the
23 commission and the department.

24 (8) To permit the sale of crafts at suitable locations,
25 if such sales are consistent with the agreement between the
26 commission and the department, to the extent that the sale of
27 such items will not have a substantial adverse impact on
28 other concessions.

29 (9) TO ANNUALLY TRANSMIT TO THE GOVERNOR AND THE GENERAL <—
30 ASSEMBLY, AND TO MAKE AVAILABLE TO THE PUBLIC, A REPORT ON

1 CERTAIN MATTERS PERTAINING TO THE COMMISSION. THE REPORT
2 SHALL INCLUDE, BUT NOT BE LIMITED TO, A SUMMARY OF
3 SIGNIFICANT ISSUES WHICH THE COMMISSION RESOLVED DURING THE
4 REPORTING PERIOD, A SUMMARY OF SIGNIFICANT DECISIONS OF THE
5 COMMISSION AND THE COURTS OF THIS COMMONWEALTH DURING THE
6 REPORTING PERIOD RELATING TO THE TURNPIKE, A SUMMARY OF
7 SIGNIFICANT ANTICIPATED ISSUES AND A STATUS REPORT OF ANY
8 COMMISSION ACTION REGARDING THESE ISSUES. IN THE ANNUAL
9 REPORT AND AT SUCH OTHER TIMES AS THE COMMISSION DETERMINES,
10 THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND
11 THE GENERAL ASSEMBLY WHICH THE COMMISSION BELIEVES TO BE
12 NECESSARY OR DESIRABLE TO PROTECT THE PUBLIC INTEREST.

13 (10) TO APPEAR BEFORE THE APPROPRIATIONS COMMITTEE OF
14 THE SENATE AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
15 REPRESENTATIVES REGARDING THE ANNUAL APPROPRIATION FROM THE
16 GENERAL FUND.

17 Section 6. Powers and duties of department.

18 The department shall have the following powers and duties:

19 (1) To enter into an agreement with the commission to
20 provide for operation of turnpike farmers' markets in
21 accordance with section 3.

22 (2) To issue permits, with the approval of the
23 commission, for the operation of turnpike farmers' markets
24 and to prescribe the qualifications and terms of permits.

25 (3) To issue licenses to vendors to sell food at
26 turnpike farmers' markets and to prescribe the qualifications
27 and terms of these licenses.

28 (4) To perform administrative and enforcement
29 responsibilities to the extent provided for in the agreement
30 between the commission and the department.

1 Section 7. Effective date.

2 This act shall take effect in 60 days.