

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 994 Session of 2003

INTRODUCED BY RUBLEY, GEIST, STETLER, ARGALL, BEBKO-JONES, BROWNE, BUNT, CAPPELLI, CAWLEY, CIVERA, CLYMER, CORRIGAN, COSTA, CRAHALLA, CREIGHTON, DALEY, DERMODY, DeWEESE, FRANKEL, FREEMAN, HARPER, HENNESSEY, HERSHEY, HORSEY, JOSEPHS, KOTIK, LAUGHLIN, LEACH, LEWIS, MANDERINO, MANN, McCALL, McGEEHAN, MELIO, PETRARCA, PETRONE, READSHAW, REICHLLEY, ROEBUCK, SANTONI, SCHRODER, SOLOBAY, STEIL, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, VITALI, WALKO, WANSACZ, WATSON, WOJNAROSKI AND YOUNGBLOOD, MARCH 26, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 22, 2004

AN ACT

1 Empowering municipalities, counties and public transportation
2 agencies to work cooperatively to establish Transit
3 Revitalization Investment Districts (TRID), including
4 partnerships with the National Railroad Passenger Corporation
5 requiring planning studies, comprehensive plan and zoning
6 amendments and use of existing statutes and techniques to
7 achieve transit-oriented development, redevelopment,
8 community revitalization and enhanced community character
9 through TRID creation; establishing value capture areas as a
10 means to reserve and use future, designated incremental tax
11 revenues for public transportation capital improvements,
12 related site development improvements and maintenance;
13 promoting the involvement of and partnerships with the
14 private sector in TRID development and implementation;
15 encouraging public involvement during TRID planning and
16 implementation; AND providing for duties of the Department of <—
17 Community and Economic Development.; and making an <—
18 appropriation.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

CHAPTER 1

GENERAL PROVISIONS

1 Section 101. Short title.

2 This act shall be known and may be cited as the Transit  
3 Revitalization Investment District Act.

4 Section 102. Declaration of policy.

5 The General Assembly finds and declares as follows:

6 (1) The overall purpose and legislative intent of this  
7 act is to authorize public transportation agencies throughout  
8 this Commonwealth to work cooperatively with counties, local  
9 governments, the private sector and the National Railroad  
10 Passenger Corporation (AMTRAK) to create and designate  
11 Transit Revitalization Investment Districts (TRIDs).

12 (2) The specific purposes and intent of a designated  
13 TRID are to:

14 (i) Promote local, county and regional economic  
15 development and revitalization activities through private  
16 sector investment, reinvestment and joint development  
17 activities in conjunction with public transportation  
18 improvements.

19 (ii) Encourage multimunicipal, cooperative  
20 approaches to generate new investment, reinvestment and  
21 revitalization through transit-oriented development,  
22 around rail transit stations and along public  
23 transportation corridors.

24 (iii) Increase overall ridership on public  
25 transportation systems, including AMTRAK, while  
26 generating additional revenues for current and expanded  
27 services, capital improvements and related ongoing  
28 maintenance.

29 (iv) Encourage and support municipal and  
30 multimunicipal comprehensive plan implementation,

1 including consistency of plans at the local, county and  
2 regional levels.

3 (v) Stimulate public-private partnerships created by  
4 prospective development opportunities around, within or  
5 adjacent to the transit system, station areas and transit  
6 system components.

7 (vi) Establish appropriate mechanisms to capture the  
8 real estate taxation and other values added by joint  
9 development activities for reinvestment in the transit  
10 system and local communities.

11 (vii) Encourage greater community involvement in  
12 TRID location, design and implementation and resulting  
13 investment activities.

14 (viii) Promote flexible, cooperative, coordinated  
15 and enhanced support for innovative, intermodal solutions  
16 in TRID development and implementation activities by  
17 municipal officials, public agencies, nonprofit  
18 organizations and the private sector.

19 (ix) Support TRID implementation by maximizing use  
20 of existing Federal and State laws and programs that are  
21 consistent with the purposes of this act.

22 Section 103. Definitions.

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

26 "AMTRAK." The National Railroad Passenger Corporation.

27 "Department." The Department of Community and Economic  
28 Development of the Commonwealth.

29 "Public transportation agency." A public transit authority  
30 or similar entity, created through the laws of this

1 Commonwealth, charged with the provision of mass transit  
2 services to the traveling public, that owns and maintains a  
3 physical plant, including rolling stock, stations, maintenance  
4 and support facilities.

5 "Transit-oriented development." Development concentrated  
6 around and oriented to transit stations in a manner that  
7 promotes transit riding. The term does not refer to a single  
8 real estate project, but represents a collection of projects,  
9 usually mixed use, at a neighborhood scale that are oriented to  
10 a transit node.

11 "TRID." A Transit Revitalization Investment District created  
12 in accordance with this act.

13 "TRID planning study." A study required to be undertaken by  
14 one or more municipalities, with the active involvement of a  
15 public transportation agency and the pertinent county or  
16 counties, for the purpose of establishing the boundaries,  
17 existing environmental conditions, existing and proposed land  
18 use, property availability, real estate market conditions,  
19 development potential, including use of air space rights,  
20 required zoning amendments, desired infrastructure and necessary  
21 transportation-related improvements and a financial plan,  
22 including funding sources, a proposed amortization schedule,  
23 where applicable, and estimated future maintenance requirements,  
24 to support the designation and implementation of a proposed  
25 TRID.

26 "Value capture area." An area coincident with the boundaries  
27 of a TRID, established simultaneously with TRID designation, in  
28 accordance with this act, in which real estate tax revenues and  
29 any other designated tax revenues shall, at a minimum, be shared  
30 by the participating local jurisdiction or jurisdictions and

1 public transportation agency or agencies, for the purpose of  
2 implementing a TRID.

3 CHAPTER 3

4 TRID CREATION AND LOCATION

5 Section 301. Criteria for proposed TRID.

6 Local municipalities, counties and public transportation  
7 agencies proposing to define and develop a TRID shall use the  
8 following criteria and process:

9 (1) Eligible TRID locations may include any geographic  
10 area of a municipality or municipalities, including vacant,  
11 underutilized or potentially redevelopable land, within an  
12 area generally formed by a minimum radius of one-eighth mile,  
13 not to exceed a radius of one-half mile, from a railroad,  
14 transit, light rail, busway or similar transit stop or  
15 station, measured from the centerline of the track or roadway  
16 traversing the station or stop location. TRID designation may  
17 also include new station locations proposed in conjunction  
18 with a planned public transportation service, as defined on  
19 an adopted county, regional or public transportation agency  
20 plan.

21 (2) The specific boundaries of a TRID may be expanded or  
22 reduced based on local circumstances such as local economic  
23 development and planning goals, community character, property  
24 boundary and scale variations, but only when:

25 (i) authorized by the governing body or bodies of  
26 the affected jurisdiction or jurisdictions in cooperation  
27 with the pertinent public transportation agency; and

28 (ii) the rationale for the boundaries is supported  
29 by the findings of the required TRID planning study.

30 (3) A local municipality or municipalities shall further

1 define and support the rationale for the TRID designation  
2 through a TRID planning study, as well as appropriate  
3 amendments to the municipal comprehensive plan, zoning  
4 ordinance and other pertinent regulations.

5 (4) A local municipality may designate the county  
6 planning agency to undertake or assist the TRID planning  
7 study on its behalf.

8 (5) An existing neighborhood improvement district, tax  
9 increment district or urban renewal area may be used as the  
10 basis for the boundaries of a TRID, when justified by the  
11 TRID planning study required in section 304.

12 Section 302. TRID designation.

13 (a) Designation.--Local municipalities and counties working  
14 with public transportation agencies or AMTRAK, or both, may  
15 designate TRIDs in advance of implementation of a new public  
16 transit service, or in conjunction with an existing public  
17 transportation service and in advance of or in conjunction with  
18 actual development proposals.

19 (b) Agreement.--To create a TRID, in addition to the  
20 planning study described in section 301(3), the municipality or  
21 municipalities shall enter into an agreement with the transit  
22 agency that defines the activities and commitments of each party  
23 to the TRID, including any specific actions or financial  
24 participation to help implement the TRID. The agreement shall  
25 include the development agreement specified in section 504, as  
26 well as a description of the TRID management entity described in  
27 section 502(4).

28 Section 303. Implementing authority.

29 A participating county, local municipality and public  
30 transportation agency may designate on their behalf the county

1 redevelopment authority to assume responsibility for TRID  
2 implementation.

3 Section 304. TRID planning study factors.

4 The scope and scale of transit improvements and community  
5 facility improvements, as well as any needed support facilities,  
6 shall be assessed in the TRID planning study. The TRID planning  
7 study shall also serve as the basis for a comprehensive plan  
8 amendment to establish the TRID, if the municipality has a  
9 currently adopted comprehensive plan. The following shall apply:

10 (1) The planning study shall consider the need for  
11 capital improvements to transit-related facilities and  
12 adjacent public infrastructure including roads, sidewalks and  
13 water, sewer and storm drainage service and public  
14 facilities, as well as opportunities for private sector real  
15 estate development and ways in which such facilities,  
16 services and development can be financed.

17 (2) Municipalities undertaking a TRID planning study  
18 shall receive priority consideration for planning and  
19 implementation grants and technical assistance from the  
20 department, working in partnership with the pertinent county  
21 planning agency or agencies. ~~The additional funding available~~ <—  
22 ~~as a result of the appropriation under section 2101 is~~ ANY <—  
23 FUNDING APPROPRIATED TO THE DEPARTMENT OF COMMUNITY AND  
24 ECONOMIC DEVELOPMENT FOR THE PURPOSE OF CARRYING OUT THIS ACT  
25 IS intended to assist counties and local governments, on a  
26 25% matching basis, to undertake TRID planning studies and  
27 related implementation activities. Individual grants for a  
28 TRID planning study or implementation project shall not  
29 exceed \$75,000. The department shall administer the  
30 supplemental TRID program through the existing land use

1 planning and technical assistance program, with application  
2 guidance as necessary.

3 (3) Commonwealth agencies are directed to provide State  
4 resources, programs and new capital investments that will  
5 assist local governments and transit agencies to implement  
6 TRIDS.

7 Section 305. Roles and responsibilities of public  
8 transportation agencies and municipalities.

9 As guidelines to implement the findings and recommendation of  
10 the TRID planning study, the following roles and  
11 responsibilities are defined:

12 (1) The scope and scale of needed or proposed transit  
13 capital improvements within the TRID area are the  
14 responsibility of the partnering public transportation  
15 agency. The cost, financing, phasing and schedule of all  
16 transit-related improvements shall be included in the public  
17 transportation agency's adopted capital program.

18 (2) The scope and scale of needed or proposed support  
19 facilities, highway accessways, and community or neighborhood  
20 facility improvements, for example, sidewalks and recreation  
21 facilities, are the responsibility of the partnering county  
22 and local jurisdiction or jurisdictions, and may include  
23 support from the private sector.

24 (3) Notwithstanding these stated roles and  
25 responsibilities, the parties to a TRID shall be responsible  
26 for defining the administrative and management roles and  
27 responsibilities that will be most appropriate to achieve  
28 implementation of the TRID in their community.

29 Section 306. Amendments to TRID planning study.

30 Proposed real estate development or redevelopment may trigger



1 additional needs for transit improvements and community facility  
2 improvements or support facilities, and shall be accommodated  
3 through pertinent amendments of the TRID planning study and  
4 county, multimunicipal or local municipal comprehensive plan.

5 Section 307. Municipal cooperation.

6 Nothing in this act shall preclude two or more municipalities  
7 from working together cooperatively with a public transportation  
8 agency to define and establish one or more TRIDs along a public  
9 transportation corridor, using the criteria established under  
10 this act.

11 CHAPTER 5

12 LAND DEVELOPMENT POWERS OF PUBLIC TRANSPORTATION AGENCIES

13 Section 501. Authority to acquire and improve property.

14 Consistent with the existing authority or limitations of  
15 public transportation agencies to condemn and acquire land for  
16 public transportation purposes, such entities are hereby  
17 authorized to acquire and improve property located within a  
18 designated TRID for real estate development purposes, provided  
19 such acquisition and improvement:

20 (1) Is consistent with any pertinent municipal  
21 comprehensive plan and TRID planning study.

22 (2) Is coordinated with pertinent county and local  
23 jurisdictions and redevelopment or other special purpose  
24 authorities.

25 (3) Furthers the stated purposes of this act.

26 (4) Does not exceed the minimum land area necessary to  
27 accomplish the needs specified in the TRID planning study and  
28 the development agreement.

29 Section 502. Development or redevelopment of property.

30 Development or redevelopment of property within a TRID shall

1 generally occur in the following manner:

2 (1) The public transportation agency may acquire the  
3 property, improve it for future development, such as site  
4 clearance, utility work, environmental remediation and  
5 similar improvements, and work cooperatively with the  
6 pertinent local jurisdiction or jurisdictions and  
7 implementing agencies to offer it for sale to the private  
8 sector for use or uses consistent with the adopted TRID plan.  
9 Within a designated TRID area, any future development,  
10 redevelopment or similar construction activity shall not be  
11 required to comply with the provisions of the act of May 1,  
12 1913 (P.L.155, No.104), entitled, "An act regulating the  
13 letting of certain contracts for the erection, construction,  
14 and alteration of public buildings."

15 (2) Alternatively, the public transportation agency may  
16 advertise the presence of available development sites within  
17 a TRID, including a map of potentially developable or  
18 redevelopable properties and invite interested developers to  
19 submit proposals in cooperation with the pertinent local  
20 jurisdiction or jurisdictions and implementing agencies.

21 (3) In the case of either paragraph (1) or (2), the  
22 public transportation agency may not be the primary real  
23 estate developer, and joint development activities are  
24 confined to the construction of support and access  
25 facilities, that is, vehicular access, parking, pedestrian  
26 ways, building pads, foundation columns, signage and similar  
27 items.

28 (4) The partnering TRID local municipality or  
29 municipalities shall designate a management entity for the  
30 TRID which may be a municipal authority or joint municipal

1 authority, in accordance with the requirements of 53 Pa.C.S.  
2 Ch.56 (relating to municipal authorities) to manage and  
3 facilitate TRID implementation. The local municipality or  
4 municipalities involved in the TRID shall retain policy and  
5 oversight responsibilities for all budgetary and programmatic  
6 actions of the designated TRID management entity.

7 (5) Creative partnerships with AMTRAK and the private  
8 sector to accomplish TRID purposes that use the benefits of  
9 AMTRAK's existing real estate development powers are both  
10 desirable and encouraged.

11 (6) Neighborhood improvement districts, business  
12 improvement districts or similar entities may be designated  
13 to manage the TRID implementation activities.

14 Section 503. Coordination of development activities.

15 The public transportation agency shall coordinate development  
16 activities with the pertinent county or local redevelopment  
17 authority, planning commission and governing body. If such  
18 entities are able to accommodate the land acquisition or  
19 marketing needs of the TRID in a more timely fashion, an  
20 agreement may be established between the public transportation  
21 agency and such entities to implement this aspect of the overall  
22 TRID program.

23 Section 504. Development agreements.

24 In furtherance of the agreement specified in section 302, the  
25 partnering municipal, public transportation agency and, if  
26 participating, county representatives, including the designated  
27 management entity, shall enter into a development agreement with  
28 the pertinent private sector development organization or  
29 organizations to implement the proposed TRID. The development  
30 agreement shall stipulate the final project scope, as well as

1 the partners' roles, responsibilities, financing arrangements,  
2 schedule of improvements and the exactions or contributions to  
3 the project.

4 CHAPTER 7

5 VALUE CAPTURE APPROACHES

6 Section 701. Creation of value capture area.

7 In conjunction with the formal establishment of the TRID  
8 boundaries, a coterminous value capture area shall  
9 simultaneously be created to enable local municipalities, school  
10 districts, the county and the public transportation agency to  
11 share the increased tax increment of real estate and other  
12 designated tax revenues generated by new real estate investment  
13 within the TRID. The participants in the TRID, through the  
14 designated management entity, shall develop an administrative  
15 and project schedule and budget to implement the project,  
16 including future maintenance needs, as defined in the TRID  
17 planning study, as well as the shares and use of such tax  
18 revenues as are projected to be generated from the TRID value  
19 capture area. The participating municipality or municipalities  
20 may review and revise the TRID budget.

21 Section 702. Dedication of tax revenues.

22 Tax revenues generated within a TRID shall be dedicated to  
23 completion and future maintenance of the specific and necessary  
24 improvements designated in the comprehensive plan amendment and  
25 TRID planning study as follows:

26 (1) Local municipalities and counties shall not use such  
27 revenues for general government purposes, and a public  
28 transportation agency shall not use such revenues for transit  
29 capital investments elsewhere on the public transportation  
30 system.

1           (2) Local municipalities, school districts and the  
2 county shall establish an amortization schedule for receipt,  
3 investment and expenditure of any TRID tax revenues, not to  
4 exceed 20 years, similar to the amortization schedule in the  
5 act of July 11, 1990 (P.L.465, No.113), known as the Tax  
6 Increment Financing Act. However, where a municipal or joint  
7 municipal authority has been created, it shall be responsible  
8 for fixing the amortization schedule and for defining the  
9 TRID capital improvement plan.

10 Section 703. Applicability of other statutes.

11       Local municipalities, counties, the public transportation  
12 agency and local property owners are encouraged and may make  
13 maximum use of existing laws and regulations to advance and  
14 further implement TRID purposes. Without limitation, application  
15 of the following acts and similar acts, as well as pertinent  
16 Federal programs and statutes, are consistent with the intent of  
17 TRID implementation:

18           (1) Act of May 24, 1945 (P.L.982, No.383), known as the  
19 Redevelopment Cooperation Law.

20           (2) Act of May 24, 1945 (P.L.991, No.385), known as the  
21 Urban Redevelopment Law.

22           (3) Act of December 1, 1977 (P.L.237, No.76), known as  
23 the Local Economic Revitalization Tax Assistance Act.

24           (4) Act of July 9, 1985 (P.L.187, No.47), known as the  
25 Transportation Partnership Act.

26           (5) Act of July 11, 1990 (P.L.465, No.113), known as the  
27 Tax Increment Financing Act.

28           (6) Act of July 11, 1996 (P.L.677, No.116), known as the  
29 Infrastructure Development Act.

30           (7) Act of October 6, 1998 (P.L.705, No.92), known as

1 the Keystone Opportunity Zone and Keystone Opportunity  
2 Expansion Zone Act.

3 (8) Act of December 20, 2000 (P.L.949, No.130), known as  
4 the Neighborhood Improvement District Act.

5 Section 704. Private sector involvement.

6 Nothing described in this act shall preclude a private sector  
7 entity from offering to implement or finance needed public  
8 transportation or community improvements at the initiation of or  
9 concurrent with proposed TRID-related real estate development.

10 CHAPTER 9

11 COMMUNITY INVOLVEMENT

12 Section 901. Public meeting to explain TRID and alternative  
13 implementation approaches.

14 Community and public involvement in the establishment of  
15 TRIDs is required. The municipality and the public  
16 transportation agency shall jointly conduct at least one public  
17 meeting in the proposed TRID area prior to the enactment of a  
18 TRID, TRID planning study, comprehensive plan or zoning  
19 amendment. The meeting is intended to explain the purpose and  
20 components of the TRID and the alternative implementation  
21 approaches. The public meeting or meetings shall be in addition  
22 to any required local government public hearing or hearings  
23 prior to comprehensive or multimunicipal plan amendment  
24 adoption. However, nothing in this act shall relieve the TRID  
25 management entity from conducting all public meetings required  
26 by law, where the TRID is acting or seeking to act under the:

27 (1) Act of May 24, 1945 (P.L.991, No.385), known as the  
28 Urban Redevelopment Law.

29 (2) Act of July 11, 1990 (P.L.465, No.113), known as the  
30 Tax Increment Financing Act.

1 (3) Act of December 20, 2000 (P.L.949, No.130), known as  
2 the Neighborhood Improvement District Act.

3 Section 902. Public meeting to review proposed joint  
4 development plan and related improvements.

5 The municipality and the public transportation agency shall  
6 jointly conduct at least one public meeting in the TRID area to  
7 review the proposed joint development plan and its related  
8 public improvements prior to implementation.

9 Section 903. Cooperation with neighborhood or community  
10 representatives.

11 The municipality and the public transportation agency shall  
12 encourage private sector real estate entities and land  
13 developers to work proactively and cooperatively with pertinent  
14 neighborhood or community representatives during the planning  
15 and implementation of TRID development proposals.

16 CHAPTER 21

17 MISCELLANEOUS PROVISIONS

18 ~~Section 2101. Appropriation.~~ <—

19 ~~The sum of \$5,000,000, or as much thereof as may be~~  
20 ~~necessary, is hereby appropriated to the Department of Community~~  
21 ~~and Economic Development, for the fiscal year July 1, 2004, to~~  
22 ~~June 30, 2005, to supplement the department's existing land use~~  
23 ~~planning and technical assistance program. This appropriation~~  
24 ~~shall be a continuing appropriation and shall lapse on June 30,~~  
25 ~~2009.~~

26 ~~Section 2102~~ 2101. Repeal. <—

27 All acts and parts of acts are repealed insofar as they are  
28 inconsistent with this act.

29 ~~Section 2103~~ 2102. Effective date. <—

30 This act shall take effect in 60 days.