

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1450 Session of 2010

INTRODUCED BY ARGALL, SCARNATI, CORMAN, EICHELBERGER, VANCE,
M. WHITE, WARD, MENSCH, ORIE, ROBBINS, YAW, D. WHITE, BAKER,
WAUGH AND FOLMER, SEPTEMBER 24, 2010

REFERRED TO TRANSPORTATION, SEPTEMBER 24, 2010

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," further providing for State
21 Transportation Commission.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 2011 of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 amended May 6, 1970 (P.L.356, No.120) and April 30, 1986
27 (P.L.121, No.37), is amended to read:

1 Section 2011. State Transportation Commission.--(a) The
2 commission shall hold at least four regularly scheduled meetings
3 throughout the State, as may be determined and announced in the
4 January meeting, which meetings shall be open to the public at
5 all times. At least two of these regularly scheduled meetings
6 shall be held in different geographical regions of the State.
7 Hearings for purposes of revising the twelve-year plan shall not
8 count against the four regularly scheduled meetings. The members
9 shall meet at the call of the Secretary of Transportation at the
10 State Capitol during the month of January, or as soon thereafter
11 as possible, to organize as the State Transportation Commission.
12 The commission shall biennially elect a secretary who shall be a
13 member of said commission.

14 (b) The commission may hold public hearings, at its
15 discretion or it may designate one or more of its members to
16 hold such public hearings for the purpose of securing all
17 pertinent information it may deem necessary and to comply with
18 the provisions of Title 23, U.S. Code, "The Federal Interstate
19 Highway Law of 1956," and amendments thereto.

20 At any hearing or meeting before the commission on the
21 approval or disapproval of the selection of any State
22 transportation route or program, comparative estimates may be
23 presented of the effects of the use of alternative
24 transportation route or program. Estimates based on similar
25 assumptions may be presented of the effect that the selection of
26 any alternative transportation route or program would have upon
27 economic or social values, including, but not limited to,
28 property values, State and local public facilities and local
29 traffic. The commission shall compile and submit to the Governor
30 and the Secretary of Transportation for their consideration the

1 information acquired at such hearings.

2 (c) The commission shall have the power, and its duties
3 shall be, to gather and study all available information, data,
4 statistics and reports, relating to the needs for highway
5 construction or reconstruction and for needs of rapid transit,
6 railroad, omnibus, marine and other mass and bulk transportation
7 facilities and services, and aviation and airport facilities and
8 services in the Commonwealth to determine on the basis of
9 available information, data, statistics and reports, the
10 highways rapid transit, railroad, omnibus, marine and other mass
11 and bulk transportation facilities and services, and aviation
12 and airport facilities and services which should be constructed
13 or reconstructed and the recommended order of priority in which
14 such highways rapid transit, railroad, omnibus, marine and other
15 mass and bulk transportation facilities and services, and
16 aviation and airport facilities and services should be
17 constructed or reconstructed and to certify from time to time
18 the results of such determination to the Governor, to the
19 General Assembly and to the Secretary of Transportation, for
20 their consideration. Transportation programs so determined shall
21 not be changed, deleted or altered, except by the commission or
22 as provided in subsection (d) of this section.

23 (c.1) In addition to the duties under subsection (c), the
24 commission shall ensure that:

25 (1) Federal funding received for highway and bridge
26 construction or improvement is expended solely for those
27 purposes; and

28 (2) no Federal funds are expended, directly or indirectly,
29 for purposes of, or in connection with, rapid transit and rapid
30 transit authorities, unless such purpose is specifically

1 authorized by Federal law as to those funds.

2 (d) In view of the particular sensitivity of special
3 instrumentalities of the Commonwealth specifically created to
4 serve and coordinate local mass transportation needs throughout
5 metropolitan areas within the Commonwealth, the determination of
6 needs and programs and the order of priority in which rapid
7 transit, railroad, omnibus and other mass transportation
8 facilities and services which affect or relate to urban common
9 carrier mass transportation, as defined in the Pennsylvania
10 Urban Mass Transportation Assistance Law of 1967, are to be
11 constructed or reconstructed in the local service area of any
12 such instrumentality shall be as determined by said
13 instrumentality; the determination of needs and programs and the
14 order of priority in which highways, marine, aviation and
15 airport facilities and other non-mass transportation facilities
16 are to be constructed or reconstructed in the local service area
17 of any such instrumentality shall be as determined by the
18 commission but only after thorough prior consultation by the
19 commission with said instrumentality and coordination of the
20 commission's plans with the plans of said instrumentality. For
21 purposes of this subsection, neither the commission nor any said
22 special instrumentality of the Commonwealth shall arbitrarily,
23 unreasonably or capriciously reject any need, program or
24 priority presented to it under this subsection.

25 (e) The commission shall recommend to the General Assembly a
26 system of classification of highways based upon information
27 supplied by the Department of Transportation and data acquired
28 as a result of its own study or investigation from hearings and
29 otherwise. The commission shall submit and recommend to the
30 General Assembly such highway classification together with a

1 plan for the development and improvement thereof with priorities
2 based upon studies of needs and sufficiency ratings.

3 (f) The commission may adopt bylaws to govern the conduct of
4 its affairs. The commission shall promulgate regulations not
5 inconsistent with provisions of this section for the execution
6 of the powers and duties herein delegated to them.

7 Section 2. This act shall take effect immediately.