

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 76 Session of 2011

INTRODUCED BY CHRISTIANA, HUTCHINSON, GABLER, AUMENT, BARRAR, BENNINGHOFF, BOYD, BROOKS, CAUSER, COX, CREIGHTON, CUTLER, EVERETT, GROVE, KAUFFMAN, OBERLANDER, RAPP, REED, REESE, ROAE, SCHRODER, SIMMONS, STEVENSON, TALLMAN, VEREB AND GILLEN, FEBRUARY 9, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 9, 2011

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," establishing the Bureau of
 21 Toll Administration within the Department of Transportation;
 22 providing for the assumption by the Department of
 23 Transportation of the functions of the Pennsylvania Turnpike
 24 Commission, for assumption by the Commonwealth of the
 25 financing functions of the commission, for transfer to the
 26 Department of Transportation and State Treasurer of land,
 27 buildings, personal property and employes of the commission,
 28 for the abolition of the commission and the offices of
 29 Turnpike Commissioner; and making an inconsistent repeal of
 30 various acts relating to the Pennsylvania Turnpike.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Section 2001.3(a) and (f) of the act of April 9,
4 1929 (P.L.177, No.175), known as The Administrative Code of
5 1929, amended June 22, 1982 (P.L.573, No.166), are amended and
6 the section is amended by adding a subsection to read:

7 Section 2001.3. Deputy Secretaries.--(a) The Secretary of
8 Transportation shall appoint, with the approval of the Governor,
9 [six] seven deputy secretaries who shall have the title of
10 Deputy Secretary for Administration, Deputy Secretary for
11 Highway Administration, Deputy Secretary for Safety
12 Administration, Deputy Secretary for Planning, Deputy Secretary
13 for Local and Area Transportation [and], Deputy Secretary for
14 Aviation and the Deputy Secretary for Toll Administration.

15 Deputy secretaries appointed under this section shall be
16 qualified by virtue of education and experience to hold the
17 positions for which they are chosen. In addition, if specific
18 qualifications are provided for any deputy secretary named under
19 this section, it shall be unlawful for the secretary to appoint
20 an individual who does not meet each of the specific criteria.

21 * * *

22 (f) The Deputy Secretary for Local and Area Transportation,
23 with the approval of the Secretary of Transportation shall have
24 the powers and perform the functions and duties provided in
25 sections 2002 and 2003 regarding services to municipalities,
26 local and public transportation, planning, development and
27 funding of local and public transportation, technological
28 development of rail, water or other modes of transportation
29 (except recreational boating and ferry licensing), environmental
30 design, improvement of transportation services and shall perform

1 the functions and duties heretofore imposed upon and performed
2 by the Mass Transportation Division in the Bureau of Community
3 Development of the Department of Community Affairs, by the
4 Secretary of Community Affairs under the act of January 22, 1968
5 (P.L.42, Act No.8), known as the "Pennsylvania Urban Mass
6 Transportation Law," by the Department of Commerce in regard to
7 High-Speed Rail Demonstration Programs and by the former
8 Department of Highways in regard to the distribution of liquid
9 fuels taxes to the municipalities and townships.

10 * * *

11 (h) The Deputy Secretary for Toll Administration, with the
12 approval of the Secretary of Transportation, shall have the
13 powers and perform the functions and duties as provided by law
14 relating to the department's responsibilities under section
15 2008.1 and under this article with regard to the operation of
16 toll roads within this Commonwealth and shall be qualified by
17 education and experience to perform those duties. At a minimum,
18 the deputy secretary shall be required to have a bachelor's
19 degree in civil engineering and shall have at least ten years of
20 experience designing and building highways.

21 Section 2. Section 2008 of the act, amended May 6, 1970
22 (P.L.356, No.120), is repealed:

23 [Section 2008. Toll Roads and Bridges.--The Department of
24 Transportation shall have the power to acquire, for and on
25 behalf of the Commonwealth, by purchase or otherwise turnpike or
26 toll roads, or any parts thereof, or toll bridges, in such
27 manner and under and subject to such terms and conditions as may
28 now or hereafter be provided by law.]

29 Section 3. The act is amended by adding a section to read:

30 Section 2008.1. Toll Road and Bridge Administration.--(a)

1 The Department of Transportation shall assume all powers and
2 duties of the Pennsylvania Turnpike Commission that relate to
3 operation, maintenance, construction and reconstruction of the
4 Pennsylvania Turnpike and related highways and shall receive all
5 tolls and other money otherwise payable to the commission. The
6 functions assumed shall include all related functions under the
7 following acts:

8 Act of May 21, 1937 (P.L.774, No.211), referred to as the
9 Pennsylvania Turnpike Commission Act.

10 Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11), known as
11 the "Pennsylvania Turnpike Philadelphia Extension Act."

12 Act of June 11, 1941 (P.L.101, No.53), known as the "Western
13 Pennsylvania Turnpike Extension Act."

14 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
15 authorize and empower the Pennsylvania Turnpike Commission to
16 combine the Turnpike, the Eastern Extension, and the Western
17 Extension, or any two thereof, for financing purposes under the
18 provisions of this act; authorizing the issuance of Turnpike
19 revenue bonds of the Commonwealth payable solely from tolls; to
20 pay the cost of the Eastern Extension and the Western Extension;
21 paying the cost of the Eastern Extension, or the cost of the
22 Western Extension, or the cost of both; and refunding any
23 Turnpike revenue bonds or Turnpike refunding bonds which have
24 heretofore been issued by the Commission under the provisions of
25 any act heretofore approved, or under the provisions of this
26 act, and which shall then be outstanding, including the payment
27 of any redemption premiums thereon; refunding any revenue bonds
28 or revenue refunding bonds heretofore issued under the
29 provisions of this act, including the payment of and redemption
30 premiums thereon; authorizing the Commission to fix tolls from

1 time to time for use of the projects so combined; providing for
2 the use of a facsimile of the signature of the Governor, and of
3 the Chairman of the Commission in lieu of their manual
4 signatures, and a facsimile of the official seal of the
5 Commission upon any bonds issued under the provisions of this
6 act, or any other act; authorizing the issuance of bonds for the
7 payment of the construction of any turnpike, and giving certain
8 definitions."

9 Act of May 23, 1951 (P.L.335, No.74), known as the
10 "Pennsylvania Turnpike Delaware River Extension Act."

11 Act of August 14, 1951 (P.L.1232, No.282), referred to as the
12 Pennsylvania Turnpike System Financing Act.

13 Act of September 27, 1951 (P.L.1430, No.348), known as the
14 "Pennsylvania Turnpike Northeastern Extension Act."

15 Act of January 14, 1952 (1951 P.L.1947, No.547), known as the
16 "Pennsylvania Turnpike Gettysburg Extension Act."

17 Act of July 28, 1953 (P.L.706, No.229), known as the
18 "Pennsylvania Turnpike Northwestern Extension Act."

19 Act of June 10, 1955 (P.L.157, No.50), known as the
20 "Pennsylvania Turnpike Keystone Shortway Act."

21 Act of June 14, 1955 (P.L.174, No.52), known as the
22 "Pennsylvania Turnpike Southwestern Extension Act."

23 Act of May 15, 1956 (1955 P.L.1589, No.534), known as the
24 "Pennsylvania Turnpike Philadelphia Loop Extension Act."

25 Act of May 17, 1957 (P.L.160, No.73), entitled "An act
26 requiring all tunnels on the Pennsylvania Turnpike to be painted
27 white or lined with a light colored material and be equipped
28 with continuous lighting."

29 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
30 authorizing the Pennsylvania Turnpike Commission to finance and

1 construct certain additional projects on the Pennsylvania
2 Turnpike System."

3 Act of September 15, 1961 (P.L.1305, No.573), entitled "An
4 act requiring the erection and maintenance of medial barriers or
5 guards on the Pennsylvania Turnpike."

6 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
7 turnpike commission standards of conduct).

8 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95
9 (relating to taxes for highway maintenance and construction).

10 (b) (1) The Bureau of Toll Administration is hereby
11 established in the department to manage the functions assumed by
12 the department under this section.

13 (2) The bureau shall have the power to acquire, for and on
14 behalf of the Commonwealth, by purchase or otherwise, turnpike
15 or toll roads, or any parts thereof, or toll bridges, in such
16 manner and under and subject to such terms and conditions as
17 provided by law. The powers vested in the bureau shall include:

18 (i) The power to fix or set tolls on any roadway or bridge
19 under the jurisdiction of the department.

20 (ii) The power to take actions authorized under the acts
21 specified in subsection (a).

22 (c) (1) Collective bargaining-level positions created by
23 the establishment of the bureau shall first be offered to
24 bargaining-level personnel employed by the commission who
25 possess the necessary expertise and experience to perform the
26 duties of such position.

27 (2) The department shall honor any collective bargaining
28 agreement in existence between the commission and any employe
29 organization.

30 (3) Any transfers made under this section shall not affect

1 the civil service status of affected employes of the commission,
2 nor that of existing employes of the department.

3 (4) Employes and personal property of the commission
4 utilized in the bonding process are hereby transferred to the
5 State Treasurer.

6 (d) All land, buildings and personal property, as well as
7 all appropriations, allocations, documents, files, records,
8 contracts, agreements, equipment, materials, orders, rights and
9 obligations of the commission are transferred to the department.

10 (e) The bureau shall continue to use or recycle all forms,
11 stationery, business cards and other office supplies or
12 materials which contain references to the commission until the
13 existing supplies and materials are depleted.

14 (f) The department shall have the power to acquire, for and
15 on behalf of the Commonwealth, by purchase or otherwise,
16 turnpike or toll roads, or any parts thereof, or toll bridges,
17 in such manner and under and subject to such terms and
18 conditions as provided by law.

19 (g) (1) The department shall have the power and duty to
20 promulgate regulations to administer the respective functions
21 transferred to it under this section.

22 (2) The regulations of the commission for the administration
23 of the functions transferred under this section shall remain in
24 effect until such time as new regulations are promulgated under
25 this section. However, the eligibility requirements for funding
26 within any program subject to review under this section shall
27 not be changed, amended or altered in any way.

28 (3) Any action to fix or to revise the tolls for the use of
29 the turnpike and the different parts or sections thereof or to
30 fix or set tolls on any roadway or bridge under the jurisdiction

1 of the department shall be taken in accordance with the act of
2 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
3 Act."

4 (h) The following words and phrases when used in this
5 section shall have the meanings given to them in this
6 subsection, unless the context clearly indicates otherwise:

7 "Bureau" means the Bureau of Toll Administration established
8 under this section.

9 "Commission" means the Pennsylvania Turnpike Commission.

10 "Department" means the Department of Transportation of the
11 Commonwealth.

12 Section 4. The Commonwealth shall assume the debt evidenced
13 by outstanding bonds of the Pennsylvania Turnpike Commission and
14 shall draw upon the tolls received by the Department of
15 Transportation for repayment of this debt. The State Treasurer
16 shall assume all powers and duties of the Pennsylvania Turnpike
17 Commission which relate to issuance and payment of bonds for
18 construction, reconstruction and maintenance of the turnpike.

19 Section 5. The Pennsylvania Turnpike Commission and the
20 office of Turnpike Commissioner are abolished.

21 Section 6. On and after the effective date of this section,
22 a reference in any statute to the Pennsylvania Turnpike
23 Commission shall be deemed to be a reference to the Department
24 of Transportation.

25 Section 7. (a) The following acts, or portions thereof, are
26 repealed to the extent that they are inconsistent with this act:

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

29 Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11), known as
30 the Pennsylvania Turnpike Philadelphia Extension Act.

1 Act of June 11, 1941 (P.L.101, No.53), known as the Western
2 Pennsylvania Turnpike Extension Act.

3 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
4 authorize and empower the Pennsylvania Turnpike Commission to
5 combine the Turnpike, the Eastern Extension, and the Western
6 Extension, or any two thereof, for financing purposes under the
7 provisions of this act; authorizing the issuance of Turnpike
8 revenue bonds of the Commonwealth payable solely from tolls; to
9 pay the cost of the Eastern Extension and the Western Extension;
10 paying the cost of the Eastern Extension, or the cost of the
11 Western Extension, or the cost of both; and refunding any
12 Turnpike revenue bonds or Turnpike refunding bonds which have
13 heretofore been issued by the Commission under the provisions of
14 any act heretofore approved, or under the provisions of this
15 act, and which shall then be outstanding, including the payment
16 of any redemption premiums thereon; refunding any revenue bonds
17 or revenue refunding bonds heretofore issued under the
18 provisions of this act, including the payment of and redemption
19 premiums thereon; authorizing the Commission to fix tolls from
20 time to time for use of the projects so combined; providing for
21 the use of a facsimile of the signature of the Governor, and of
22 the Chairman of the Commission in lieu of their manual
23 signatures, and a facsimile of the official seal of the
24 Commission upon any bonds issued under the provisions of this
25 act, or any other act; authorizing the issuance of bonds for the
26 payment of the construction of any turnpike, and giving certain
27 definitions."

28 Act of May 23, 1951 (P.L.335, No.74), known as the
29 Pennsylvania Turnpike Delaware River Extension Act.

30 Act of August 14, 1951 (P.L.1232, No.282), referred to as the

1 Pennsylvania Turnpike System Financing Act.

2 Act of September 27, 1951 (P.L.1430, No.348), known as the
3 Pennsylvania Turnpike Northeastern Extension Act.

4 Act of January 14, 1952 (1951 P.L.1947, No.547), known as the
5 Pennsylvania Turnpike Gettysburg Extension Act.

6 Act of July 28, 1953 (P.L.706, No.229), known as the
7 Pennsylvania Turnpike Northwestern Extension Act.

8 Act of June 10, 1955 (P.L.157, No.50), known as the
9 Pennsylvania Turnpike Keystone Shortway Act.

10 Act of June 14, 1955 (P.L.174, No.52), known as the
11 Pennsylvania Turnpike Southwestern Extension Act.

12 Act of May 15, 1956 (1955 P.L.1589, No.534), known as the
13 Pennsylvania Turnpike Philadelphia Loop Extension Act.

14 Act of May 17, 1957 (P.L.160, No.73), entitled "An act
15 requiring all tunnels on the Pennsylvania Turnpike to be painted
16 white or lined with a light colored material and be equipped
17 with continuous lighting."

18 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
19 authorizing the Pennsylvania Turnpike Commission to finance and
20 construct certain additional projects on the Pennsylvania
21 Turnpike System."

22 Act of September 15, 1961 (P.L.1305, No.573), entitled "An
23 act requiring the erection and maintenance of medial barriers or
24 guards on the Pennsylvania Turnpike."

25 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
26 turnpike commission standards of conduct).

27 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95
28 (relating to taxes for highway maintenance and construction).

29 (b) All other acts and parts of acts are repealed insofar as
30 they are inconsistent with this act.

1 Section 8. This amendatory act shall be known as the
2 Turnpike-Transportation Merger Act.

3 Section 9. This act shall take effect in 90 days.