

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1916 Session of 2011

INTRODUCED BY MILLARD, ADOLPH, BAKER, BOBACK, CALTAGIRONE, CARROLL, EVERETT, FARRY, FLECK, GINGRICH, HESS, HORNAMAN, KNOWLES, MAJOR, MICOZZIE, MOUL, MULLERY, MUNDY, MYERS, PICKETT, SCAVELLO, CULVER, TAYLOR, TOOHIL, YOUNGBLOOD, GEIST AND TOBASH, NOVEMBER 9, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 28, 2012

AN ACT

1 Itemizing public improvement projects for flood protection and
2 flood damage repair to be constructed by the Department of
3 General Services, together with their estimated financial
4 costs; providing for the adoption of specific disaster
5 mitigation or assistance projects or flood assistance
6 projects, together with their estimated financial costs;
7 authorizing the use of interest earnings held by the
8 Commonwealth Financing Authority for funding the projects;
9 and making appropriations.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

CHAPTER 1

GENERAL PROVISIONS

14 Section 101. Short title.

15 This act shall be known and may be cited as the Flood Control
16 and Disaster Mitigation Itemization Act of 2012.

CHAPTER 3

DISASTER CAPITAL BUDGET PROJECT ITEMIZATIONS

19 Section 301. Scope.

1 This chapter relates to disaster capital budget project
2 itemizations in 2012.

3 Section 302. Construction of chapter.

4 For purposes of this act, the projects itemized in this
5 chapter shall be considered public improvement projects under
6 the provisions of the act of February 9, 1999 (P.L.1, No.1),
7 known as the Capital Facilities Debt Enabling Act, for the
8 purposes of the administration and procurement.

9 Section 303. Total authorization.

10 The total authorization for the capital projects in the
11 category of public improvement projects itemized in section 304
12 and to be constructed by the Department of General Services, its
13 successors or assigns and to be funded as specified in section
14 305.

15 Section 304. Itemization of public improvement projects.

16 Additional capital projects in the category of public
17 improvement projects to be constructed by the Department of
18 General Services, its successors or assigns and to be funded as
19 specified in section 305, together with their respective
20 estimated financial costs, as follows:

21 (a) Department of Conservation and Natural
22 Resources.

23 (1) Bucks County

24 (i) State Forest District Number 17,
25 Johnson Tract Adjacent to SR
26 0033, Streambank Stabilization and
27 Restoration

28 Project Allocation 500,000

29 (ii) Ralph Stover State Park, Rock
30 Ditches, Lot/trail Wash,

1	Pedestrian Bridges, Repair General	
2	Park Damage	
3	Project Allocation	100,000
4	(iii) Tyler State Park, Mill Dam,	
5	Repair Damage to Comfort Station	
6	Roof	
7	Project Allocation	15,000
8	(iv) Delaware Canal State Park,	
9	Odettes Bulkhead, Smithtown Waste	
10	Gate, Repair General Damage	
11	Project Allocation	600,000
12	(v) Delaware Canal State Park,	
13	Repair General Canal Prism Damages	
14	Project Allocation	330,000
15	(2) Chester County	
16	(i) White Clay Creek State Park,	
17	Peltier Road, Repair Washouts to	
18	Road	
19	Project Allocation	20,000
20	(3) Dauphin County	
21	(i) Forest District Number 18, Radar	
22	Road, Repair Road	
23	Project Allocation	14,000
24	(4) Delaware County	
25	(i) Ridley Creek State Park, Multi-	
26	use Trail, Repair Culvert Pipe	
27	Separated and Pushed Out, Road Bed	
28	Erosion	
29	Project Allocation	200,000
30	(5) Lebanon County	

1	(i) Memorial Lake State Park,	
2	Woodland Trail, Repair/Replace	
3	Bridges/Abutments, Replenish Trail	
4	Tread, Debris Removal, Replace	
5	Picnic Spots	
6	Project Allocation	23,000
7	(ii) Swatara State Park, Rail Trail	
8	Between AT and Inwood Bridges,	
9	Repair/Rebuild Trail Including	
10	Subbase and Tread	
11	Project Allocation	26,000
12	(iii) Swatara State Park, Waterville	
13	Bridge, Remove Debris from	
14	Underside of Decking, Repair	
15	Abutment, Remove Trees, Repair	
16	Bridge Railing	
17	Project Allocation	16,000
18	(iv) Swatara State Park, Old State	
19	Road at Roaring Run, Remove	
20	Debris, Replace Culvert, Rebuild	
21	Roadway	
22	Project Allocation	13,000
23	(v) Swatara State Park, Old State	
24	Road at Waterville Bridge, Remove	
25	and Repave Lifted Roadway	
26	Project Allocation	10,000
27	(vi) Swatara State Park, Old State	
28	Road at Bordner's Tributary,	
29	Replace Culvert, Regrade/Rebuild	
30	Roadway	

1	Project Allocation	11,000
2	(6) Luzerne County	
3	(i) Ricketts Glenn State Park, Falls	
4	Trail, Road/Trail/Campsite Repairs	
5	Project Allocation	230,000
6	(ii) Ricketts Glen State Park, Beach	
7	Erosion, Beach Sand Replacement	
8	Project Allocation	10,000
9	(7) Lycoming County	
10	(i) Forest District Number 20, Arch	
11	Culvert Near Pleasant	
12	Stream/Hillsgrove Road, Repair	
13	Road and Culvert	
14	Project Allocation	10,000
15	(ii) Forest District Number 20, Dry	
16	Run Road, Rebuild Road and Clean	
17	Culverts	
18	Project Allocation	300,000
19	(iii) Forest District Number 20,	
20	Along Little Bear Road, Repair	
21	Road Base/Foundation	
22	Project Allocation	85,000
23	(iv) Forest District Number 20, Big	
24	Hollow Road, Road Repair, Clean	
25	Culvert, Debris Removal	
26	Project Allocation	29,000
27	(v) Forest District Number 20, Big	
28	Hollow Road Bridge, Stabilize Bank	
29	and Repair Bridge	
30	Project Allocation	25,000

1	(vi) Forest District Number 20, West	
2	End Rod and Gun Club, Debris	
3	Removal and Clean Culvert	
4	Project Allocation	75,000
5	(vii) Forest District Number 20, Dry	
6	Run Picnic Area, Bank	
7	Stabilization	
8	Project Allocation	37,000
9	(viii) Forest District Number 20,	
10	Hillsgrove Maintenance Building	
11	Parking Lot, Bank Stabilization	
12	and Debris Removal	
13	Project Allocation	62,000
14	(ix) Forest District Number 20,	
15	Along Little Bear Road, Replace	
16	Bridge over Red Run	
17	Project Allocation	300,000
18	(x) Forest District Number 20, Along	
19	Little Bear Road, Replace Bridge	
20	to Forest District Storage Area	
21	Project Allocation	300,000
22	(xi) Forest District Number 20,	
23	Lower Pleasant Stream Road, Repair	
24	Major Road Washout	
25	Project Allocation	175,000
26	(xii) Forest District Number 20,	
27	Lower Pleasant Stream Road, Repair	
28	Bank and Road Washout Downstream	
29	of Major Washout	
30	Project Allocation	75,000

1	(8) Montgomery County	
2	(i) Evansburg State Park, Repair to	
3	Roadway, Abutments, Parking Lot	
4	Project Allocation	25,000
5	(ii) Evansburg State Park, Golf	
6	Course, Repair Bridges and Cart	
7	Path	
8	Project Allocation	20,000
9	(iii) Evansburg State Park, Trail	
10	System, Repair Trail, Bridge	
11	Repair, Tree Removal	
12	Project Allocation	20,000
13	(iv) Evansburg State Park, Property	
14	Management, Repair Basements,	
15	Water Heater, Heaters/Pumps	
16	Project Allocation	50,000
17	(9) Northampton County	
18	(i) Delaware Canal State Park,	
19	Repair General Damage	
20	Project Allocation	300,000
21	(ii) Delaware Canal State Park,	
22	Repair General Canal Prism Damages	
23	Project Allocation	215,000
24	(iii) Delaware Canal State Park,	
25	Wy-Hit-Tuk Mitre Gate, Mitre Gate	
26	Reconstruction and Placement	
27	Project Allocation	45,000
28	(iv) Delaware Canal State Park, STP	
29	to Wy-Hit-Tuk, Wall Collapse	
30	Repair	

1	Project Allocation	89,000
2	(v) Delaware Canal State Park,	
3	Easton Fish Ladder, Repair	
4	Erosion/Fencing/Concrete/Clean Out	
5	Fish Chambers, Signage	
6	Project Allocation	50,000
7	(10) Northumberland County	
8	(i) Shikellamy State Park, Docks,	
9	Repair Stiff Arms and Gangways	
10	Project Allocation	201,000
11	(ii) Shikellamy State Park, Cleanup,	
12	Debris Cleanup	
13	Project Allocation	12,000
14	(11) Sullivan County	
15	(i) Forest District Number 20, Rock	
16	Run Road, Repair Roadway, Clean	
17	Two Large Culverts	
18	Project Allocation	10,000
19	(ii) Forest District Number 20, Sand	
20	Stone Road, Repair Roadway	
21	Project Allocation	10,000
22	(iii) Forest District Number 20,	
23	Rock Run Bridge, Repair Broken	
24	Cross Brace on Thru-truss Bridge	
25	Project Allocation	10,000
26	(iv) Forest District Number 20, Rock	
27	Run Bridge over Loyalsock Creek,	
28	Repair to Thru-truss Bridge, Out	
29	of Alignment in One Bay	
30	Project Allocation	150,000

1	(v) Worlds End State Park, Cabin	
2	Bridge Road, Repair/Replacement of	
3	Road Section	
4	Project Allocation	150,000
5	(vi) Forest District Number 20,	
6	Sones Pond Dam - Low Hazard,	
7	Streambank Stabilization and	
8	Repair Dam	
9	Project Allocation	112,000
10	(vii) Forest District Number 20,	
11	Along Rock Run Road, Repair Road	
12	Surface	
13	Project Allocation	28,000
14	(viii) Forest District Number 20,	
15	Along Sandstone Lane, Road Surface	
16	Repair	
17	Project Allocation	16,000
18	(ix) Forest District Number 20, Mill	
19	Creek Road Box Culvert, Rebuild	
20	Road, Debris Removal, Repair	
21	Culvert	
22	Project Allocation	53,000
23	(x) Forest District Number 20, Mill	
24	Creek Road, Road and Ditch Repair	
25	Project Allocation	53,000
26	(xi) Forest District Number 20, Mill	
27	Creek, Streambank Stabilization	
28	Project Allocation	11,000
29	(xii) Forest District Number 20,	
30	Mill Creek Road, Stream Channel	

1	Realignment and Stabilization,	
2	Rebuild Road, Clean Culverts	
3	Project Allocation	68,000
4	(xiii) Forest District Number 20,	
5	Along Rock Run Road, Repair Camp	
6	95 Bridge	
7	Project Allocation	150,000
8	(xiv) Forest District Number 20,	
9	Along Shanerburg Road, Repair Road	
10	Surface	
11	Project Allocation	24,000
12	(xv) Forest District Number 20,	
13	Along Shanerburg Road, Repair	
14	Roadbase	
15	Project Allocation	32,000
16	(xvi) Forest District Number 20,	
17	Along Shanerburg Road, Remove	
18	Slide Across Road	
19	Project Allocation	21,000
20	(xvii) Worlds End State Park, Cabin	
21	Bridge, Gravel Bar and Tree	
22	Removal	
23	Project Allocation	100,000
24	(xviii) Worlds End State Park, Cabin	
25	Bridge, Bridge and Cabin Road	
26	Replacement	
27	Project Allocation	250,000
28	(xix) Worlds End State Park, Beach	
29	Area, Gravel Bar, Debris and Tree	
30	Removal, Dredging	

1	Project Allocation	150,000
2	(xx) Worlds End State Park, Beach	
3	Area, Repair/Replace Buoys, Safety	
4	Line, Stations and Signs	
5	Project Allocation	20,000
6	(xxi) Worlds End State Park, Snack	
7	Bar Area, Repair Eroded Area	
8	Adjacent to Snack Bar	
9	Project Allocation	15,000
10	(xxii) Worlds End State Park, Day	
11	Use Area, Sidewalk Replacement and	
12	Railing Replacement, Gravel for	
13	Lots	
14	Project Allocation	20,000
15	(12) Susquehanna County	
16	(i) Salt Springs State Park, Fall	
17	Brook and Silver Creek, Remove	
18	Debris and Repair Undermining and	
19	Stone Wall Along Fall Brook	
20	Project Allocation	100,000
21	(b) (Reserved).	

22 Section 305. Funding of projects.

23 The projects itemized in this chapter shall be funded from a
24 portion of existing interest earnings held by the Commonwealth
25 Financing Authority established under 64 Pa.C.S. Ch. 15
26 (relating to Commonwealth Financing Authority).

27 Section 306. Transfer and appropriations.

28 Notwithstanding the provisions of 64 Pa.C.S. Ch. 15 Subchs. B
29 (relating to structure and powers) and C (relating to bonds),
30 interest earnings held by the Commonwealth Financing Authority

1 in an amount not exceeding \$6,171,000 shall be transferred to
2 the Capital Facilities Fund and appropriated to the Department
3 of General Services to be used by it exclusively to defray the
4 financial cost of the projects specifically itemized in this
5 chapter.

6 Section 307. Federal funds.

7 All moneys received from the Federal Government for the
8 projects specifically itemized in this chapter are also hereby
9 appropriated for those projects.

10 Section 308. Construction.

11 (a) Amounts contained in this chapter for any project shall
12 not supplant or replace any Federal funds authorized by any
13 Federal law or regulation. Funding from this chapter for any
14 project is available only to the extent that Federal funds are
15 not available for such project.

16 (b) Projects which are itemized in this chapter are deemed
17 to be flood mitigation projects for purposes of and funding
18 under Chapter 5 to the extent that the projects qualify under
19 The Robert T. Stafford Disaster Relief and Emergency Assistance
20 Act (Public Law 93-288, 88 Stat. 143).

21 CHAPTER 5

22 DISASTER MITIGATION AND ASSISTANCE PROJECTS

23 Section 501. Scope.

24 This chapter relates to disaster mitigation and assistance
25 projects itemization in 2012.

26 Section 502. Definitions.

27 The following words and phrases when used in this chapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Disaster." The period of time in calendar year 2011

1 relating to Hurricane Irene and Tropical Storm Lee that was the
2 subject of a Presidential declaration of an emergency under The
3 Robert T. Stafford Disaster Relief and Emergency Assistance Act
4 (Public Law 93-288, 88 Stat. 143).

5 Section 503. Total authorization.

6 The total authorization for disaster mitigation projects or
7 public assistance projects as defined in The Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (Public Law 93-288,
9 88 Stat. 143) or as a project qualifying for assistance by the
10 United States Army Corps of Engineers and to be financed in part
11 with grants limited to the required match for the Federal share
12 of the costs made to local political subdivisions or nonprofit
13 organizations where applicable as itemized in this chapter is
14 ~~\$61,743,000~~ \$61,791,000. Projects for which no Federal funds are ←
15 received shall not receive funding under this chapter.

16 Section 504. Itemization of disaster mitigation or assistance
17 projects.

18 The individual disaster mitigation or assistance projects to
19 be funded as specified in section 516 are hereby itemized,
20 together with their respective estimated financial costs, in
21 this chapter.

22 Section 505. Bedford County.

23 (a) Hyndman Flood Control Project

24 Project Allocation 100,000

25 Section 506. Blair County.

26 (a) Beaverdam Branch Flood Control Project

27 Project Allocation 12,500,000

28 (b) Tyrone Flood Control Project

29 Project Allocation 20,000,000

30 Section 507. Bradford County.

1	(a) Valley Joint Sewer Authority, Repair or	
2	Replacement	
3	Project Allocation	40,000
4	(b) Borough of Towanda, Restoration Project	
5	Project Allocation	1,170,000
6	(c) Borough of New Albany, Restoration	
7	Project	
8	Project Allocation	62,000
9	(d) Burlington Township, Restoration Project	
10	Project Allocation	10,000
11	(e) Borough of Canton, Restoration Project	
12	Project Allocation	344,000
13	Section 508. Columbia County.	
14	(a) Town of Bloomsburg, Flood Protection	
15	Project	
16	Project Allocation	20,000,000
17	(b) Town of Bloomsburg, Sanitary Sewer Flood	
18	Damage	
19	Project Allocation	3,500,000
20	Section 509. Lycoming County.	
21	(a) Muncy Borough Municipal Authority,	
22	Repair or Replacement	
23	Project Allocation	2,000
24	(b) City of Williamsport, Flood Control	
25	Project	
26	Project Allocation	105,000
27	(c) Lycoming County Water & Sewer Authority,	
28	Flood Damage to Authority	
29	Project Allocation	329,000
30	(d) Muncy Creek Township Sewer Authority,	

1	Repair or Replacement	
2	Project Allocation	76,000
3	(e) Hughesville Borough Water Authority,	
4	Repair or Replacement	
5	Project Allocation	37,000
6	(f) Borough of Montoursville, Flood Control	
7	Project	
8	Project Allocation	1,732,000
9	(g) Borough of South Williamsport, Flood	
10	Control Project	
11	Project Allocation	1,000
12	(h) Williamsport Municipal Airport, Flood	
13	Control Project and Repair or Replacement	
14	Project Allocation	985,000
15	(i) Borough of Jersey Shore, Flood Control	
16	Project	
17	Project Allocation	106,000
18	Section 510. Sullivan County.	
19	(a) Borough of Dushore, Flood Control	
20	Project	
21	Project Allocation	12,000
22	(b) Borough of Eagles Mere, Flood Control	
23	Project	
24	Project Allocation	5,000
25	(c) Borough of Laporte, Flood Control	
26	Project	
27	Project Allocation	35,000
28	(d) Dushore Sewer Authority, Repair or	
29	Replacement	
30	Project Allocation	5,000

1	(e) Dushore Water Authority, Repair or	
2	Replacement	
3	Project Allocation	5,000
4	(f) Davidson Township Sewer Authority,	
5	Repair or Replacement	
6	Project Allocation	423,000
7	Section 511. Susquehanna County.	
8	(a) Borough of New Milford, Restoration	
9	Project	
10	Project Allocation	15,000
11	(b) Borough of Little Meadows, Restoration	
12	Project	
13	Project Allocation	7,000
14	Section 512. Union County.	
15	(a) Borough of Lewisburg, Flood Control	
16	Project	
17	Project Allocation	137,000
18	SECTION 512.1. WAYNE COUNTY. ←	
19	(A) DAMASCUS TOWNSHIP, FLOOD CONTROL PROJECT	
20	PROJECT ALLOCATION	18,000
21	(B) DREHER TOWNSHIP, FLOOD RESTORATION	
22	PROJECT	
23	PROJECT ALLOCATION	30,000

24 Section 513. Funds.

25 The projects itemized in this chapter shall be funded as
 26 specified in section 516 in an amount not to exceed ~~\$15,500,000~~ ←
 27 \$15,548,000 in the aggregate. ←

28 Section 514. State and local participation levels.

29 (a) Public assistance.--The required non-Federal
 30 contribution of 25% or 20%, as appropriate, necessary to secure

1 Federal public assistance funding shall be divided between the
2 State and the affected local political subdivision or nonprofit
3 organization where applicable. The State share shall not exceed
4 22% of the total cost of the projects.

5 (b) Local waiver.--The Commonwealth may reduce the share of
6 an affected political subdivision if the tax base of that
7 political subdivision was substantially reduced as a direct
8 result of Hurricane Irene or Tropical Storm Lee or if payment of
9 the local share exceeds 40% of the most recently adopted annual
10 budget of the political subdivision. The Commonwealth may
11 require the adoption of appropriate flood control or storm water
12 management plans as a condition of the waiver if the adoption of
13 the plan does not present additional financial hardship.

14 Section 515. Federal funds.

15 All moneys received from the Federal Government for the
16 projects specifically itemized in this chapter are also hereby
17 appropriated for those projects.

18 Section 516. State funds.

19 The State share of funding for projects itemized in this
20 chapter shall be funded from a portion of existing interest
21 earnings held by the Commonwealth Financing Authority
22 established under 64 Pa.C.S. Ch. 15 (relating to Commonwealth
23 Financing Authority).

24 Section 517. Transfer and appropriation.

25 Notwithstanding the provisions of 64 Pa.C.S. Ch. 15, Subchs.
26 B (relating to structure and powers) and C (relating to bonds),
27 interest earnings held by the Commonwealth Financing Authority
28 in an amount not exceeding ~~\$15,500,000~~ \$15,548,000 shall be
29 transferred to the Capital Facilities Fund and appropriated to
30 the Department of Environmental Protection to be used by it



1 exclusively to defray the financial cost of the projects
2 specifically itemized in this chapter.

3 Section 518. Construction.

4 Amounts contained in this chapter for any project shall not
5 supplant or replace any Federal funds authorized by any Federal
6 law or regulation. Funding from this chapter for any project is
7 available only to the extent that Federal funds are not
8 available for such project.

9 CHAPTER 7

10 MISCELLANEOUS PROVISIONS

11 Section 701. Constitutional construction.

12 The provisions of this act shall be severable and, if any of
13 the provisions of this act shall be held unconstitutional, such
14 decisions shall not affect the validity of any of the remaining
15 provisions of this act. It is hereby declared as the legislative
16 intent that this act would have been adopted had such
17 unconstitutional provisions not been included in this act.

18 Section 702. Effective date.

19 This act shall take effect immediately.