

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 785 Session of 2013

INTRODUCED BY EVANKOVICH, BENNINGHOFF, BLOOM, DAVIS, DENLINGER, FLECK, GABLER, GROVE, HARHART, HESS, M. K. KELLER, KNOWLES, MOUL, MURT, PICKETT AND SWANGER, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 25, 2013

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled  
 2 "An act relating to roads, streets, highways and bridges;  
 3 amending, revising, consolidating and changing the laws  
 4 administered by the Secretary of Highways and by the  
 5 Department of Highways relating thereto," in construction,  
 6 improvement, maintenance and repair of State highways,  
 7 further providing for rules for use of, and injury to,  
 8 highways and penalty.

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

11 Section 1. Section 420(b) of the act of June 1, 1945  
 12 (P.L.1242, No.428), known as the State Highway Law, is amended  
 13 by adding a paragraph to read:

14 Section 420. Rules for Use of, and Injury to, Highways;  
 15 Penalty.--\* \* \*

16 (b) The secretary may issue permits for the opening of  
 17 streets and driveways onto State highways and for the opening of  
 18 the surface and occupancy of State highways on terms and  
 19 conditions established in department regulations. Permits may be  
 20 conditioned upon posting of bonds or other security and

1 liability insurance. Any bonds or other security relating to  
2 highway restoration posted in connection with surface opening  
3 permits shall be based upon highway restoration costs and shall  
4 cover a period not in excess of two (2) years from the  
5 department's acknowledgment of completion of the work.

6 \* \* \*

7 (3) The secretary shall prescribe a schedule of application,  
8 review, inspection and miscellaneous fees payable to the  
9 department in connection with permits under the department  
10 regulations and publish the schedule in the Pennsylvania  
11 Bulletin. The secretary may periodically review and revise the  
12 schedule and publish a revised schedule in the Pennsylvania  
13 Bulletin. Application fees shall not exceed the approximate  
14 reasonable cost of reviewing, processing, extending and issuing  
15 the application and changes thereto, including review of plans  
16 and preliminary review of the site location. Review fees shall  
17 not exceed the approximate reasonable cost of reviewing the  
18 application and related studies and plans and changes thereto  
19 where the secretary determines the type of permit normally  
20 requires more than minor review. Additional reasonable fees may  
21 be charged if the applicant requests expedited review. If an  
22 applicant has paid an additional fee for expedited review of an  
23 application and the application neither is approved nor  
24 disapproved within sixty (60) days of the filing thereof, the  
25 application shall be deemed to be approved. Inspection fees  
26 shall not exceed the approximate reasonable cost of spot  
27 inspection of the permitted work, subsequent inspection after  
28 the permitted work has been completed or additional inspection  
29 by the department or a consultant if deemed necessary by the  
30 department because the permitted work is of sufficient magnitude

1 or importance to warrant additional inspection. Miscellaneous  
2 fees shall not exceed the reasonable cost of notary services and  
3 recording fees for permits and related documents. The secretary  
4 may include guidance on the method and timing of payments in the  
5 schedule.

6 \* \* \*

7 Section 2. This act shall take effect in 60 days.