
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2378 Session of
2014

INTRODUCED BY GABLER, TOOHL, COX, HEFFLEY, LONGIETTI, MASSER,
METCALFE, MILLARD, MULLERY, PAINTER, SWANGER, THOMAS, BROOKS,
SCAVELLO, F. KELLER, EVERETT, SANKEY, OBERLANDER, ELLIS,
MCGINNIS, ROAE AND RAPP, JUNE 24, 2014

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 24, 2014

AN ACT

1 Amending Titles 74 (Transportation) and 75 (Vehicles) of the
2 Pennsylvania Consolidated Statutes, eliminating statutory
3 authority to toll Interstate Route 80.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8116(a) introductory paragraph of Title
7 74 of the Pennsylvania Consolidated Statutes is amended to read:

8 § 8116. Collection and disposition of tolls and other revenue.

9 (a) Establishment and changes in toll amounts.--Subject to
10 the terms of any trust indenture entered into by the commission
11 or any resolution authorizing the issuance of any bonds, notes
12 or other obligations of the commission, the commission is
13 authorized to fix and to revise tolls for the use of the
14 Pennsylvania Turnpike System and the different parts or sections
15 of the system, including the turnpike, the turnpike extensions
16 and improvements and the toll road conversions authorized by
17 this chapter. The commission is further authorized to charge and

1 collect tolls; to contract with any person, partnership,
2 association or corporation desiring the use of any part thereof,
3 including the right-of-way adjoining the paved portion, for
4 placing thereon telephone, telegraph, electric light or power
5 lines, gas stations, garages, stores, hotels, restaurants and
6 advertising signs or for any other purpose, except [for service
7 plazas in the right-of-way along Interstate 80 and] for tracks
8 for railroad or railway use; and to fix the terms, conditions,
9 rents and rates of charges for use. Tolls shall be fixed and
10 adjusted as to provide funds at least sufficient with other
11 revenues of the Pennsylvania Turnpike System, if any, to pay all
12 of the following:

13 * * *

14 Section 2. Sections 8915 introductory paragraph, 8915.1,
15 8915.2, 8915.3, 8915.5(2) and 8915.7 of Title 75 are amended to
16 read:

17 § 8915. Conversion to toll roads.

18 In order to facilitate vehicular traffic within and across
19 this Commonwealth, and to facilitate the completion of the
20 turnpike extensions and improvements authorized in section 8911
21 (relating to improvement and extension authorizations), and
22 subject to [prior legislative] State legislation enacted after
23 April 30, 2014, and approval by [the General Assembly and] the
24 United States Congress, the commission is hereby authorized and
25 empowered to convert to toll roads such portions of
26 Pennsylvania's interstate highway system as may facilitate the
27 completion of the turnpike extensions and improvements
28 authorized in sections 8912 (relating to subsequent extension
29 authorizations), 8913 (relating to additional subsequent
30 extension authorizations) and 8914 (relating to further

1 subsequent authorizations) and to operate and maintain such
2 converted interstates as toll roads upon the approval by the
3 Congress of the United States of America and the General
4 Assembly of this Commonwealth of legislation expressly
5 permitting the conversion of such interstates to toll roads.
6 Such conversions shall take place at a time and manner set forth
7 in the plan for the conversion prepared by the commission with
8 the cooperation of the department. The provisions authorizing
9 the commission to construct, operate and maintain the turnpike
10 routes in sections 8911, 8912 and 8913 shall be subject to:

11 * * *

12 [§ 8915.1. Conversion of Interstate 80.

13 In order to facilitate vehicular traffic across this
14 Commonwealth, the commission is authorized and empowered to do
15 all of the following:

16 (1) Convert Interstate 80 to a toll road and maintain
17 and operate it as a toll road.

18 (2) Construct, reconstruct, widen, expand, extend,
19 maintain and operate Interstate 80 from a point at or near
20 the Ohio border to a point at or near the New Jersey border,
21 together with connecting roads, interchanges, slip ramps,
22 tunnels and bridges.

23 (3) Issue turnpike revenue bonds, notes or other
24 obligations, payable solely from revenues of the commission,
25 including tolls, or from funds as may be available to the
26 commission for that purpose, to pay the cost of constructing,
27 reconstructing, widening, expanding or extending Interstate
28 80 or any other costs of Interstate 80 and the Pennsylvania
29 Turnpike.

30 (4) Provide quarterly reports and periodic updates

1 regarding significant developments with respect to the
2 conversion of Interstate 80 to the chairman and minority
3 chairman of the Transportation Committee of the Senate and
4 the chairman and minority chairman of the Transportation
5 Committee of the House of Representatives. These reports
6 shall include, at a minimum, the status of outstanding
7 discussions with the United States Department of
8 Transportation regarding Interstate 80, the location and
9 construction of tolling-related equipment for Interstate 80,
10 planned capital improvements for Interstate 80 and other
11 information important to implementation of this section.

12 § 8915.2. Application to United States Department of
13 Transportation.

14 (a) Application.--The commission, in consultation with the
15 department and at its own expense, is authorized to prepare and
16 submit an application to the United States Department of
17 Transportation for the conversion of Interstate 80 to a toll
18 road. The secretary shall ensure that all information required
19 for the application is made available to the commission as soon
20 as practicable after the effective date of this section.

21 (b) Open system.--A toll system shall consist of what is
22 commonly referred to as an open system with no more than ten
23 toll collection points.

24 (c) Other agreements.--The commission and the department may
25 enter into any other agreements as may be necessary to
26 effectuate the execution of the application filed under this
27 section.

28 § 8915.3. Lease of Interstate 80; related agreements.

29 The department and the commission shall enter into a lease
30 agreement relating to Interstate 80 prior to October 15, 2007.

1 The lease agreement shall include provisions setting forth the
2 terms and conditions of the conversion of Interstate 80 to a
3 toll road. The lease agreement and any related agreement, at a
4 minimum, shall include the following:

5 (1) A provision that the term of the lease agreement
6 shall be 50 years, unless extended upon mutual agreement of
7 the parties to the lease agreement and upon approval of the
8 General Assembly.

9 (2) A provision establishing the conversion period and
10 authorizing extension of the conversion period at the sole
11 option of the commission for three one-year extension periods
12 after consultation with the secretary. The commission shall
13 notify the secretary of its intent to extend the conversion
14 period not less than 90 days before the scheduled expiration
15 of the conversion period. During the conversion period, all
16 legal, financial and operational responsibility for
17 Interstate 80 shall remain with the department. All
18 operations and programmed rehabilitation shall be maintained
19 at levels no less favorable than those set forth in the
20 department's 12-year plan at the time of the execution of the
21 lease, with modifications as are approved in writing by the
22 chairman of the commission.

23 (3) A provision permitting the commission to exercise
24 its option to convert Interstate 80 to a toll road prior to
25 the expiration of the conversion period by providing the
26 conversion notice to the secretary. Beginning on the
27 conversion date, all legal, financial and operational
28 responsibility for Interstate 80, as well as all toll
29 revenues subsequently collected with respect to its use,
30 shall automatically transfer to the commission. The

1 secretary, within five business days after receiving the
2 conversion notice, shall forward notice of the conversion
3 date to the Legislative Reference Bureau for publication in
4 the Pennsylvania Bulletin. Any revenues collected prior to
5 the conversion date shall be retained by the department. The
6 commission may contract with the department for any portion
7 of the maintenance of Interstate 80 at cost levels agreed to
8 by the department and the commission.

9 (4) A provision requiring the commission to pay annual
10 base payments to the department during the term of the lease
11 agreement.

12 (5) A provision requiring the commission to pay annual
13 additional payments to the department. The annual additional
14 payments shall be payable in four equal installments on the
15 last business day of each July, October, January and April of
16 each year during the term of the lease agreement.

17 (6) A provision requiring the commission to pay,
18 commencing in the fiscal year including the conversion date,
19 annual surplus payments to the department. The annual surplus
20 payments shall be payable by the commission within 30 days of
21 receipt by the commission of the Auditor General's
22 certificate.

23 (7) A provision stating that the obligation of the
24 commission to pay the annual base payments, the annual
25 additional payments and annual surplus payments shall be a
26 subordinate obligation of the commission payable from amounts
27 in the general reserve fund of the commission only as
28 permitted by any financing documents, financial covenants,
29 liquidity policies or agreements in effect at the
30 commission.]

1 § 8915.5. Other interstate highways.

2 In order to facilitate vehicular traffic across this
3 Commonwealth and pursuant to the authority granted under this
4 chapter, the commission is hereby authorized and empowered to:

5 * * *

6 (2) upon enactment of State legislation after April 30,
7 2014, at its own expense and in consultation with the
8 department [and with approval of the General Assembly],
9 prepare and submit an application to the United States
10 Department of Transportation for the conversion of any
11 interstate or interstate segment determined to be eligible
12 for conversion to a toll road under any applicable Federal
13 program.

14 [§ 8915.7. Impact on associated highways and local roads.

15 Prior to the conversion date and within one year
16 following the conversion date, the commission, in
17 collaboration with the department, shall conduct traffic
18 studies to determine the average daily traffic on associated
19 roads and highways. The purpose of these studies will be to
20 quantify any diversion of traffic from Interstate 80 to other
21 roadways as a result of the conversion. This section shall
22 not require duplication of traffic studies undertaken by the
23 commission as a part of the conversion process or undertaken
24 by the department as a normal course of the department's
25 operations.]

26 Section 3. This act shall take effect immediately.