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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 724 Session of  
2013

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INTRODUCED BY McILHINNEY, WAUGH, GREENLEAF, VANCE, ALLOWAY AND  
COSTA, MARCH 20, 2013

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REFERRED TO TRANSPORTATION, MARCH 20, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for the transfer of bridges to  
3 municipalities.

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

6 Section 1. Chapter 92 heading and sections 9201, 9202, 9203,  
7 9205, 9206 and 9207 of Title 75 of the Pennsylvania Consolidated  
8 Statutes are amended to read:

9 CHAPTER 92

10 TRANSFER OF STATE HIGHWAYS

11 AND BRIDGES

12 § 9201. Definitions.

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

16 "Functionally-local highways." Highways [and], roads and  
17 bridges designated by the department for transfer to municipal  
18 responsibility.

1 "Municipality." A county, city, borough, incorporated town  
2 or township.

3 § 9202. Application of chapter.

4 This chapter applies to all State highways and bridges  
5 designated by the department as functionally-local highways.

6 § 9203. Description of functionally-local highways.

7 Within six months of the effective date of this chapter, the  
8 department shall list and describe all functionally-local  
9 highways in this Commonwealth. Also, within six months of the  
10 effective date of this chapter and annually thereafter, the  
11 department shall list the proposed functionally-local highways  
12 to be transferred, giving priority to highways and bridges  
13 located in counties in which State highways and bridges are in  
14 the poorest condition, as indicated in the road quality reports  
15 prepared in accordance with Chapter 453 of department  
16 regulations. The list and description shall be categorized by  
17 municipality and shall include a map showing location, length  
18 and type of roadway [and], right-of-way and bridge.

19 § 9205. Mutual agreement.

20 No highway or bridge transfer shall occur between the  
21 department and an affected municipality unless the municipality  
22 agrees to the transfer of the described highway or bridge.

23 § 9206. Publication of list of highways and bridges

24 transferred.

25 The department shall, from time to time, certify to the  
26 Legislative Reference Bureau a list of highways and bridges  
27 transferred and the bureau shall cause the list to be published  
28 in the Pennsylvania Bulletin as a notice under 45 Pa.C.S. §  
29 725(a)(3) (relating to additional contents of Pennsylvania  
30 Bulletin). The list shall also be certified to the office of

1 recorder of deeds of the county in which the participating  
2 municipalities are located.

3 § 9207. Restoration of highways and bridges.

4 (a) General rule.--The department and the affected  
5 municipality shall jointly determine whether any rehabilitative  
6 work is required to put the highway [or], road or bridge in a  
7 satisfactory condition. The rehabilitative work may be done by  
8 department or municipal forces, or by contract, as the parties  
9 shall agree. If the work is to be performed by the department or  
10 its contractors, the highway [or], road or bridge transfer shall  
11 not be effective until all agreed upon rehabilitative work has  
12 been completed.

13 (b) Funding.--All restoration work shall be paid from the  
14 State Highway Transfer Restoration Restricted Account within the  
15 Motor License Fund, provided, however, that the department may  
16 in its discretion pay for any or all such work to be performed  
17 by the department or its contractors from funds made available  
18 to the county maintenance districts under section 9102 (relating  
19 to distribution of State highway maintenance funds). No funds  
20 shall be allocated to municipalities for the maintenance of  
21 highways or bridges transferred under this chapter out of  
22 section 4 of the act of June 1, 1956 (1955 P.L.1944, No.655),  
23 referred to as the Liquid Fuels Tax Municipal Allocation Law,  
24 nor shall highways or bridges transferred under the provisions  
25 of this chapter be used to compute or determine the allocations  
26 of municipalities under that section.

27 (c) Public liability.--Upon transfer of any highway or  
28 bridge, the municipality shall assume the same public liability  
29 for the transferred highway or bridge as it assumes for other  
30 highways or bridges under municipal jurisdiction.

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