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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 506 Session of  
2015

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INTRODUCED BY GABLER, EMRICK, EVERETT, HEFFLEY, KNOWLES,  
LONGIETTI, MCGINNIS, METCALFE, MILLARD, MULLERY AND  
OBERLANDER, FEBRUARY 17, 2015

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REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 17, 2015

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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  
18 collect tolls; to contract with any person, partnership,

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

12 \* \* \*

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

16 § 8915. Conversion to toll roads.

17 In order to facilitate vehicular traffic within and across  
18 this Commonwealth, and to facilitate the completion of the  
19 turnpike extensions and improvements authorized in section 8911  
20 (relating to improvement and extension authorizations), and  
21 subject to [prior legislative] State legislation enacted after  
22 April 30, 2015, and approval by [the General Assembly and] the  
23 United States Congress, the commission is hereby authorized and  
24 empowered to convert to toll roads such portions of  
25 Pennsylvania's interstate highway system as may facilitate the  
26 completion of the turnpike extensions and improvements  
27 authorized in sections 8912 (relating to subsequent extension  
28 authorizations), 8913 (relating to additional subsequent  
29 extension authorizations) and 8914 (relating to further  
30 subsequent authorizations) and to operate and maintain such

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

10 \* \* \*

11 [§ 8915.1. Conversion of Interstate 80.

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

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

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

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

29 (4) Provide quarterly reports and periodic updates  
30 regarding significant developments with respect to the

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

11 § 8915.2. Application to United States Department of  
12 Transportation.

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

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

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

27 § 8915.3. Lease of Interstate 80; related agreements.

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

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

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

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

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

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

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

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

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

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

30 § 8915.5. Other interstate highways.

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

4 \* \* \*

5 (2) upon enactment of State legislation after April 30,  
6 2015, at its own expense and in consultation with the  
7 department [and with approval of the General Assembly],  
8 prepare and submit an application to the United States  
9 Department of Transportation for the conversion of any  
10 interstate or interstate segment determined to be eligible  
11 for conversion to a toll road under any applicable Federal  
12 program.

13 [§ 8915.7. Impact on associated highways and local roads.

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

24 Section 3. This act shall take effect immediately.