

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1051 Session of
2015

INTRODUCED BY HUTCHINSON, EICHELBERGER AND VANCE,
NOVEMBER 10, 2015

REFERRED TO TRANSPORTATION, NOVEMBER 10, 2015

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; and prescribing the manner in which the
 18 number and compensation of the deputies and all other
 19 assistants and employes of certain departments, boards and
 20 commissions shall be determined," establishing the Bureau of
 21 Toll Administration within the Department of Transportation;
 22 providing for the assumption by the Department of
 23 Transportation of the functions of the Pennsylvania Turnpike
 24 Commission, for assumption by the Commonwealth of the
 25 financing functions of the commission, for transfer to the
 26 Department of Transportation and State Treasurer of land,
 27 buildings, personal property and employees of the commission,
 28 for the abolition of the commission and the office of
 29 Turnpike Commissioner; and making inconsistent repeals of
 30 various acts relating to the Pennsylvania Turnpike.

31 The General Assembly of the Commonwealth of Pennsylvania
 32 hereby enacts as follows:

1 Section 1. Section 2001.3(a) and (f) of the act of April 9,
2 1929 (P.L.177, No.175), known as The Administrative Code of
3 1929, amended June 22, 1982 (P.L.573, No.166), are amended and
4 the section is amended by adding a subsection to read:

5 Section 2001.3. Deputy Secretaries.--(a) The Secretary of
6 Transportation shall appoint, with the approval of the Governor,
7 [six] seven deputy secretaries who shall have the title of
8 Deputy Secretary for Administration, Deputy Secretary for
9 Highway Administration, Deputy Secretary for Safety
10 Administration, Deputy Secretary for Planning, Deputy Secretary
11 for Local and Area Transportation [and], Deputy Secretary for
12 Aviation and the Deputy Secretary for Toll Administration.

13 * * *

14 (f) The Deputy Secretary for Local and Area Transportation,
15 with the approval of the Secretary of Transportation shall have
16 the powers and perform the functions and duties provided in
17 sections 2002 and 2003 regarding services to municipalities,
18 local and public transportation, planning, development and
19 funding of local and public transportation, technological
20 development of rail, water or other modes of transportation
21 (except recreational boating and ferry licensing), environmental
22 design, improvement of transportation services and shall perform
23 the functions and duties heretofore imposed upon and performed
24 by the Mass Transportation Division in the Bureau of Community
25 Development of the Department of Community [Affairs] and
26 Economic Development, by the Secretary of Community [Affairs]
27 and Economic Development under the act of January 22, 1968
28 (P.L.42, Act No.8), known as the "Pennsylvania Urban Mass
29 Transportation Law," by the Department of Commerce in regard to
30 High-Speed Rail Demonstration Programs and by the former

1 Department of Highways in regard to the distribution of liquid
2 fuels taxes to the municipalities and townships.

3 * * *

4 (h) The Deputy Secretary for Toll Administration, with the
5 approval of the Secretary of Transportation, shall have the
6 powers and perform the functions and duties as provided by law
7 relating to the department's responsibilities under section
8 2008.1 and under this article with regard to the operation of
9 toll roads within this Commonwealth.

10 Section 2. Section 2008 of the act is repealed:

11 [Section 2008. Toll Roads and Bridges.--The Department of
12 Transportation shall have the power to acquire, for and on
13 behalf of the Commonwealth, by purchase or otherwise turnpike or
14 toll roads, or any parts thereof, or toll bridges, in such
15 manner and under and subject to such terms and conditions as may
16 now or hereafter be provided by law.]

17 Section 3. The act is amended by adding a section to read:

18 Section 2008.1. Toll Road and Bridge Administration.--(a)
19 The Department of Transportation shall assume all powers and
20 duties of the Pennsylvania Turnpike Commission that relate to
21 operation, maintenance, construction and reconstruction of the
22 Pennsylvania Turnpike and related highways and shall receive all
23 tolls and other money otherwise payable to the commission. The
24 functions assumed shall include all related functions under the
25 following acts:

26 Act of May 21, 1937 (P.L.774, No.211), referred to as the
27 Pennsylvania Turnpike Commission Act.

28 Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11), known as
29 the "Pennsylvania Turnpike Philadelphia Extension Act."

30 Act of June 11, 1941 (P.L.101, No.53), known as the "Western

1 Pennsylvania Turnpike Extension Act."

2 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
3 authorize and empower the Pennsylvania Turnpike Commission to
4 combine the Turnpike, the Eastern Extension, and the Western
5 Extension, or any two thereof, for financing purposes under the
6 provisions of this act; authorizing the issuance of Turnpike
7 revenue bonds of the Commonwealth payable solely from tolls; to
8 pay the cost of the Eastern Extension and the Western Extension;
9 paying the cost of the Eastern Extension, or the cost of the
10 Western Extension, or the cost of both; and refunding any
11 Turnpike revenue bonds or Turnpike refunding bonds which have
12 heretofore been issued by the Commission under the provisions of
13 any act heretofore approved, or under the provisions of this
14 act, and which shall then be outstanding, including the payment
15 of any redemption premiums thereon; refunding any revenue bonds
16 or revenue refunding bonds heretofore issued under the
17 provisions of this act, including the payment of and redemption
18 premiums thereon; authorizing the Commission to fix tolls from
19 time to time for use of the projects so combined; providing for
20 the use of a facsimile of the signature of the Governor, and of
21 the Chairman of the Commission in lieu of their manual
22 signatures, and a facsimile of the official seal of the
23 Commission upon any bonds issued under the provisions of this
24 act, or any other act; authorizing the issuance of bonds for the
25 payment of the construction of any turnpike, and giving certain
26 definitions."

27 Act of May 23, 1951 (P.L.335, No.74), known as the
28 "Pennsylvania Turnpike Delaware River Extension Act."

29 Act of August 14, 1951 (P.L.1232, No.282), referred to as the
30 Pennsylvania Turnpike System Financing Act.

1 Act of September 27, 1951 (P.L.1430, No.348), known as the
2 "Pennsylvania Turnpike Northeastern Extension Act."

3 Act of January 14, 1952 (1951 P.L.1947, No.547), known as the
4 "Pennsylvania Turnpike Gettysburg Extension Act."

5 Act of July 28, 1953 (P.L.706, No.229), known as the
6 "Pennsylvania Turnpike Northwestern Extension Act."

7 Act of June 10, 1955 (P.L.157, No.50), known as the
8 "Pennsylvania Turnpike Keystone Shortway Act."

9 Act of June 14, 1955 (P.L.174, No.52), known as the
10 "Pennsylvania Turnpike Southwestern Extension Act."

11 Act of May 15, 1956 (1955 P.L.1589, No.534), known as the
12 "Pennsylvania Turnpike Philadelphia Loop Extension Act."

13 Act of May 17, 1957 (P.L.160, No.73), entitled "An act
14 requiring all tunnels on the Pennsylvania Turnpike to be painted
15 white or lined with a light colored material and be equipped
16 with continuous lighting."

17 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
18 authorizing the Pennsylvania Turnpike Commission to finance and
19 construct certain additional projects on the Pennsylvania
20 Turnpike System."

21 Act of September 15, 1961 (P.L.1305, No.573), entitled "An
22 act requiring the erection and maintenance of medial barriers or
23 guards on the Pennsylvania Turnpike."

24 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
25 Turnpike Commission standards of conduct).

26 75 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike).

27 (b) (1) The Bureau of Toll Administration is hereby
28 established in the department to manage the functions assumed by
29 the department under this section.

30 (2) The executive director of the commission may be

1 appointed the first deputy secretary of the bureau.

2 (3) The bureau shall have the power to acquire, for and on
3 behalf of the Commonwealth, by purchase or otherwise, turnpike
4 or toll roads, or any parts thereof, or toll bridges, in such
5 manner and under and subject to such terms and conditions as
6 provided by law. The powers vested in the bureau shall include:

7 (i) The power to fix or set tolls on any roadway or bridge
8 under the jurisdiction of the department.

9 (ii) The power to enter into lease or other partnership
10 agreements with regard to the operation of existing or future
11 toll roads under the jurisdiction of the department.

12 (iii) The power to take actions authorized under the acts
13 specified in subsection (a).

14 (c) (1) Positions created by the establishment of the
15 bureau shall first be offered to personnel employed by the
16 commission who possess the necessary expertise and experience to
17 perform the duties of such position.

18 (2) The department shall honor any collective bargaining
19 agreement in existence between the commission and any employe
20 organization.

21 (3) Any transfers made under this section shall not affect
22 the civil service status of affected employes of the commission,
23 nor that of existing employes of the department.

24 (4) Employes and personal property of the commission
25 utilized in the bonding process are hereby transferred to the
26 State Treasurer.

27 (d) All land, buildings and personal property, as well as
28 all appropriations, allocations, documents, files, records,
29 contracts, agreements, equipment, materials, orders, rights and
30 obligations of the commission are transferred to the department.

1 (e) The bureau shall continue to use or recycle all forms,
2 stationery, business cards and other office supplies or
3 materials which contain references to the commission until the
4 existing supplies and materials are depleted.

5 (f) The department shall have the power to acquire, for and
6 on behalf of the Commonwealth, by purchase or otherwise,
7 turnpike or toll roads, or any parts thereof, or toll bridges,
8 or may contract out or privatize them, in such manner and under
9 and subject to such terms and conditions as provided by law.

10 (g) (1) The department shall have the power and duty to
11 promulgate regulations to administer the respective functions
12 transferred to it under this section.

13 (2) The regulations of the commission for the administration
14 of the functions transferred under this section shall remain in
15 effect until such time as new regulations are promulgated under
16 this section. However, the eligibility requirements for funding
17 within any program subject to review under this section shall
18 not be changed, amended or altered in any way.

19 (3) Any action to fix or to revise the tolls for the use of
20 the turnpike and the different parts or sections thereof or to
21 fix or set tolls on any roadway or bridge under the jurisdiction
22 of the department shall be taken in accordance with the act of
23 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
24 Act."

25 (h) The following words and phrases when used in this
26 section shall have the meanings given to them in this
27 subsection, unless the context clearly indicates otherwise:

28 "Bureau" means the Bureau of Toll Administration established
29 under this section.

30 "Commission" means the Pennsylvania Turnpike Commission.

1 "Department" means the Department of Transportation of the
2 Commonwealth.

3 Section 4. The Commonwealth shall assume the debt evidenced
4 by outstanding bonds of the Pennsylvania Turnpike Commission and
5 may draw upon the tolls received by the Department of
6 Transportation for repayment of this debt. The State Treasurer
7 shall assume all powers and duties of the Pennsylvania Turnpike
8 Commission which relate to issuance and payment of bonds for
9 construction, reconstruction and maintenance of the turnpike.

10 Section 5. The Pennsylvania Turnpike Commission and the
11 office of Turnpike Commissioner are abolished.

12 Section 6. On and after the effective date of this section,
13 a reference in any statute to the Pennsylvania Turnpike
14 Commission shall be deemed to be a reference to the Department
15 of Transportation.

16 Section 7. (a) The following acts, or portions thereof, are
17 repealed to the extent that they are inconsistent with this act:

18 Act of May 21, 1937 (P.L.774, No.211), referred to as the
19 Pennsylvania Turnpike Commission Act.

20 Act of May 16, 1940 (Sp.Sess., 1941 P.L.949, No.11), known as
21 the Pennsylvania Turnpike Philadelphia Extension Act.

22 Act of June 11, 1941 (P.L.101, No.53), known as the Western
23 Pennsylvania Turnpike Extension Act.

24 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
25 authorize and empower the Pennsylvania Turnpike Commission to
26 combine the Turnpike, the Eastern Extension, and the Western
27 Extension, or any two thereof, for financing purposes under the
28 provisions of this act; authorizing the issuance of Turnpike
29 revenue bonds of the Commonwealth payable solely from tolls; to
30 pay the cost of the Eastern Extension and the Western Extension;

1 paying the cost of the Eastern Extension, or the cost of the
2 Western Extension, or the cost of both; and refunding any
3 Turnpike revenue bonds or Turnpike refunding bonds which have
4 heretofore been issued by the Commission under the provisions of
5 any act heretofore approved, or under the provisions of this
6 act, and which shall then be outstanding, including the payment
7 of any redemption premiums thereon; refunding any revenue bonds
8 or revenue refunding bonds heretofore issued under the
9 provisions of this act, including the payment of and redemption
10 premiums thereon; authorizing the Commission to fix tolls from
11 time to time for use of the projects so combined; providing for
12 the use of a facsimile of the signature of the Governor, and of
13 the Chairman of the Commission in lieu of their manual
14 signatures, and a facsimile of the official seal of the
15 Commission upon any bonds issued under the provisions of this
16 act, or any other act; authorizing the issuance of bonds for the
17 payment of the construction of any turnpike, and giving certain
18 definitions."

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20 Pennsylvania Turnpike Delaware River Extension Act.

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24 Pennsylvania Turnpike Northeastern Extension Act.

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28 Pennsylvania Turnpike Northwestern Extension Act.

29 Act of June 10, 1955 (P.L.157, No.50), known as the
30 Pennsylvania Turnpike Keystone Shortway Act.

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2 Pennsylvania Turnpike Southwestern Extension Act.

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4 Pennsylvania Turnpike Philadelphia Loop Extension Act.

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6 requiring all tunnels on the Pennsylvania Turnpike to be painted
7 white or lined with a light colored material and be equipped
8 with continuous lighting."

9 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
10 authorizing the Pennsylvania Turnpike Commission to finance and
11 construct certain additional projects on the Pennsylvania
12 Turnpike System."

13 Act of September 15, 1961 (P.L.1305, No.573), entitled "An
14 act requiring the erection and maintenance of medial barriers or
15 guards on the Pennsylvania Turnpike."

16 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
17 Turnpike Commission standards of conduct).

18 75 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike).

19 (b) All other acts and parts of acts are repealed insofar as
20 they are inconsistent with this act.

21 Section 8. This amendatory act shall be known as the
22 Turnpike-Transportation Merger Act.

23 Section 9. This act shall take effect in 90 days.