
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2216 Session of
2022

INTRODUCED BY MIZGORSKI, BROOKS AND ECKER, JANUARY 10, 2022

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 10, 2022

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, providing for Pennsylvania
3 Infrastructure Bank and for Pennsylvania Infrastructure Bank
4 Fund; and making related repeals.

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

7 Section 1. Title 74 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 94

10 PENNSYLVANIA INFRASTRUCTURE BANK

11 Sec.

12 9401. Scope of chapter.

13 9402. Definitions.

14 9403. Pennsylvania Infrastructure Bank.

15 9404. Pennsylvania Infrastructure Bank Fund.

16 9405. Federal law.

17 9406. Prohibition.

18 9407. Other appropriations.

19 § 9401. Scope of chapter.

1 This chapter relates to the Pennsylvania Infrastructure Bank.

2 § 9402. Definitions.

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

6 "Aviation infrastructure." The term includes, but is not
7 limited to, the following:

8 (1) Runway, taxiway, apron, terminal and hangar
9 construction.

10 (2) Land acquisition, equipment procurement and
11 obstruction removal relating to aviation.

12 (3) Access roads for airports.

13 (4) Airport lighting.

14 "Department." The Department of Transportation of the
15 Commonwealth.

16 "Fund." The Pennsylvania Infrastructure Bank Fund continued
17 under section 9404 (relating to Pennsylvania Infrastructure Bank
18 Fund).

19 "Highway and bridge infrastructure." The term includes, but
20 is not limited to, the following:

21 (1) Road construction, resurfacing and preservation.

22 (2) Bridge rehabilitation and replacement.

23 (3) Traffic signals and signal upgrades.

24 (4) Drainage structures relating to highways and
25 bridges.

26 (5) Stormwater management relating to highways and
27 bridges.

28 (6) Municipal roadway and bridge maintenance equipment.

29 (7) Complete streets.

30 (8) Intermodal facilities.

1 "Qualified borrower." A person that meets qualification
2 criteria set by the department.

3 "Qualified project." A project which meets qualification
4 criteria set by the department for aviation infrastructure,
5 highway and bridge infrastructure, rail freight infrastructure
6 and transit infrastructure.

7 "Rail freight infrastructure." The term includes, but is not
8 limited to, ties, rails and ballast which may include supporting
9 infrastructure, rail spur lines to customers, crossings and
10 other similar structures.

11 "Transit infrastructure." The term includes, but is not
12 limited to, capital purchases, buildings and intermodal
13 facilities relating to transit.

14 § 9403. Pennsylvania Infrastructure Bank.

15 (a) Continuation.--The Pennsylvania Infrastructure Bank is
16 continued as a program within the department.

17 (b) Powers of department.--The department may do all of the
18 following:

19 (1) make loans to or enter into leases with qualified
20 borrowers to finance the costs of qualified projects and to
21 acquire, hold and sell borrower obligations evidencing the
22 loans;

23 (2) enter into guaranties relating to qualified projects
24 secured solely by or purchase insurance or other credit
25 enhancement through amounts on deposit in the fund;

26 (3) enter into contracts, arrangements and agreements to
27 provide assistance to qualified borrowers for qualified
28 projects through amounts on deposit in the fund. The
29 department shall determine the form and content of any
30 borrower obligation, including the terms and rate of interest

1 on any loans or leases;

2 (4) enter into contracts, arrangements and agreements
3 with other persons and execute and deliver all trust
4 agreements, loan agreements and other instruments necessary
5 or convenient to the exercise of the powers granted by this
6 section;

7 (5) enter into grant cooperative, operating and other
8 agreements with the United States relating to the fund;

9 (6) establish and collect fees, charges and interest;

10 (7) establish fiscal controls and accounting procedures
11 for the fund;

12 (8) adopt regulations, procedures or guidelines for the
13 Pennsylvania Infrastructure Bank and for accounting
14 procedures by qualified borrowers for financial assistance
15 and projects; and

16 (9) establish accounts and subaccounts in the fund as
17 necessary and invest money held in the fund.

18 § 9404. Pennsylvania Infrastructure Bank Fund.

19 (a) Continuation.--The Pennsylvania Infrastructure Bank Fund
20 is continued as a special fund within the State Treasury.

21 (b) Appropriation.--Money in the fund is appropriated to the
22 department on a continuing basis for the purposes of the
23 Pennsylvania Infrastructure Bank.

24 (c) Administration.--The fund shall be administered by the
25 department and the State Treasurer shall be the treasurer-
26 custodian of the fund.

27 (d) Deposits.--The following shall be deposited in the fund:

28 (1) Loan principal and interest repayments from the
29 Pennsylvania Infrastructure Bank.

30 (2) Appropriations or transfers of money of the

1 Commonwealth to the fund.

2 (3) Federal money which may be deposited in the fund.

3 (e) Disbursements.--The State Treasurer shall hold and
4 disburse all Federal and State money deposited into the fund in
5 accordance with this section.

6 § 9405. Federal law.

7 The department may take any actions required by Federal law
8 or regulation in order to qualify as a state infrastructure bank
9 and to receive Federal money made available to state
10 infrastructure banks.

11 § 9406. Prohibition.

12 The department shall not be considered a bank, trust company,
13 insurance company or dealer in securities subject to any Federal
14 or State banking or insurance regulating agency or any
15 securities, securities exchange or securities dealers' law.

16 § 9407. Other appropriations.

17 The department may use money in the Highway and Safety
18 Improvement Program appropriation from the Motor License Fund to
19 provide payments as authorized by Federal law, including
20 matching money, for the fund.

21 Section 2. Repeals are as follows:

22 (1) The General Assembly declares that the repeal under
23 paragraph (2) is necessary to effectuate the addition of 74
24 Pa.C.S. Ch. 94.

25 (2) Section 2015 of the act of April 9, 1929 (P.L.177,
26 No.175), known as The Administrative Code of 1929, is
27 repealed.

28 (3) The General Assembly declares that the repeal under
29 paragraph (4) is necessary to effectuate the addition of the
30 definitions of "qualified projects" and "rail freight

1 infrastructure" in 74 Pa.C.S. § 9402.

2 (4) The act of November 29, 2004 (P.L.1324, No.165),
3 known as the State Railroad Infrastructure Act, is repealed.

4 Section 3. The addition of 74 Pa.C.S. Ch. 94 is a
5 continuation of section 2015 of the act of April 9, 1929
6 (P.L.177, No.175), known as The Administrative Code of 1929, and
7 the act of November 29, 2004 (P.L.1324, No.165), known as the
8 State Railroad Infrastructure Act. Except as otherwise provided
9 in 74 Pa.C.S. Ch. 94, all activities initiated under section
10 2015 of The Administrative Code of 1929 and the State Railroad
11 Infrastructure Act shall continue and remain in full force and
12 effect and may be completed under 74 Pa.C.S. Ch. 94. Orders,
13 regulations, rules and decisions which were made under section
14 2015 of The Administrative Code of 1929 and the State Railroad
15 Infrastructure Act and which are in effect on the effective date
16 of section 2(2) and (4) of this act shall remain in full force
17 and effect until revoked, vacated or modified under 74 Pa.C.S.
18 Ch. 94. Contracts, obligations and collective bargaining
19 agreements entered into under section 2015 of The Administrative
20 Code of 1929 and the State Railroad Infrastructure Act are not
21 affected nor impaired by the repeal of section 2015 of The
22 Administrative Code of 1929 and the State Railroad
23 Infrastructure Act.

24 Section 4. This act shall take effect in 60 days.