

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 382 Session of 2021

INTRODUCED BY LANGERHOLC, REGAN, DiSANTO, MENSCH, BARTOLOTTA, ROBINSON, BAKER, J. WARD, BROOKS, STEFANO, HUTCHINSON, DUSH, PITTMAN, GORDNER, MARTIN, AUMENT, BROWNE AND LAUGHLIN, MARCH 9, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 15, 2021

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, in public-private transportation
3 partnerships, further providing for definitions, for duties
4 of board and, for operation of board AND FOR SELECTION OF <--
5 DEVELOPMENT ENTITIES; and voiding prior initiatives of the
6 Public-Private Transportation Partnership Board.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definition of "public-private transportation
10 partnership agreement" in section 9102 of Title 74 of the
11 Pennsylvania Consolidated Statutes is amended and the section is
12 amended by adding a definition to read:

13 § 9102. Definitions.

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

17 * * *

18 "Public-private transportation partnership agreement." A

1 contract for a transportation project which transfers the rights
2 for the use or control, in whole or in part, of a transportation
3 facility by a public entity to a development entity for a
4 definite term during which the development entity will provide
5 the transportation project to the public entity in return for
6 the right to receive all or a portion of the revenue generated
7 from the use of the transportation facility, or other payment,
8 such as [the following] transportation-related services.[:

9 (1) Operations and maintenance.

10 (2) Revenue collection.

11 (3) User fee collection or enforcement.

12 (4) Design.

13 (5) Construction.

14 (6) Development and other activities with respect to
15 existing or new transportation facilities that enhance
16 traffic throughput, reduce congestion, improve safety or
17 otherwise manage or improve a transportation facility.

18 (7) Financing.]

19 * * *

20 "Transportation-related service." Only the following
21 services:

22 (1) Operations and maintenance.

23 (2) Revenue collection.

24 (3) User fee collection or enforcement.

25 (4) Design.

26 (5) Construction.

27 (6) Development and other activities with respect to
28 existing or new transportation facilities that enhance
29 traffic throughput, reduce congestion, improve safety or
30 otherwise manage or improve a transportation facility.

1 (7) Financing.

2 Section 2. Section 9104(a)(2) and (4) and (c) of Title 74
3 are amended to read:

4 § 9104. Duties of board.

5 (a) Duties.--The board shall do all of the following:

6 * * *

7 (2) Adopt guidelines establishing the procedure by which
8 a public entity may submit a request for a proposed
9 transportation project or a private entity may submit an
10 unsolicited plan for a proposed transportation project to the
11 board.

12 * * *

13 (4) Evaluate and, where the board finds that the
14 requests or plans for proposed transportation projects are in
15 the best interests of the Commonwealth and a public entity,
16 approve the requests or plans for proposed transportation
17 projects[. The board shall approve a proposed transportation
18 project by adopting a resolution.] as provided under section
19 9105.

20 * * *

21 [(c) General Assembly.--The following shall apply:

22 (1) The General Assembly may, within 20 calendar days or
23 nine legislative days, whichever is longer, of the adoption
24 of the resolution under subsection (a)(4), pass a concurrent
25 resolution rescinding the approval of a transportation
26 project if the transportation facility which is the subject
27 of the transportation project is owned by the Commonwealth.

28 (2) If the General Assembly adopts the concurrent
29 resolution within the time period under paragraph (1) by
30 majority vote in both the Senate and the House of

1 Representatives, the transportation project shall be deemed
2 disapproved.

3 (3) If the General Assembly fails to adopt the
4 concurrent resolution by majority vote in both the Senate and
5 the House of Representatives within the time period under
6 paragraph (1), the transportation project shall be deemed
7 approved.]

8 Section 3. Section 9105(b) of Title 74 is amended and the
9 section is amended by adding subsections to read:

10 § 9105. Operation of board.

11 * * *

12 (b) Analysis.--The following shall apply:

13 (1) The department shall develop a detailed analysis of
14 a request or recommendation for a proposed transportation
15 project prior to requesting approval by the board.

16 (2) The analysis shall include the following:

17 (i) The exact location of the proposed
18 transportation project.

19 (ii) The type of transportation facility or
20 transportation-related service to be improved.

21 (iii) The estimated costs of the proposed
22 transportation project to the public entity.

23 (iv) The estimated length of the public-private
24 transportation partnership agreement.

25 (v) The social, economic and environmental impacts
26 of the proposed transportation project.

27 (vi) If the proposed transportation project requires
28 a user fee, include the estimated amount for each user
29 group and type of user fee as described under section
30 9110(f) (relating to public-private transportation

1 partnership agreement).

2 (vii) Applicable Federal and State laws.

3 (viii) Alternative courses of action to improve the
4 transportation facility or transportation-related service
5 without a public-private transportation partnership and
6 the associated risks of improving the transportation
7 facility or transportation-related service with a public-
8 private transportation partnership.

9 (2.1) The department may conduct additional evaluations
10 prior to the development of the analysis.

11 (3) The department shall post a copy of the analysis on
12 the department's publicly accessible Internet website, submit
13 the analysis to the board and the chairperson and minority
14 chairperson of the Transportation Committee of the Senate and
15 the chairperson and minority chairperson of the
16 Transportation Committee of the House of Representatives and
17 transmit notice of the analysis to the Legislative Reference
18 Bureau for publication in the Pennsylvania Bulletin for 30
19 days prior to any action by the board.

20 (b.1) Public input.--The following shall apply:

21 (1) The department shall collect comments from the
22 public on the proposed transportation project during a public
23 comment period which shall commence with the publication of
24 the notice in the Pennsylvania Bulletin of the analysis and
25 shall continue for a period of not less than 30 days. Prior
26 to any action by the board, the department shall post a copy
27 of all submitted comments and a summary as provided under
28 paragraph (2) on the department's publicly accessible
29 Internet website and provide the submitted comments and
30 summary to the board and the chairperson and minority

1 chairperson of the Transportation Committee of the Senate and
2 the chairperson and minority chairperson of the
3 Transportation Committee of the House of Representatives.

4 (2) The summary under paragraph (1) shall include a
5 description of the proposed transportation project, a copy of
6 the notice that was published in the Pennsylvania Bulletin,
7 the time period that the public was allowed to provide input,
8 an overview of how the department equitably solicited input
9 from persons affected by the proposed transportation project
10 and a chart or graph that accurately portrays all submitted
11 comments, including the positive and negative public input,
12 on the proposed transportation project.

13 (b.2) Evaluation and approval.--The following shall apply:

14 (1) After consideration of the analysis and public
15 input, if the board finds that the proposed transportation
16 project is in the best interests of the Commonwealth, it may
17 approve the proposed transportation project in the form of a
18 resolution.

19 (2) Approval of a proposed transportation project with
20 or without a user fee shall be in the form of a resolution
21 signed by the chairperson of the board. A copy of the
22 resolution shall be posted on the department's publicly
23 accessible Internet website and shall be transmitted by the
24 department to the following entities within 24 hours after
25 approval:

26 (i) The chairperson and minority chairperson of the
27 Transportation Committee of the Senate and the
28 chairperson and minority chairperson of the
29 Transportation Committee of the House of Representatives.

30 (ii) The Legislative Reference Bureau for

1 publication in the Pennsylvania Bulletin.

2 (b.3) Transportation projects with a user fee.--The EXCEPT <--
3 AS PROVIDED FOR UNDER SUBSECTION (B.5), THE following shall
4 apply for TO a proposed transportation project with a user fee: <--

5 (1) No later than five calendar days after the
6 resolution is published in the Pennsylvania Bulletin, the
7 department shall transmit the resolution to the Governor. The
8 Governor shall have 10 calendar days to approve or disapprove
9 the resolution. If no action is taken on the resolution by
10 the Governor within 10 calendar days of receipt of the
11 resolution, the resolution shall be deemed approved. If the
12 Governor approves the resolution or fails to act, the
13 Governor shall, within 10 calendar days, transmit the
14 resolution to the Secretary of the Senate and the Chief Clerk
15 of the House of Representatives for consideration by the
16 General Assembly. If the Governor disapproves the resolution,
17 the objections of the Governor disapproving the resolution
18 shall be transmitted to the department within 10 calendar
19 days AND THE PUBLIC ENTITY MAY NOT PROCEED WITH THE PUBLIC- <--
20 PRIVATE PARTNERSHIP AGREEMENT.

21 ~~(2) If no action is taken on the resolution by the <--~~
22 ~~General Assembly within 20 calendar days or 10 legislative~~
23 ~~days, whichever is later, of receipt of the resolution from~~
24 ~~the Governor by both the Secretary of the Senate and the~~
25 ~~Chief Clerk of the House of Representatives, five members of~~
26 ~~the Senate or 25 members of the House of Representatives may~~
27 ~~petition their respective presiding officer to schedule a~~
28 ~~vote on the resolution. The vote shall be scheduled to occur~~
29 ~~within 10 calendar days or five legislative days, whichever~~
30 ~~is later, of the presentation of the petition. Each chamber~~

1 ~~shall have 20 calendar days or 10 legislative days, whichever~~
2 ~~is later, to independently pass the resolution. The~~
3 ~~resolution shall be disapproved unless both chambers pass the~~
4 ~~resolution within the time period provided under this~~
5 ~~paragraph. If the General Assembly disapproves the~~
6 ~~resolution, the objections of the General Assembly~~
7 ~~disapproving the resolution shall be transmitted by the~~
8 ~~presiding officer of each chamber to the department within 10~~
9 ~~calendar days. If the General Assembly approves the~~
10 ~~resolution, the public entity may proceed with the public~~
11 ~~private transportation partnership agreement.~~

12 ~~(3) If the Governor or the General Assembly disapproves~~
13 ~~a resolution as provided under this subsection, the~~
14 ~~department may, upon receiving approval from the board,~~
15 ~~submit an amended resolution under paragraph (1). The~~
16 ~~department may only submit one amended resolution. If the~~
17 ~~amended resolution is disapproved, the approval process shall~~
18 ~~start over again as provided under this chapter.~~

19 ~~(4) If a time period under paragraph (2) expires after a~~
20 ~~session of the General Assembly adjourns sine die, the~~
21 ~~department shall reinitiate the process under paragraph (1)~~
22 ~~starting on the first day of the succeeding session of the~~
23 ~~General Assembly, except that the department shall not be~~
24 ~~required to republish the resolution in the Pennsylvania~~
25 ~~Bulletin.~~

26 (2) UPON RECEIPT OF THE RESOLUTION FROM THE GOVERNOR <--
27 UNDER PARAGRAPH (1), THE GENERAL ASSEMBLY MAY ADOPT A
28 CONCURRENT RESOLUTION APPROVING THE RESOLUTION SUBMITTED BY
29 THE GOVERNOR, SUBJECT TO ALL OF THE FOLLOWING:

30 (I) THE SENATE AND THE HOUSE OF REPRESENTATIVES

1 SHALL EACH HAVE 20 CALENDAR DAYS OR 10 LEGISLATIVE DAYS,
2 WHICHEVER IS LONGER, FROM THE DATE OF RECEIPT OF THE
3 RESOLUTION FROM THE GOVERNOR TO ADOPT THE CONCURRENT
4 RESOLUTION.

5 (II) IF ONE OR BOTH CHAMBERS OF THE GENERAL ASSEMBLY
6 IS PREVENTED FROM ADOPTING A CONCURRENT RESOLUTION DURING
7 THE TIME PERIOD PROVIDED UNDER SUBPARAGRAPH (I) BECAUSE
8 OF THE ADJOURNMENT SINE DIE OR THE EXPIRATION OF THE
9 LEGISLATIVE SESSION IN AN EVEN-NUMBERED YEAR, EACH
10 CHAMBER SHALL HAVE 20 CALENDAR DAYS OR 10 LEGISLATIVE
11 DAYS, WHICHEVER IS LONGER, FROM THE FIRST LEGISLATIVE DAY
12 OF THE SUCCEEDING LEGISLATIVE SESSION TO ADOPT THE
13 CONCURRENT RESOLUTION.

14 (III) IF THE GENERAL ASSEMBLY ADOPTS THE CONCURRENT
15 RESOLUTION APPROVING THE RESOLUTION SUBMITTED BY THE
16 GOVERNOR DURING THE TIME PERIODS PROVIDED UNDER
17 SUBPARAGRAPHS (I) OR (II), THE PUBLIC ENTITY MAY PROCEED
18 WITH THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

19 (3) IF EITHER CHAMBER OF THE GENERAL ASSEMBLY FAILS TO
20 ADOPT THE CONCURRENT RESOLUTION IN THE TIME PERIODS PROVIDED
21 UNDER PARAGRAPH (2), THE RESOLUTION SUBMITTED BY THE GOVERNOR
22 SHALL BE DEEMED DISAPPROVED AND THE PUBLIC ENTITY MAY NOT
23 PROCEED WITH THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT. THE
24 PRESIDING OFFICER OF A CHAMBER THAT FAILS TO ADOPT A
25 CONCURRENT RESOLUTION SHALL TRANSMIT THE OBJECTIONS OF THE
26 CHAMBER TO THE DEPARTMENT WITHIN 10 CALENDAR DAYS OF THE DATE
27 ON WHICH THE TIME PERIODS PROVIDED UNDER PARAGRAPH (2)
28 EXPIRES.

29 (4) IF THE GOVERNOR DISAPPROVES A RESOLUTION ADOPTED BY
30 THE BOARD UNDER PARAGRAPH (1), OR IF THE GENERAL ASSEMBLY

1 FAILS TO ADOPT A CONCURRENT RESOLUTION UNDER PARAGRAPH (2),
2 THE DEPARTMENT MAY, IN CONSULTATION WITH THE PUBLIC ENTITY
3 THAT IS THE SUBJECT OF THE PROPOSED TRANSPORTATION PROJECT IF
4 THE PUBLIC ENTITY IS NOT THE DEPARTMENT, AMEND THE PROPOSED
5 TRANSPORTATION PROJECT AND SUBMIT AN AMENDED RESOLUTION TO
6 THE BOARD FOR APPROVAL, SUBJECT TO ALL OF THE FOLLOWING:

7 (I) AN AMENDED RESOLUTION SUBMITTED TO THE BOARD
8 UNDER THIS PARAGRAPH SHALL NOT BE SUBJECT TO SUBSECTION
9 (B.1), BUT SHALL BE SUBJECT TO ALL OTHER REQUIREMENTS
10 UNDER THIS SECTION APPLICABLE TO THE APPROVAL OF A
11 PROPOSED TRANSPORTATION PROJECT THROUGH A RESOLUTION
12 ADOPTED BY THE BOARD.

13 (II) IF THE GOVERNOR DISAPPROVES AN AMENDED
14 RESOLUTION ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OR IF
15 THE GENERAL ASSEMBLY FAILS TO ADOPT A CONCURRENT
16 RESOLUTION UNDER PARAGRAPH (2) APPROVING THE AMENDED
17 RESOLUTION SUBMITTED BY THE GOVERNOR, THE PUBLIC ENTITY
18 MAY NOT PROCEED WITH THE PUBLIC-PRIVATE PARTNERSHIP
19 AGREEMENT AND ADDITIONAL AMENDED RESOLUTIONS MAY NOT BE
20 CONSIDERED UNDER THE PROVISIONS OF THIS PARAGRAPH,
21 PROVIDED THAT THE PROPOSED TRANSPORTATION PROJECT THAT IS
22 THE SUBJECT OF THE DISAPPROVED AMENDED RESOLUTION MAY BE
23 SUBSEQUENTLY SUBMITTED FOR APPROVAL TO THE BOARD AS A NEW
24 RESOLUTION AND BE SUBJECT TO THE PROVISIONS OF THIS
25 CHAPTER.

26 (b.4) Transportation projects without a user fee.--The <--
27 EXCEPT AS PROVIDED FOR UNDER SUBSECTION (B.5), THE following <--
28 shall apply for TO a proposed transportation project without a <--
29 user fee:

30 (1) No later than five calendar days after the

1 resolution is published in the Pennsylvania Bulletin, the
2 department shall transmit the resolution to the Governor. The
3 Governor shall have 10 calendar days to approve or disapprove
4 the resolution. If no action is taken on the resolution by
5 the Governor within 10 calendar days of receipt of the
6 resolution, the resolution shall be deemed approved. If the
7 Governor approves the resolution or fails to act, the
8 Governor shall, within 10 calendar days, transmit the
9 resolution to the Secretary of the Senate and the Chief Clerk
10 of the House of Representatives for consideration by the
11 General Assembly. If the Governor disapproves the resolution,
12 the objections of the Governor disapproving the resolution
13 shall be transmitted to the department within 10 calendar
14 days AND THE PUBLIC ENTITY MAY NOT PROCEED WITH THE PUBLIC- <--
15 PRIVATE PARTNERSHIP AGREEMENT.

16 ~~(2) If no action is taken on the resolution by the <--~~
17 ~~General Assembly within 20 calendar days or 10 legislative~~
18 ~~days, whichever is later, of receipt of the resolution from~~
19 ~~the Governor by both the Secretary of the Senate and the~~
20 ~~Chief Clerk of the House of Representatives, five members of~~
21 ~~the Senate or 25 members of the House of Representatives may~~
22 ~~petition their respective presiding officer to schedule a~~
23 ~~vote on the resolution. The vote shall be scheduled to occur~~
24 ~~within 10 calendar days or five legislative days, whichever~~
25 ~~is later, of the presentation of the petition. Each chamber~~
26 ~~shall have 20 calendar days or 10 legislative days, whichever~~
27 ~~is later, to independently pass the resolution. The~~
28 ~~resolution shall be deemed approved unless both chambers vote~~
29 ~~to disapprove the resolution in the time period under this~~
30 ~~paragraph. If the General Assembly disapproves the~~

~~1 resolution, the objections of the General Assembly~~
~~2 disapproving the resolution shall be transmitted by the~~
~~3 presiding officer of each chamber to the department within 10~~
~~4 calendar days. If the General Assembly approves the~~
~~5 resolution, the public entity may proceed with the public~~
~~6 private transportation partnership agreement.~~

~~7 (3) If the Governor or the General Assembly disapproves~~
~~8 a resolution as provided under this subsection, the~~
~~9 department may, upon receiving approval from the board,~~
~~10 submit an amended resolution under paragraph (1). The~~
~~11 department may only submit one amended resolution. If the~~
~~12 amended resolution is disapproved, the approval process shall~~
~~13 start over again as provided under this chapter.~~

~~14 (4) If a time period under paragraph (2) expires after a~~
~~15 session of the General Assembly adjourns sine die, the~~
~~16 department shall reinitiate the process under paragraph (1)~~
~~17 starting on the first day of the succeeding session of the~~
~~18 General Assembly, except that the department shall not be~~
~~19 required to republish the resolution in the Pennsylvania~~
~~20 Bulletin.~~

~~21 (2) UPON RECEIPT OF THE RESOLUTION FROM THE GOVERNOR~~ <--
~~22 UNDER PARAGRAPH (1), THE GENERAL ASSEMBLY MAY ADOPT A~~
~~23 CONCURRENT RESOLUTION DISAPPROVING THE RESOLUTION SUBMITTED~~
~~24 BY THE GOVERNOR, SUBJECT TO ALL OF THE FOLLOWING:~~

~~25 (I) THE SENATE AND THE HOUSE OF REPRESENTATIVES~~
~~26 SHALL EACH HAVE 20 CALENDAR DAYS OR 10 LEGISLATIVE DAYS,~~
~~27 WHICHEVER IS LONGER, FROM THE DATE OF RECEIPT OF THE~~
~~28 RESOLUTION FROM THE GOVERNOR TO ADOPT THE CONCURRENT~~
~~29 RESOLUTION DISAPPROVING THE RESOLUTION SUBMITTED BY THE~~
~~30 GOVERNOR.~~

1 (II) IF ONE OR BOTH CHAMBERS OF THE GENERAL ASSEMBLY
2 IS PREVENTED FROM ADOPTING A CONCURRENT RESOLUTION DURING
3 THE TIME PERIOD PROVIDED UNDER SUBPARAGRAPH (I) BECAUSE
4 OF THE ADJOURNMENT SINE DIE OR THE EXPIRATION OF THE
5 LEGISLATIVE SESSION IN AN EVEN-NUMBERED YEAR, EACH
6 CHAMBER SHALL HAVE 20 CALENDAR DAYS OR 10 LEGISLATIVE
7 DAYS, WHICHEVER IS LONGER, FROM THE FIRST LEGISLATIVE DAY
8 OF THE SUCCEEDING LEGISLATIVE SESSION TO ADOPT THE
9 CONCURRENT RESOLUTION.

10 (III) IF THE GENERAL ASSEMBLY ADOPTS THE CONCURRENT
11 RESOLUTION DISAPPROVING THE RESOLUTION SUBMITTED BY THE
12 GOVERNOR DURING THE TIME PERIODS PROVIDED UNDER
13 SUBPARAGRAPHS (I) OR (II), THE PUBLIC ENTITY MAY NOT
14 PROCEED WITH THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.
15 THE PRESIDING OFFICER OF EACH CHAMBER SHALL TRANSMIT THE
16 OBJECTIONS OF THEIR RESPECTIVE CHAMBER TO THE DEPARTMENT
17 WITHIN 10 CALENDAR DAYS OF THE DATE ON WHICH THE GENERAL
18 ASSEMBLY ADOPTED THE CONCURRENT RESOLUTION.

19 (3) IF EITHER CHAMBER OF THE GENERAL ASSEMBLY FAILS TO
20 ADOPT THE CONCURRENT RESOLUTION IN THE TIME PERIODS PROVIDED
21 UNDER PARAGRAPH (2), THE RESOLUTION SUBMITTED BY THE GOVERNOR
22 SHALL BE DEEMED APPROVED AND THE PUBLIC ENTITY MAY PROCEED
23 WITH THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

24 (4) IF THE GOVERNOR DISAPPROVES A RESOLUTION ADOPTED BY
25 THE BOARD UNDER PARAGRAPH (1) OR IF THE GENERAL ASSEMBLY
26 ADOPTS A CONCURRENT RESOLUTION UNDER PARAGRAPH (2), THE
27 DEPARTMENT MAY, IN CONSULTATION WITH THE PUBLIC ENTITY THAT
28 IS THE SUBJECT OF THE PROPOSED TRANSPORTATION PROJECT IF THE
29 PUBLIC ENTITY IS NOT THE DEPARTMENT, AMEND THE PROPOSED
30 TRANSPORTATION PROJECT AND SUBMIT AN AMENDED RESOLUTION TO

1 THE BOARD FOR APPROVAL, SUBJECT TO ALL OF THE FOLLOWING:

2 (I) AN AMENDED RESOLUTION SUBMITTED TO THE BOARD
3 UNDER THIS PARAGRAPH SHALL NOT BE SUBJECT TO SUBSECTION
4 (B.1), BUT SHALL BE SUBJECT TO ALL OTHER REQUIREMENTS
5 UNDER THIS SECTION APPLICABLE TO THE APPROVAL OF A
6 PROPOSED TRANSPORTATION PROJECT THROUGH A RESOLUTION
7 ADOPTED BY THE BOARD.

8 (II) IF THE GOVERNOR DISAPPROVES AN AMENDED
9 RESOLUTION ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OR IF
10 THE GENERAL ASSEMBLY ADOPTS A CONCURRENT RESOLUTION UNDER
11 PARAGRAPH (2), THE PUBLIC ENTITY MAY NOT PROCEED WITH THE
12 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT AND ADDITIONAL
13 AMENDED RESOLUTIONS MAY NOT BE CONSIDERED UNDER THE
14 PROVISIONS OF THIS PARAGRAPH, PROVIDED THAT THE PROPOSED
15 TRANSPORTATION PROJECT THAT IS THE SUBJECT OF THE
16 DISAPPROVED AMENDED RESOLUTION MAY BE SUBSEQUENTLY
17 SUBMITTED FOR APPROVAL TO THE BOARD AS A NEW RESOLUTION
18 AND BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

19 (B.5) APPROVAL OF LOCAL TRANSPORTATION PROJECTS.--

20 (1) SUBSECTIONS (B.3) AND (B.4) SHALL NOT APPLY TO A
21 PROPOSED TRANSPORTATION PROJECT IF THE TRANSPORTATION
22 FACILITY WHICH IS THE SUBJECT OF THE PROPOSED TRANSPORTATION
23 PROJECT IS NOT OWNED BY THE COMMONWEALTH.

24 (2) A PROPOSED TRANSPORTATION PROJECT AS DESCRIBED IN
25 PARAGRAPH (1) SHALL BE DEEMED APPROVED UPON THE ADOPTION OF A
26 RESOLUTION BY THE BOARD UNDER SECTION 9104(A)(4) (RELATING TO
27 DUTIES OF BOARD).

28 * * *

29 SECTION 4. SECTION 9109(A) OF TITLE 74 IS AMENDED TO READ: <--

30 § 9109. SELECTION OF DEVELOPMENT ENTITIES.

1 (A) CONDITIONS FOR USE.--IF A TRANSPORTATION PROJECT IS
2 APPROVED UNDER [SECTION] SECTIONS 9104 (RELATING TO DUTIES OF
3 BOARD) AND 9105 (RELATING TO OPERATION OF BOARD), THE PUBLIC
4 ENTITY MAY ENTER INTO A CONTRACT FOR THE TRANSPORTATION PROJECT
5 BY COMPETITIVE SEALED PROPOSALS.

6 * * *

7 Section ~~4~~ 5. The amendment of 74 Pa.C.S. ~~§ 9105~~ §§ 9102, <--
8 9104, 9105 AND 9109 shall apply to resolutions considered after
9 October 31, 2020, by the Public-Private Transportation
10 Partnership Board. Any resolution considered after October 31,
11 2020, and prior to the effective date of this section by the
12 Public-Private Transportation Partnership Board, including the
13 resolution ~~authorizing~~ ADOPTED BY THE PUBLIC-PRIVATE <--
14 TRANSPORTATION PARTNERSHIP BOARD ON NOVEMBER 12, 2020, APPROVING
15 THE PUBLIC-PRIVATE PARTNERSHIP DELIVERY MODEL FOR INTERSTATE
16 BRIDGES OR EXPRESSWAY BRIDGES AND REFERRED TO IN THE RESOLUTION
17 AS the PennDOT Pathways Major Bridge P3 Initiative, shall be
18 void and ~~must be reconsidered by the Public Private~~ <--
19 ~~Transportation Partnership Board.~~ THE DEPARTMENT OF <--
20 TRANSPORTATION IS PROHIBITED FROM ENTERING INTO A PUBLIC-PRIVATE
21 TRANSPORTATION PARTNERSHIP AGREEMENT WITH A DEVELOPMENT ENTITY
22 TO UTILIZE A PUBLIC-PRIVATE PARTNERSHIP DELIVERY MODEL FOR
23 INTERSTATE BRIDGES OR EXPRESSWAY BRIDGES, INCLUDING ASSOCIATED
24 ROADWORK, UNLESS THE DEPARTMENT OF TRANSPORTATION SUBMITS A
25 RESOLUTION AFTER THE EFFECTIVE DATE OF THIS ACT TO THE PUBLIC-
26 PRIVATE TRANSPORTATION PARTNERSHIP BOARD AND THE RESOLUTION IS
27 APPROVED UNDER 74 PA.C.S. CH. 91 AS AMENDED BY THIS ACT.

28 Section ~~5~~ 6. This act shall take effect immediately. <--