

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

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JULY 7, 2022

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, for operation of board ~~and~~, for selection of <--  
5 development entities, FOR PUBLIC-PRIVATE TRANSPORTATION <--  
6 PARTNERSHIP AGREEMENT AND FOR TAXATION OF DEVELOPMENT ENTITY  
7 AND PROVIDING FOR PROHIBITION ON MANDATORY USER FEES; and  
8 ~~voiding prior initiatives~~ RESCINDING, IN PART, A RESOLUTION <--  
9 of the Public-Private Transportation Partnership Board.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

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

16 § 9102. Definitions.

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

20 \* \* \*

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

10 (1) Operations and maintenance.

11 (2) Revenue collection.

12 (3) User fee collection or enforcement.

13 (4) Design.

14 (5) Construction.

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

19 (7) Financing.]

20 \* \* \*

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

23 (1) Operations and maintenance.

24 (2) Revenue collection.

25 (3) ~~User~~ OPTIONAL USER fee collection or enforcement. <--

26 (4) Design.

27 (5) Construction.

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

1 otherwise manage or improve a transportation facility.

2 (7) Financing.

3 Section 2. Section 9104(a)(2) and (4) and ~~(e)~~ (C)(1) of <--  
4 Title 74 are amended to read:

5 § 9104. Duties of board.

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

7 \* \* \*

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

13 \* \* \*

14 (4) Evaluate and, where the board finds that the  
15 requests or plans for proposed transportation projects are in  
16 the best interests of the Commonwealth and a public entity,  
17 approve the requests or plans for proposed transportation  
18 projects~~†~~. NO PROPOSED TRANSPORTATION PROJECT THAT PROVIDES <--  
19 FOR OPTIONAL USER FEES MAY BE APPROVED BY THE BOARD UNLESS  
20 THE BOARD MEMBERS APPROVE SUCH A PROJECT UNANIMOUSLY. The  
21 board shall approve a proposed transportation project by  
22 adopting a resolution.~~‡~~ as provided under section 9105. <--

23 \* \* \*

24 †(c) General Assembly.--The following shall apply: <--

25 (1) **[The]** UPON RECEIPT OF THE RESOLUTION FROM THE BOARD <--  
26 UNDER SECTION 9105(B.2), THE General Assembly may, within 20  
27 calendar days or ~~†~~nine legislative days, whichever is longer, <--  
28 **[of the adoption of the resolution under subsection (a)(4),]** <--  
29 pass a concurrent resolution rescinding the approval of a  
30 transportation project if the transportation facility which

1 is the subject of the transportation project is owned by the  
2 Commonwealth.

3 ~~(2) If the General Assembly adopts the concurrent~~ <--  
4 ~~resolution within the time period under paragraph (1) by~~  
5 ~~majority vote in both the Senate and the House of~~  
6 ~~Representatives, the transportation project shall be deemed~~  
7 ~~disapproved.~~

8 ~~(3) If the General Assembly fails to adopt the~~  
9 ~~concurrent resolution by majority vote in both the Senate and~~  
10 ~~the House of Representatives within the time period under~~  
11 ~~paragraph (1), the transportation project shall be deemed~~  
12 ~~approved.]~~

13 \* \* \* <--

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

16 § 9105. Operation of board.

17 \* \* \*

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

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

22 (2) The analysis shall include the following:

23 (i) The exact ANTICIPATED location of the proposed <--  
24 transportation project.

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

27 (iii) The estimated costs of the proposed  
28 transportation project to the public entity.

29 (iv) The estimated length of the public-private  
30 transportation partnership agreement.

1           (v) The POTENTIAL social, economic and environmental <--  
2           impacts of the proposed transportation project.

3           (vi) If the proposed transportation project requires <--  
4           a PROPOSES AN OPTIONAL user fee, include the estimated <--  
5           amount for each user group and type of user fee as  
6           described under section 9110(f) (relating to public-  
7           private transportation partnership agreement).

8           (vii) Applicable Federal and State laws.

9           (viii) Alternative courses of action to improve the  
10           transportation facility or transportation-related service  
11           without a public-private transportation partnership and  
12           the associated risks of improving the transportation  
13           facility or transportation-related service with a public-  
14           private transportation partnership.

15           (2.1) The department may conduct additional evaluations  
16           prior to the development of the analysis.

17           (3) The department shall post a copy of the analysis on  
18           the department's publicly accessible Internet website, submit  
19           the analysis to the board and the chairperson and minority  
20           chairperson of the Transportation Committee of the Senate and  
21           the chairperson and minority chairperson of the  
22           Transportation Committee of the House of Representatives and  
23           transmit notice of the analysis to the Legislative Reference  
24           Bureau for publication in the Pennsylvania Bulletin for 30 60 <--  
25           days prior to any action by the board.

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

27           (1) The department shall collect comments from the  
28           public on the proposed transportation project during a public  
29           comment period which shall commence with the publication of  
30           the notice in the Pennsylvania Bulletin of the analysis and

1 shall continue for a period of not less than 30 days. Prior  
2 to any action by the board, the department shall post a copy  
3 of all submitted comments and a summary as provided under  
4 paragraph (2) on the department's publicly accessible  
5 Internet website and provide the submitted comments and  
6 summary to the board and the chairperson and minority  
7 chairperson of the Transportation Committee of the Senate and  
8 the chairperson and minority chairperson of the  
9 Transportation Committee of the House of Representatives.

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

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

20 (1) After consideration of the analysis and public input~~<--~~  
21 COMMENT, if the board finds that the proposed transportation~~<--~~  
22 project is in the best interests of the Commonwealth, it may  
23 approve the proposed transportation project in the form of a  
24 resolution. FOR A PROPOSED TRANSPORTATION PROJECT THAT MAY~~<--~~  
25 IMPOSE AN OPTIONAL USER FEE, UNANIMOUS APPROVAL OF THE BOARD  
26 IS REQUIRED.

27 (2) Approval of a proposed transportation project with~~<--~~  
28 or without a, INCLUDING A PROJECT WITH AN OPTIONAL user fee,~~<--~~  
29 shall be in the form of a resolution signed by the  
30 chairperson of the board. A copy of the resolution shall be

1 posted on the department's publicly accessible Internet  
2 website and shall be transmitted by the department to the  
3 following entities within 24 48 hours after approval: <--

4 (i) The chairperson and minority chairperson of the  
5 Transportation Committee of the Senate and the  
6 chairperson and minority chairperson of the  
7 Transportation Committee of the House of Representatives.

8 (ii) The Legislative Reference Bureau for  
9 publication in the Pennsylvania Bulletin.

10 ~~(b.3) Transportation projects with a user fee. Except as~~ <--  
11 ~~provided for under subsection (b.5), the following shall apply~~  
12 ~~to a proposed transportation project with a user fee:~~

13 ~~(1) No later than five calendar days after the~~  
14 ~~resolution is published in the Pennsylvania Bulletin, the~~  
15 ~~department shall transmit the resolution to the Governor. The~~  
16 ~~Governor shall have 10 calendar days to approve or disapprove~~  
17 ~~the resolution. If no action is taken on the resolution by~~  
18 ~~the Governor within 10 calendar days of receipt of the~~  
19 ~~resolution, the resolution shall be deemed approved. If the~~  
20 ~~Governor approves the resolution or fails to act, the~~  
21 ~~Governor shall, within 10 calendar days, transmit the~~  
22 ~~resolution to the Secretary of the Senate and the Chief Clerk~~  
23 ~~of the House of Representatives for consideration by the~~  
24 ~~General Assembly. If the Governor disapproves the resolution,~~  
25 ~~the objections of the Governor disapproving the resolution~~  
26 ~~shall be transmitted to the department within 10 calendar~~  
27 ~~days and the public entity may not proceed with the public~~  
28 ~~private partnership agreement.~~

29 ~~(2) Upon receipt of the resolution from the Governor~~  
30 ~~under paragraph (1), the General Assembly may adopt a~~

1 ~~concurrent resolution approving the resolution submitted by~~  
2 ~~the Governor, subject to all of the following:~~

3 ~~(i) The Senate and the House of Representatives~~  
4 ~~shall each have 20 calendar days or 10 legislative days,~~  
5 ~~whichever is longer, from the date of receipt of the~~  
6 ~~resolution from the Governor to adopt the concurrent~~  
7 ~~resolution.~~

8 ~~(ii) If one or both chambers of the General Assembly~~  
9 ~~is prevented from adopting a concurrent resolution during~~  
10 ~~the time period provided under subparagraph (i) because~~  
11 ~~of the adjournment sine die or the expiration of the~~  
12 ~~legislative session in an even numbered year, each~~  
13 ~~chamber shall have 20 calendar days or 10 legislative~~  
14 ~~days, whichever is longer, from the first legislative day~~  
15 ~~of the succeeding legislative session to adopt the~~  
16 ~~concurrent resolution.~~

17 ~~(iii) If the General Assembly adopts the concurrent~~  
18 ~~resolution approving the resolution submitted by the~~  
19 ~~Governor during the time periods provided under~~  
20 ~~subparagraphs (i) or (ii), the public entity may proceed~~  
21 ~~with the public private partnership agreement.~~

22 ~~(3) If either chamber of the General Assembly fails to~~  
23 ~~adopt the concurrent resolution in the time periods provided~~  
24 ~~under paragraph (2), the resolution submitted by the Governor~~  
25 ~~shall be deemed disapproved and the public entity may not~~  
26 ~~proceed with the public private partnership agreement. The~~  
27 ~~presiding officer of a chamber that fails to adopt a~~  
28 ~~concurrent resolution shall transmit the objections of the~~  
29 ~~chamber to the department within 10 calendar days of the date~~  
30 ~~on which the time periods provided under paragraph (2)~~



1 ~~expires.~~

2 ~~(4) If the Governor disapproves a resolution adopted by~~  
3 ~~the board under paragraph (1), or if the General Assembly~~  
4 ~~fails to adopt a concurrent resolution under paragraph (2),~~  
5 ~~the department may, in consultation with the public entity~~  
6 ~~that is the subject of the proposed transportation project if~~  
7 ~~the public entity is not the department, amend the proposed~~  
8 ~~transportation project and submit an amended resolution to~~  
9 ~~the board for approval, subject to all of the following:~~

10 ~~(i) An amended resolution submitted to the board~~  
11 ~~under this paragraph shall not be subject to subsection~~  
12 ~~(b.1), but shall be subject to all other requirements~~  
13 ~~under this section applicable to the approval of a~~  
14 ~~proposed transportation project through a resolution~~  
15 ~~adopted by the board.~~

16 ~~(ii) If the Governor disapproves an amended~~  
17 ~~resolution adopted by the board under paragraph (1) or if~~  
18 ~~the General Assembly fails to adopt a concurrent~~  
19 ~~resolution under paragraph (2) approving the amended~~  
20 ~~resolution submitted by the Governor, the public entity~~  
21 ~~may not proceed with the public private partnership~~  
22 ~~agreement and additional amended resolutions may not be~~  
23 ~~considered under the provisions of this paragraph,~~  
24 ~~provided that the proposed transportation project that is~~  
25 ~~the subject of the disapproved amended resolution may be~~  
26 ~~subsequently submitted for approval to the board as a new~~  
27 ~~resolution and be subject to the provisions of this~~  
28 ~~chapter.~~

29 ~~(b.4) Transportation projects without a user fee. Except as~~  
30 ~~provided for under subsection (b.5), the following shall apply~~

1 ~~to a proposed transportation project without a user fee:~~

2 ~~(1) No later than five calendar days after the~~  
3 ~~resolution is published in the Pennsylvania Bulletin, the~~  
4 ~~department shall transmit the resolution to the Governor. The~~  
5 ~~Governor shall have 10 calendar days to approve or disapprove~~  
6 ~~the resolution. If no action is taken on the resolution by~~  
7 ~~the Governor within 10 calendar days of receipt of the~~  
8 ~~resolution, the resolution shall be deemed approved. If the~~  
9 ~~Governor approves the resolution or fails to act, the~~  
10 ~~Governor shall, within 10 calendar days, transmit the~~  
11 ~~resolution to the Secretary of the Senate and the Chief Clerk~~  
12 ~~of the House of Representatives for consideration by the~~  
13 ~~General Assembly. If the Governor disapproves the resolution,~~  
14 ~~the objections of the Governor disapproving the resolution~~  
15 ~~shall be transmitted to the department within 10 calendar~~  
16 ~~days and the public entity may not proceed with the public~~  
17 ~~private partnership agreement.~~

18 ~~(2) Upon receipt of the resolution from the Governor~~  
19 ~~under paragraph (1), the General Assembly may adopt a~~  
20 ~~concurrent resolution disapproving the resolution submitted~~  
21 ~~by the Governor, subject to all of the following:~~

22 ~~(i) The Senate and the House of Representatives~~  
23 ~~shall each have 20 calendar days or 10 legislative days,~~  
24 ~~whichever is longer, from the date of receipt of the~~  
25 ~~resolution from the Governor to adopt the concurrent~~  
26 ~~resolution disapproving the resolution submitted by the~~  
27 ~~Governor.~~

28 ~~(ii) If one or both chambers of the General Assembly~~  
29 ~~is prevented from adopting a concurrent resolution during~~  
30 ~~the time period provided under subparagraph (i) because~~

1 ~~of the adjournment sine die or the expiration of the~~  
2 ~~legislative session in an even numbered year, each~~  
3 ~~chamber shall have 20 calendar days or 10 legislative~~  
4 ~~days, whichever is longer, from the first legislative day~~  
5 ~~of the succeeding legislative session to adopt the~~  
6 ~~concurrent resolution.~~

7 ~~(iii) If the General Assembly adopts the concurrent~~  
8 ~~resolution disapproving the resolution submitted by the~~  
9 ~~Governor during the time periods provided under~~  
10 ~~subparagraphs (i) or (ii), the public entity may not~~  
11 ~~proceed with the public private partnership agreement.~~  
12 ~~The presiding officer of each chamber shall transmit the~~  
13 ~~objections of their respective chamber to the department~~  
14 ~~within 10 calendar days of the date on which the General~~  
15 ~~Assembly adopted the concurrent resolution.~~

16 ~~(3) If either chamber of the General Assembly fails to~~  
17 ~~adopt the concurrent resolution in the time periods provided~~  
18 ~~under paragraph (2), the resolution submitted by the Governor~~  
19 ~~shall be deemed approved and the public entity may proceed~~  
20 ~~with the public private partnership agreement.~~

21 ~~(4) If the Governor disapproves a resolution adopted by~~  
22 ~~the board under paragraph (1) or if the General Assembly~~  
23 ~~adopts a concurrent resolution under paragraph (2), the~~  
24 ~~department may, in consultation with the public entity that~~  
25 ~~is the subject of the proposed transportation project if the~~  
26 ~~public entity is not the department, amend the proposed~~  
27 ~~transportation project and submit an amended resolution to~~  
28 ~~the board for approval, subject to all of the following:~~

29 ~~(i) An amended resolution submitted to the board~~  
30 ~~under this paragraph shall not be subject to subsection~~

1 ~~(b.1), but shall be subject to all other requirements~~  
2 ~~under this section applicable to the approval of a~~  
3 ~~proposed transportation project through a resolution~~  
4 ~~adopted by the board.~~

5 ~~(ii) If the Governor disapproves an amended~~  
6 ~~resolution adopted by the board under paragraph (1) or if~~  
7 ~~the General Assembly adopts a concurrent resolution under~~  
8 ~~paragraph (2), the public entity may not proceed with the~~  
9 ~~public private partnership agreement and additional~~  
10 ~~amended resolutions may not be considered under the~~  
11 ~~provisions of this paragraph, provided that the proposed~~  
12 ~~transportation project that is the subject of the~~  
13 ~~disapproved amended resolution may be subsequently~~  
14 ~~submitted for approval to the board as a new resolution~~  
15 ~~and be subject to the provisions of this chapter.~~

16 ~~(b.5) Approval of local transportation projects.--~~

17 ~~(1) Subsections (b.3) and (b.4) shall not apply to a~~  
18 ~~proposed transportation project if the transportation~~  
19 ~~facility which is the subject of the proposed transportation~~  
20 ~~project is not owned by the Commonwealth.~~

21 ~~(2) A proposed transportation project as described in~~  
22 ~~paragraph (1) shall be deemed approved upon the adoption of a~~  
23 ~~resolution by the board under section 9104(a)(4) (relating to~~  
24 ~~duties of board).~~

25 \* \* \*

26 Section 4. ~~Section 9109(a) of Title 74 is amended to read: <--~~

27 SECTIONS 9109(A), 9110(F) AND 9115(A) AND (B) OF TITLE 74 ARE <--

28 AMENDED TO READ:

29 § 9109. Selection of development entities.

30 (a) Conditions for use.--If a transportation project is

1 approved under [section] sections 9104 (relating to duties of  
2 board) and 9105 (relating to operation of board), the public  
3 entity may enter into a contract for the transportation project  
4 by competitive sealed proposals.

5 \* \* \*

6 § 9110. PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT. <--

7 \* \* \*

8 (F) [USER] OPTIONAL USER FEES.--A PROVISION ESTABLISHING  
9 WHETHER OPTIONAL USER FEES WILL BE IMPOSED FOR USE OF THE  
10 PUBLIC-PRIVATE TRANSPORTATION PROJECT AND THE BASIS BY WHICH ANY  
11 OPTIONAL USER FEES WILL BE IMPOSED AND COLLECTED SHALL BE  
12 DETERMINED IN THE PUBLIC-PRIVATE TRANSPORTATION PARTNERSHIP  
13 AGREEMENT. IF [A] AN OPTIONAL USER FEE IS PROPOSED AS PART OF  
14 THE PUBLIC-PRIVATE TRANSPORTATION PROJECT, A PROPRIETARY PUBLIC  
15 ENTITY SHALL INCLUDE PROVISIONS IN THE AGREEMENT THAT AUTHORIZE  
16 THE COLLECTION OF OPTIONAL USER FEES, TOLLS, FARES OR SIMILAR  
17 CHARGES, INCLUDING PROVISIONS THAT:

18 (1) SPECIFY TECHNOLOGY TO BE USED IN THE PUBLIC-PRIVATE  
19 TRANSPORTATION PROJECT.

20 (2) ESTABLISH CIRCUMSTANCES UNDER WHICH THE PROPRIETARY  
21 PUBLIC ENTITY MAY RECEIVE A SHARE OF REVENUES FROM THE  
22 CHARGES.

23 (3) GOVERN THE ENFORCEMENT OF OPTIONAL ELECTRONIC TOLLS,  
24 INCLUDING PROVISIONS FOR USE OF AVAILABLE TECHNOLOGY.

25 (4) ESTABLISH PAYMENT COLLECTION STANDARDS, INCLUDING  
26 PROVISIONS FOR ENFORCEMENT OF NONPAYMENT AND PENALTIES.

27 (5) IN THE EVENT AN OPERATOR OF A VEHICLE FAILS TO PAY  
28 THE [PRESCRIBED] OPTIONAL TOLL OR USER FEE AT ANY LOCATION ON  
29 A PUBLIC-PRIVATE TRANSPORTATION PROJECT WHERE OPTIONAL TOLLS  
30 OR USER FEES ARE COLLECTED BY MEANS OF AN ELECTRONIC OR OTHER

1 AUTOMATED OR REMOTE FORM OF COLLECTION, THE COLLECTION  
2 PROVISIONS OF SECTION 8117 (RELATING TO ELECTRONIC TOLL  
3 COLLECTION) SHALL APPLY EXCEPT THAT THE DEVELOPMENT ENTITY  
4 SHALL POSSESS ALL OF THE RIGHTS, ROLES, LIMITATIONS AND  
5 RESPONSIBILITIES OF THE PENNSYLVANIA TURNPIKE COMMISSION.

6 \* \* \*

7 § 9115. TAXATION OF DEVELOPMENT ENTITY.

8 (A) GENERAL RULE.--TO THE EXTENT THAT REVENUES OR OPTIONAL  
9 USER FEES RECEIVED BY A DEVELOPMENT ENTITY PURSUANT TO A PUBLIC-  
10 PRIVATE TRANSPORTATION PARTNERSHIP AGREEMENT ARE SUBJECT TO A  
11 TAX IMPOSED BY A POLITICAL SUBDIVISION PRIOR TO THE EFFECTIVE  
12 DATE OF THIS SECTION, THE REVENUES OR USER FEES SHALL CONTINUE  
13 TO BE SUBJECT TO THE TAX AND TO FUTURE INCREASES IN THE RATE OF  
14 THE TAX.

15 (B) NEW TAXATION BARRED.--AFTER THE EFFECTIVE DATE OF THIS  
16 SECTION, NO NEW TAX SHALL BE IMPOSED BY A POLITICAL SUBDIVISION  
17 OR THE COMMONWEALTH ON THE REVENUES OR OPTIONAL USER FEES  
18 RECEIVED BY A DEVELOPMENT ENTITY PURSUANT TO A PUBLIC-PRIVATE  
19 TRANSPORTATION PARTNERSHIP AGREEMENT.

20 \* \* \*

21 SECTION 5. TITLE 74 IS AMENDED BY ADDING A SECTION TO READ:

22 § 9115.1. PROHIBITION ON MANDATORY USER FEES.

23 A USER FEE MAY NOT BE IMPOSED AS PART OF A TRANSPORTATION  
24 PROJECT APPROVED UNDER THIS CHAPTER, UNLESS THE USER FEE IS  
25 IMPOSED ONLY ON INDIVIDUALS WHO SELECT OPTIONAL MEANS TO TRANSIT  
26 THE TRANSPORTATION FACILITY, SUCH AS LIMITED ACCESS LANES OR  
27 SIMILAR PROGRAMS THAT ALLOW INDIVIDUALS MULTIPLE MEANS TO  
28 TRANSIT THE SAME TRANSPORTATION FACILITY.

29 ~~Section 5. The amendment of 74 Pa.C.S. §§ 9102, 9104, 9105 <--~~  
30 ~~and 9109 shall apply to resolutions considered after October 31,~~

1 ~~2020, by the Public Private Transportation Partnership Board.~~  
2 ~~Any resolution considered after October 31, 2020, and prior to~~  
3 ~~the effective date of this section by the Public Private~~  
4 ~~Transportation Partnership Board, including the resolution~~  
5 ~~adopted by the Public Private Transportation Partnership Board~~  
6 ~~on November 12, 2020, approving the public private partnership~~  
7 ~~delivery model for interstate bridges or expressway bridges and~~  
8 ~~referred to in the resolution as the PennDOT Pathways Major~~  
9 ~~Bridge P3 Initiative, shall be void and the Department of~~  
10 ~~Transportation is prohibited from entering into a public private~~  
11 ~~transportation partnership agreement with a development entity~~  
12 ~~to utilize a public private partnership delivery model for~~  
13 ~~interstate bridges or expressway bridges, including associated~~  
14 ~~roadwork, unless the Department of Transportation submits a~~  
15 ~~resolution after the effective date of this act to the Public~~  
16 ~~Private Transportation Partnership Board and the resolution is~~  
17 ~~approved under 74 Pa.C.S. Ch. 91 as amended by this act.~~

18 SECTION 6. THE FOLLOWING SHALL APPLY: <--

19 (1) EXCEPT AS PROVIDED UNDER PARAGRAPHS (2) AND (3), THE  
20 RESOLUTION RATIFYING ACTION OF THE PUBLIC-PRIVATE  
21 TRANSPORTATION BOARD ON NOVEMBER 12, 2020, APPROVING THE  
22 PUBLIC-PRIVATE PARTNERSHIP DELIVERY MODEL, INCLUDING USER  
23 FEES, FOR INTERSTATE BRIDGES OR EXPRESSWAY BRIDGES SHALL BE  
24 RESCINDED.

25 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND  
26 SUBJECT TO PARAGRAPH (3), THE DEPARTMENT OF TRANSPORTATION  
27 MAY CONTINUE WORK AND PROCEED WITH THE TRANSPORTATION PROJECT  
28 RATIFIED BY THE RESOLUTION UNDER PARAGRAPH (1), INCLUDING ANY  
29 CONTRACT ISSUED UNDER A PUBLIC-PRIVATE PARTNERSHIP DELIVERY  
30 MODEL, BUT MAY NOT IMPOSE OR COLLECT OPTIONAL USER FEES <--

1 UNLESS THE DEPARTMENT SUBMITS THE TRANSPORTATION PROJECT FOR  
2 APPROVAL UNDER 74 PA.C.S. CH. 91 AFTER THE EFFECTIVE DATE OF  
3 THIS SECTION.

4 (3) THE TRANSPORTATION PROJECT RATIFIED BY THE  
5 RESOLUTION UNDER PARAGRAPH (1) SHALL ONLY PROVIDE AUTHORITY  
6 TO THE DEPARTMENT FOR THE FOLLOWING TRANSPORTATION  
7 FACILITIES:

8 (I) ALLEGHENY COUNTY, BRIDGE KEYS 855 AND 858.

9 (II) BERKS COUNTY, BRIDGE KEY 4677.

10 (III) CLARION COUNTY, BRIDGE KEYS 10944 AND 10945.

11 (IV) DAUPHIN COUNTY, BRIDGE KEY 14257.

12 (V) JEFFERSON COUNTY, BRIDGE KEYS 19565 AND 19566.

13 (VI) LUZERNE COUNTY, BRIDGE KEYS 23645 AND 23646.

14 (VII) LUZERNE AND CARBON COUNTIES, BRIDGE KEYS 8972  
15 AND 8974.

16 (VIII) PHILADELPHIA COUNTY, BRIDGE KEYS 38533 AND  
17 38535.

18 (IX) SUSQUEHANNA COUNTY, BRIDGE KEYS 32209 AND  
19 32210.

20 Section 6 7. This act shall take effect immediately.

<--