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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 953 Session of  
2017

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INTRODUCED BY GABLER, GILLEN, LONGIETTI, METCALFE, MILLARD,  
OBERLANDER, THOMAS, WHEELAND AND ZIMMERMAN, MARCH 27, 2017

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REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 27, 2017

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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. Section 8915 introductory paragraph of Title 75  
14 is amended to read:

15 § 8915. Conversion to toll roads.

16 In order to facilitate vehicular traffic within and across  
17 this Commonwealth, and to facilitate the completion of the  
18 turnpike extensions and improvements authorized in section 8911  
19 (relating to improvement and extension authorizations), and  
20 subject to [prior legislative] State legislation enacted after  
21 April 30, 2017, and approval by [the General Assembly and] the  
22 United States Congress, the commission is hereby authorized and  
23 empowered to convert to toll roads such portions of  
24 Pennsylvania's interstate highway system as may facilitate the  
25 completion of the turnpike extensions and improvements  
26 authorized in sections 8912 (relating to subsequent extension  
27 authorizations), 8913 (relating to additional subsequent  
28 extension authorizations) and 8914 (relating to further  
29 subsequent authorizations) and to operate and maintain such  
30 converted interstates as toll roads upon the approval by the

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

9 \* \* \*

10 Section 3. Sections 8915.1, 8915.2 and 8915.3 of Title 75  
11 are repealed:

12 [§ 8915.1. Conversion of Interstate 80.

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

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

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

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

30 (4) Provide quarterly reports and periodic updates

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

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

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

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

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

28 § 8915.3. Lease of Interstate 80; related agreements.

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

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

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

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

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

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

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

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

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

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

1 Section 4. Section 8915.5(2) of Title 75 is amended to read:

2 § 8915.5. Other interstate highways.

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

6 \* \* \*

7 (2) upon enactment of State legislation after April 30,  
8 2017, at its own expense and in consultation with the  
9 department [and with approval of the General Assembly],  
10 prepare and submit an application to the United States  
11 Department of Transportation for the conversion of any  
12 interstate or interstate segment determined to be eligible  
13 for conversion to a toll road under any applicable Federal  
14 program.

15 Section 5. Section 8915.7 of Title 75 is repealed:

16 [§ 8915.7. Impact on associated highways and local roads.

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

27 Section 6. This act shall take effect immediately.