

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 39 Session of 2017

INTRODUCED BY HUTCHINSON AND EICHELBERGER, JANUARY 12, 2017

REFERRED TO TRANSPORTATION, JANUARY 12, 2017

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," in powers and duties of the
 21 Department of Transportation, further providing for deputy
 22 secretaries, establishing the Bureau of Toll Administration
 23 within the Department of Transportation; providing for the
 24 assumption by the Department of Transportation of the
 25 functions of the Pennsylvania Turnpike Commission, for
 26 assumption by the Commonwealth of the financing functions of
 27 the commission, for transfer to the Department of
 28 Transportation and State Treasurer of land, buildings,
 29 personal property and employes of the commission, for the
 30 abolition of the commission and the office of Turnpike
 31 Commissioner; and making inconsistent repeals of various acts
 32 relating to the Pennsylvania Turnpike.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

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

14 * * *

15 (h) The Deputy Secretary for Toll Administration, with the
16 approval of the Secretary of Transportation, shall have the
17 powers and perform the functions and duties as provided by law
18 relating to the Department of Transportation's responsibilities
19 under section 2008.1 and under this article with regard to the
20 operation of toll roads within this Commonwealth.

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 Section 2008 of the act is repealed:

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

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

29 Section 2008.1. Toll Road and Bridge Administration.--(a)
30 The Department of Transportation shall assume all powers and

1 duties of the Pennsylvania Turnpike Commission that relate to
2 operation, maintenance, construction and reconstruction of the
3 Pennsylvania Turnpike and related highways and shall receive all
4 tolls and other money otherwise payable to the commission. The
5 functions assumed shall include all related functions under the
6 following acts:

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

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

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

13 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to
14 authorize and empower the Pennsylvania Turnpike Commission to
15 combine the Turnpike, the Eastern Extension, and the Western
16 Extension, or any two thereof, for financing purposes under the
17 provisions of this act; authorizing the issuance of Turnpike
18 revenue bonds of the Commonwealth payable solely from tolls; to
19 pay the cost of the Eastern Extension and the Western Extension;
20 paying the cost of the Eastern Extension, or the cost of the
21 Western Extension, or the cost of both; and refunding any
22 Turnpike revenue bonds or Turnpike refunding bonds which have
23 heretofore been issued by the Commission under the provisions of
24 any act heretofore approved, or under the provisions of this
25 act, and which shall then be outstanding, including the payment
26 of any redemption premiums thereon; refunding any revenue bonds
27 or revenue refunding bonds heretofore issued under the
28 provisions of this act, including the payment of and redemption
29 premiums thereon; authorizing the Commission to fix tolls from
30 time to time for use of the projects so combined; providing for

1 the use of a facsimile of the signature of the Governor, and of
2 the Chairman of the Commission in lieu of their manual
3 signatures, and a facsimile of the official seal of the
4 Commission upon any bonds issued under the provisions of this
5 act, or any other act; authorizing the issuance of bonds for the
6 payment of the construction of any turnpike, and giving certain
7 definitions."

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

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

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

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

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

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

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

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

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

28 Act of September 8, 1959 (P.L.828, No.322), entitled "An act
29 authorizing the Pennsylvania Turnpike Commission to finance and
30 construct certain additional projects on the Pennsylvania

1 Turnpike System."

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

5 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
6 Turnpike Commission standards of conduct).

7 75 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike).

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

11 (2) The executive director of the commission may be
12 appointed the first deputy secretary of the bureau.

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

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

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

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

25 (c) (1) Positions created by the establishment of the
26 bureau shall first be offered to personnel employed by the
27 commission who possess the necessary expertise and experience to
28 perform the duties of such position.

29 (2) The department shall honor any collective bargaining
30 agreement in existence between the commission and any employe

1 organization.

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

5 (4) Employes and personal property of the commission
6 utilized in the bonding process are hereby transferred to the
7 State Treasurer.

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

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

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

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

24 (2) The regulations of the commission for the administration
25 of the functions transferred under this section shall remain in
26 effect until such time as new regulations are promulgated under
27 this section. However, the eligibility requirements for funding
28 within any program subject to review under this section shall
29 not be changed, amended or altered in any way.

30 (3) Any action to fix or to revise the tolls for the use of

1 the turnpike and the different parts or sections thereof or to
2 fix or set tolls on any roadway or bridge under the jurisdiction
3 of the department shall be taken in accordance with the act of
4 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
5 Act."

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

9 "Bureau" means the Bureau of Toll Administration established
10 under this section.

11 "Commission" means the Pennsylvania Turnpike Commission.

12 "Department" means the Department of Transportation of the
13 Commonwealth.

14 Section 4. The Commonwealth shall assume the debt evidenced
15 by outstanding bonds of the Pennsylvania Turnpike Commission and
16 may draw upon the tolls received by the Department of
17 Transportation for repayment of this debt. The State Treasurer
18 shall assume all powers and duties of the Pennsylvania Turnpike
19 Commission which relate to issuance and payment of bonds for
20 construction, reconstruction and maintenance of the turnpike.

21 Section 5. The Pennsylvania Turnpike Commission and the
22 office of Turnpike Commissioner are abolished.

23 Section 6. On and after the effective date of this section,
24 a reference in any statute to the Pennsylvania Turnpike
25 Commission shall be deemed to be a reference to the Department
26 of Transportation.

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

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

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

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9 provisions of this act; authorizing the issuance of Turnpike
10 revenue bonds of the Commonwealth payable solely from tolls; to
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12 paying the cost of the Eastern Extension, or the cost of the
13 Western Extension, or the cost of both; and refunding any
14 Turnpike revenue bonds or Turnpike refunding bonds which have
15 heretofore been issued by the Commission under the provisions of
16 any act heretofore approved, or under the provisions of this
17 act, and which shall then be outstanding, including the payment
18 of any redemption premiums thereon; refunding any revenue bonds
19 or revenue refunding bonds heretofore issued under the
20 provisions of this act, including the payment of and redemption
21 premiums thereon; authorizing the Commission to fix tolls from
22 time to time for use of the projects so combined; providing for
23 the use of a facsimile of the signature of the Governor, and of
24 the Chairman of the Commission in lieu of their manual
25 signatures, and a facsimile of the official seal of the
26 Commission upon any bonds issued under the provisions of this
27 act, or any other act; authorizing the issuance of bonds for the
28 payment of the construction of any turnpike, and giving certain
29 definitions."

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11 Pennsylvania Turnpike Keystone Shortway Act.

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19 with continuous lighting."

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23 Turnpike System."

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25 act requiring the erection and maintenance of medial barriers or
26 guards on the Pennsylvania Turnpike."

27 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to
28 Turnpike Commission standards of conduct).

29 75 Pa.C.S. Ch. 89 (relating to Pennsylvania Turnpike).

30 (b) All other acts and parts of acts are repealed insofar as

1 they are inconsistent with this act.

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

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