

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1197 Session of  
2013

INTRODUCED BY OBERLANDER, AUMENT, BARRAR, BLOOM, BROOKS, CAUSER,  
CHRISTIANA, CUTLER, DENLINGER, DUNBAR, GABLER, GILLEN,  
GREINER, GROVE, C. HARRIS, JAMES, KAUFFMAN, LAWRENCE, MILNE,  
MOUL, MUNDY, REESE, ROAE, SANKEY, SAYLOR, SIMMONS, SONNEY,  
STEVENSON, SWANGER, TOEPEL, TOOHIL, TRUITT, VEREB AND  
METCALFE, APRIL 16, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 16, 2013

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," establishing the Bureau of  
21 Toll Administration within the Department of Transportation;  
22 providing for the assumption by the Department of  
23 Transportation of the functions of the Pennsylvania Turnpike  
24 Commission, for assumption by the Commonwealth of the  
25 financing functions of the commission, for transfer to the  
26 Department of Transportation and State Treasurer of land,  
27 buildings, personal property and employees of the commission,  
28 for the abolition of the commission and the offices of  
29 Turnpike Commissioner; and making an inconsistent repeal of  
30 various acts relating to the Pennsylvania Turnpike.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3 Section 1. Section 2001.3(a) and (f) of the act of April 9,  
4 1929 (P.L.177, No.175), known as The Administrative Code of  
5 1929, amended June 22, 1982 (P.L.573, No.166), are amended and  
6 the section is amended by adding a subsection to read:

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

15 Deputy secretaries appointed under this section shall be  
16 qualified by virtue of education and experience to hold the  
17 positions for which they are chosen. In addition, if specific  
18 qualifications are provided for any deputy secretary named under  
19 this section, it shall be unlawful for the secretary to appoint  
20 an individual who does not meet each of the specific criteria.

21 \* \* \*

22 (f) The Deputy Secretary for Local and Area Transportation,  
23 with the approval of the Secretary of Transportation shall have  
24 the powers and perform the functions and duties provided in  
25 sections 2002 and 2003 regarding services to municipalities,  
26 local and public transportation, planning, development and  
27 funding of local and public transportation, technological  
28 development of rail, water or other modes of transportation  
29 (except recreational boating and ferry licensing), environmental  
30 design, improvement of transportation services and shall perform

1 the functions and duties heretofore imposed upon and performed  
2 by the Mass Transportation Division in the Bureau of Community  
3 Development of the former Department of Community Affairs, by  
4 the Secretary of Community Affairs under the act of January 22,  
5 1968 (P.L.42, Act No.8), known as the "Pennsylvania Urban Mass  
6 Transportation Law," by the former Department of Commerce in  
7 regard to High-Speed Rail Demonstration Programs and by the  
8 former Department of Highways in regard to the distribution of  
9 liquid fuels taxes to the municipalities and townships.

10 \* \* \*

11 (h) The Deputy Secretary for Toll Administration, with the  
12 approval of the Secretary of Transportation, shall have the  
13 powers and perform the functions and duties as provided by law  
14 relating to the department's responsibilities under section  
15 2008.1 and under this article with regard to the operation of  
16 toll roads within this Commonwealth and shall be qualified by  
17 education and experience to perform those duties. At a minimum,  
18 the deputy secretary shall be required to have a bachelor's  
19 degree in civil engineering and shall have at least ten years of  
20 experience designing and building highways.

21 Section 2. Section 2008 of the act, amended May 6, 1970  
22 (P.L.356, No.120), is repealed:

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

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

30 Section 2008.1. Toll Road and Bridge Administration.--(a)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 construct certain additional projects on the Pennsylvania  
2 Turnpike System."

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

6 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to  
7 turnpike commission standards of conduct).

8 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95  
9 (relating to taxes for highway maintenance and construction).

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

13 (2) 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 take actions authorized under the acts  
21 specified in subsection (a).

22 (c) (1) Collective bargaining-level positions created by  
23 the establishment of the bureau shall first be offered to  
24 bargaining-level personnel employed by the commission who  
25 possess the necessary expertise and experience to perform the  
26 duties of such position.

27 (2) The department shall honor any collective bargaining  
28 agreement in existence between the commission and any employe  
29 organization.

30 (3) Any transfers made under this section shall not affect

1 the civil service status of affected employes of the commission,  
2 nor that of existing employes of the department.

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

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

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

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

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

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

28 (3) Any action to fix or to revise the tolls for the use of  
29 the turnpike and the different parts or sections thereof or to  
30 fix or set tolls on any roadway or bridge under the jurisdiction

1 of the department shall be taken in accordance with the act of  
2 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review  
3 Act."

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

7 "Bureau" means the Bureau of Toll Administration established  
8 under this section.

9 "Commission" means the Pennsylvania Turnpike Commission.

10 "Department" means the Department of Transportation of the  
11 Commonwealth.

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

19 Section 5. The Pennsylvania Turnpike Commission and the  
20 office of Turnpike Commissioner are abolished.

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

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

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

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

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

3 Act of June 21, 1947 (P.L.877, No.367), entitled "An act to  
4 authorize and empower the Pennsylvania Turnpike Commission to  
5 combine the Turnpike, the Eastern Extension, and the Western  
6 Extension, or any two thereof, for financing purposes under the  
7 provisions of this act; authorizing the issuance of Turnpike  
8 revenue bonds of the Commonwealth payable solely from tolls; to  
9 pay the cost of the Eastern Extension and the Western Extension;  
10 paying the cost of the Eastern Extension, or the cost of the  
11 Western Extension, or the cost of both; and refunding any  
12 Turnpike revenue bonds or Turnpike refunding bonds which have  
13 heretofore been issued by the Commission under the provisions of  
14 any act heretofore approved, or under the provisions of this  
15 act, and which shall then be outstanding, including the payment  
16 of any redemption premiums thereon; refunding any revenue bonds  
17 or revenue refunding bonds heretofore issued under the  
18 provisions of this act, including the payment of and redemption  
19 premiums thereon; authorizing the Commission to fix tolls from  
20 time to time for use of the projects so combined; providing for  
21 the use of a facsimile of the signature of the Governor, and of  
22 the Chairman of the Commission in lieu of their manual  
23 signatures, and a facsimile of the official seal of the  
24 Commission upon any bonds issued under the provisions of this  
25 act, or any other act; authorizing the issuance of bonds for the  
26 payment of the construction of any turnpike, and giving certain  
27 definitions."

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29 Pennsylvania Turnpike Delaware River Extension Act.

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1 Pennsylvania Turnpike System Financing Act.

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3 Pennsylvania Turnpike Northeastern Extension Act.

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7 Pennsylvania Turnpike Northwestern Extension Act.

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9 Pennsylvania Turnpike Keystone Shortway Act.

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11 Pennsylvania Turnpike Southwestern Extension Act.

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15 requiring all tunnels on the Pennsylvania Turnpike to be painted  
16 white or lined with a light colored material and be equipped  
17 with continuous lighting."

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19 authorizing the Pennsylvania Turnpike Commission to finance and  
20 construct certain additional projects on the Pennsylvania  
21 Turnpike System."

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

25 74 Pa.C.S. Chs. 81 (relating to turnpike) and 82 (relating to  
26 turnpike commission standards of conduct).

27 75 Pa.C.S. Chs. 89 (relating to Pennsylvania Turnpike) and 95  
28 (relating to taxes for highway maintenance and construction).

29 (b) All other acts and parts of acts are repealed insofar as  
30 they are inconsistent with this act.

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

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