
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 441 Session of
1985

Report of the Committee of Conference

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 441, entitled:

"An act TO FACILITATE VEHICULAR TRAFFIC WITHIN AND ACROSS THE COMMONWEALTH BY PROVIDING FOR THE CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF TOLL ROADS AND THE CONVERSION OF EXISTING TOLL-FREE ROADS TO TOLL ROADS IN PENNSYLVANIA; * * * AND AUTHORIZING THE SECRETARY OF TRANSPORTATION TO ENTER INTO AGREEMENTS ON BEHALF OF THE COMMONWEALTH AND THE COMMISSION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE FEDERAL HIGHWAY ADMINISTRATION OR ANY OTHER FEDERAL AGENCY WITH RESPECT TO OBTAINING FEDERAL FUNDS FOR RESURFACING, RESTORING, REHABILITATING OR RECONSTRUCTING TOLL ROADS IN PENNSYLVANIA,"

respectfully submit the following bill as our report:

JOHN STAUFFER

J. DOYLE CORMAN, JR.

J. BARRY STOUT

(Committee on the part of the Senate.)

JAMES J. MANDERINO

AMOS K. HUTCHINSON

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(Committee on the part of the House of Representatives.)

AN ACT

1 To facilitate vehicular traffic within and across the
2 Commonwealth by providing for the construction,
3 reconstruction, improvement, operation and maintenance of
4 toll roads and the conversion of existing toll-free roads to
5 toll roads in Pennsylvania; conferring powers and imposing
6 duties on the Pennsylvania Turnpike Commission; providing for
7 membership on the Pennsylvania Turnpike Commission;
8 authorizing issuance of turnpike revenue bonds, notes or
9 other obligations of the commission, payable solely from
10 revenues of the commission, including tolls, or from such
11 other funds as may be available to the commission for that
12 purpose, to pay the costs of such toll roads including the
13 acquisition and other costs of toll-free roads and for
14 refunding purposes; providing that no debt of the
15 Commonwealth shall be incurred in the exercise of any of the
16 powers granted by this act; providing for the collection of
17 tolls for the payment of such bonds, notes or other
18 obligations, and for the cost of maintenance, operation and
19 repair of the toll roads including toll-free roads converted
20 to toll roads; making such turnpike revenue bonds, notes or
21 other obligations exempt from taxation; constituting the same
22 legal investments in certain instances; requiring suits
23 against the commission to be brought in the courts in which
24 such actions may be brought against the Commonwealth;
25 prescribing conditions on which toll roads shall be turned
26 over to the Department of Transportation; providing for grade
27 separations, grade changes, relocations, restorations and
28 vacations of public roads and State highways affected by the
29 toll roads; providing for the purchasing or condemnation of
30 land and procedure for determining damages in condemnation;
31 granting certain powers and authority to municipalities and
32 agencies of the Commonwealth to cooperate with the
33 commission; conferring powers and imposing duties on the
34 Department of Transportation; authorizing the Secretary of
35 Transportation to enter into negotiations with the United
36 States Department of Transportation, the Federal Highway
37 Administration or any other Federal agency regarding the
38 conversion of toll-free highways constructed in the
39 Commonwealth using Federal funds to toll roads; and
40 authorizing the Secretary of Transportation to enter into
41 agreements on behalf of the Commonwealth and the commission
42 with the United States Department of Transportation, the
43 Federal Highway Administration or any other Federal agency
44 with respect to obtaining Federal funds for resurfacing,
45 restoring, rehabilitating or reconstructing toll roads in
46 Pennsylvania.

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29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 Section 1. Short title.

2 This act shall be known and may be cited as the Turnpike
3 Organization, Extension, and Toll Road Conversion Act.

4 Section 2. Definitions.

5 The following words and phrases when used in this act shall
6 have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Commission." The Pennsylvania Turnpike Commission created
9 by the act of May 21, 1937 (P.L.774, No.211), referred to as the
10 Pennsylvania Turnpike Commission Act, or if the commission shall
11 be abolished, any board, commission or officer succeeding to the
12 principal functions thereof or upon whom the power and functions
13 given by this act to the commission shall be given by law.

14 "Cost of the turnpikes." Includes the cost of constructing
15 the turnpikes and all connecting roads, storm water management
16 systems, tunnels and bridges; the cost of all lands, property
17 rights, rights-of-way, easements and franchises acquired by
18 purchase or other means, which are deemed necessary or
19 convenient for such construction; the cost of all machinery and
20 equipment, financing charges, interest prior to and during
21 construction and for one year after completion of construction;
22 the cost of traffic estimates and of engineering and legal
23 expenses, plans, specifications, surveys, estimates of cost and
24 of revenues, other expenses necessary or incident to determining
25 the feasibility or practicability of the enterprise,
26 administrative and legal expense, and such other expenses as may
27 be necessary or incident to the financing herein authorized; the
28 construction of the turnpikes and connecting roads, storm water
29 management systems, tunnels and bridges, the placing of the same
30 in operation, and the condemnation or other means of acquisition

1 of property necessary for the construction and operation. Any
2 obligation or expense contracted for by the commission with the
3 Department of Transportation of this Commonwealth, or with the
4 United States or any agency thereof, for traffic surveys,
5 preparation of plans and specifications, supervision of
6 construction, and other engineering, administrative and legal
7 services and expenses in connection with the construction of the
8 turnpike or any of the connecting roads, storm water management
9 systems, tunnels and bridges, and any costs of reimbursing the
10 Federal Government pursuant to the mandates of the Federal law
11 for Federal funds expended for interstate or other highways
12 which are to be made part of the turnpike system pursuant to
13 this act, shall be regarded as a part of the cost of the
14 turnpikes and shall be reimbursed or paid out of the proceeds of
15 the turnpike revenue bonds, notes or other obligations
16 hereinafter authorized. Payment of any turnpike revenue bonds,
17 notes or other obligations shall be considered payment of the
18 cost of the turnpikes, provided the turnpike revenue bonds,
19 notes or other obligations were issued for such purpose.

20 "Owner." An individual, copartnership, association or
21 corporation having any title or interest in any property rights,
22 easements or franchises authorized to be acquired by this act.

23 "The turnpikes." The turnpike, turnpike extensions and
24 turnpike improvements to be constructed, and the toll-free roads
25 to be converted to toll roads, as described in section 3 and
26 otherwise provided for in this act. The phrase shall be deemed
27 to include not only the turnpikes and all connecting roads,
28 storm water management systems, tunnels and bridges connected
29 therewith, but also all property rights, easements and
30 franchises relating thereto and deemed necessary or convenient

1 for the construction or the operation thereof, which may also be
2 referred to as constituting a part of the Pennsylvania Turnpike
3 System.

4 "Toll road conversion." The inclusion within the turnpike
5 system and the imposition of tolls thereon of a highway that is
6 presently toll free.

7 Section 3. Authorization for turnpike extensions, turnpike
8 improvements and the conversion of toll-free
9 roads to toll roads.

10 (a) Improvement and extension authorizations.--In order to
11 facilitate vehicular traffic within and across this
12 Commonwealth, the Pennsylvania Turnpike Commission heretofore
13 created by virtue of the provisions of the act of May 21, 1937
14 (P.L.774, No.211), referred to as the Pennsylvania Turnpike
15 Commission Act, and the supplements and amendments thereto and
16 reorganized by this act, is hereby authorized and empowered to
17 construct, operate and maintain turnpike extensions and turnpike
18 improvements at such specific locations and according to such
19 schedule as shall be deemed feasible and approved by the
20 commission, together with connecting roads, storm water
21 management systems, tunnels and bridges, subject to the waiver
22 of the Federal toll prohibition provisions where applicable, as
23 follows:

24 (1) Widen turnpike to six lanes between the Northeast
25 Extension and the Delaware River Interchange.

26 (2) Construct Turnpike Interchange with Interstate Route
27 95 in Bucks County.

28 (3) Construct Turnpike Interchange with Interstate Route
29 476 in Montgomery County.

30 (4) Construct Turnpike Interchange with Keyser Avenue in

1 Lackawanna County.

2 (5) Construct extensions to the existing turnpike from a
3 point westerly of existing Interchange 2 extending northerly
4 to a connection with the existing interchange between U.S.
5 Route 422 and proposed State Route 60 in Lawrence County and
6 extending southerly to a connection with existing State Route
7 60 in Beaver County at or near State Route 51.

8 (6) Construct an extension to the turnpike from a point
9 at or near Interchange 8 in Westmoreland County extending
10 northerly to an interchange with State Route 66 northwest of
11 Greensburg and continuing northerly to an interchange with
12 U.S. Route 22 south of Delmont.

13 (7) Construct an additional Lehigh Tunnel on the
14 Northeast Extension of the turnpike.

15 (8) Immediately enter negotiations with the United
16 States Department of Defense for the construction and
17 operation of a private Turnpike Interchange directly
18 connected to the New Cumberland Army Depot.

19 (b) Subsequent extension authorization.--The commission is
20 also hereby authorized and empowered to construct, operate and
21 maintain further extensions and improvements of the turnpike at
22 such specific locations and according to such schedules as shall
23 be deemed feasible and which shall be approved by the
24 commission, subject to the waiver of the Federal toll
25 prohibition provisions where applicable, as follows:

26 (1) From an interchange with Interstate Route 70 between
27 existing interchanges at Lover and Speers extending northerly
28 to an interchange with Interstate Route 376 in Pittsburgh and
29 also extending southerly connecting with the existing
30 interchange between U.S. Route 40 and the Mon Valley

1 Expressway (L.R.1125).

2 (2) From an interchange with the turnpike at or near
3 Interchange 10 extending northerly generally following and
4 coincident where feasible with existing U.S. Route 219 to an
5 interchange with Interstate Route 80 at or near Interchange
6 16.

7 (3) Construction of an interchange for access to the
8 International Distribution Center at Wilkes-Barre Scranton
9 International Airport in Luzerne County on the Northeastern
10 Extension of the Pennsylvania Turnpike System.

11 (c) Additional subsequent extension authorization.--Upon
12 substantial completion of the turnpike extensions and
13 improvements set forth in subsections (a) and (b), the
14 commission is hereby authorized and empowered to construct,
15 operate and maintain further extensions and improvements of the
16 turnpike at such specific locations and according to such
17 schedules as shall be deemed feasible and which shall be
18 approved by the commission, subject to the waiver of the Federal
19 toll prohibition provisions where applicable, as follows:

20 (1) From a point at or near the existing interchange
21 between U.S. Route 40 and the Mon Valley Expressway
22 (L.R.1125) in Fayette County southeasterly along U.S. Route
23 40 to Uniontown and continuing southerly along State Route
24 857 to the West Virginia border.

25 (2) From a point at or near Turnpike Interchange 10
26 southerly generally along U.S. Route 219 to the Maryland
27 border.

28 (3) From a point at or near Interstate Route 80
29 Interchange 16 northerly generally along U.S. Route 219 to a
30 connection with the existing U.S. Route 219 Expressway south

1 of Bradford in McKean County.

2 (4) Construct from a point at or near Interstate Route
3 80 Interchange 23 at Milesburg southwesterly generally along
4 U.S. Route 220 to a connection with the existing U.S. Route
5 220 Expressway south of Bald Eagle.

6 (d) Further subsequent authorizations.--Upon completion of
7 the turnpike extensions and improvements set forth in
8 subsections (a), (b) and (c), the commission is hereby
9 authorized and empowered to construct, operate and maintain
10 further extensions and improvements of the turnpike at such
11 specific locations and according to such schedules as shall be
12 deemed feasible and which shall be approved by the commission,
13 subject to the waiver of the Federal toll prohibition provisions
14 where applicable, as follows:

15 (1) From a point at or near the intersection of State
16 Route 65 and Crows Run Road in Beaver County, in a
17 southeasterly direction to a point at or near the Perry
18 Highway Interchange of the Pennsylvania Turnpike.

19 (2) From a point at or near Exit 5 of the turnpike
20 northerly to Brookville, Jefferson County, to a point at the
21 intersection with Interstate Route 80.

22 (3) From a point at or near the Pennsylvania Turnpike
23 System into various areas of Berks County in order to
24 complete the construction of the inner loop system and outer
25 loop system of highways surrounding the City of Reading and
26 to complete the missing links on Routes 222 to 422 to 1035.

27 (4) From a point at or near the intersections of
28 Interstate Route 70, Interstate Route 76 and T.R. 119 in the
29 Borough of Youngwood, Westmoreland County in a northerly
30 direction along T.R. 119 and T.R. 66 to the intersection of

1 T.R. 22 with a bypass around the City of Greensburg,
2 Westmoreland County; thence north on T.R. 66 to T.R. 356;
3 thence north on T.R. 356 to the intersection with T.R. 28.

4 (5) From a point at or near the intersection of T.R. 66
5 and T.R. 22 in Salem Township, Westmoreland County; thence in
6 a westerly direction paralleling T.R. 22 to Exit 6 of
7 Interstate 76.

8 (e) Conversion to toll roads.--In order to facilitate
9 vehicular traffic within and across the Commonwealth, and after
10 completion of the turnpike extensions and improvements
11 authorized in subsection (a), and subject to prior Legislative
12 approval by the General Assembly and the United States Congress,
13 the Pennsylvania Turnpike Commission is hereby authorized and
14 empowered to convert to toll roads such portions of
15 Pennsylvania's interstate highway system as may be required in
16 order to facilitate the completion of the turnpike extensions
17 and improvements authorized in subsections (b), (c) and (d), and
18 to operate and maintain such converted interstates as toll roads
19 upon the approval by the Congress of the United States of
20 America and the General Assembly of this Commonwealth of
21 legislation expressly permitting the conversion of such
22 interstates to toll roads. Such conversions shall take place at
23 a time and manner set forth in the plan for the conversion
24 prepared by the Pennsylvania Department of Transportation. The
25 provisions authorizing the commission to construct, operate and
26 maintain the turnpike routes in subsections (b), (c) and (d)
27 shall be subject to:

28 (1) the prior passage by the Congress of the United
29 States and the General Assembly of this Commonwealth of
30 legislation permitting the conversion of certain interstates

1 to toll roads; or

2 (2) the availability of such other funds as might become
3 available in amounts that would be sufficient to fund to
4 completion any of the individual turnpike extensions and
5 improvements set forth in subsections (b), (c) and (d) so
6 long as no turnpike extension or improvement authorized by
7 subsection (d) is undertaken until after all the turnpike
8 extensions authorized by subsection (c) are completed, and no
9 turnpike extension authorized by subsection (c) is undertaken
10 until after all the turnpike extensions and improvements
11 authorized by subsection (b) are completed. The commission is
12 authorized to use Federal funds which may be available for
13 toll roads only pursuant to the approval of the Secretary of
14 Transportation and only pursuant to the authority granted in
15 section 19.

16 (f) Turnpike system.--The turnpikes and the future toll road
17 conversions authorized by this act are hereby or shall be made
18 part of the Pennsylvania Turnpike System, as provided in the act
19 of August 14, 1951 (P.L.1232, No.282), referred to as the
20 Pennsylvania Turnpike System Financing Act.

21 Section 4. Status of turnpike revenue bonds, notes or other
22 obligations.

23 The turnpike revenue bonds, notes or other obligations issued
24 under the provisions of this act shall not be deemed to be a
25 debt of the Commonwealth or a pledge of the faith and credit of
26 the Commonwealth, but such bonds, notes or other obligations
27 shall be payable solely from the revenues of the commission,
28 including tolls, or from such funds as may be available to the
29 commission for that purpose. All such bonds, notes or other
30 obligations shall contain a statement on their face that the

1 Commonwealth is not obligated to pay the same or the interest
2 thereon except from revenues of the commission, including tolls,
3 or from such funds as may be available to the commission for
4 that purpose, and that the faith and credit of the Commonwealth
5 is not pledged to the payment of the principal or interest of
6 such bonds, notes or other obligations. The issuance of turnpike
7 revenue bonds, notes or other obligations under the provisions
8 of this act shall not directly or indirectly or contingently
9 obligate the Commonwealth to levy or to pledge any form of
10 taxation whatever therefor or to make any appropriation for
11 their payment.

12 Section 5. Pennsylvania Turnpike Commission membership, term of
13 office.

14 (a) Appointments prior to June 4, 1987.--Notwithstanding any
15 other law to the contrary, vacancies in the membership of the
16 commission existing on or after the effective date of this
17 section until June 4, 1987, shall be filled as provided in
18 paragraph (1) or (2), whichever is applicable:

19 (1) (i) Any vacancy which:

20 (A) has occurred prior to the effective date of
21 this section because of the expiration of the term of
22 a member, and as to which vacancy either:

23 (I) the member continues to serve pending
24 the appointment and qualification of his
25 successor; or

26 (II) the member, having held over, departs
27 the commission after September 17, 1985, but
28 prior to the appointment of a successor; or

29 (B) occurs after the effective date of this
30 section for a reason other than the expiration of the

1 term of a member; or

2 (C) has occurred between September 17, 1985, and
3 the effective date of this section for a reason other
4 than the expiration of the term of a member;

5 shall be filled by appointment of the Governor by and
6 with the advice and consent of two-thirds of the members
7 elected to the Senate.

8 (ii) A member whose term has expired:

9 (A) prior to the effective date of this section;

10 or

11 (B) after the effective date of this section but
12 prior to June 4, 1987, shall continue to hold office
13 until his successor is appointed and qualified, or
14 for 90 days following June, 4, 1987, whichever period
15 is shorter.

16 (iii) Members appointed under the provisions of this
17 paragraph shall serve for a term of four years. Upon the
18 expiration of that term, such appointed member may
19 continue to hold office for 90 days, or until his
20 successor shall be duly appointed and qualified,
21 whichever period is shorter, but shall not continue to
22 hold office thereafter unless reappointed in accordance
23 with law.

24 (2) (i) Any other vacancy not described in paragraph
25 (1) shall be filled by appointment of the Governor
26 without the advice and consent of the Senate. Any member
27 appointed in this manner shall serve for a term ending
28 June 4, 1987.

29 (ii) Upon the expiration of his term, an appointed
30 member may continue to hold office for 90 days, or until

1 his successor shall be duly appointed and qualified,
2 whichever period is shorter, but shall not continue to
3 hold office thereafter unless reappointed in accordance
4 with the provisions of subsection (b) of this section.

5 (iii) Any vacancy occurring with respect to the
6 office of a member appointed pursuant to this paragraph
7 shall be filled as provided by this paragraph.

8 (b) Appointment after June 4, 1987.--Notwithstanding any
9 other law to the contrary, after June 4, 1987, any vacancy in
10 the membership of the commission shall be filled by appointment
11 of the Governor by and with the advice and consent of a majority
12 of the members elected to the Senate. Such appointed member
13 shall serve for a term of four years. Upon the expiration of
14 this term, an appointed member may continue to hold office for
15 90 days, or until his successor shall be duly appointed and
16 qualified, whichever period is shorter, but shall not continue
17 to hold office thereafter unless reappointed in accordance with
18 law.

19 (c) Appointment of additional temporary member.--
20 Notwithstanding any other law to the contrary, the Governor
21 shall appoint, without the advice and consent of the Senate, one
22 additional member to serve on the commission. The term of the
23 temporary additional member shall expire on June 4, 1987, and an
24 appointment to replace such member shall not be made to the
25 commission on or after June 5, 1987. Any vacancy occurring with
26 respect to the office of the temporary additional member prior
27 to June 4, 1987, shall be filled as provided by this subsection.
28 The additional temporary member shall not continue to hold
29 office in any capacity after June 4, 1987.

30 (d) Secretary of Transportation.--The provisions of

1 subsections (a) and (b) of this section shall not apply to the
2 appointment of the Secretary of Transportation who shall
3 continue to be appointed and to serve as a member of the
4 commission ex officio in accordance with law.

5 (e) Chairman.--Upon the effective date of this section and
6 until and including June 4, 1987, the Governor shall appoint
7 from among the members of the commission a member to serve as
8 chairman of the commission for a term extending until June 4,
9 1987. On and after June 5, 1987, a majority of the members of
10 the commission shall elect a member of the commission to serve
11 as chairman. On or after June 5, 1987, upon the appointment and
12 qualification of any new member to serve on the commission, the
13 office of chairman, and the positions of all other officers
14 created by law, shall be deemed vacant and a new chairman and
15 other officers shall be elected by a majority of the members of
16 the commission.

17 (f) Actions by the commission.--Notwithstanding any other
18 law, court decision, precedent or practice to the contrary, any
19 and all actions by or on behalf of the commission shall be taken
20 solely upon the approval of a majority of the members to the
21 commission. Upon the effective date of this section and until
22 and including June 4, 1987, "a majority of the members of the
23 commission" shall mean four members of the commission.

24 Thereafter, a majority of the members of the commission shall
25 mean three members of the commission. The term "actions by or on
26 behalf of the commission" means any action whatsoever of the
27 commission, including, but not limited to, the hiring,
28 appointment, removal, transfer, promotion or demotion of any
29 officers and employees, the retention, use or remuneration of
30 any advisors, counsel, auditors, architects, engineers or

1 consultants, the initiation of any legal action, the making of
2 any contracts, leases, agreements, bonds, notes or covenants,
3 the approval of requisitions, purchase orders, investments and
4 reinvestments, and the adoption, amendment, revision or
5 rescission of any rules and regulations, orders or other
6 directives. The chairman, vice chairman or any other officer or
7 employee of the commission may take no action by or on behalf of
8 the commission except as expressly authorized by a majority of
9 the members of the commission.

10 Section 6. Exercise of commission powers deemed essential
11 government function.

12 The exercise by the commission of the powers conferred by
13 this act in the construction, operation and maintenance of the
14 turnpikes and in effecting toll road conversions shall be deemed
15 and held to be an essential governmental function of the
16 Commonwealth.

17 Section 7. Commission powers and duties enumerated; payment of
18 maintenance.

19 (a) Powers and duties of commission.--The commission is
20 authorized to:

21 (1) Maintain a principal office at such place as shall
22 be designated by the commission.

23 (2) Contract and be contracted within its own name.

24 (3) Sue and be sued in its own name, plead and be
25 impleaded. Any and all actions at law or in equity against
26 the commission shall be brought only in the courts in which
27 such actions may be brought against the Commonwealth.

28 (4) Have an official seal.

29 (5) Make necessary rules and regulations for its own
30 government.

1 (6) Acquire, hold, accept, own, use, hire, lease,
2 exchange, operate and dispose of, personal property, real
3 property and interests in real property, and to make and
4 enter into all contracts and agreements necessary or
5 incidental to the performance of its duties and the execution
6 of its powers under this act, and to employ engineering,
7 traffic, architectural and construction experts and
8 inspectors, attorneys, and other employees as may in its
9 judgment be necessary, and fix their compensation.

10 (7) Provide grade separations, at its own expense, with
11 respect to all public roads, State highways and interstate
12 highways intersected by the turnpikes and to change and
13 adjust the lines and grades thereof so as to accommodate the
14 same to the design for such grade separation. The damages
15 incurred in changing and adjusting the lines and grades of
16 public roads, State highways and interstate highways shall be
17 ascertained and paid by the commission in accordance with the
18 act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the
19 Eminent Domain Code. If the commission shall find it
20 necessary to provide a grade separation or change the site of
21 any portion of any interstate highway, State highway or
22 public road, or vacate the same, it shall cause it to be
23 reconstructed and restored forthwith, at the commission's own
24 proper expense, on the most favorable location and in as
25 satisfactory a manner as the original road, or vacate it, as
26 the case may be. The method of acquiring the right-of-way and
27 determining damages incurred in changing the location of or
28 vacating such road, State highway or interstate highway shall
29 be ascertained and paid for in accordance with the act of
30 June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent

1 Domain Code.

2 (8) Petition the court of common pleas of the county
3 wherein is situate any public road or part thereof affected
4 by the location therein of the turnpikes, for the vacation,
5 relocation or supply of the same, or any part thereof, with
6 the same force and effect as is now given by existing laws to
7 the inhabitants of any township or such county, and the
8 proceedings upon such petition, whether it be for the
9 appointment of viewers or otherwise, shall be the same as
10 provided by existing law for similar proceedings upon the
11 petitions.

12 (9) Have all of the powers and perform all the duties
13 prescribed by the act of May 21, 1937 (P.L.774, No.211),
14 referred to as the Pennsylvania Turnpike Commission Act.

15 (b) Maintenance to be paid out of tolls.--The turnpike
16 extensions and improvements and the conversion of toll-free
17 roads to toll roads when completed and open to traffic shall be
18 maintained and repaired by and under the control of the
19 commission. All charges and costs for the maintenance and
20 repairs actually expended by the commission shall be paid out of
21 tolls. The turnpike, the turnpike extensions and improvements
22 and the toll-free roads converted to toll roads shall also be
23 policed and operated by a force of police, toll takers and other
24 operating employees as the commission may, in its discretion,
25 employ.

26 Section 8. Expenses and bonding of commission members.

27 (a) Payment of expenses.--All compensation and salaries and
28 all expenses incurred in carrying out the provisions of this act
29 shall be paid solely from funds provided under the authority of
30 this act and no liability or obligation shall be incurred

1 hereunder beyond the extent to which money shall have been
2 provided under the authority of this act.

3 (b) No additional bond required.--The issuance of any
4 turnpike revenue bonds, notes or other obligations under the
5 provisions of this act shall not cause any member of the
6 commission to be required to execute a bond that a member of the
7 commission is not otherwise required to execute.

8 Section 9. Acquisition of property rights by commission.

9 (a) Condemnation.--The commission is hereby authorized and
10 empowered to condemn, pursuant to the provisions of the act of
11 June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent
12 Domain Code, any lands, interests in lands, property rights,
13 rights-of-way, franchises, easements and other property deemed
14 necessary or convenient for the construction and efficient
15 operation of the turnpikes and the toll road conversions or
16 necessary in the restoration or relocation of public or private
17 property damaged or destroyed.

18 (b) Purchase.--The commission is hereby authorized and
19 empowered to acquire by purchase, whenever it shall deem such
20 purchase expedient, or otherwise accept if dedicated to it, any
21 lands, interests in lands, property rights, rights-of-way,
22 franchises, easements and other property deemed necessary or
23 convenient for the construction and efficient operation of the
24 turnpikes and toll road conversions or necessary in the
25 restoration of public or private property damaged or destroyed,
26 whether the same had theretofore been condemned or otherwise,
27 upon such terms and at such price as may be considered by it to
28 be reasonable and can be agreed upon between the commission and
29 the owner thereof, and to take title thereto in the name of the
30 commission. The net proceeds of the purchase price payable to a

1 municipality or the Department of Transportation for any real
2 property or interest therein obtained by the commission pursuant
3 to this act, less the cost of retiring any bonded indebtedness
4 on such property or interest, shall be used exclusively, in the
5 case of a municipality, for road and bridge related expenses
6 and, in the case of the Department of Transportation, for
7 highway and bridge construction, reconstruction and maintenance
8 in the same engineering and maintenance district wherein the
9 subject property is located.

10 Section 10. Procedural requirements of acquisition.

11 (a) Title.--Title to any property condemned by the
12 commission shall be taken in the name of the commission.

13 (b) Entry.--In addition to the foregoing powers, the
14 commission and its authorized agents and employees may enter
15 upon any lands, waters and premises in this Commonwealth for the
16 purpose of making surveys, soundings, drillings and
17 examinations, as it may deem necessary or convenient for the
18 purpose of this act, and the entry shall not be deemed a
19 trespass, nor shall an entry for such purposes be deemed an
20 entry under any condemnation proceedings which may be then
21 pending. The commission shall make reimbursement for any actual
22 damages resulting to the lands, waters and premises as a result
23 of the activities.

24 (c) Restoration of property.--All public or private property
25 damaged or destroyed in carrying out the powers granted by this
26 act shall be restored or repaired and placed in their original
27 condition as nearly as practicable or adequate compensation made
28 therefor out of funds provided under the authority of this act.

29 (d) Powers of public bodies.--All political subdivisions and
30 all public agencies and commissions of the Commonwealth,

1 notwithstanding any contrary provision of law, are hereby
2 authorized and empowered to lease, lend, dedicate, grant, convey
3 or otherwise transfer to the commission, upon its request, upon
4 such terms and conditions as the proper authorities of such
5 political subdivisions or public agencies and commissions of the
6 Commonwealth may deem reasonable and fair and without the
7 necessity for any advertisement, order of court or other action
8 or formality, other than the regular and formal action of the
9 authorities concerned, any real property which may be necessary
10 or convenient to the effectuation of the authorized purposes of
11 the commission, including public roads and other real property
12 already devoted to public use.

13 Section 11. Entry and possession of property condemned.

14 Whenever the commission has condemned any lands, rights,
15 rights-of-way, easements and franchises, or interests therein,
16 as provided in this act, the commission may proceed to obtain
17 possession in the manner provided by the act of June 22, 1964
18 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code.

19 Section 12. Issuance of turnpike revenue bonds, notes or other
20 obligations.

21 (a) Issuance of bonds.--The commission is hereby authorized
22 to provide, by resolution, at one time or from time to time, for
23 the issuance of turnpike revenue bonds, notes or other
24 obligations of the commission for the purpose of paying the cost
25 of the turnpikes, as defined in section 2, including the
26 reconstruction of the converted roads as provided for in this
27 act and the repayment to the Federal Treasury of any funds so
28 required to be repaid pursuant to any special legislation passed
29 by the Congress of the United States authorizing the conversion
30 of toll-free roads to toll roads. The principal and interest of

1 the bonds, notes or other obligations shall be payable solely
2 from revenues of the commission, including tolls collected on
3 the various turnpike extensions, improvements and toll road
4 conversions authorized by this act and those tolls collected on
5 the Pennsylvania Turnpike System, subject to the terms of any
6 trust indenture heretofore entered into by the commission and
7 any existing bond resolution of the commission or from such
8 funds as may be available to the commission for that purpose.
9 The bonds, notes or other obligations shall be dated, shall bear
10 interest at such rate or rates acceptable to the commission,
11 shall mature at such time or times not exceeding 40 years from
12 their date or dates, as may be determined by the commission, and
13 may be made redeemable before maturity, at the option of the
14 commission, at such price or prices and under such terms and
15 conditions as may be fixed by the commission prior to the
16 issuance of the bonds, notes or other obligations. The principal
17 and interest of such bonds, notes or other obligations may be
18 made payable in any lawful medium. The commission shall
19 determine the form of bonds, notes or other obligations,
20 including any interest coupons to be attached thereto, and shall
21 fix the denomination or denominations of the bonds, notes or
22 other obligations, and the place or places of payment of
23 principal and interest thereof, which may be at any bank or
24 trust company within or without the Commonwealth. The bonds,
25 notes or other obligations shall be approved by and shall bear
26 the facsimile signatures of the Governor and of the chairman of
27 the commission, and the facsimile of the official seal of the
28 commission shall be affixed thereto, and attested by the
29 secretary and treasurer of the commission, and any coupons
30 attached thereto shall bear the facsimile signature of the

1 chairman of the commission. In case any officer whose signature
2 or a facsimile of whose signature shall appear on any bonds,
3 notes or other obligations or coupons shall cease to be such
4 officer before the delivery of such bonds, notes or other
5 obligations, such signature or such facsimile shall nevertheless
6 be valid and sufficient for all purposes, the same as if he had
7 remained in office until such delivery.

8 (b) Form of bonds.--The bonds, notes or other obligations
9 authorized herein may be issued in bearer or registered form,
10 with or without coupons attached as the commission may
11 determine, and provision may be made for the registration of any
12 coupon bonds as to principal alone and also as to both principal
13 and interest, and registered and coupon bonds, notes or other
14 obligations may be made interchangeable. The commission may sell
15 such bonds, notes or other obligations in such manner and for
16 such price as it may determine to be for the best interest of
17 the Commonwealth.

18 (c) Use of bond proceeds.--The proceeds of such bonds, notes
19 or other obligations shall be used for the payment of the cost
20 of the turnpikes and the toll road conversions, including the
21 reconstruction of the converted roads as provided for in this
22 act and the repayment to the Federal Treasury of any funds so
23 required to be repaid pursuant to any special legislation passed
24 by the Congress of the United States authorizing the conversion
25 of toll-free roads to toll roads, and shall be disbursed upon
26 requisition of the chairman of the commission under such
27 restrictions, if any, as the resolution authorizing the issuance
28 of the bonds, notes or other obligations, or any trust indenture
29 or other agreement entered into by the commission, may provide.
30 If the proceeds of the bonds, notes or other obligations shall

1 exceed the cost of the turnpikes and the toll road conversions,
2 including the reconstruction of the converted roads as provided
3 for in this act and the repayment to the Federal Treasury of any
4 funds so required to be repaid pursuant to any special
5 legislation passed by the Congress of the United States
6 authorizing the conversion of toll-free roads to toll roads,
7 such excess proceeds shall be set aside and applied to the
8 payment of the principal and the interest of such bonds, notes
9 or other obligations as are issued pursuant to this act. Prior
10 to the preparation of definitive bonds, notes or other
11 obligations, the commission may, under like restrictions, issue
12 temporary bonds, notes or other obligations with or without
13 coupons, exchangeable for definitive bonds, notes or other
14 obligations upon the issuance of the latter. The commission may
15 also provide for the replacement of any bond, note or other
16 obligation which shall become mutilated or be destroyed or lost.
17 Such turnpike revenue bonds, notes or other obligations may be
18 issued without any other proceedings or the happening of any
19 other conditions or things than those proceedings, conditions
20 and things which are specified and required by this act.

21 (d) Power to borrow.--The commission is hereby authorized to
22 borrow money from time to time to provide for preliminary or
23 interim financing, up to, but not exceeding, the estimated total
24 cost of the turnpikes and the toll road conversions, including
25 the reconstruction of said converted roads as provided for in
26 this act and the repayment to the Federal Treasury of any funds
27 so required to be repaid pursuant to any special legislation
28 passed by the Congress of the United States authorizing the
29 conversion of toll-free roads to toll roads, and to evidence
30 such borrowing by the issuance of turnpike notes or other

1 obligations of the commission and, in its discretion, to pledge
2 as collateral for such notes or other obligations, turnpike
3 revenue bonds, notes or other obligations issued under the
4 provisions of this act, and to renew any such notes or other
5 obligations from time to time, and the payment or retirement of
6 such notes or other obligations shall be considered to be
7 payment of the cost of the projects authorized by this act.

8 (e) Bonds as securities.--The bonds, notes or other
9 obligations authorized herein are hereby made securities in
10 which all State and municipal officers and administrative
11 departments, boards and commissions of the Commonwealth; all
12 banks, bankers, savings banks, trust companies, saving and loan
13 associations, investment companies and other persons carrying on
14 a banking business; all insurance companies, insurance
15 associations and other persons carrying on an insurance
16 business; and all administrators, executors, guardians, trustees
17 and other fiduciaries; and all other persons whatsoever who now
18 or may hereafter be authorized to invest in bonds or other
19 obligations of the Commonwealth, may properly and legally invest
20 any funds, including capital, belonging to them or within their
21 control, and the bonds, notes or other obligations are hereby
22 made securities which may properly and legally be deposited with
23 and received by any State or municipal officer or agency of the
24 Commonwealth, for any purpose for which the deposit of bonds,
25 notes or other obligations of the Commonwealth is now or may
26 hereafter be authorized by law.

27 (f) Negotiable instruments.--All such bonds, notes or other
28 obligations authorized herein shall have and are hereby declared
29 to have all the qualities and incidents of negotiable
30 instruments under the laws of this Commonwealth.

1 Section 13. Obligation proceeds restricted and lien created.

2 All moneys received from any bonds, notes or other
3 obligations issued pursuant to this act shall be applied solely
4 to the payment of the cost of the turnpike, the turnpike
5 extensions and improvements and the toll road conversions,
6 including the reconstruction of said converted roads as provided
7 for in this act and the repayment to the Federal Treasury of any
8 funds so required to be repaid pursuant to any special
9 legislation passed by the Congress of the United States
10 authorizing the conversion of toll-free roads to toll roads or
11 to the appurtenant fund, and there is created and granted a lien
12 upon such moneys, until so applied, in favor of holders of such
13 bonds, notes or other obligations or the trustee hereinafter
14 provided for in respect of such bonds, notes or other
15 obligations.

16 Section 14. Trust indenture authorized.

17 (a) Security for bonds.--In the discretion of the
18 commission, such bonds, notes or other obligations may be
19 secured by a trust indenture by and between the commission and a
20 corporate trustee, which may be any trust company or bank having
21 the powers of a trust company, within this Commonwealth. Such
22 trust indenture may pledge or assign tolls and revenue to be
23 received but shall not convey or mortgage the Pennsylvania
24 Turnpike System including the turnpikes and toll road
25 conversions provided for by this act or any part thereof.

26 (b) Rights of bondholders.--Either the resolution providing
27 for the issuance of such bonds, notes or other obligations or
28 such trust indenture may contain such provisions for protecting
29 and enforcing the rights and remedies of the bondholders or
30 holders of notes or other obligations as may be reasonable and

1 proper and not in violation of law, including covenants setting
2 forth the duties of the commission in relation to the
3 acquisition of properties and the construction, maintenance,
4 operation and repair, and insurance of, the turnpikes, and the
5 custody, safeguarding and application of all moneys. It shall be
6 lawful for any bank or trust company incorporated under the laws
7 of this Commonwealth to act as a depository of the proceeds of
8 bonds, notes or other obligations or revenues, and to furnish
9 such indemnity bonds or to pledge such securities as may be
10 required by the commission. The trust indenture may set forth
11 the rights and remedies of the bondholders or holders of notes
12 or other obligations and of the trustee and may restrict the
13 individual right of action of bondholders or holders of notes or
14 other obligations as is customary in trust indentures securing
15 bonds, debentures of corporations, notes or other obligations.
16 In addition to the foregoing, the trust indenture may contain
17 such other provisions as the commission may deem reasonable and
18 proper for the security of bondholders or holders of notes or
19 other obligations. All expenses incurred in carrying out the
20 trust indenture may be treated as part of the cost of
21 maintenance, operation and repair of the turnpikes and toll road
22 conversions provided for by this act.

23 Section 15. Commission and obligations tax exempt.

24 The accomplishment by the commission of the authorized
25 purposes stated in this act being for the benefit of the people
26 of the Commonwealth and for the improvement of their commerce
27 and prosperity, in which accomplishment the commission will be
28 performing essential governmental functions, the commission
29 shall not be required to pay any taxes or assessments on any
30 property acquired or used by it for the purposes provided in

1 this act, and the bonds, notes or other obligations issued by
2 the commission, their transfer, and the income therefrom,
3 including any profits made on the sale thereof, shall at all
4 times be free from taxation within the Commonwealth.

5 Section 16. Collection and disposition of tolls and other
6 revenue.

7 (a) Establishment and changes in toll amounts.--Subject to
8 the terms of any trust indenture entered into by the commission
9 and any resolution authorizing the issuance of any bonds, notes
10 or other obligations of the commission, the commission is hereby
11 authorized to fix, and to revise from time to time, tolls for
12 the use of the Pennsylvania Turnpike System and the different
13 parts or sections thereof, including the turnpike, the turnpike
14 extensions and improvements and the toll road conversions
15 authorized by this act and to charge and collect the same, and
16 to contract with any person, partnership, association or
17 corporation desiring the use of any part thereof, including the
18 right-of-way adjoining the paved portion, for placing thereon
19 telephone, telegraph, electric light or power lines, gas
20 stations, garages, stores, hotels, restaurants and advertising
21 signs, or for any other purpose, except for tracks for railroad
22 or railway use, and to fix the terms, conditions, rents and
23 rates of charges for such use. Tolls shall be so fixed and
24 adjusted as to provide funds at least sufficient with other
25 revenues of the Pennsylvania Turnpike System, if any, to pay:

26 (1) the cost of constructing, maintaining, repairing and
27 operating the Pennsylvania Turnpike System and the different
28 parts and sections thereof; and

29 (2) any bonds, notes or other obligations and the
30 interest thereon of the commission, and all sinking fund

1 requirements of the commission, and other requirements
2 provided for by any resolution authorizing the issuance of
3 the bonds, notes or other obligations by the commission, or
4 by any trust indenture to which the commission is a party, as
5 the same shall become due.

6 (b) Restrictions on toll revenue.--Tolls shall not be
7 subject to supervision or regulation by any other State
8 commission, board, bureau or agency. Subject to the terms of any
9 presently existing trust indenture entered into by the
10 commission and any presently existing resolution authorizing the
11 issuance of any bonds, notes or other obligations of the
12 commission, the tolls and all other revenue derived from the
13 Pennsylvania Turnpike System shall be set aside and pledged as
14 may be provided in any resolutions, trust indentures or any
15 other agreements that the commission may hereafter adopt or
16 hereafter enter into with respect to the issuance of bonds,
17 notes or other obligations of the commission.

18 Section 17. Refunding bonds.

19 The commission is hereby authorized to provide, by
20 resolution, for the issuance of turnpike revenue refunding bonds
21 for the purpose of refunding any turnpike revenue bonds, notes
22 or other obligations issued and then outstanding. The issuance
23 of such turnpike revenue refunding bonds, the maturities and
24 other details thereof, the rights of the holders thereof, and
25 the duties of the Commonwealth and of the commission in respect
26 to the same, shall be governed by the provisions of this act
27 insofar as the same may be applicable.

28 Section 18. Rights of obligation holders and trustees.

29 Any holder of bonds, notes or other obligations issued under
30 the provisions of this act, or any of the coupons attached

1 thereto, and the trustee under the trust indenture, if any,
2 except to the extent the rights herein given, may be restricted
3 by resolution passed before the issuance of the bonds, notes or
4 other obligations, or by the trust indenture, may, either at law
5 or in equity, by suit, action, mandamus or other proceedings,
6 protect and enforce any and all rights granted hereunder or
7 under such resolution or trust indenture, and may enforce and
8 compel performance of all duties required by this act or by such
9 resolution or trust indenture to be performed by the commission
10 or any officer thereof, including the fixing, charging and
11 collecting of tolls for the use of the turnpikes.

12 Section 19. Authority granted to the Secretary of
13 Transportation.

14 (a) Agreement with Federal Government.--The Secretary of
15 Transportation is hereby authorized and empowered to enter into
16 an agreement with the United States Department of
17 Transportation, the Federal Highway Administration and any other
18 Federal agency pursuant to section 105 of the Federal-Aid
19 Highway Act of 1978 (Public Law 95-599), in order to obtain
20 Federal funds for projects for resurfacing, restoring and
21 rehabilitating toll roads in Pennsylvania. The commission is
22 authorized to use Federal funds which may be available for toll
23 roads only pursuant to the approval of the Pennsylvania
24 Secretary of Transportation and only pursuant to the authority
25 granted in this section.

26 (b) Approval by department.--All contracts and agreements
27 relating to the construction of the turnpikes and connecting
28 tunnels and bridges shall be approved by the Department of
29 Transportation.

30 Section 20. Construction of act.

1 This act shall be deemed to provide an additional and
2 alternative method for the doing of things authorized thereby,
3 and shall be regarded as supplemental and additional to powers
4 conferred by other laws, and shall not be regarded as in
5 derogation of any powers now existing and shall be liberally
6 construed to effect the purposes thereof.

7 Section 21. Repeals.

8 (a) Absolute repeals.--The following acts and parts of acts
9 are repealed:

10 Section 18 of the act of May 16, 1940 (1941 Sp.Sess. P.L.949,
11 No.11), known as the Pennsylvania Turnpike Philadelphia
12 Extension Act.

13 Section 18 of the act of June 11, 1941 (P.L.101, No.53),
14 known as the Western Pennsylvania Turnpike Extension Act.

15 Section 18 of the act of May 23, 1951 (P.L.335, No.74), known
16 as the Pennsylvania Turnpike Delaware River Extension Act.

17 Section 18 of the act of September 27, 1951 (P.L.1430,
18 No.348), known as the Pennsylvania Turnpike Northeastern
19 Extension Act.

20 Section 18 of the act of May 15, 1956 (1955 P.L.1589,
21 No.534), known as the Pennsylvania Turnpike Philadelphia Loop
22 Extension Act.

23 (b) Inconsistent repeals.--The following acts and parts of
24 acts are repealed insofar as they are inconsistent with this
25 act:

26 Act of May 21, 1937 (P.L.774, No.211), entitled "An act to
27 facilitate vehicular traffic between the eastern and western
28 sections of the Commonwealth by providing for the construction,
29 operation and maintenance of a turnpike from a point at or near
30 Middlesex in Cumberland County to a point at or near Irwin in

1 Westmoreland County; providing for the creation of the
2 Pennsylvania Turnpike Commission, and conferring powers and
3 imposing duties on said commission; authorizing the issuance of
4 turnpike revenue bonds of the Commonwealth, payable solely from
5 tolls, to pay the cost of such turnpike; providing that no debt
6 of the Commonwealth shall be incurred in the exercise of any of
7 the powers granted by this act; providing for the collection of
8 tolls for the payment of such bonds and for the cost of
9 maintenance, operation and repair of the turnpike; making such
10 bonds exempt from taxation; constituting such bonds legal
11 investments in certain instances; prescribing conditions upon
12 which such turnpike shall become free; providing for
13 condemnation; granting certain powers and authority to municipal
14 subdivisions and agencies of the Commonwealth to cooperate with
15 the commission; and authorizing the issuance of turnpike revenue
16 refunding bonds."

17 (c) Partial repeal.--Section 207.1(c)(2) of the act of April
18 9, 1929 (P.L.177, No.175), known as The Administrative Code of
19 1929, to the extent that it requires a vote of two-thirds of the
20 members elected to the Senate to confirm appointments to the
21 Pennsylvania Turnpike Commission made pursuant to section 5(b)
22 of this act, and requires the advice and consent of the Senate
23 in any manner for appointments to the Pennsylvania Turnpike
24 Commission made pursuant to sections 5(a)(2) and (c) of this
25 act.

26 (d) General repeal.--All other acts and parts of acts are
27 repealed insofar as they are inconsistent with this act.

28 Section 22. Effective date.

29 Except for sections 5 and 21(c) which shall take effect
30 immediately, this act shall take effect 30 days following the

1 commissioning of a member to fill the vacancy existing in
2 commission membership pursuant to section 5(a)(2) at the time of
3 enactment of this act and the appointment of the temporary
4 additional member as provided by section 5(c) of this act.