

# CAWP

## Summary of Legislation

### September 2008

#### Tolling I-80 Rejected

The Commonwealth's petition to toll I-80 has been rejected by the Federal government. As a result, the issue of how to fund Pennsylvania's transportation needs is again up in the air. The application to toll route 80 could be resubmitted but that is unlikely until after the Bush Administration ends. In the meantime, the Pennsylvania legislature is contemplating various other options to generate replacement revenues. However, contemplation and action are not the same thing. That is particularly the case with the general election only a little more than a month away.

Proponents of leasing the turnpike had been working feverishly to get a vote on that issue before the end of this legislative session. They have the support of Governor Rendell and Dwight Evans, Chairman of the House Appropriations committee. However, conventional wisdom suggests that the votes to move forward with the lease do not exist. Now the Spanish company offering has apparently accepted that the lease is not going to happen in the near term and is letting its offer expire.

Some of the other leaders in the House and Senate are promoting legislation to wean the State Police off the motor license fund, but that idea probably will not receive serious consideration until next June during budget negotiations, if at all. In short, don't expect any final resolution on transportation funding during 2008.

#### Legislative Activity

**[HB 1742](#) RE:** Scrap Material Theft Prevention Act (by Rep. Eddie Day Pashinski, et al)

Provides for identification requirements for sale of scrap materials to scrap processors and recycling facility operators. A scrap processor and recycling facility operator would be required to collect certain information for all transactions by a seller of restricted material and from all other sellers when the purchase of scrap material exceeds \$100. Additionally, every scrap processor and recycling facility operator must develop methods of tracking a transaction that obtains the seller's signature on a receipt for the transaction. Every scrap processor and recycling facility operator must also create and maintain a permanent record with a commercial enterprise in order to establish a commercial account. A scrap processor and recycling facility operator may purchase the following scrap material only if the purchase occurs with a commercial enterprise in conjunction with a contract or letter of authorization from the commercial enterprise: (1) new production scrap or new materials that are a part of a manufacturing process that are being sold by an individual, not a company; (2) **full sized, new materials, such as those used in construction, or equipment and tools used by contractors;** (3) **commercial metal property;** (4) **metallic wire that has been burned in whole or in part to remove insulation;** (5) beer kegs; or (6) catalytic converters. The bill provides for law enforcement and penalties.

**Reported as amended from Senate Appropriations Committee, 9/17/2008**  
**Set on the Senate Calendar, 10-06-08**

**[HB 2133](#) RE:** Restrictions on Highways (by Rep Mark Longietti, et al)

Amends Title 75 (Vehicles) section 4902 (Restrictions on use of highways and bridges) providing the department shall publish a revised schedule of bonding amounts based on increased or decreased maintenance costs by January 1, 2009, and at least every three years thereafter. Further provides department regulations shall, by January 1, 2009, reflect a rebuttable presumption in favor of the municipality and against the over-posted-weight permittee for damage sustained to posted highways used by such permittee

**Public hearing held in committee House Transportation, 09-26-08**

**[HB 2638](#) RE:** Commonwealth Financing Authority (By Rep. Keith McCall, et al)

Amends Title 64 (Public Authorities and Quasi-Public Corporations) further defining "private developer" and adding definitions relating to Commonwealth Financing Authority. The bill also establishes the Legacy Account Program, charged with designating five accounts for the purpose of providing financial assistance to eligible

applicants, projects and expenses as determined for the Tourism Account, the Independent Higher Education Facilities Account, the Hospital Facilities and Medical Technology Account, the Vital Community Assets Account and the Economic Development Infrastructure Account, which includes high hazard dams and flood control. All money in the Pennsylvania Gaming Economic Development and Tourism Fund not previously allocated to projects under the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007 would be allocated to the authority for distribution. The bill details the method of appropriation for each legacy account, and provides for applications, eligibility, limitations, and an annual report.

**Reported as committed from House Rules Committee, laid on the table, removed from the table, and rereferred to House Appropriations Committee, 9/15/2008**

**HB 2644 RE:** Underground Utility Line Protection Law (by Rep. Joe Preston, et al)

Amends the Underground Utility Line Protection Law providing for duties of facility owners by adding that a facility owner may identify the location of a known facility connected to its facilities, but not owned or operated by the facility owner, as a helpful guide to the excavator or owner.

**Reported as committed from Senate Consumer Protection & Prof. Licensure Committee, and read first time, 9/17/2008**

**Set on the Senate Calendar, 10/6/2008**

**SB 1158 RE:** Transit Infrastructure Development (By Sen Roger Madigan, et al)

Amends Title 74 (Transportation) providing for transportation infrastructure partnership and development. The bill provides for transportation development agreements, terms and conditions of transportation development agreements, and the review and selection of proposals. The bill outlines financing for qualifying transportation projects and the power of eminent domain. The legislation creates the Pennsylvania Transportation Development Trust Fund and provides for its permitted uses. A regional mobility authority would be eligible to receive transportation development revenues directly from the fund or from a regional mobility fund. The bill requires PennDOT to adopt interim guidelines within six months and final regulations within two years for implementing the provisions of the legislation; and sets a 60-day window for the solicitation of competing bids for an unsolicited proposal by the State Transportation Commission or another proprietary public entity. Lastly, the bill states that the Pennsylvania Turnpike may not be subject to a transfer of oversight responsibilities through a lease, sale or other agreement unless specific authority is granted through an act of law passed by a majority of members of the General Assembly.

**Received in the House and referred to House Appropriations, 6/27/2008**

**Discussed in press conference, 9/22/2008**

**SB 1503 RE:** Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2005-2006 (By Sen. Roger Madigan, et al)

Itemizes additional local and State bridge projects.

**Reported as committed from Senate Transportation Committee, and read first time, 9/16/2008**

**Read Second time, rereferred to Senate Appropriations Committee, and re-reported as amended, 9/17/2008**

**Read third time, and passed Senate, 9/18/2008 (50-0)**

**Set on the House Calendar, 10/06/2008**

**SB 1504 RE:** Highway Capital Budget Project Itemization Act of 2008-2009 (By Sen. J. Barry Stout, et al)

Provides for the highway capital budget project itemization for the fiscal year 2008-2009.

Reported as committed from Senate Transportation Committee, and read first time, 9/16/2008

**Read Second time, rereferred to Senate Appropriations Committee, and re-reported as amended, 9/17/2008**

**Read third time, and passed Senate, 9/18/2008 (50-0)**

**Set on the House Calendar, 10/06/2008**

## **New Bills Introduced**

**HB 1290 RE:** Construction Worker Safety (by Rep. Tim Seip, et al)

Amends Title 62 (Procurement) providing for construction safety and health training, requiring all contracts entered into by a government agency in excess of \$250,000 contain a clause requiring all laborers, workers and mechanics be certified prior to performing any work on the project as having successfully completed a 10 hour or longer course in construction safety and health approved by the United States Department of Labor's Occupational Safety and

Health Administration.

**Referred to House State Government committee, 9/16/2008**

**2008 SENATE FALL SESSION SCHEDULE**

**The Senate has announced the following remaining session days for the 2007-08 session.**

**October 6, 7, 8**

**The Senate will be in non-voting session on November 20 and 21**

**2008 House FALL SESSION SCHEDULE**

**October 6, 7, 8**

**November 12, 13, 17, 18, 19, 24, 25**

**Session ends officially on November 30.**

*Copies of all bills of interest can be accessed via the Internet at:*

<http://www.legis.state.pa.us/WU01/LI/BI/billroom.htm>.