

No. 1980-212

AN ACT

SB 381

Amending the act of January 22, 1968 (P.L.42, No.8), entitled, as amended, "An act empowering and authorizing the Department of Transportation to establish and administer certain grant programs for the betterment of mass transportation systems and facilities throughout the Commonwealth; providing for State grants to transportation companies, municipalities, counties, or their instrumentalities and to agencies and instrumentalities of the Commonwealth for studies, research, demonstration programs, promotion programs, purchase of service projects, and capital improvement projects under certain conditions; authorizing grants by counties or municipalities in metropolitan areas to local transportation organizations, authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee, conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, empowering each authority to function outside of the metropolitan area under certain terms and conditions," establishing a pooled bus acquisition program, authorizing the amount of bond funds to be used for the program and making editorial changes.

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

Section 1. Section 201, act of January 22, 1968 (P.L.42, No.8), known as the "Pennsylvania Urban Mass Transportation Law," added July 10, 1980 (No.101), is amended to read:

Section 201. Findings and Declaration of Policy.—(a) It is hereby determined and declared as a matter of legislative finding:

(1) That the welfare and vitality of urban areas in the Commonwealth, the satisfactory movement of people and goods within such areas, and the effectiveness of housing, urban renewal, highway, industrial development, and other programs are being jeopardized by the deterioration or inadequate provision of urban common carrier mass transportation facilities and services, the intensification of traffic congestion, and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis.

(2) That State financial assistance for the development of efficient and coordinated urban common carrier mass transportation systems,

facilities and services is essential to the solution of these urban problems.

(3) That efficient and coordinated urban common carrier mass transportation systems, facilities and services will promote the public health, safety, convenience and welfare.

(4) That because of increasing utilization of public transportation services by bus and because of the limited manufacture of new and replacement vehicles for use by public transportation providers within the Commonwealth, the availability of adequate public transportation services by bus is being threatened.

(5) That participation in a pooled bus acquisition by the Commonwealth, including State financial and technical assistance and cooperation with the Federal Government and the public transportation providers within this Commonwealth, will alleviate the problems associated with an inadequate supply of new or replacement buses and will promote the public health, safety, convenience and welfare.

(b) Therefor, it is hereby declared to be the policy of the General Assembly of the Commonwealth of Pennsylvania to promote the health, safety, convenience and welfare of its inhabitants through the department by means of State financial assistance for *and participation* in the development of efficient and coordinated urban common carrier mass transportation systems, facilities and services, [and] to provide free or reduced transit service for the elderly *and participation in a pooled bus acquisition program by the Commonwealth, to include State financial and technical assistance and cooperation with the Federal Government and the public transportation providers within the Commonwealth.* Such purposes are hereby declared to be public uses for which State moneys may be spent.

Section 2. Section 202 of the act is amended by adding a definition to read:

Section 202. Definitions.—The following terms, whenever used or referred to in this article, shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

* * *

“Bus” shall mean a motor vehicle designed for carrying fifteen or more passengers, exclusive of the driver and used for the transportation of persons and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

* * *

Section 3. Section 203 of the act is amended by adding a paragraph to read:

Section 203. Program Authorizations.—The department is hereby authorized, within the limitations hereinafter provided and is required where the provisions of section 204 apply:

* * *

(6) To participate in a pooled bus acquisition program with transportation companies or local transportation organizations and the

Federal Government for the purpose of making buses available to transportation companies or local transportation organizations for use in urban common carrier mass transportation service, in accordance with the following procedures:

(i) The department may apply to the Urban Mass Transportation Administration of the United States Department of Transportation for the Federal share of any pooled bus acquisition project.

(ii) The department may, with the assistance of the Department of General Services and/or a special group comprised of representatives of the transportation companies or local transportation organizations within the Commonwealth, write specifications for and order buses on behalf of any number of transportation companies or local transportation organizations desiring bus acquisition under this program.

(iii) Before any order for buses is placed by the department with a manufacturer, the department shall secure written assurance from the Federal Government of the availability of Federal financial assistance for such bus acquisitions. The department shall also secure written obligations by the transportation companies or local transportation organizations participating in such bus acquisitions that they will accept delivery of such buses at the appropriate time and will supply local funding in accordance with the provisions of subparagraph (iv) hereof.

(iv) Funding for this program shall be: four-fifths Federal, one-sixth State and one-thirtieth from local sources; however, the local share of program costs may be advanced to the manufacturer by the Commonwealth at the time of purchase. Repayments to the Commonwealth of such advancements shall be considered as augmentations to the fund from which the funds were advanced. No part of the Federal share shall be advanced by the Commonwealth in anticipation of reimbursement.

(v) The Commonwealth may take title to and delivery of vehicles acquired pursuant to this program for eventual transfer to transportation companies or local transportation organizations.

(vi) All bus acquisitions under this program shall be made in accordance with a system of competitive bidding.

Section 4. (a) An additional capital project in the category of transportation assistance projects with respect to which an interest is to be acquired in by the Pennsylvania Department of Transportation, its successors or assigns, and to be financed by the incurring of debt, is hereby itemized, together with its estimated financial costs and the total additional amount authorized for the transportation assistance project as follows:

- A. Total Project Authorization..... \$37,251,000
- B. Itemization of Project:

Project	Base Project Cost	Design and Contin- gencies	Total Project Cost
I. Department of Transportation			
(1) Purchase of Buses and Related Equipment			
	\$33,865,000	\$3,386,000	\$37,251,000

(b) The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of \$37,251,000 as may be found necessary to carry out the acquisition of the transportation assistance project specifically itemized herein.

(c) The indebtedness herein authorized shall be incurred from time to time and shall be evidenced by one or more series of general obligation bonds of the Commonwealth in such aggregate principal amount for each series as the Governor, Auditor General and State Treasurer shall determine, but the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each such series.

(d) The General Assembly states that the estimated useful life of the transportation assistance project itemized herein is not less than 12 years from the date of acquisition of the passenger buses and related equipment. The maximum term of the debt authorized to be incurred hereunder is 12 years from the date of the first acquisition or completion.

(e) The net proceeds of the sale of the obligations herein authorized are hereby appropriated from the Capital Facilities Fund to the Pennsylvania Department of Transportation in the maximum amount of \$37,251,000 to be used by it exclusively to defray the financial costs of the transportation assistance project specifically itemized herein. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay out to the Pennsylvania Department of Transportation the moneys as required and certified by it to be legally due and payable.

Section 5. This act shall take effect immediately.

APPROVED—The 10th day of December, A. D. 1980.

DICK THORNBURGH