

## No. 2016-101

## AN ACT

SB 1267

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in traffic signals, further providing for definitions and for maintenance agreement; in general provisions relating to operation of vehicles, further providing for traffic-control signals and for expiration of automated red light enforcement systems provisions; and, in taxes for highway maintenance and construction, further providing for allocation of proceeds.

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

Section 1. Section 9201 of Title 74 of the Pennsylvania Consolidated Statutes is amended to read:

§ 9201. Definitions.

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

"Critical corridor." Either of the following:

(1) A State *or municipal* highway segment intersecting with a limited access ramp identified by the Secretary of Transportation.

(2) A State *or municipal* highway segment with bidirectional average annual daily traffic greater than 10,000 vehicles as determined by the department's Roadway Management System.

"Department." The Department of Transportation of the Commonwealth.

"Designated traffic corridor." A State *or municipal* highway segment, other than a critical corridor, determined by the Secretary of Transportation to be subject to the provisions of this chapter.

"Existing agreement." An agreement between the department and a municipality for the maintenance of a traffic signal existing prior to the effective date of this section.

"Maintenance." The activity of keeping a traffic signal in proper working condition during the useful life of the traffic signal.

"Municipality." A *county*, city, borough, *incorporated* town [or], township *or home rule municipality*.

"Replace." The modernization of an existing traffic signal within a *critical or* designated traffic corridor.

"Synchronize." The coordination of the timing of all traffic signals within a *critical or* designated traffic corridor for the purpose of operating as a single system.

"Timing." The programming of traffic signals within a *critical or* designated traffic corridor in order to synchronize the signals.

Section 2. Section 9202(a) of Title 74 is amended and the section is amended by adding subsections to read:

§ 9202. Maintenance agreement.

(a) Agreement.—A municipality may enter into an agreement with the department to replace, synchronize and time traffic signals located within a

*critical or* designated traffic corridor. The terms of the agreement may specify that the municipality provide services to the department. The agreement shall not exceed the time period of the useful life of the traffic signals. The municipality shall, during the duration of the agreement, properly maintain and time the traffic signals in accordance with the agreement.

\* \* \*

*(h) Cities of the first or second class.—Notwithstanding any other provision of law, the department may own, install, replace, synchronize, time, operate or maintain traffic signals within a city of the first class or a city of the second class.*

*(i) Department-managed signals.—The following apply:*

*(1) In accordance with subsection (c), the department may own, install, replace, synchronize, time, operate or maintain a traffic signal and all associated signs and markings included on a department-approved traffic signal plan within a municipality if the department publishes the location of the signal or the critical corridor as a notice in the Pennsylvania Bulletin.*

*(2) A municipality shall enact any ordinances and enter into any agreements necessary to complete the transfer of all rights and duties to department-managed signals under this subsection.*

*(j) Special pilot program for department-managed signals.—The following apply:*

*(1) The department shall develop a pilot program for department-managed signals to implement on one or more critical corridors at the department's discretion as specified under this subsection.*

*(2) After implementation and evaluation of the pilot program, but no later than January 1, 2022, the secretary shall certify in the Pennsylvania Bulletin that the pilot program is ended and indicate whether or not the pilot program has been successful. If successful, the department may maintain and expand the department management of signals. This subsection shall expire January 1, 2022.*

Section 3. Sections 3112(c) and 3116(q) of Title 75 are amended to read:  
§ 3112. Traffic-control signals.

\* \* \*

*(c) Inoperable or malfunctioning signal.—If a traffic-control signal is out of operation or is not functioning properly, including, but not limited to, a signal that uses inductive loop sensors or other automated technology to detect the presence of vehicles that fails to detect a vehicle, vehicular traffic facing a:*

*(1) Green or yellow signal may proceed with caution as indicated in subsection (a)(1) and (2).*

*(2) Red or completely unlighted signal shall stop in the same manner as at a stop sign, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign as provided in section 3323 (relating to stop signs and yield signs).*

§ 3116. Automated red light enforcement systems in first class cities.

\* \* \*

*(q) Expiration.—This section shall expire July 15, [2017] 2027.*

Section 4. Section 3117(r) and (s) of Title 75 are amended and the section is amended by adding a subsection to read:

§ 3117. Automated red light enforcement systems in certain municipalities.

\* \* \*

*(r) Report.—The department shall conduct an evaluation of section 3116 (relating to automated red light enforcement systems in first class cities) and of any municipality that approved automated red light enforcement systems under this section. The evaluation shall include, but is not limited to, the effectiveness of automated red light enforcement systems in this Commonwealth and the conditions that should be present in order for a municipality to consider approving automated red light enforcement systems at intersections within the municipality based on the class and size of the municipality, the average daily traffic, the number of collisions and fatalities, the collection of fines, the revenue limit and the allocation of revenue received. The department shall complete the evaluation by June 1, 2017, and provide a copy to the chairperson of the Transportation Committee of the Senate and the chairperson of the Transportation Committee of the House of Representatives.*

**[(r)] (s) Expiration.**—This section shall expire July 15, **[2017] 2027**.

**[(s)] (t) Definitions.**—As used in this section:

(1) The term "designee" shall include a person, business entity or governmental entity, including the department.

(2) The term "municipality" means:

(i) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the second class A.

(ii) A city, borough or township with a population under the 2010 Federal Decennial Census exceeding 20,000 with a police agency accredited by the Pennsylvania Chiefs of Police Association in a county of the third class with a population between 490,000 and 510,000.

(iii) A city of the second class.

Section 5. Section 9511(e.1) of Title 75 is amended to read:

§ 9511. Allocation of proceeds.

\* \* \*

**(e.1) Allocation [to municipalities] for traffic signals.**—In addition, up to \$10,000,000 for fiscal year 2014-2015, up to \$25,000,000 for fiscal year 2015-2016 and up to \$40,000,000 for fiscal year 2016-2017 and each fiscal year thereafter, is appropriated out of the Motor License Fund to replace, synchronize, time, operate and maintain traffic signals within traffic corridors consistent with 74 Pa.C.S. Ch. 92 (relating to traffic signals). The funds shall be used *for municipal and department-managed signals* and allocated in accordance with the following:

(1) During fiscal year 2014-2015, up to \$10,000,000 is allocated to municipalities for upgrading traffic signals to light-emitting diode technology and for performing regional operations such as retiming, developing special event plans and monitoring traffic signals.

(2) During fiscal year 2015-2016, up to \$25,000,000 shall be allocated to municipalities for upgrading traffic signals to light-emitting diode technology, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(3) During fiscal year 2016-2017 and each fiscal year thereafter, up to \$40,000,000 shall be allocated **[to municipalities]** for upgrading traffic signals to light-emitting diode technology *and intelligent transportation system applications, such as autonomous and connected vehicle-related technology*, performing regional operations such as retiming, developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

(4) Financial assistance under this section shall be matched by **[municipal or private cash]** funding in an amount not less than **[50%]** 20% of the amount of the financial assistance being provided. *Except for transportation improvement program funds, the match may consist of any combination of Federal, State, regional, local and private funds, including in-kind contributions such as an exchange of services between the department and municipality. Any grant made under this subsection shall be allocated for two consecutive fiscal years and shall not lapse at the end of the fiscal year when the grant was awarded.*

(5) The department shall establish guidelines for applications and approval of applications from municipalities *or metropolitan or rural planning organizations* for the financial assistance being provided. Applicants must enter into agreements provided for under 74 Pa.C.S. Ch. 92. Priority will be given to multimunicipal improvements.

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Section 6. This act shall take effect in 60 days.

APPROVED—The 20th day of July, A.D. 2016

TOM WOLF