

No. 1985-47

AN ACT

SB 825

Providing for transportation development projects by certain municipalities and municipal authorities.

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

Section 1. Short title.

This act shall be known and may be cited as the Transportation Partnership Act.

Section 2. Transportation development districts.

(a) Establishment of districts.—Except in counties of the second class, the governing body of any municipality or municipal authority, acting singly or in cooperation with one or more other municipalities or municipal authorities, may establish within the boundaries of the municipality or municipalities, or in the case of a municipal authority within the boundaries of the municipality or municipalities that organized the municipal authority, an area or areas designated as a transportation development district for the purpose of planning, financing, acquiring, developing, improving and operating transportation facilities or transportation services within the district. However, a municipal authority may not designate or join in the designation of an area or areas as a transportation development district without the express approval of the governing body or bodies of the municipality or municipalities that organized that municipal authority.

(b) Facility projects.—Transportation facility projects which may be undertaken within a district shall include any system of public highway or passenger transportation, including, but not limited to, local streets, roads, sidewalks, alleys, passageways, traffic-control systems, structures, roadbeds, railroads, buses, trolleys, subways and other equipment for public passenger transportation; guideways, elevated structures, buildings, stations, terminals, docks, shelters, waterways, ferryboats, airports and parking areas for use in connection with any of the foregoing; tunnels, systems for connecting transportation routes or corridors, and rights-of-way therefor; communication systems, equipment, furnishings, paving or any other materials required for any of the foregoing; or any fractional or undivided coownership interest in any one or combination of any of the foregoing that may be deemed by the municipality or municipal authority to be necessary and desirable.

(c) Services.—Transportation services which may be provided within a district shall include any system of public passenger transportation by any mode and the salaries and costs associated therewith, the provision of any system of public highway transportation and the salaries and costs associated therewith, and any method by which a municipality or municipal authority provides, plans for, implements, undertakes, maintains, preserves or other-

wise makes available to the public transportation facilities and any method by which a municipality or municipal authority operates, provides, maintains or holds out for the public transportation benefits under the provisions of this act.

(d) Governing body.—The governing body of a municipality or municipal authority designating a transportation development district may exercise all powers otherwise granted by law to such municipality or municipal authority in order to plan, finance, develop, improve or operate any transportation facilities or services, including, but not limited to, the appropriation and expenditure of funds, and the acquisition, by gift, purchase or eminent domain, of land, real property or rights-of-way needed for the purpose of transportation facilities or services within the district.

Section 3. Financing of transportation development.

(a) In general.—The governing body of any municipality or, in the case of paragraphs (4) and (5), any municipal authority which has designated an area as a transportation development district may finance a transportation facility or transportation service within such district by:

(1) Imposing an assessment upon business property located within the district subject to the limitations of and pursuant to the procedures and requirements of sections 2(2) through (5), 3 and 4 of the act of November 30, 1967 (P.L.658, No.305), known as the Business Improvement District Act of 1967. However, if the assessment imposed is authorized to be paid in installments, the installments need not be equal. Also, the property on which improvements are to be made need not be acquired if the improvements will be in a right-of-way.

(2) Imposing an assessment on each benefited property within the district using a formula adopted by the governing body of the municipality based upon actual or projected usage of the transportation facilities or services to be financed by the district.

(3) Imposing any tax otherwise permitted by law, but restricting such tax to subjects of taxation located within a transportation development district, and restricting the receipts of such tax to the financing of such transportation facility or service.

(4) Issuing notes and bonds and entering into leases, guarantees and subsidy contracts pursuant to the provisions of the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, or, in the case of a municipal authority, pursuant to the provisions of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

(5) Accepting grants, gifts and donations.

(b) Municipal authority.—A municipal authority may not impose an assessment under paragraph (1) or (2) of subsection (a) without the express approval of the governing body or bodies of the municipality or municipalities in which the district is located, as provided in section 4B(w) of the Municipality Authorities Act of 1945, and a municipal authority may not impose any tax pursuant to subsection (a)(3). However, a municipality may impose a tax pursuant to subsection (a)(3) to assist a municipal authority in

financing a transportation facility or service in a transportation development district if the district was designated as such by the municipal authority with the approval of the municipality as provided for in section 2(a).

(c) Claims to secure assessments.—Claims to secure the assessments imposed pursuant to this section shall be entered in the office of the prothonotary of the county at the same time and in the same form and shall be collected in the same manner as municipal claims are filed and collected, subject to the provisions of section 4(c) of the Business Improvement District Act of 1967. The resolution or ordinance authorizing an assessment imposed pursuant to this section may limit the ability of a benefited property owner to prepay scheduled installments of such assessments.

Section 4. Transportation planning.

(a) Study.—Municipalities or municipal authorities establishing a district shall undertake or commission the undertaking of a comprehensive study to determine the program of projects to be financed within the district. The analysis of projects shall conform with Federal, State and regional standards for integrated transportation planning and programming.

(b) Multiyear program.—Municipalities or municipal authorities establishing a district shall develop a multiyear transportation improvement program identifying priorities for transportation facilities to be constructed or reconstructed or transportation services to be offered. The program must be submitted to the appropriate county or municipal planning commission or commissions for approval.

(c) Countywide plan.—Municipalities or municipal authorities establishing transportation development districts shall cooperate in the formulation of a countywide plan of any programs affecting the State highway system. The plan shall be submitted to the regional planning commission for consideration of consolidation into the regional transportation plan and program. Where no regional planning commission exists, such plans and programs shall be submitted directly to the Department of Transportation for consideration for consolidation into the Commonwealth's 12-year transportation plan.

(d) Department of Transportation.—An adopted plan shall be presented to the Department of Transportation for consideration for the 12-year transportation program.

(e) Financing activities.—No financing activities under section 3 shall take place until a program of projects for the ensuing year (or group of years) has been adopted and all planning activities for the project required by the section have been completed.

Section 5. Termination.

(a) Termination of district.—The designation of an area as a district or the imposition pursuant to section 3 of any taxes or assessments within the boundaries of the district shall not be terminated until:

(1) The projects constituting the program of projects planned pursuant to section 4 have been completed or canceled by the governing body of the municipalities or municipal authorities designating the district.

(2) The municipalities or municipal authorities have finally paid and discharged all notes, bonds or other obligations issued and outstanding and the interest due thereon and settled all other claims which may be outstanding against them which shall have been secured by a pledge of any of the revenues or receipts of a project or service or by a pledge of transportation district taxes or assessments.

(b) Joint action.—Municipalities jointly designating any area as a transportation development district, and imposing pursuant to section 3 any taxes or assessments within the boundaries of such district, may terminate the designation of the district and the imposition of such taxes and assessments only upon action by all such municipalities. Municipal authorities jointly designating any area as a transportation development district which pursuant to section 3(b) received approval from a municipality or municipalities to impose any assessments may terminate the designation of the district and the imposition of such assessments only upon action by all such municipal authorities.

(c) Refund.—Upon cancellation of projects or services, any taxes or assessments collected for those projects or services and not utilized by the municipalities or municipal authorities for the projects or services and not required for the purpose of retiring related outstanding obligations of the municipalities or municipal authorities shall be refunded.

Section 6. Participation in State highway projects.

The governing body of any municipality or municipal authority may participate in and contribute to the planning, financing, development or improvement of any State highway located within a transportation development district upon terms and conditions agreed upon between the municipality or municipal authority and the Secretary of Transportation.

Section 7. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1985.

DICK THORNBURGH