

Basin Commission, provided such commission or authority shall agree to contribute and contributes to the fund, from time to time, the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes.

* * * * *

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 2d day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 258

AN ACT

Amending the act of April 18, 1949 (P. L. 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor, making changes with respect to the additional amount which may be borrowed for construction of the Interstate System, permitting assignments of construction contracts from the Department of Highways to the Authority, and permitting the performance of projects through contracts with the Federal or State government.

State Highway and Bridge Authority act.

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

Section 4, act of April 18, 1949, P. L. 604, amended by adding a new subsection (e.1).

Section 1. Section 4, act of April 18, 1949 (P. L. 604), known as the "State Highway and Bridge Authority Act," is amended by adding, after subsection (e), a new subsection to read:

Section 4. Purposes and Powers; General.—The Authority is created for the purpose of constructing, reconstructing, improving, equipping, furnishing, maintaining and operating State highways, bridges, viaducts, toll bridges, tunnels, traffic circles on State highways, maintenance sheds, offices and garages and roadside rests (any and all of the foregoing being herein called “projects”). The Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

* * * * *

(e.1) To acquire by assignment from the department contracts which are not completed and which involve constructing, reconstructing, improving, maintaining, equipping, furnishing or operating projects.

* * * * *

Section 2. Subsection (i) of section 4 of the act, amended February 9, *1961 (P. L. 19), is amended to read:

Subsection (1), section 4 of the act, amended February 9, 1961, P. L. 19, further amended.

Section 4. Purposes and Powers; General.—The Authority is created for the purpose of constructing, reconstructing, improving, equipping, furnishing, maintaining and operating State highways, bridges, viaducts, toll bridges, tunnels, traffic circles on State highways, maintenance sheds, offices and garages and roadside rests (any and all of the foregoing being herein called “projects”). The Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

* * * * *

(i) To borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations (herein called “bonds”) of the Authority, not exceeding [eighty million dollars (\$80,000,000)] *one hundred eighty million dollars (\$180,000,000)* in the aggregate, and, in addition, whenever during the 1955-1957 and 1957-1959 biennia, the Federal government apportions money to the Commonwealth for the construction, reconstruction and improvement, inclusive of necessary bridges and tunnels of the federally-aided highways, and the amount of money so apportioned necessitates the allocation of Commonwealth funds in excess of the amount allocated during the 1953-1955 biennium not including any amounts allocated to match Federal funds

* “1951” in original.

from previous biennia, the Authority may issue additional bonds of the Authority, not exceeding forty million dollars (\$40,000,000), in such amount as the Secretary of Highways shall certify as necessary for defraying the cost of the construction of such projects in an amount not exceeding the difference between the allocation of the Commonwealth in the 1953-1955 biennium and the allocation required in the 1955-1957 and 1957-1959 biennia to obtain the maximum of such Federal aid, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable and, in general, to provide for the security of said bonds and the rights of the holders thereof:

In order that the Commonwealth of Pennsylvania may avail itself of the provisions of the act of August 27, 1958 (72 Stat. 885), Title 23, providing for the acceleration of the construction of the Interstate System the Authority is hereby empowered to borrow an additional sum of money not in excess of [three hundred million dollars (\$300,000,000)] *two hundred million dollars (\$200,000,000)* at a rate not to exceed fifty million dollars (\$50,000,000) in any one year and to make and issue negotiable notes, bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority for the construction of the Interstate System and the Authority is empowered to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues, rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable and, in general, to provide for the security for said bonds and the rights of the holders thereof: Provided, That no work on any bridge, tunnel or public highway shall be commenced under these provisions until the Secretary of Highways certifies to the Governor that traffic conditions have created a need for said project.

For the purposes of this subsection (i), the term "cost of the construction" of any project or projects shall embrace the following:

(1) Obligations incurred for labor, and to contractors, builders and materialmen, in connection with the construction of any such project or projects, for machinery and equipment, and for the restoration of property damaged or destroyed in connection with such construction;

(2) The cost of acquiring by purchase any such project or projects and the cost of acquiring by purchase and the amount of any award or final judgment in any proceeding to acquire by condemnation such lands, property rights, rights of way, franchises, easements and other interests, as may be deemed necessary or convenient in connection with the acquisition or construction of any such project or projects, options and partial payments thereon, and the amount of any damages incident to or consequent upon such acquisition or construction;

(3) The cost of acquiring any property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for the construction of any such project or projects;

(4) The principal and interest requirements upon any such bonds for the period during which, and to the extent which, the rentals received by the Authority from such project or projects shall be insufficient for the payment thereof, the fees and expenses of the fiscal agent of the Authority in respect of such bonds during any such period, and the reasonable fees and expenses of any paying agents for such bonds during such period;

(5) The taxes or other municipal or governmental charges (if any) lawfully levied or assessed during construction upon any such project or projects and premiums on insurance (if any) in connection with any such project or projects during construction;

(6) The cost and expenses of preliminary investigations to determine the feasibility or practicability of constructing any such project or projects, and fees and expenses of engineers for making preliminary studies, surveys, reports, estimates of costs and of revenues, and other estimates, and for preparing plans and specifications and supervising construction as well as for the performance of all other duties of engineers in relation to such construction or the issuance of bonds therefor; and

(7) Expenses of administration properly chargeable to any such project or projects during construction, legal expenses and fees, financing charges, costs of audits and of preparing and issuing such bonds, and all other items of expense not elsewhere in this subsection specified, incident to the construction of any such project or projects, the financing thereof and the acquisition of lands, property rights, rights of way, franchises, easements and interest therefor, including abstracts of title, title insurance, title opinions, costs of surveys, reports and other expenses in connection with such acquisition.

* * * * *

Section 3. Section 13 of the act is amended to read:

Section 13 of act.
amended.

Section 13. Competition in Award of Contracts.—If any project or any portion thereof or any improvement thereof shall be constructed, equipped or furnished pursuant to a contract and the estimated cost thereof exceeds five hundred dollars (\$500.00), such contract shall be awarded to the lowest responsible bidder, after advertisement for bids. The Authority may make rules and regulations for the submission of bids and the construction, equipping, furnishing or improvement of any project or portion thereof. Such rules and regulations may provide for the submission of bids to the Department of Highways as agent for the Authority, as provided in section five of this act. No contract shall be entered into for construction, equipping, furnishing or improvement of any project or portion thereof, or for the purchase of materials, unless the contractor shall give an undertaking with a sufficient surety or sureties approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract; and such contracts shall also be accompanied by an additional bond for the protection of those who furnish labor and material, in such amount and subject to the same terms and conditions as required by the State Highway Law on contracts for the construction of State highways. Nothing in this section shall be construed to limit the power of the Authority to construct any project or portion thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employes of the Authority, or [otherwise than by contract] *by agreement with the Federal or State government, or any agency or department, or either thereof.*

Subject to the aforesaid, the Authority may (but without intending by this provision to limit any powers of such authority) enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or portion thereof, as the Authority may deem desirable or as may be requested by any Federal agency that may assist in the financing of such project or any part thereof.

Act effective immediately.

Section 4. This act shall take effect immediately.

APPROVED—The 2d day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 259

AN ACT

Amending the act of September 23, 1961 (P. L. 1622), entitled "An act amending the act of March 31, 1949 (P. L. 372), entitled 'An act to promote the welfare of the people of the Commonwealth;