



July 8, 2022

SENATOR VINCENT HUGHES
Democratic Chairman

Public-Private Transportation Partnerships

Senate Bill 382, Printer's Number 1850, adds additional requirements on the Public-Private Transportation Partnership Board before entering into certain public-private partnerships for transportation projects.

Requires the Public-Private Transportation Partnership Board (Board) to develop a detailed analysis of a request or recommendation for a proposed transportation project prior to requesting approval from the board. A proposed transportation project includes: operations and maintenance, revenue collection, optional user fee collection or enforcement, design, construction, development and other activities with respect to existing or new transportation facilities, and financing.

Requires any proposed transportation project that provides for an optional user fee to be approved by the board by unanimous vote.

Requires the Department of Transportation (PennDot) to develop a detailed analysis of requested or recommended project prior to requesting approval of the project from the board. The analysis shall include:

- The anticipated location of the proposed transportation project;
- The type of transportation facility or transportation-related service to be improved;
- The estimated costs of the proposed transportation project to the public entity;
- The estimated length of the public-private transportation partnership agreement;
- The potential social, economic and environmental impacts of the proposed transportation project;
- If the proposed transportation project requires an optional user fee, include the estimate amount for each user group and type of user fee;
- Applicable Federal and State laws;
- Alternative courses of action to improve the transportation facility or related service without a public-private partnership and the risks associated with a public-private partnership.

The report shall be posted on the Department of Transportation's (PennDot) website, submitted to the Transportation Committees and published in the Pennsylvania Bulletin for at least 60 days prior to any board action.

Requires PennDot to accept public comments during the 60 day period and provide a summary of public comments to the Transportation Committees.

If after reviewing the public comments, the board determines the project is in the best interest of the Commonwealth, it may pass a resolution for the project. The resolution shall be posted on PennDot's

website within 48 hours of approval and shall be sent to the Transportation Committees and be published in the Pennsylvania Bulletin.

Requires a public-private transportation partnership agreement to include a provision establishing whether or not an optional user fee will be imposed and the basis by which any optional user fees will be imposed and collected. If an optional user fee is proposed as part of a project, the public entity shall include a provision in the agreement that authorizes the collection of the optional user fee and specifically states:

- Specify technology to be used in the public-private transportation project;
- Establish circumstances under which the public entity may receive a share of revenue from the charges;
- Govern the enforcement of optional electronic tolls, including provisions for use of available technology;
- Establish payment collection standards, including enforcement of nonpayment and penalties;
- In the event an operator of a vehicle fails to pay the optional toll or user fee at any location where an optional toll or user fee is required the collection provisions that apply for the turnpike shall apply.

Prohibits a mandatory user fee as part of a project unless the user fees are only imposed on individuals who select optional means to transit, such as limited access lanes.

Allows PennDot to continue their current public-private partnership on several bridges across the Commonwealth that was approved by the board on November 12, 2020, except that any project approved under there may not impose or collect a user fee unless approval is granted by the board in compliance with this section.