

Transportation

Local roads and bridges and state highways, along with air, rail, and the mass transit system, comprise a single transportation network for the commonwealth's traveling public. Pennsylvania has more than 117,000 total road miles, and two-thirds of these, along with thousands of local bridges, are owned and maintained by local government.

These local roads and bridges are a vital link in our transportation network and provide children with safe transport to school, workers with reliable access to jobs, patients with transportation to doctors, and farmers with a means to move food to consumers across the state and country. As such, the Association believes that local government is an essential partner with the state in maintaining our roads and bridges.

Funding of roads

The passage of Act 89 of 2013 provided new, meaningful, and permanent transportation funding for municipalities. The Association believes that the commonwealth must maintain a predictable and reliable funding method for the state and local governments to properly maintain a sound and comprehensive transportation system that is critical to our residents' quality of life while providing the means for the state to compete in today's economy.

Local roads and bridges, as well as state highways and bridges, form the framework of the state's surface transportation network. Municipalities are overburdened with the maintenance cost for their portion of our transportation network. A Transportation Advisory Commission study released in 2011 concluded that

municipalities spend approximately \$1.3 to 1.5 billion per year on their roads and bridges. Even with the significant increase in funding from Act 89 of 2013, which raised the annual distribution to more than \$500 million, municipalities are left with approximately \$2.5 billion in unmet transportation needs.

Municipalities should receive a fair share of state liquid fuels funds to adequately maintain the local road portion of the entire commonwealth system. PSATS supports the use of a blend of revenue sources, including the oil franchise tax, registration fees, and public-private partnerships, to fund the state and local highway and bridge systems. PennDOT should notify and provide surrounding municipalities with the first opportunity to accept asphalt millings from reclaimed state highways before offering this product to the public.

Under the current liquid fuels allocation formula, 50 percent of the funds are distributed based on population, and 50 percent are based on road mileage. The Association believes that the current formula is fair to all municipalities and opposes any change in the formula that would tip the balance in favor of one class of municipality over another.

Prevailing wage

Act 89 of 2013 made the first reform to this unfunded mandate since the 1960s. Townships must now pay the state prevailing wage on any road or bridge public works construction contract over \$100,000 that is funded from a list of revenue sources, which was increased from \$25,000. While this change is a major step forward, the Association maintains that dirt and gravel road projects should be added to the list of authorized funding sources in Act 89 to receive the greatest benefit for these additional funds. In addition, the law should be amended to specifically exempt those road projects that historically were classified as maintenance activities from the Prevailing Wage Law, which would help townships' limited dollars go further.

While a step in the right direction, Act 89 did not go far enough, and most road projects



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far exceed the new threshold. As such, PSATS believes that the Prevailing Wage Act should be amended to increase the threshold for compliance for all types of projects to \$500,000. PSATS also supports allowing townships to opt into or out of Prevailing Wage Act requirements absent its full repeal. In addition, the Prevailing Wage Law should be made to more accurately reflect actual wages paid in a particular municipality.

Prevailing wages generally approximate union-scale wages for a metropolitan area and oftentimes far exceed comparable wages paid in the locality for the same type of work. The SR 323 Report on Unfunded Mandates found the prevailing wage to be one of the most burdensome mandates for municipalities, which can increase the cost of public projects by 20 to 30 percent.

PSATS also supports the repeal of the federal Davis-Bacon Act, which requires townships to pay prevailing wages on contracts over \$2,000 using federal money.

PennDOT Responsibility

PennDOT should not be able to abdicate its financial responsibility for maintaining state highways and rights of way, including the placement and maintenance of signs, pavement markings, drainage, and stormwater management facilities to municipalities, as recommended by the SR 323 Report. Municipalities are faced with expensive mandates for MS4s on local roads and should not be held responsible for MS4s on state roads.



PSATS believes that when a township road is used as a detour for a state or federal construction project, the condition of the road should be certified before the project begins. PennDOT should also return the township road to the pre-existing condition after the project is done.

As such, PennDOT must be responsible for the cost of all repairs and maintenance of stormwater facilities located within its right of way or enter directly into agreements with developers and property owners for the maintenance of these facilities. Municipalities should not be required to enter into such agreements on behalf of developers or property owners as a condition of a state highway occupancy permit.

In addition, PennDOT should be prohibited from requiring municipalities to accept responsibility for the maintenance and liability of sidewalks installed along state roads as a precondition for the installation or reconstruction for such facility along a state road. Also, PennDOT should not be able to force a municipality to take ownership of a state road that is being abandoned.

PennDOT should share with municipalities in the cost of operating and maintaining traffic control systems on state highways and take full responsibility for the programming, operation, and maintenance of interconnected and closed-loop signal systems.

When a township road is used as a detour for a state or federal construction project, the condition of the road should be certified prior to the start of the project and PennDOT should return the township road to the pre-existing condition when the project is complete.

Safety

Municipalities should be able to reduce the speed limit on unmarked roads from the default speed limit of 55 mph to 40 mph for safety reasons without the need for a traffic and engineering study.

Federal mandates

The state has adopted the federal Manual on Uniform Traffic Control Devices by reference. However, this one-size-fits-all approach does not work in Pennsylvania.

Provisions that mandate all mowing operations to have a shadow vehicle unless located on a road with fewer than 10,000 vehicles a day and the mower is completely off the road, as well as prohibitions on the use of single yellow lines on rural and mountainous roads, do little to enhance safety while imposing unfunded mandates on municipalities.

Road bonding

The Association strongly urges PennDOT to increase

the maximum road bonding amounts. Road bonding allows municipalities to recoup costs for road repairs from an entity whose overweight vehicle(s) damaged it. However, the maximum bonding amounts of \$6,000 per mile for unpaved roads and \$12,500 per mile for paved roads cover only a fraction of the current costs of road reconstruction.

PennDOT should be prohibited from requiring a municipality to bond a state road while attempting to maintain township roads.

Federal Highway Fund

The Association strongly opposes any effort to use a portion of federal gasoline taxes, which are really user fees, for any purpose other than for highway expenditures.

Currently, the federal government does not recognize townships for the purpose of providing federal highway funds, although they do recognize them when it comes to mandates. Townships should be included as partners in the federal highway funding program.

Turnback of roads

The Association believes that the state's Turnback of Roads Program has proven to be a highly successful joint venture for state and local governments and motorists alike. Currently, however, few municipalities are willing to accept these roads at the current low maintenance payment rate of \$4,000 per mile. This reimbursement amount should be increased to \$8,000 per mile to reflect current road maintenance costs.

The Association supports the continuation of the turnback program provided it remains voluntary but opposes any attempts by PennDOT to require a municipality to take ownership of state roads being abandoned by the state.

Use of salt brine

Until 2018, municipalities could receive approval from the state Department of Environmental Protection to use salt brine from conventional oil and gas wells for road maintenance activities. DEP is no longer approving this use of conventional brine. Local officials found this product to be affordable and particularly useful for dust control on dirt roads. As such, the Association supports legislation to require DEP to again approve conventional salt brine for road maintenance activities.

Utility facilities

The Pennsylvania Public Utility Commission should be required to create a system to track and compel utility company response within four hours of receiving notice from the municipality or 911 center that their facilities are creating a hazard, obstacle, or nuisance to the public.

The commission should be able to fine utilities that fail to timely respond and provide notice to the municipality and 911 center that the situation has been resolved or is being addressed. ❖

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Townships that want to use salt brine on icy roads or to control dust on dirt and gravel roads no longer have authority from the state Department of Environmental Protection to do so. PSATS would like to see this option restored.



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

David M. Sanko, Executive Director

4855 Woodland Drive • Enola, PA 17025-1291
Telephone: (717) 763-0930 • Fax: (717) 763-9732

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