

# Transportation

**L**ocal roads and bridges and state highways, along with air, rail, and the mass transit system, comprise a single, interconnected 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.

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, local government is an essential partner with the state in maintaining our roads and bridges.

## Funding for roads

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.



A reliable, predictable funding method for local governments to properly maintain transportation systems is critical. PSATS believes the commonwealth needs to address lagging liquid fuels revenue due to more fuel-efficient vehicles and an increasing number of alternative fuel vehicles on roadways.

Act 89 of 2013 enacted transportation funding reform for state and local roads by changing the way the gas tax is levied in Pennsylvania, allowing the tax to rise with higher average fuel prices and creating a "floor" to ensure a minimum funding level if fuel prices dropped. The gas tax is levied on the wholesale price of fuel sold in Pennsylvania and is the source of revenue for liquid fuels funds that townships use to maintain local roads and bridges. Act 89 led to an increase in liquid fuels funding from \$320.8 million in 2013 to a high of \$500.7 million in 2019 but has since dropped due to the increase in more fuel-efficient vehicles as well as alternate fuel vehicles that do not contribute to fund highways.

An increase in oil prices directly increases road maintenance expenses. Townships need to put fuel into vehicles to maintain roads, including winter maintenance, and petroleum products are a primary component of asphalt and sealcoat. Approved oil-based products are currently used for dust control. As such, PSATS opposes any gas tax holiday unless a full replacement of Liquid Fuels funds is provided. Road maintenance and repairs cannot simply be put on hold without further damage.

Municipalities, as well as the state Department of Transportation, are faced with declining liquid fuels revenues, a challenge that appears to be long-term as manufacturers focus on electric vehicles. 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, a tax or fee on alternative-fuel vehicles, registration fees, and public-private partnerships, to fund the state and local highway and bridge systems.

The recent Transportation Revenue Options Commission Report in Pennsylvania identified a \$3.9 billion funding gap (*in 2021 dollars*) for local roads and bridges and calls for local governments to share in new or replacement gas tax revenue options. PSATS supports a local share of at least 20% of a mileage-based fee that would be paired with a congestion fee for short, but time-consuming, trips in urbanized areas, as well as 100% of a package delivery fee.

Under the current liquid fuels allocation formula, 50% of the funds are distributed based on population, and 50% 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

Townships must pay the state prevailing wage on any road or bridge public works construction contract over \$100,000

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that is funded from a list of revenue sources in Act 89 of 2013, which was increased from \$25,000. While this change was a major step forward, the Association maintains that dirt and gravel road projects should be added to the list of authorized funding sources. In addition, the law should 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.

Most road projects far exceed the \$100,000 threshold. As such, PSATS believes that the Prevailing Wage Act should be amended to increase the threshold for compliance for all projects to \$500,000. PSATS supports allowing townships to opt into or out of Prevailing Wage Act requirements absent its full repeal. In addition, the Prevailing Wage Law calculations should more accurately reflect actual wages paid in a particular municipality by basing wage determinations on rates for comparable positions within the county in which the work will be completed or within the surrounding counties.

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 (2010) 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%.

PSATS also supports the repeal of the federal Davis-Bacon Act, which generally 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 or try to force municipalities to shoulder this burden. Instead, PSATS supports legislation to require PennDOT to maintain all state roads and highways at the commonwealth's sole expense, including but not limited to stormwater facilities, roundabouts, sidewalks, signs, pavement markings, and bike lanes that are within the department's right of way.

As such, PennDOT must be responsible for the cost of all repairs and maintenance of all facilities located within the state right of way. PSATS opposes any state mandate requiring municipalities to pay for core state services, such as stormwater facilities, State Police services, roundabouts, or bike lanes.

PennDOT must clearly communicate to developers the need to design stormwater management facilities under its Highway Occupancy Permit Policy using options that do not require municipal co-permittees. In fact, PennDOT district offices need to include impacted municipalities in these communications at the start of the HOP process. Instead of trying to force municipalities to enter into maintenance agreements for stormwater drainage facilities on behalf of developers, PennDOT should enter directly into such agreements with developers and property owners. The department should be prohibited from attempting to force municipalities into these agreements on behalf of a developer.

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 of such a 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



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highways and take full responsibility for the programming, operation, and maintenance of interconnected and closed-loop signal systems.

PennDOT must provide timely response and take responsibility for traffic management for incidents that occur on state roads, including tree removal, downed lines, etc. Township volunteers and employees should not be burdened to cover for the state's negligence.

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.

In addition, the Pennsylvania Game Commission should promptly remove deer carcasses from all local roadways after notification of their existence and establish a phone number and website form for reporting deer carcasses.

## Road materials

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. The state Department of Environmental protection should allow townships to use recycled asphalt as a surface material on unpaved roads and road berms.

PSATS supports a change to allow municipalities to set their own requirements for stone used on roads as a wearing course. In addition, municipalities should be allowed to purchase cinders and anti-skid for winter road use that meet a municipality's standards but may not be approved by PennDOT.

The Association supports legislation to expand Pennsylvania's Automobile Lemon Law to include defective road equipment purchased by townships.

## Speed limits

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 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. Instead, these rates should be increased to \$37,500 per linear mile for paved roads and \$18,000 per linear mile for unpaved roads.

## 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.

## Heavier trucks

PSATS opposes legislation that would authorize the use of heavier and longer commercial trucks on our nation's highways and local road infrastructure. Commercial trucks take a heavy toll on state and local roads and bridges, which are designed to handle currently authorized trucks.

## 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



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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 reflect current road maintenance costs.



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.

The Association supports the continuation of the turn-back 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 and road stabilization on dirt roads. As such, the Association supports legislation to require DEP to again approve conventional salt brine for road maintenance activities. ♦



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