

# **PENNSYLVANIA**

## **Transportation Funding Initiative**

*Legislative Session:* This bill was introduced on May 3, 2013.

*Type of Legislation:* Senate Bill 1 in Spring 2013; House Bill 1060 (Micozzie Amendment-Fall 2013)

*Summary:* This comprehensive, five-year funding package includes a \$2.3 billion investment in the state's transportation system. The law eliminates the 12-cent state retail gas tax, and over the next five years, the law will also abolish an artificial cap on the Oil Company Franchise Tax—this tax is charged at the wholesale level. This law provides funding for state and local roads and bridges, public transportation, Pennsylvania Turnpike expansion projects, multi-modal projects, and low volume road projects.

<b>Mode of Transportation<sup>1</sup></b>	<b>Year 1 Revenue Estimate</b>	<b>Year 5 Revenue Estimate</b>
State Roads and Bridges	\$186 million	\$1.3 billion
Public Transportation	\$59 million	\$480 million - \$495 million
Local Roads and Bridges	\$34 million	\$237 million
Pennsylvania Turnpike Expansion Projects	\$12 million	\$86 million
Multi-Modal Fund	\$30 million	\$144 million
Dirt/Gravel/Low-Volume Roads	-	\$35 million
<b>TOTAL</b>	<b>\$351 million</b>	<b>\$2.3 billion - \$2.4 billion</b>

### **Main Provisions in HB 1060**

1. HB 1060 removed the state retail gasoline tax of twelve-cents-per-gallon.
2. HB 1060 eliminated the artificial cap that existed on the Oil Company Franchise Tax.
3. The new law prioritizes public transportation by giving PennDOT the authority to create an Alternative Energy Capital Investment Program.
4. HB 1060 designated part of the new revenue for local governments and multi-modal investments.
5. HB 1060 will preserve 12,000 new jobs and will create 50,000 new jobs to bolster investment in the state.

*Status of Legislation:* Governor Corbett signed this transportation funding bill into law on November 25, 2013 after the legislation passed through both chambers during the previous week. This legislation initially stalled last spring when the Senate passed legislation, but the House did not. However, during the fall session, the House passed a new bill, which then was confirmed by the Senate and signed by Governor Corbett.

<sup>1</sup> Source: Transportation Funding—Micozzie Amendment (HB 1060) APC Board. November 22, 2013.

*Final Vote Breakdown on November 21, 2013*

	<b>SENATE</b>	<b>HOUSE</b>
<b>YES</b>	43	113
<b>NO</b>	7	85

*Overview of Legislation*

The Micozzie Amendment, which was part of final House Bill 106 which passed in November 2013, includes \$2.3 billion in annual funding and will create 62,000 jobs—where 50,000 new jobs will be generated and 12,000 jobs will be sustained. This bill will eliminate the state retail gas tax—which stands at 12 cents/gallon—and over five years, the bill will also abolish the artificial cap on the Oil Company Franchise Tax at the wholesale level. HB 1060 will also help PennDOT save \$1 billion in efficiencies over the five year period.

HB 1060 will help local governments and also will provide funding for multi-modal investment grants for aviation, freight rail, passenger rail, ports, and bicycle/pedestrian projects. The bill also gives Penn DOT the authority to create an Alternative Energy Capital Investment Program to support public transportation. In terms of local government funding, they will receive funding for local roads and bridges through liquid fuel allocations. Among other changes, local counties will have the ability to charge \$4 vehicle registration fees.

The prevailing wage law was one of the key ways that this law was able to pass, and as a compromise, the prevailing wage threshold for locally funded transportation projects was raised from \$25,000 to \$100,000.

***Background***

Governor Tom Corbett (R) created a Transportation Funding Advisory Commission, and this commission recommended that the government increase vehicle registration fees and driver’s license renewal fees in order to fund transit projects in Pennsylvania. Governor Corbett rejected these recommendations and instead proposed eliminating gasoline wholesale taxes in order to raise \$1.8 billion for transportation over a five-year period.

***Spring 2013***

Senate Bill 1 was similar to the recommendations outlined by the Governor’s Transportation Funding Advisory Commission (TFAC). In May 2013, the Senate passed transportation funding legislation, and the House Transportation Committee also passed the bill—Senate Bill 1—with bipartisan support. Despite the fact that many anticipated that the bill would be debated and voted on in the House, the bill was never discussed or voted on. Although members of the House did not take any action on this \$2.5 billion transportation funding proposal before the July 7 legislative recess, Senate Bill 1 was then able to reconsider the bill in the following session because of the state’s two-year legislative session.

On June 5, 2013, the bill passed the Senate, and on June 27, 2013, the House Transportation Committee passed the legislation with a vote of 16-9—12 Republicans and 4 Democrats voted in support of the legislation, while 6 Democrats and 3 Republicans opposed the bill. Ultimately, the House did not pass

this legislation prior to the legislative recess, which began on July 7, 2013. However, the bill was revisited during the fall legislative session, where both chambers eventually passed HB 106.

### ***Fall 2013***

During the fall legislative session, all of the legislative caucuses continued to meet and discuss the legislation on a regular basis, along with high level staff, in order to eventually reach a compromise.

This new fall 2013 debate focused on unions and the prevailing wage law. The Republicans want to increase the threshold from \$25,000 project costs to \$100,000, and some unions are fighting against this proposal along with some Democrats. The Democrats want to keep the wage issue separate from the transportation funding legislation. In the end, the bill passed, and as a compromise, the prevailing wage threshold for locally funded transportation projects was raised from \$25,000 to \$100,000.

### ***Why Bill Ultimately Passed in Fall 2013***

- **House Republicans and House Democrats reached a compromise on prevailing wage threshold.**

The transportation funding debate resumed during the fall legislative session, where the new debate focused on unions and the prevailing wage threshold. Ultimately, this was resolved through compromise, and the bill passed in November 2013.

- **Transportation funding bill passed with bi-partisan support.**

During the final vote in the House on November 21, 65 Republicans and 48 Democrats voted to pass the transportation bill, while 45 Republicans and 40 Democrats opposed the legislation.

When the legislation was initially considered during the spring session, there was a general lack of bipartisan engagement in the House. The Republican-controlled makeup of the Pennsylvania General Assembly and governorship created an uphill battle for passing a tax increase (Daniels, PA Independent). Analysts speculated that securing Democratic support for the bill would be critical to passing a transportation funding plan. Transportation Committee Chairman Dick Hess (R-Bedford) County attempted to persuade Democrats to vote for the bill by eliminating a provision in the bill that would have established minimum pay floors for public works projects, but it is unclear how many, if any, votes were gained. Senator John Wozniak (D-Cambria) also expected political hurdles with this legislation, and he said bipartisan support would be a necessary condition to ensuring the bill's passage. Nevertheless, gaining support from fiscal conservatives, who strongly opposed tax and fee increases, proved to be difficult for the House Republicans.

## *Proponents of SB 1*

### Public Officials:

- Senator John Wozniak (D-Cambria)
- Sen. Jim Ferlo (D-Allegheny)
- Sen. James Brewster (D-McKeesport)
- Representative Dick Hess (R-Bedford)
- Representative Mike McGeehan (D-Philadelphia)

### Organizations in Support of SB 1:

- **Tripnet (Endorsed by Pennsylvania Highway Information Association).** Tripnet is sponsored by “insurance companies, equipment manufacturers, distributors and suppliers, businesses involved in highway and transit engineering and construction, labor unions, and organizations concerned with an efficient and safe surface transportation network.”
- **Pennsylvania Highway Information Association.** This organization includes members from “highway construction companies, design engineering firms, highway material suppliers, freight trucking companies, AAA, local and state chambers of commerce, local government associations, tourism promotion associations and agricultural groups.”
- **Keystone Transportation Funding Coalition:** This was a broad coalition made up of 152 organizations including, “drivers, truckers, flyers, graders, walkers, pavers, cyclists, tourists, commuters and citizens.” The associations also included the Associated Pennsylvania Constructors, Harrisburg Area Regional Chamber of Commerce, Boys and Girls Club, and the Mid-Atlantic Regional Laborers.

### Keystone Transportation Funding Coalition Members Include:

- ❖ 10000 Friends of PA
- ❖ AARP
- ❖ Allegheny Conference on Community Development
- ❖ Alfred Bennesch & Co.
- ❖ Altoona Metro Transit
- ❖ American Council of Engineering Companies-PA (ACECPA)
- ❖ American Concrete Pavement Association, Pennsylvania Chapter
- ❖ American Heart Assn.
- ❖ American Infrastructure
- ❖ American Society of Civil Engineers
- ❖ Area Transit Authority of North Central PA
- ❖ Associated PA Constructors (APC)
- ❖ Aviation Council of PA
- ❖ Bedford Chamber of Commerce
- ❖ Berks Area Regional Transportation Authority (BARTA)
- ❖ Bicycle Club Of Philadelphia
- ❖ Bicycle Coalition of Greater Philadelphia

- ❖ Bike Pittsburgh
- ❖ Blair County Chamber of Commerce
- ❖ Boy's and Girl's Club of PA
- ❖ Building one America
- ❖ Bursich
- ❖ Butler County Chamber of Commerce
- ❖ Capitol Strategies Group
- ❖ Central Atlantic Bridge Associates (CABA-Bridges)
- ❖ Center County Transit Authority
- ❖ Commuter Services of Pa.
- ❖ County Commissioners Association of PA (CCAP)
- ❖ Cumberland Valley Visitors Bureau
- ❖ Dawood
- ❖ Delaware Valley Health Care Coalition
- ❖ Delaware County Chamber of Commerce
- ❖ Delaware Valley Health Care Council
- ❖ Full Service Network
- ❖ Glenn O. Hawbaker, Inc
- ❖ Greater Hazleton Chamber of Commerce
- ❖ Greater Lehigh Valley Chamber of Commerce
- ❖ Greater Hazleton Chamber of Commerce
- ❖ Greater Philadelphia Chamber of Commerce
- ❖ Greater PA Carpenters Union
- ❖ Greater Pittsburgh Chamber of Commerce
- ❖ Greater Reading Chamber of Commerce
- ❖ Greater Williamsport Chamber of Commerce
- ❖ Greenlee Partners Greenhorn & O'Mara
- ❖ Harrisburg Chamber of Commerce
- ❖ Hospital and Health Association of PA (HAP)
- ❖ Huntingdon Chamber of Commerce
- ❖ Juniata Valley Railroad
- ❖ Keystone State Railroad Assn.
- ❖ Kleinschmidt Energy & Water
- ❖ Laborers International Union of North America-Mid-Atlantic Region
- ❖ Lancaster Chamber of Commerce
- ❖ League of American Bicycle
- ❖ Lycoming Valley Railroad
- ❖ The Main Line Chamber of Commerce
- ❖ Malady & Wooten
- ❖ Marcellus Center for Outreach & Research
- ❖ Mark Stout Consulting
- ❖ Martin Stone
- ❖ McCormick Taylor
- ❖ Michael Baker Jr., Inc.
- ❖ Mid-Atlantic Regional Laborers
- ❖ Michelle Robinson Architects
- ❖ Milliron Associates
- ❖ Nittany & Bald Eagle Railroad
- ❖ New Enterprise Stone & Lime
- ❖ Norfolk Southern Corporation (NS)
- ❖ North Shore Railroad

- ❖ Northeast Prestressed (NPP)
- ❖ Northeast Pennsylvania Manufacturers and Employers Association
- ❖ Operating Engineers
- ❖ Orth-Rodgers & Associates, Inc.
- ❖ PA AAA Federation
- ❖ PA Aggregates and Concrete Association (PACA)
- ❖ PA Area Council of Boys and Girls Clubs
- ❖ PA Asphalt Pavement Association (PAPA)
- ❖ PA Association of Conservation Districts (PACD)
- ❖ PA Association of Convention & Visitors Bureau
- ❖ PA Association of Milk Dealers (PAMD)
- ❖ PA Builders Association (PBA)
- ❖ PA Bus Association
- ❖ PA Business Council
- ❖ PA Chamber of Business and Industry
- ❖ PA Chesapeake Bay Commission
- ❖ PA Council of Trout Unlimited
- ❖ PA Farm Bureau (PFB)
- ❖ PA Food Merchants Association (PFMA)
- ❖ PA Forest Products Association
- ❖ PA Industry for Blind & handicapped
- ❖ PA Motor Truck Association (PMTA)
- ❖ PA Public Research Group
- ❖ PA Public Transportation Association (PPTA)
- ❖ PA State Association of Boroughs
- ❖ PA State Association of Township Supervisors (PSATS)
- ❖ PA State House Transportation Committee
- ❖ PA Turnpike Commission
- ❖ PA Walks and Bikes
- ❖ PENJERDEL Council
- ❖ Penn State University Center for Dirt and Gravel Road Studies
- ❖ PennAg Industries Association (PennAg)
- ❖ Pennoni Associates Inc.
- ❖ Penn Trans
- ❖ Philadelphia Central Labor Council of AFL-CIO
- ❖ Philadelphia Regional Port Authority
- ❖ Phoenixville Area Chamber of Commerce
- ❖ Pilots Assn. for Bay and River Delaware
- ❖ Pittsburgh Port Authority
- ❖ Public Affairs Management
- ❖ Quantum Communications
- ❖ Rabbit Transit
- ❖ Rails-to-Trails Conservancy
- ❖ Red Rose Transit Authority
- ❖ Recycle Bicycle Harrisburg
- ❖ RPB Consulting
- ❖ Rettew Associates
- ❖ Sanders Saws / Multiquip
- ❖ Scamp n Rascal Cycling ADVANTURES
- ❖ Schuylkill Chamber of Commerce
- ❖ SEIU

- ❖ SEPTA
- ❖ Shamokin Valley Railroad
- ❖ Skelly and Loy, Inc.
- ❖ SMS Rail Lines
- ❖ Strasburg Railroad
- ❖ Strategic Technology Concepts
- ❖ T&M Associates
- ❖ Tour de Toona
- ❖ Traffic Planning and Design Inc.
- ❖ TechQuest PA
- ❖ The Lewis Berger Group Inc
- ❖ The Main Line Chamber of Commerce
- ❖ Triad Strategies
- ❖ Union County Industrial Railroad
- ❖ United Transportation State Legislative Board (UTU)
- ❖ UPS
- ❖ URS Group
- ❖ Urban Engineers
- ❖ Wanner Associates
- ❖ Wheeling & Lake Erie Railway
- ❖ West Shore Chamber of Commerce
- ❖ Western Pennsylvanians for Passenger Rail
- ❖ Westmoreland Transit
- ❖ York Chamber of Commerce

- **Walk & Ride PA:** This coalition was made up of “bicycling and walking enthusiasts, public health organizations, military officials, and other organizations interested in healthy living.”

Walk & Ride PA Coalition members include:

- Bicycle Coalition of Greater Philadelphia
- American Cancer Society Cancer Action Network (ACSCAN)
- American Academy of Pediatrics – Pennsylvania Chapter
- Mission: Readiness: a “national security organization of retired generals and admirals that focuses on childhood obesity issues”
- American Heart Association
- Lebanon Valley Bicycle Coalition
- Pennsylvania Walks and Bikes
- Bike Pittsburgh
- Walk Bike Berks
- American Diabetes Association
- Pennsylvania State Alliance of YMCAs
- Rails-to-Trails Conservancy
- PA Association of School Nurses and Practitioners
- United Cerebral Palsy of Central PA
- Bike Erie

## *Opposition to SB 1*

- Sen. Lisa Boscola (D-Northampton)
- Sen. Scott Hutchinson (R-Venango)
- Sen. Richard Kasunic (D-Fayette)
- Sen. Anthony Williams (D-Philadelphia)
- Sen. Kim Ward (R-Westmoreland)
- Rep. Daryl Metcalfe (R-Butler)
- Rep. Stephen Bloom (R-Cumberland)
- Timothy Krieger (R-Westmoreland)
- John McGinnis (R-Blair)
- Kathy Rapp (R-Warren)
- Brad Roae (R-Crawford)
- Rick Saccone (R-Westmoreland)

## *Campaign Strategies and Tactics/ Campaign Advertising Materials*

### **#1 Keystone Transportation Funding Coalition**

Website: <http://www.reconnectpa.org/>

Survey: <http://www.reconnectpa.org/TRANSPOPERCEPTIONS2013.pdf>

### **#2 Walk & Ride PA**

Website: <http://www.walkandridepa.org/>

**#3 PA Coalition Letter** [http://www.pachamber.org/newsroom/press\\_releases/pdf/103.pdf](http://www.pachamber.org/newsroom/press_releases/pdf/103.pdf)

## *Polling Data*

### **#1: Quinnipiac University Poll (January 30, 2013)**

From January 22, 2013 through January 27, 2013, Quinnipiac University polled 1,221 registered voters, and live interviewers reached out to voters on both landlines and cell phones.

45% of Pennsylvania voters support a \$2 billion gas station tax in order to pay for road and bridge maintenance in Pennsylvania, while 47% of respondents did not support this proposal.

82% of Pennsylvania voters were either “very concerned” or “somewhat concerned” about the possibility that this new tax would be passed onto the consumer. Meanwhile, 18% of respondents were “not too concerned” or “not concerned at all” about this scenario.

23. Would you support or oppose a transportation plan to improve roads and bridges in Pennsylvania that is funded primarily by nearly \$2 billion a year in new taxes on gas stations?

	Tot	Rep	Dem	Ind	Men	Wom	Wht	Blk
Support	45%	29%	57%	49%	48%	42%	45%	48%
Oppose	47	63	34	46	46	48	47	42
DK/NA	8	8	9	5	6	10	8	10
	COLLEGE DEG	ANNUAL HSHOLD INC	AGE IN YRS.....					
	Yes No	<50K 50-100 >100K	18-34 35-54 55+					
Support	50%	43%	42%	48%	53%	61%	42%	40%
Oppose	42	49	48	48	42	34	51	50
DK/NA	8	8	10	4	5	5	7	10
	Alghny	Philly	NthEst	SthEst	NthWst	SthWst	Cntrl	
Support	47%	50%	49%	54%	24%	35%	42%	
Oppose	44	45	43	38	65	58	49	
DK/NA	9	4	7	7	11	7	10	

24. How concerned are you that the costs of this tax increase would be passed on to you; very concerned, somewhat concerned, not too concerned, or not concerned at all?

	Tot	Rep	Dem	Ind	Men	Wom	Wht	Blk
Very concerned	54%	64%	43%	54%	53%	54%	52%	59%
Smwht concerned	28	24	33	27	25	30	30	19
Not too concerned	11	7	15	10	11	11	10	15
Not concerned	7	4	9	8	10	5	7	6
DK/NA	1	-	1	2	1	1	1	-
	COLLEGE DEG	ANNUAL HSHOLD INC	AGE IN YRS.....					
	Yes No	<50K 50-100 >100K	18-34 35-54 55+					
Very concerned	47%	56%	53%	57%	44%	44%	60%	52%
Smwht concerned	29	27	31	24	26	38	23	28
Not too concerned	13	10	10	12	17	14	12	9
Not concerned	10	6	5	8	11	4	6	9
DK/NA	1	1	1	-	1	-	-	2
	Alghny	Philly	NthEst	SthEst	NthWst	SthWst	Cntrl	
Very concerned	46%	54%	53%	48%	67%	63%	54%	
Smwht concerned	36	24	32	25	18	21	31	
Not too concerned	10	13	11	15	6	7	9	
Not concerned	8	7	4	11	8	6	5	
DK/NA	-	2	-	1	1	2	-	

**Poll #2: AAA Market Research (Published February 2012): 2011 AAA Public Affairs Survey: AAA Pennsylvania Federation**

- 88% of Pennsylvania voters polled in this survey thought that the state highways needed to be improved.<sup>2</sup>
- Only 44% of voters stated that they would be willing to pay an additional \$2.50/week in order to help fund transportation maintenance projects.
- 62% of voters in Pennsylvania do not support an increase in the gasoline tax.
- 67% of voters oppose a miles driven fee, and 66% do not support increasing the sales tax in Pennsylvania in order to help fund transportation projects.
- 35% supported tolling Pennsylvania’s highways, while 49% of voters opposed this proposal.
- 85% of voters said that they would not support increased gas taxes and vehicle registration fees if the funds did not go toward transportation.
- This AAA survey found that women and households with a median yearly income of more than \$75,000 had a higher likelihood of supporting tax increases in order to fund infrastructure projects.
- Overall Analysis: Voters want improvements, but they do not want to pay for them.

*Additional Information —Why Legislation Stalled in Spring 2013*

- **The transportation bill became linked to unrelated liquor privatization legislation.**

During the spring legislative session, according to several news sources, the fact that the transportation legislation became entangled with liquor reform was one of the key reasons why the bill.

The underlying strategy was to connect the two bills in order to ensure that both bills passed in the Pennsylvania General Assembly; however, this strategy backfired and both bills failed to pass. The Legislature essentially played a game of chicken; the House supported liquor privatization and the Senate passed transportation legislation with both Democratic and Republican support.

Although there was not an official binding agreement that linked the two bills, there was “just an understanding.” Senator Kim Ward (R-Hempfield) said that the liquor reform bill was doomed with a “mishmash” of special interests, and when it became tied to the transportation legislation, both bills ended up losing support. The bills also stalled because some House Republicans were vehemently opposed to any tax increases, and House Democrats also had a “partisan protest” against the bills after unions opposed the liquor privatization proposal.

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<sup>2</sup> Pain Dependent

- **House Republicans did not have enough votes to pass the bill.**

The Republicans control the House of Representatives, and there is a strong Tea Party faction—roughly 30 to 35 members—in the House as well. The Republicans acknowledged that they did not have the 102 votes needed to pass the House version of Senate Bill 1. The Tea Party members were vocal about their unwillingness to vote for any tax increases. Governor Corbett blamed the failure of the legislation on the Democrats because he said that they put “politics over the safety of the people, and it’s making the people of Pennsylvania the losers so far.” Majority Leader Mike Turzai (R) blamed the Democratic minority for denying votes in support of the legislation, but Minority Whip Mike Hanna (D) said that the Republicans only secured 43 votes in support of the transportation funding bill and that they failed to reach out to Democrats for possible support.

- **Some Democrats thought the bill did not do enough for mass transit in Pennsylvania.**

Several Democrats thought that this bill was not robust enough and did not promise adequate funding for mass transit. Representative Steven Santarsiero (D-Bucks) said that the House legislation did “far too little to address the serious problems that we have.” In addition, Minority Leader Sen. Jay Costa, (D-Forest Hills) said that he was not satisfied by the Governor’s proposals either; he said, “I’m not happy with the amount for transit. If we’re going to do this, we ought to do it right.” Senator Costa also said that although the bill was a “step forward,” he would also prefer more revenue in the legislation to better address transit in Pennsylvania.

*Text of Legislation*

[http://www.legis.state.pa.us/cfdocs/billinfo/bill\\_history.cfm?year=2013&sind=0&body=S&type=B&bn=1](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?year=2013&sind=0&body=S&type=B&bn=1)

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