

AMENDMENTS TO SENATE BILL NO. 1246

Sponsor: SENATOR KEARNEY

Printer's No. 1720

1 Amend Bill, page 2, lines 6 and 7, by striking out "THAT
2 MEETS, BUT DOES NOT EXCEED, FEDERAL REQUIREMENTS." and inserting
3 consistent with, but which does not exceed, the requirements
4 set by the Federal Transit Administration and all applicable
5 Federal and State law.

6 Amend Bill, page 2, line 22, by inserting after "system,"
7 at reasonable times and in a reasonable manner,

8 Amend Bill, page 2, line 28, by inserting after "system."

9 The SSO Office shall be accompanied by trained and
10 certified employees of the fixed guideway public
11 transportation system, as deemed appropriate by the fixed
12 guideway public transportation system, upon arrival at the
13 location where the inspection will be conducted.

14 Amend Bill, page 3, lines 5 through 24, by striking out all
15 of lines 5 through 23 and "(IV)" in line 24 and inserting

16 (ii)

17 Amend Bill, page 3, line 26, by striking out the period after
18 "SYSTEM" and inserting

19 unless authorized by and in a format deemed
20 appropriate by the fixed guideway public transportation
21 system.

22 Amend Bill, page 4, lines 1 through 7, by striking out all of
23 said lines and inserting

24 (iii) If department personnel engage in any acts
25 provided for under 42 Pa.C.S. § 8522 (relating to
26 exceptions to sovereign immunity), the department shall
27 be liable for damages as provided for under 42 Pa.C.S.
28 Ch. 85 (relating to matters affecting government units).
29 The fixed guideway public transportation system shall
30 retain all common law and statutory rights and remedies

1 to pursue causes of action for recovery of damages that
2 may be caused by department contractors.

3 Amend Bill, page 5, lines 12 through 26, by striking out all
4 of said lines and inserting

5 (f) Security and emergency preparedness plan oversight.--The
6 SSO Office shall oversee the fixed guideway public
7 transportation system's implementation of and compliance with
8 the fixed guideway public transportation system's security and
9 emergency preparedness plan as it relates to the fixed guideway
10 public transportation system and does not conflict with or
11 exceed security and emergency preparedness plan requirements
12 developed and administered by the Transportation Security
13 Administration under the United States Department of Homeland
14 Security.

15 (g) Safety and security certification.--The SSO Office shall
16 oversee a fixed guideway public transportation system's
17 execution of safety and security certification processes for new
18 capital projects being developed and constructed for the fixed
19 guideway public transportation system and do not conflict with
20 or exceed the security certification developed and administered
21 by the Transportation Security Administration under the United
22 States Department of Homeland Security.

23 (h) SSO Office's security oversight limitations.--The SSO
24 Office's security oversight may not exceed what is provided for
25 under subsections (f) and (g) except to the extent additional
26 State security oversight is required by Federal law, regulation
27 or directive.

28 Amend Bill, page 5, line 27, by striking out "(g)" and
29 inserting

30 (i)

31 Amend Bill, page 6, lines 6 through 21, by striking out all
32 of said lines and inserting

33 (j) Appeal process.--Each fixed guideway public
34 transportation system shall have the right and ability to
35 directly petition to the department when the fixed guideway
36 public transportation system disagrees with any SSO program
37 standard update adopted by the SSO Office or compliance or
38 enforcement action taken by the SSO Office. The following apply:

39 (1) Upon petition, the fixed guideway public
40 transportation system shall be afforded a hearing in
41 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to
42 practice and procedure of Commonwealth agencies).

43 (2) After the hearing, the department shall respond in a
44 timely manner with a written decision in accordance with 2
45 Pa.C.S. § 507 (relating to contents and service of

1 adjudications).

2 (3) The decision of the department shall be subject to
3 appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating
4 to judicial review of Commonwealth agency action).

5 Amend Bill, page 6, line 22, by striking out "~~(h)~~ (I)" and
6 inserting

7 (k)

8 Amend Bill, page 8, lines 18 and 19, by striking out "meet,
9 BUT DO NOT EXCEED, Federal requirements" and inserting

10 are consistent with, but which do not exceed, the
11 requirements set by the Federal Transit Administration

12 Amend Bill, page 8, line 21, by striking out the period after
13 "jurisdiction" and inserting

14 and all applicable Federal and State law.