
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1604 Session of
2019

INTRODUCED BY MULLERY, GOODMAN, PASHINSKI, BOBACK, CALTAGIRONE,
CIRESI, DeLUCA, FREEMAN, HILL-EVANS, KINSEY, McNEILL, OTTEN,
ULLMAN AND YOUNGBLOOD, JUNE 11, 2019

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 11, 2019

AN ACT

1 Providing for roadway repair by public utilities and municipal
2 authorities and for restoration of roadways after alteration.

3 The General Assembly of the Commonwealth of Pennsylvania

4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Utility Fair
7 Share Roadway Repair Act.

8 Section 2. Definitions.

9 "Municipal authority." As defined in 53 Pa.C.S. § 5602
10 (relating to definitions).

11 "Public utility." As defined in 66 Pa.C.S. § 102 (relating
12 to definitions).

13 "Secretary." The Secretary of Transportation of the
14 Commonwealth.

15 Section 3. Roadway repair by a public utility or municipal
16 authority.

17 A public utility or a municipal authority that alters,

1 excavates, disrupts or disturbs a roadway shall be responsible
2 for the complete repaving and repair of the roadway from
3 curblines to curblines. The following shall apply:

4 (1) Any repaving and repair of a State roadway required
5 under this section shall be to the satisfaction of the
6 secretary.

7 (2) Any repaving and repair of a municipal roadway
8 required under this section shall be to the satisfaction of
9 the applicable municipal public works director or designated
10 municipal representative.

11 (3) Except in an emergency, a public utility or
12 municipal authority shall notify the secretary or municipal
13 public works director or designated municipal representative
14 prior to any repairs or replacement to underground utilities.
15 The secretary or municipal public works director or
16 designated municipal representative shall require the public
17 utility or municipal authority to completely repair or
18 resurface the roadway within 90 days after the completion of
19 active work.

20 Section 4. Complaint for failure to repair.

21 (a) Public utilities.--Within one year of completion of the
22 repaving and repair of a roadway by a public utility, the
23 secretary, with respect to a State roadway, or the municipal
24 public works director or designated municipal representative
25 with respect to a municipal roadway, may file a complaint with
26 the Pennsylvania Public Utility Commission for any insufficient,
27 defective, noncompliant or incomplete repaving or repair of a
28 roadway. The Pennsylvania Public Utility Commission shall
29 immediately set a time for hearing and shall, after notice of
30 the hearing to the public utility that failed to comply with the

1 provisions of this act, determine what amount if any is required
2 for reparation, reconstruction or repaving in compliance with
3 section 3.

4 (b) Municipal authorities.--Within one year of the
5 completion of the repaving and repair of a roadway by a
6 municipal authority, the secretary, with respect to a State
7 roadway, or the municipal public works director or designated
8 municipal representative, with respect to a municipal roadway,
9 may file a complaint with the Court of Common Pleas in the
10 county in which the work was completed for any insufficient,
11 defective, noncompliant or incomplete repaving or repair of a
12 roadway. The Court of Common Pleas shall immediately set a time
13 for hearing and shall, after notice of the hearing to the
14 municipal authority that failed to comply with the provisions of
15 this act, determine what amount if any is required for
16 reparation, reconstruction or repaving in compliance with
17 section 3.

18 Section 5. Alteration of roadways.

19 A public utility or municipal authority that alters a State
20 or municipal roadway that is subject to the provisions in this
21 act shall restore that portion of the roadway which was altered
22 to the same or better condition that existed prior to alteration
23 and all repaving and repair shall be in accordance with and
24 subject to the provisions of section 3.

25 Section 6. Effective date.

26 This act shall take effect in 60 days.