
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1076 Session of
2021

INTRODUCED BY MULLERY, SANCHEZ, HILL-EVANS, DELLOSO, McNEILL,
SCHLOSSBERG, NEILSON, CIRESI, MALAGARI AND FREEMAN,
APRIL 1, 2021

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 1, 2021

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 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

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

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

16 "Secretary." The Secretary of Transportation of the
17 Commonwealth.

1 Section 3. Roadway repair by a public utility or municipal
2 authority.

3 A public utility or a municipal authority that alters,
4 excavates, disrupts or disturbs a roadway shall be responsible
5 for the complete repaving and repair of the roadway from
6 curblines to curblines. The following shall apply:

7 (1) Any repaving and repair of a State roadway required
8 under this section shall be to the satisfaction of the
9 secretary.

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

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

23 Section 4. Complaint for failure to repair.

24 (a) Public utilities.--Within one year of completion of the
25 repaving and repair of a roadway by a public utility, the
26 secretary, with respect to a State roadway, or the municipal
27 public works director or designated municipal representative,
28 with respect to a municipal roadway, may file a complaint with
29 the Pennsylvania Public Utility Commission for any insufficient,
30 defective, noncompliant or incomplete repaving or repair of a

1 roadway. The Pennsylvania Public Utility Commission shall
2 immediately set a time for hearing and shall, after notice of
3 the hearing to the public utility that failed to comply with the
4 provisions of this act, determine what amount if any is required
5 for reparation, reconstruction or repaving in compliance with
6 section 3.

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

21 Section 5. Alteration of roadways.

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

28 Section 6. Effective date.

29 This act shall take effect in 60 days.