

§ 9106. Dirt, gravel and low volume road maintenance.

(A) statement of purpose. It is the intent and purpose of this section:

- (1) to fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.
- (2) to establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to the county level and enables local officials to establish fiscal and environmental controls.
- (3) to fund safe, efficient and environmentally sound maintenance of sections of low volume roads that are sealed or paved with an average daily traffic count of 500 vehicles or less.

(B) general rule.--Of the funds available under section 9502(a)(1) (relating to imposition of tax), \$7,000,000 shall be annually distributed to the department of conservation and natural resources for the maintenance and mitigation of dust and sediment pollution from parks and forestry roads. Funds in the amount of \$28,000,000 shall be appropriated annually to the state conservation commission and administered in a non-lapsing, nontransferable account restricted to maintenance and improvement of dirt, gravel and low volume state and municipal roads. The state conservation commission shall apportion the funds based on written criteria it develops to establish priorities based on preventing dust and sediment pollution. In the first fiscal year, top priority shall be given to specific trouble spot locations already mapped by the task force on dirt and gravel roads and available from the department. A minimum of \$8,000,000 of the total appropriated annually shall be for maintenance and improvement of low volume roads. (NOTE: remainder of § 9106 remains unchanged)

(C) Apportionment Criteria. The apportionment criteria shall:

- (1) Be based on verified need to correct pollution problems related to the road.
- (2) Consider the total miles of dirt and gravel roads maintained by local municipalities or state agencies that are open to the public during any period of the year.
- (3) Consider total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.
- (4) Consider allowances for the local cost of limestone aggregate.
- (5) Consider the commitments of grant applicants to comply with the non-pollution requirements established.

(D) State Conservation Commission. The State Conservation Commission shall:

- (1) Adopt performance standards
- (2) Provide for a system of audit.
- (3) Annually assess the program and annually report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on its acceptance and effectiveness. The State Conservation Commission shall be entitled to withhold and expend the costs of the audit and report preparation up to the maximum limit of 2% of the funds administered.

(E) Quality Assurance Boards.

Apportioned funds are to be dispersed to the county conservation districts which apply for them and are to be used by State agencies and local municipalities that maintain roads within the county and fulfill certain requirements specified under subsection (g). Within the conservation district a Quality Assurance Board shall be impaneled to establish and administer the grant program. The four member Quality Assurance Board is to be comprised of a nonvoting chairman appointed by the conservation district directors and one local representative appointed by each of the following entities:

- (1) The Federal Natural Resource Conservation Service
- (2) The Pennsylvania Fish and Boat Commission
- (3) The county conservation district

If circumstances require, the chairman may vote to decide a tie vote.

(F) Administration. The Quality Assurance Board's administration of funding shall include:

- (1) Adoption of written criteria to assure equal access for all eligible applicants within specified funding categories.
- (2) Provision of documentation that application has been made for all required permits.
- (3) Adoption of procedures that assure a minimal amount of procedural paperwork.
- (4) Adoption of written criteria to specify priorities:
- (5) Adoption of funding categories to provide separate budgeting for:
 - (i) Department of Conservation and Natural Resources, Bureau of Forestry roads.
 - (ii) Municipal government roads.
 - (iii) Road demonstration projects.
 - (iv) Training grants restricted to 15% of funding.
 - (v) Administrative costs, limited to actual documented costs and restricted to a maximum of 10%.
- (6) Adoption of incentives for training road managers and equipment operators.
- (7) Adoption of standards that prohibit use of materials or practices which are environmentally harmful.
- (8) Adoption of site inspection requirements to verify completion of work.

(G) Grant Application. Each grant application shall:

- (1) Be specific to one work site or one type of work except that all State Forest roads within one county and within one Forest District may be authorized on a single grant.
- (2) Expedite the approval process by allowing the Quality Assurance Board to insert additional requirements that complete and qualify the grant for approval and which when accepted by the applicant become a binding obligation on the applicant.
- (3) Require minimal handwritten information such as location, problem being solved, basis of cost estimate, project work schedule, basis of successful completion, and type and amount of pollution reduced. The grant application shall not exceed one page with reference to published standards being acceptable.