



Pennsylvania Municipal
League

Pennsylvania Municipal League

President – Derek Green, Councilmember, City of Philadelphia



Pennsylvania State Association of Township Commissioners

President – Nathan Silcox, Commissioner, Hampden Township

MEMO

To: Members of the House Transportation Committee
From: Amy Sturges, Director of Governmental Affairs, PML and PSATC
Re: House Bill 765 (PN 751)
Date: April 5, 2021

On behalf of the membership of the Pennsylvania Municipal League (PML) and the Pennsylvania State Association of Township Commissioners (PSATC), I am writing to express our support for House Bill 765 (PN 751) scheduled for Committee consideration tomorrow, April 6.

The Pennsylvania Department of Transportation's (PennDOT) Publication 212 provides requirements for special event permits, including indemnification requirements for third parties. However, Publication 212 also requires the host municipality to provide indemnification of a third party special event:

A statement that the municipality will agree to fully indemnify, save harmless and, if requested, defend the Commonwealth, Commonwealth departments and their officers, agents and employees from and against claims, suits or actions for injury, death or property damage arising from or because of the acts or omissions of the sponsor, its officers, agents or employees.

This duplicative indemnification requirement has only just been enforced by PennDOT over the last year. As a result, municipalities have been caught by surprise, leading to many cancelled community events in 2020. Additionally, municipal solicitors and insurance companies have advised municipalities not to provide indemnification. Municipalities do not have the power to indemnify and provide a defense of claims made by a third party, as they have no control over the actions or failures of a third party. If PennDOT continues to enforce this regulation, municipalities will have no choice but to deny special event permits for third parties.

House Bill 765 would address this issue by amending Title 75 prohibiting PennDOT from requiring the duplicative municipal indemnification when a third party already has provided indemnification to PennDOT, ultimately removing the legal hurdles for municipalities to continue to allow certain community events to take place within their jurisdiction.

We respectfully request an affirmative vote for House Bill 765 so that the bill can move to the full House for further consideration.

Thank you for your consideration.