

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1307 Session of
1972

INTRODUCED BY SESLER, OESTERLING, DWYER and FRAME,
FEBRUARY 22, 1972

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 22, 1972

AN ACT

1 Authorizing the creation of port authorities in cities of the
2 third class as bodies corporate and politic, with power to
3 plan, acquire, construct, maintain and operate facilities and
4 projects for the improvement, development and operation of
5 the port.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. This act shall be known and may be cited as the
9 "Third Class City Port Authority Act."

10 Section 2. As used in this act:

11 "Authority" means any body, politic and corporate, created
12 by this act.

13 "Board" means the governing body of an authority.

14 "Bond" means and includes the notes, bonds, refunding bonds,
15 and other evidences of indebtedness or obligations which the
16 authority is authorized to issue.

17 "Construction" means and includes acquisition and
18 construction.

19 "Federal agency" means and includes the United States of

1 America, the President of the United States and any department
2 or corporation, agency or instrumentality, heretofore or
3 hereafter created, designated or established by the United
4 States of America.

5 "Improvement" means and includes extension, enlargement and
6 improvement.

7 "Member" means a member of the governing body of an
8 authority.

9 "Municipality" means any county, city, incorporated town,
10 borough or township of the Commonwealth of Pennsylvania, or any
11 authority organized under any law of the Commonwealth of
12 Pennsylvania.

13 "Port facility" includes all real and personal property used
14 in the operation of a port terminal, including, but without
15 being limited to, wharves, piers, slips, ferries, docks, graving
16 docks, drydocks, ship building and/or repair yards, bulkheads,
17 dock walls, basins, carfloats, float-bridges, dredging
18 equipment, radio receiving and sending stations, grain or other
19 storage elevators, warehouses, cold storage, tracks, yards,
20 sheds, switches, connections, overhead appliances, bunker coal,
21 oil and fresh water stations, railroads, motor trucks, floating
22 elevators, airports, barges, scows or harbor craft of any kind,
23 markets and every kind of terminal storage or supply depot, now
24 in use or hereafter designed for use, to facilitate
25 transportation and for the handling, storage, loading or
26 unloading of freight at terminals, and equipment, materials and
27 supplies therefor.

28 "Port terminal" includes any marine, motor truck, railroad
29 and air terminal, any coal, grain, bulk liquids and lumber
30 terminal and any union, freight and other terminals, used or to

1 be used, in connection with the transportation or transfer of
2 freight, personnel and equipment.

3 Section 3. (a) There are hereby authorized to be created
4 bodies corporate and politic in cities of the third class, to be
5 known as The Port Authority of (insert name of city), or other
6 name as the authority shall adopt in accordance with the act of
7 May 24, 1945 (P.L.967), relating to fictitious names. The
8 authority shall exercise the public powers of the Commonwealth
9 as an agency thereof. Each authority shall be for the purpose of
10 planning, acquiring, holding, constructing, improving,
11 maintaining and operating, owning, leasing, either as lessor or
12 lessee, port facilities and equipment.

13 (b) Each authority is hereby granted and shall have and may
14 exercise all powers necessary or convenient for the carrying out
15 of the aforesaid purposes, including but without limiting the
16 generality of the foregoing, the following rights or powers:

17 (1) To have perpetual existence.

18 (2) To sue and be sued, implead and be impleaded, complain
19 and defend in all courts, to petition the Interstate Commerce
20 Commission (or like body) or join in any proceeding before any
21 such bodies or courts in any matter affecting the operation of
22 any project of the authority.

23 (3) To adopt and use and alter at will a corporate seal.

24 (4) To establish a principal office and such other office or
25 offices as may be necessary for the carrying on of its duties.

26 (5) To acquire, purchase, hold, lease, as lessee and use any
27 franchise, property, real, personal or mixed, tangible or
28 intangible, or any interest therein, necessary or desirable for
29 carrying out the purposes of the authority, and to sell, lease
30 as lessor, transfer and dispose of any property, or interest

1 therein, at any time, required by it.

2 (6) To acquire by purchase, lease, or otherwise, and to
3 construct, improve, maintain, repair and operate facilities.

4 (7) To make bylaws for the management and regulation of its
5 affairs.

6 (8) To appoint officers, agents, employes and servants, to
7 serve at the pleasure of the board (except as may otherwise be
8 provided in collective bargaining agreements) and to prescribe
9 their duties and fix their compensation. The authority may bind
10 itself by contract to employ an executive director, a general
11 manager or a combined executive director and general manager and
12 not more than five other senior executive personnel but no such
13 contract shall be for a period of more than five years.

14 (9) To fix, alter, charge and collect fares, rates, rentals
15 and other charges for its facilities by zones or otherwise at
16 reasonable rates to be determined exclusively by it, subject to
17 appeal, as hereinafter provided, for the purpose of providing
18 for the payment of the expenses of the authority, the
19 acquisition, construction, improvement, repair, maintenance and
20 operation of its facilities and properties, the payment of the
21 principal and interest on its obligations, and to comply fully
22 with the terms and provisions of any agreements made with the
23 purchasers or holders of any such obligations. The authority
24 shall determine by itself exclusively, the facilities to be
25 operated by it and the services to be available to the public.
26 Any person questioning the reasonableness of any rate or
27 services fixed by an authority may bring suit against the
28 authority in the court of common pleas of the county wherein the
29 authority is incorporated. The court shall have exclusive
30 jurisdiction to determine the reasonableness of fares, rates and

1 other charges or services fixed, altered, charged or collected
2 by an authority. The court shall make such order as to fares,
3 rates and other charges or services as to it shall be just and
4 proper. No suit or appeal shall act as a supersedeas. The court
5 shall give priority to all such suits or appeals and no bond
6 shall be required of any party instituting such action or
7 appeal.

8 (10) To borrow money, make and issue negotiable notes,
9 bonds, refunding bonds and other evidences of indebtedness or
10 obligations of the authority, and to secure the payment of such
11 bonds, or any part thereof, by pledge or deed of trust of all or
12 any of its revenues, rentals and receipts, and to make such
13 agreements with the purchasers or holders of such bonds or with
14 others in connection with any such bonds, whether issued or to
15 be issued as the authority shall deem advisable and in general,
16 to provide for the security for said bonds and the rights of the
17 holders thereof.

18 (11) To make contracts of every name and nature, and to
19 execute all instruments necessary or convenient for the carrying
20 on of its business. Without limiting the generality of the
21 foregoing, the authority is authorized to enter into contracts
22 for the purchase, lease, operation or management of facilities
23 subject to the jurisdiction of the Interstate Commerce
24 Commission.

25 (12) Without limitation of the foregoing, to borrow money
26 and accept grants from and to enter into contracts, leases or
27 other transactions with any Federal agency, Commonwealth of
28 Pennsylvania, municipality or corporation.

29 (13) To have the power of eminent domain including the
30 taking of property of a utility not necessary or useful to the

1 primary function of the utility.

2 (14) To pledge, hypothecate, or otherwise encumber, all or
3 any of the revenues or receipts of the authority as security for
4 all or any of the obligations of the authority.

5 (15) To do all acts and things necessary for the promotion
6 of its business, and the general welfare of the authority to
7 carry out the powers granted to it by this act or any other
8 acts.

9 (16) To enter into contracts with the Commonwealth of
10 Pennsylvania, municipalities or corporations, on such terms as
11 the authority shall deem proper for the use of any facility of
12 the authority, and fixing the amount to be paid therefor.

13 (17) To enter into contracts of group insurance for the
14 benefit of its employees, or to continue in existence any
15 existing insurance or pension or retirement system or any other
16 employe benefit arrangement covering employees of an acquired
17 existing transportation system, or to set up a retirement or
18 pension fund or any other employe benefit arrangement for such
19 employees.

20 (18) An authority shall have no power, at any time or in any
21 manner, to pledge the credit or taxing power of the Commonwealth
22 of Pennsylvania or any political subdivision, nor shall any of
23 its obligations be deemed to be obligations of the Commonwealth
24 of Pennsylvania or of any of its political subdivisions, nor
25 shall the Commonwealth of Pennsylvania or any political
26 subdivision thereof be liable for the payment of principal or
27 interest on such obligations.

28 (19) Private rights and property in the beds of existing
29 public highways vacated in order to facilitate the purposes of
30 the authority shall not be deemed destroyed or ousted by reason

1 of such vacation, but shall be acquired or relocated by the
2 authority in the same manner as other property.

3 (20) To establish carrier routes and services, including
4 water routes and water services as it deems necessary for the
5 efficient operation of the port.

6 (21) To self insure or otherwise provide for the insurance
7 of any property or operations of the authority against any risks
8 or hazards.

9 (22) To lease property or contract for service, including
10 managerial and operating service.

11 (23) To enter into agreements with any public utility
12 operating a railroad or any other transportation facility wholly
13 or partially within the port area for the joint or exclusive use
14 of any property of the authority or the public utility or the
15 establishment of routes over the rights of way of the public
16 utility or the authority or the establishment of joint rates.

17 (24) To develop programs designed solely to advertise,
18 promote and stimulate the development and use of its port and to
19 join and to authorize its agents, employees and servants to join
20 national and local trade and professional organizations
21 organized for the purpose of promoting the betterment of port
22 facilities and the improvement of the efficiency of persons
23 connected with or employed by the port.

24 (c) The authority may engage in industrial development
25 projects as defined in the Pennsylvania Industrial Development
26 Authority Act and for purposes of applying for and receiving
27 industrial development loans shall be deemed an industrial
28 development agency.

29 Section 4. The bonds of the authority, hereinabove referred
30 to and authorized to be issued, shall be authorized by

1 resolution of the board and shall be of such series, bear such
2 date or dates, mature at such time or times, bear interest at
3 such rate or rates, be in such denominations, be in such form,
4 either coupon or fully registered without coupons, carry such
5 registration, exchangeability and interchangeable privileges, be
6 payable in such medium of payment and at such place or places,
7 be subject to such terms of redemption, at such prices not
8 exceeding one hundred five per cent of the principal amount
9 thereof, and be entitled to such priorities in the revenues,
10 rentals or receipts of the authority as such resolution or
11 resolutions may provide. The bonds shall be signed by such
12 officers as the authority shall determine, and coupon bonds
13 shall have attached thereto interest coupons bearing the
14 facsimile signature of the treasurer of the authority, all as
15 may be prescribed in such resolution or resolutions. The bonds
16 may be issued and delivered, notwithstanding that one or more of
17 the officers signing the bonds or the treasurer, whose facsimile
18 signature shall be upon the coupon, or any officer thereof,
19 shall have ceased to be such officer at the time when the bonds
20 shall actually be delivered.

21 The bonds may be sold at public or private sale, for such
22 price or prices as the authority shall determine. Pending the
23 preparation of the definitive bonds, interim receipts or
24 temporary bonds may be issued to the purchaser or purchasers of
25 the bonds and may contain such terms and conditions as the
26 authority may determine.

27 Any resolution or resolutions, authorizing any bonds may
28 contain provisions which shall be part of the contract with the
29 holders thereof as to (i) pledging the full faith and credit of
30 the authority for such obligations, or restricting the same to

1 all or any of the revenues, rentals or receipts of the authority
2 from all or any facilities, (ii) the construction, improvement,
3 operation, extension, enlargement, maintenance and repair of the
4 facilities and the duties of the authority with reference
5 thereto, (iii) the terms and provisions of the bonds, (iv)
6 limitations on the purposes to which the proceeds of the bonds,
7 then or thereafter to be issued, or of any loan or grant of the
8 United States may be applied, (v) the rate of tolls, rentals and
9 other charges for use of the facilities of or for the services
10 rendered by the authority, including limitations upon the power
11 of the authority to modify any lease or other agreement,
12 pursuant to which tolls, rentals or other charges are payable,
13 (vi) the setting aside of reserves or sinking funds and the
14 regulations and disposition thereof, (vii) limitations on the
15 issuance of additional bonds, (viii) the terms and provisions of
16 any deed of trust or indenture securing the bonds or under which
17 the same may be issued, and (ix) any other or additional
18 agreements with holders of the bonds.

19 The authority may enter into any deeds of trust indentures or
20 other agreements with any bank or trust company or any person in
21 the United States having power to enter into the same, including
22 any Federal agency as security for such bonds, and may assign
23 and pledge any or all of the revenues, rentals or receipts of
24 the authority thereunder. The deed of trust indenture or other
25 agreement may contain such provisions as may be customary in
26 such instruments or as the authority may authorize, including,
27 but without limitation, provision as to (i) the construction,
28 improvement, operation, maintenance and repair of facilities and
29 the duties of the authority with reference thereto, (ii) the
30 application of funds and the safeguarding of funds on hand or on

1 deposit, (iii) the rights and remedies of said trustees and the
2 holders of the bonds (which may include restrictions upon the
3 individual right of action upon such bondholders), and (iv) the
4 terms and provisions of the bonds or the resolutions authorizing
5 the issuance of the same.

6 The bonds shall have all the qualities of negotiable
7 instruments under the Uniform Commercial Code of the
8 Commonwealth of Pennsylvania.

9 Section 5. The rights and remedies, hereinafter conferred
10 upon or granted to the bondholders, shall be in addition to, and
11 not in limitation of, any rights and remedies lawfully granted
12 to such bondholders by the resolution or resolutions providing
13 for the issuance of bonds or by any deed of trust indenture or
14 other agreement under which the same may be issued. In the event
15 that the authority shall default in the payment of principal or
16 interest on any of the bonds after such principal or interest
17 shall become due, whether at maturity or upon call for
18 redemption, and such default shall continue for a period of
19 thirty days, or in event the authority shall fail or refuse to
20 comply with the provisions of this act or shall default in any
21 agreement made with the holders of the bonds, the holders of
22 twenty-five per cent in the aggregate of the principal amount of
23 the bonds then outstanding by instrument or instruments filed in
24 the office of the recorder of deeds of the county wherein the
25 authority is located and proved or acknowledged in the same
26 manner as a deed to be recorded, may (except as such right may
27 be limited under the provisions of any deed of trust indenture
28 or other agreement as aforesaid) appoint a trustee to represent
29 the bondholders for the purposes herein provided.

30 The trustee and any trustee under any deed of trust indenture

1 or other agreement may and, upon written request of the holders
2 of twenty-five per cent (or such other percentages as may be
3 specified in any deed of trust indenture or other agreement
4 aforesaid) in principal amount of the bonds then outstanding,
5 shall in his or its own name, (i) by mandamus or other suit,
6 action or proceeding, at law or in equity, enforce all rights of
7 the bondholders, including the right to require the authority to
8 collect rates, rentals or other charges, adequate to carry out
9 any agreement as to, or pledge of, the revenues or receipts of
10 the authority, and to require the authority to carry out any
11 other agreements with or for the benefits of the bondholders and
12 to perform its and their duties under this act, (ii) bring suit
13 upon the bonds, (iii) by action or suit in equity require the
14 authority to account as if it were the trustee of an express
15 trust for the bondholders, (iv) by action or suit in equity
16 enjoin any acts or things which may be unlawful or in violation
17 of the rights of the bondholders, and (v) by notice in writing
18 to the authority declare all bonds due and payable and if all
19 defaults shall be made good, then with the consent of the
20 holders of twenty-five per cent (or such other percentage as may
21 be specified in any deed of trust indenture or other agreement
22 aforesaid) of the principal amount of the bonds then outstanding
23 to annul such declaration and its consequences.

24 The court of common pleas of the county wherein the authority
25 is located shall have jurisdiction of any suit, action or
26 proceedings by the trustees on behalf of the bondholders. Any
27 trustee, when appointed as aforesaid or acting under a deed of
28 trust indenture or other agreement and whether or not all bonds
29 have been declared due and payable, shall be entitled as of
30 right to the appointment of a receiver, who may (to the same

1 extent that the authority itself could so do) enter and take
2 possession of the facilities of the authority or any part or
3 parts thereof, the revenues, rentals or receipts from which are
4 or may be applicable to the payment of the bonds so in default
5 and operate and maintain the same and collect and receive all
6 rentals and other revenues thereafter arising therefrom in the
7 same manner as the authority or board might do, and shall
8 deposit all such moneys in a separate account and apply the same
9 in such manner as the court shall direct. In any suit, action or
10 proceeding by the trustee, the fees, counsel fees and expenses
11 of the trustee and of the receiver, if any, and all costs and
12 disbursements allowed by the court shall be a first charge on
13 any revenues, rentals and receipts derived from the facilities
14 of the authority, the revenues or receipts from which are or may
15 be applicable to the payment of the bonds so in default. Said
16 trustee shall, in addition to the foregoing, have and possess
17 all of the powers necessary or appropriate for the exercise of
18 any functions specifically set forth herein or incident to the
19 general representation of the bondholders in the enforcement and
20 protection of their rights.

21 Nothing in this act shall authorize any receiver appointed
22 pursuant to this act for the purpose of operating and
23 maintaining any facilities of the authority, to sell, assign,
24 mortgage or otherwise dispose of any of the assets of whatsoever
25 kind and character, belonging to the authority. It is the
26 intention of this act to limit the powers of such receiver to
27 the operation and maintenance of the facilities of the
28 authority, as the court may direct, and no holder of the bonds
29 of the authority nor any trustee shall ever have the right in
30 any suit, action or proceedings, in law or in equity, to compel

1 a receiver, nor shall any receiver ever be authorized or any
2 court be empowered to direct a receiver to sell, assign,
3 mortgage or otherwise dispose of any assets of whatever kind or
4 character belonging to the authority.

5 Section 6. (a) The powers of the authority shall be
6 exercised by a board composed of eleven members. The Governor
7 and the Secretary of the Department of Transportation shall be
8 ex officio members of the authority. The mayor shall appoint
9 nine members of the board for three year terms, all of whom
10 shall be residents of the county and citizens of the United
11 States, and the Governor and the Secretary of Transportation
12 shall each appoint a member to serve at their pleasure. Three
13 members shall serve for one year, three for two years, and three
14 for three years, from January 1 next succeeding the date of
15 approval of this act. Their terms shall be staggered in a
16 similar manner. Whenever a vacancy occurs, the appointing
17 authority shall appoint a member for a term of three years to
18 succeed the member whose term has expired, or for their
19 pleasure, or for the unexpired term, as the case may be. Members
20 shall hold office until their successors have been appointed and
21 may succeed themselves. A member shall receive no compensation
22 for his services but shall be entitled to the necessary
23 expenses, including traveling expenses incurred in the
24 performance of his duties.

25 (b) Within ninety days after the creation of the authority,
26 the board shall meet and organize by electing from their number
27 a chairman, a vice chairman and such other officers as the board
28 may determine. Six members of the board shall constitute a
29 quorum for its meetings. Members of the board shall not be
30 liable personally on the bonds or other obligations of the

1 authority, and the rights of creditors shall be solely against
2 such authority. The board may delegate to one or more of its
3 agents or employees such of its powers as it shall deem necessary
4 to carry out the purposes of this act, subject always to the
5 supervision and control of the board. The board shall have full
6 authority to manage and operate the business of the authority
7 and to prescribe, amend and repeal bylaws, rules and regulations
8 governing the manner in which the business of the authority may
9 be conducted and the powers granted to it may be exercised and
10 embodied. Copies of such bylaws, rules and regulations shall be
11 filed with the secretary of the authority.

12 Section 7. The authority shall exercise its power of eminent
13 domain in the manner prescribed by the act of June 22, 1964
14 (P.L.84), known as the "Eminent Domain Code,": Provided, That no
15 property owned or used by the United States, the Commonwealth of
16 Pennsylvania, any political subdivision thereof, or any body
17 politic and corporate organized as an "authority" under any law
18 of the Commonwealth, shall be taken under the right of eminent
19 domain.

20 Section 8. All moneys of the authority, from whatever source
21 derived, shall be paid to the treasurer of the authority. The
22 moneys shall be deposited in the first instance by the treasurer
23 in one or more banks or trust companies, in one or more special
24 accounts, and each of such special accounts to the extent the
25 same is not insured shall be continuously secured by a pledge of
26 direct obligations of the United States of America or the
27 Commonwealth of Pennsylvania, having an aggregate market value
28 exclusive of accrued interest, at all times, at least equal to
29 the balance on deposit in such account. The securities shall
30 either be deposited with the treasurer or held by a trustee or

1 agent satisfactory to the authority. All banks and trust
2 companies are authorized to give such security for such
3 deposits. The moneys in said accounts shall be paid out on the
4 warrant or other order of the chairman of the authority or of
5 such other person or persons as the authority may authorize to
6 execute such warrants or orders. As soon after the end of each
7 fiscal year as may be expedient the board shall cause to be
8 prepared and printed a report and financial statement certified
9 to by an independent certified public accountant of its
10 operations and of its assets and liabilities. A condensed annual
11 financial report of the authority shall be published each year,
12 once a week for two consecutive weeks, in at least two
13 newspapers of general circulation in the county creating the
14 authority. A copy of the annual report shall be filed with the
15 mayor of the city creating the authority and with the governing
16 body of each municipality in which the authority operates.

17 Section 9. All contracts and purchases shall be made in
18 accordance with the act of June 23, 1931 (P.L.932), known as
19 "The Third Class City Code."

20 Section 10. The use of the facilities of the authority and
21 the operation of its business shall be subject to the rules and
22 regulations adopted from time to time by the authority, but the
23 authority shall not be authorized to do anything which will
24 impair the security of the holders of the obligations of the
25 authority or violate any agreements with them or for their
26 benefit.

27 Section 11. The Commonwealth does hereby pledge to, and
28 agree with any person or Federal agency subscribing to or
29 acquiring the bonds to be issued by the authority for the
30 construction, extension, improvement or enlargement of any

1 facility, or part thereof, that the Commonwealth will not limit
2 or alter the rights hereby vested in the authority, until all
3 bonds, at any time issued, together with the interest thereon,
4 are fully met and discharged. The Commonwealth of Pennsylvania
5 does further pledge to, and agree with the United States and any
6 other Federal agency, that in the event any Federal agency shall
7 construct or contribute any funds for the construction,
8 extension, improvement or enlargement of any facility, or
9 portion thereof, the Commonwealth will not alter or limit the
10 rights and powers of the authority in any manner which would be
11 inconsistent with the continued maintenance and operation of the
12 facility, or the improvement thereof, or which would be
13 inconsistent with the due performance of any agreements between
14 the authority and any such Federal agency, and the authority
15 shall continue to have and may exercise all powers herein
16 granted, so long as the same may be necessary or desirable for
17 the carrying out of the purposes of this act and the purposes of
18 the United States in the construction or improvement or
19 enlargement of the facility or such portion thereof.

20 Section 12. The effectuation of the authorized purposes of
21 any authority created under this act, shall and will be in all
22 respects for the benefit of the people of the Commonwealth, for
23 the increase of their commerce and prosperity, and for the
24 improvement of their health and living conditions; and since the
25 authority will be performing essential government functions in
26 effectuating such purposes, the authority shall not be required
27 to pay any taxes or assessments upon any property acquired or
28 used by it for such purposes, or fee, bridge tolls or other
29 charge imposed or authorized to be imposed by virtue of any law
30 of the Commonwealth of Pennsylvania, except vehicle registration

1 fees, liquid fuels taxes, fuel use taxes, gross receipts taxes
2 imposed as an excise on the use of public highways, and tolls
3 imposed by the Pennsylvania Turnpike Commission. In lieu of
4 taxes or special assessments, the authority may agree to make
5 payments to any municipality. The bonds issued by the authority,
6 their transfer and the income therefrom, including any profits
7 made on the sale therefrom, shall at all times be free from
8 taxation, other than inheritance and estate taxation, within the
9 Commonwealth of Pennsylvania.

10 Section 13. Any municipality or owner is hereby authorized
11 to sell, lease, lend, grant, transfer or convey to the
12 authority, with or without consideration, any facility or any
13 part or parts thereof, or any interest in real or personal
14 property which may be used by the authority in the construction,
15 improvement, maintenance or operation of any facility. Any
16 municipality is also authorized to transfer, sell, assign and
17 set over to the authority any contracts which may have been
18 awarded by such municipality for the construction of facilities
19 not begun, or if begun, not completed.

20 Section 14. The authority shall deal with and enter into
21 labor contracts with the employees of the authority in accordance
22 with the act of July 23, 1970 (P.L.563), known as the "Public
23 Employe Relations Act."

24 Section 15. Employees who have left the employ of the
25 authority to enter the military service of the United States
26 shall have such reemployment rights with the authority as may be
27 granted under any law of the United States or the Commonwealth
28 of Pennsylvania.

29 Section 16. No civil action shall be commenced in any court
30 against the authority by any person for any injury to his person

1 unless it is commenced within two years from the date that the
2 injury was received or the cause of action accrued. Within six
3 months from the date that the injury was received or within six
4 months from the date the cause of action accrued any person
5 claiming damages from the authority shall file, in the office of
6 the secretary of the authority, either by himself or his agent
7 or attorney, a notice in writing of the claim against the
8 authority stating briefly the facts upon which the claim is
9 based. No cause of action may be validly entered of record where
10 there was a failure to file such notice within the time required
11 herein, except leave of court to enter such action upon a
12 showing of a reasonable excuse for such failure to file said
13 notice shall first have been secured.