

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 870

Session of
1985

INTRODUCED BY LINTON, JOSEPHS, OLIVER, DEAL, FATTAH, COHEN,
WESTON, HARPER, DONATUCCI, ACOSTA, KOSINSKI, LEVIN, WIGGINS,
EVANS, RICHARDSON, FREEMAN AND McHALE, APRIL 15, 1985

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 15, 1985

AN ACT

1 Amending the act of January 22, 1968 (P.L.42, No.8), entitled,
2 as amended, "An act empowering and authorizing the Department
3 of Transportation to establish and administer certain grant
4 programs for the betterment of mass transportation systems
5 and facilities throughout the Commonwealth; providing for
6 State grants to transportation companies, municipalities,
7 counties, or their instrumentalities and to agencies and
8 instrumentalities of the Commonwealth for studies, research,
9 demonstration programs, promotion programs, purchase of
10 service projects, and capital improvement projects under
11 certain conditions; authorizing grants by counties or
12 municipalities in metropolitan areas to local transportation
13 organizations, authorizing the creation of a transportation
14 authority to function in each metropolitan area consisting of
15 any county of the first class and all nearby counties within
16 a radius of twenty miles of any such first class county, as a
17 body corporate and politic for the purpose of establishing an
18 integrated mass transportation system with all pertinent
19 powers including, but not limited to, leasing, acquiring,
20 owning, operating and maintaining a system for, or otherwise
21 providing for, the transportation of persons, authorizing the
22 borrowing of money and issuance of bonds therefor, conferring
23 the right of eminent domain on the authority; altering the
24 jurisdiction of the Public Utility Commission, authorizing
25 the acceptance of grants from Federal, State and local
26 governments, limiting actions against the authority and
27 exempting it from taxation, authorizing counties and
28 municipalities to enter into compacts for the financing of
29 each authority and to make appropriations in accordance with
30 such compacts, creating a citizen advisory committee,
31 conferring exclusive jurisdiction upon certain courts with
32 respect to matters relating to such authority, empowering
33 each authority to function outside of the metropolitan area

1 under certain terms and conditions," further providing for
2 the appointment and terms of transportation authority board
3 members, meetings of the board, approval of resolutions, and
4 removal of board members.

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

7 Section 1. Sections 317(a), 318 and 319(a) of the act of
8 January 22, 1968 (P.L.42, No.8), known as the Pennsylvania Urban
9 Mass Transportation Law, added July 10, 1980 (P.L.427, No.101),
10 are amended to read:

11 Section 317. Appointment of Board Members.--(a) At any time
12 after the effective date of this article:

13 (1) The Governor may appoint as a member of the board, one
14 person, who may be an ex-officio appointee from among the
15 various officials in the government of the Commonwealth, and
16 whose term as a board member shall run concurrently with that of
17 his Commonwealth position, if any, or the term of the appointing
18 Governor, whichever is shorter.

19 (2) The county commissioners or the county council in each
20 county, [and, in any county of the first class containing a city
21 of the first class, the mayor, with the approval of the city
22 council] other than a county of the first class containing a
23 city of the first class, may appoint two persons for each county
24 to serve as board members. The terms of board members appointed
25 by the county commissioners or the county council shall be
26 coterminous with the terms of the majority of the governing body
27 which made the appointment. The mayor in any county of the first
28 class containing a city of the first class, with the approval of
29 the city council, may appoint four persons for such county to
30 serve as board members. The terms of board members appointed by
31 the mayor shall be coterminous with the term of the mayor who

1 made the appointment.

2 * * *

3 Section 318. Resignation and Removal of Members;

4 Vacancies.--Members of the board shall hold office until their
5 respective successors have been appointed and have qualified.

6 The appointing power may remove any member of the board
7 appointed by him or them[, but only in case of incompetency,
8 neglect of duty or malfeasance in office. No member shall be
9 thus removed except after having been given a copy of the
10 charges against him and an opportunity to be publicly heard, at
11 a place in the metropolitan area, in person or by counsel, in
12 his own defense upon not less than ten days' written notice]. In
13 case of failure to qualify within the time required or of
14 abandonment of his office or in case of death, conviction of a
15 felony or removal from office, his office shall become vacant. A
16 member shall be deemed to have abandoned his office upon failure
17 to attend any regular or special meeting of the board, without
18 excuse approved by resolution of the board, for a period of four
19 months, or upon removal of his residence from the metropolitan
20 area. Each vacancy shall be filled for the unexpired term by
21 appointment in like manner and with like regard as to the place
22 of residence of the appointee as in case of expiration of the
23 term of a member of the board. [A member removed for
24 incompetency, neglect of duty or malfeasance in office shall
25 have the right to appeal such removal to the court of common
26 pleas of the county for which he was appointed, but only on the
27 ground of error of law or manifest and flagrant abuse of
28 discretion.]

29 Section 319. Meetings, Quorum, Approval of Resolutions;

30 Election of Chairman.--(a) [Regular meetings of the board shall

1 be held in the metropolitan area at least once in each calendar
2 month except July or August] The board shall hold at least ten
3 regular monthly meetings during each calendar year in the
4 metropolitan area, the time and place of such meetings to be
5 fixed by the board. A majority of the board shall constitute a
6 quorum for the transaction of business. All action of the board
7 shall be by resolution and the affirmative vote of a majority of
8 all the members shall be necessary for the adoption of any
9 resolution: Provided, however, That no action by the board, to
10 which an express objection has been made, pursuant to this
11 section, by a board member or members representing a county or
12 counties having one-third or more of the population of the
13 metropolitan area, as determined by the most recent decennial
14 census, shall be carried unless supported at a subsequent
15 regular or special meeting of the board by the votes of at least
16 [three-quarters of the membership] nine members of the board.
17 For purposes of this section a simple negative vote shall not
18 constitute an express objection. An express objection shall
19 require a specific statement of intent. In case of disagreement
20 between members representing the same county, each member shall
21 be deemed to represent one-half of the population of that county
22 except that, in the case of any county of the first class
23 containing a city of the first class, each member shall be
24 deemed to represent one-fourth of the population of that county.

25 * * *

26 Section 2. This act shall take effect in 60 days.