

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2801 Session of
1992

INTRODUCED BY GAMBLE, GIGLIOTTI, FAJT AND PETRONE, JUNE 2, 1992

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
JUNE 23, 1992

AN ACT

1 Amending the act of April 6, 1956 (1955 P.L.1414, No.465),
2 entitled, as amended, "An act to promote the welfare of the
3 people of this Commonwealth; creating Port Authorities to
4 function in counties of the second class as bodies corporate
5 and politic, with power to plan, acquire, construct, maintain
6 and operate facilities and projects for the improvement and
7 development of the port district and to borrow money and
8 issue bonds therefor; providing for the payment of such bonds
9 and prescribing the rights of the holders thereof; conferring
10 the right of eminent domain on the authorities; authorizing
11 the authorities to enter into contracts with and to accept
12 grants from the Federal government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates and services; and authorizing the authorities to
15 collect tolls, fares, fees, rentals and charges for the use
16 of facilities; defining the authorities' powers and duties,
17 and defining the port districts; granting Port Authorities
18 the exclusive right to engage in the business of owning,
19 operating, and maintaining a transportation system for the
20 transportation of persons in counties of the second class,
21 providing, when necessary, for extension of transportation
22 systems into adjoining counties and outside of said counties
23 as provided in the act; limiting the jurisdiction of the
24 Public Utility Commission over Port Authorities; authorizing
25 municipalities to make loans and grants and to transfer
26 existing facilities; authorizing Port Authorities to enter
27 into contracts with and to accept grants from State and local
28 governments or agencies thereof; exempting the property and
29 facilities of such Port Authorities from taxation and
30 limiting the time to commence civil action against said
31 Authorities," FURTHER PROVIDING FOR THE POWERS OF THE
32 AUTHORITY; prohibiting smoking, eating and drinking in

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1 certain public conveyances owned or operated by a port
2 authority created under the act; and providing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. The act of April 6, 1956 (1955 P.L.1414, No.465),~~ <—
6 ~~known as the Second Class County Port Authority Act, is amended~~
7 ~~by adding a section to read:~~

8 SECTION 1. SECTION 3(B) OF THE ACT OF APRIL 6, 1956 (1955 <—
9 P.L.1414, NO.465), KNOWN AS THE SECOND CLASS COUNTY PORT
10 AUTHORITY ACT, IS AMENDED BY ADDING CLAUSES TO READ:

11 SECTION 3. * * *

12 (B) EACH AUTHORITY IS HEREBY GRANTED AND SHALL HAVE AND MAY
13 EXERCISE ALL POWERS NECESSARY OR CONVENIENT FOR THE CARRYING OUT
14 OF THE AFORESAID PURPOSES, INCLUDING BUT WITHOUT LIMITING THE
15 GENERALITY OF THE FOREGOING, THE FOLLOWING RIGHTS OR POWERS:

16 * * *

17 (6.1) TO CONSTRUCT, IMPROVE, MAINTAIN, REPAIR AND OPERATE
18 HIGH-OCCUPANCY VEHICLE LANES THAT ARE INCORPORATED INTO AND ARE
19 MADE PART OF AN AUTHORITY FACILITY.

20 * * *

21 (27) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TO CONTRACT
22 WITH ANY THIRD PARTY FOR THE ALLOCATION OF LIABILITY FOR ANY AND
23 ALL CLAIMS, ACTIONS, SUITS OR DAMAGES, WHETHER FOR COMPENSATORY
24 OR PUNITIVE DAMAGES, ARISING AGAINST A THIRD PARTY OR THE
25 AUTHORITY IN CONNECTION WITH ANY ACCIDENT OR INCIDENT RELATED TO
26 THE OPERATIONS CONDUCTED BY OR ON BEHALF OF OR AUTHORIZED BY THE
27 AUTHORITY OR A THIRD PARTY, ON PROPERTY OWNED BY THE AUTHORITY
28 OR ON PROPERTY OWNED BY A THIRD PARTY AND ADJACENT TO THE
29 AUTHORITY'S PROPERTY. IF A THIRD PARTY ASSERTS AGAINST THE
30 AUTHORITY ANY CLAIM RELATING TO LIABILITY THAT THE AUTHORITY,

1 PURSUANT TO CONTRACT, HAS ASSUMED, SUCH CLAIM MAY, TO THE EXTENT
2 PROVIDED IN THIS CLAUSE, RESULT IN THE IMPOSITION OF LIABILITY
3 ON THE AUTHORITY AND THE DEFENSE OF SOVEREIGN IMMUNITY, AS
4 PROVIDED IN 42 PA.C.S. CH. 85 SUBCH. B (RELATING TO ACTIONS
5 AGAINST COMMONWEALTH PARTIES), SHALL NOT BE RAISED BY THE
6 AUTHORITY IN CONNECTION THEREWITH. THE AGGREGATE OF LIABILITY
7 FOR ALL CLAIMS, ACTIONS, SUITS OR DAMAGES, WHETHER FOR
8 COMPENSATORY OR PUNITIVE DAMAGES, THAT MAY BE ASSERTED AGAINST
9 AND IMPOSED UPON SUCH THIRD PARTY AND WHICH THE AUTHORITY,
10 PURSUANT TO SUCH CONTRACT, HAS ASSUMED SHALL NOT EXCEED THE
11 LIMITS OF THE LIABILITY INSURANCE COVERAGE MAINTAINED BY THE
12 AUTHORITY IN CONNECTION WITH SUCH ASSUMED OBLIGATIONS, WHICH
13 INSURANCE COVERAGE SHALL NOT BE LESS THAN TEN MILLION DOLLARS
14 (\$10,000,000). THE AUTHORITY SHALL BE ENTITLED TO OBTAIN AND
15 MAINTAIN INSURANCE COVERAGE IN AMOUNTS DEEMED BY THE AUTHORITY
16 TO BE NECESSARY OR DESIRABLE AND TO NAME SUCH THIRD PARTY AS AN
17 ADDITIONAL NAMED INSURED ON ANY INSURANCE POLICIES RELATING
18 THERE TO.

19 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

20 Section 10.1. (a) Except as otherwise provided in
21 subsection (b), it shall be unlawful for any person to smoke a
22 cigar, pipe, cigarette or other device used to smoke, or to eat
23 or drink anything on a public conveyance owned or operated by
24 the authority, including, but not limited to, a bus, street
25 railway car, light rail vehicle, a commuter rail train or
26 incline.

27 (b) Subsection (a) shall not apply to: (i) passengers on a
28 commuter rail car which comprises part of a commuter rail train
29 and which car is specifically designated as an area on the train
30 where smoking, eating or drinking is permitted; or (ii)

1 passengers on a bus, street railway car or light rail vehicle,
2 which is being used to transport groups or parties of persons,
3 the charge for which is based upon the transportation of a group
4 and not upon the number of persons carried and for which payment
5 is made by a single person or organization and not by the
6 passengers as individuals.

7 (c) The authority shall post a notice of any prohibitions or
8 restrictions against smoking, eating and drinking and the
9 penalty imposed by this section, on the inside front of all
10 public conveyances referred to in subsection (a).

11 (d) A person who violates the provisions of subsection (a),
12 shall, upon conviction in a summary proceeding, be sentenced to
13 pay a fine of fifty dollars (\$50), and the costs of prosecution
14 and in default of the payment of the fine and costs, shall be
15 sentenced to imprisonment for a period of not more than ten (10)
16 days.

17 Section 2 3. This act shall take effect in 30 days
18 IMMEDIATELY.

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