

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1711 Session of
1990INTRODUCED BY FISHER, SHAFFER, SCANLON, STOUT, BODACK, DAWIDA,
BELAN, REGOLI, LaVALLE, PECORA AND PORTERFIELD, JUNE 29, 1990SENATOR SHAFFER, COMMUNITY AND ECONOMIC DEVELOPMENT, AS AMENDED,
OCTOBER 2, 1990

AN ACT

1 Providing for a port district in the southwestern portion of the
2 Commonwealth; establishing the ~~Ports~~ PORT of Pittsburgh <—
3 Commission and providing for its powers and duties; ~~and~~ <—
4 establishing the ~~Ports~~ PORT Development Fund; AND FURTHER <—
5 ESTABLISHING THE PITTSBURGH REGIONAL INTERMODAL FREIGHT
6 CORPORATION.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the ~~Ports~~ PORT of <—
11 Pittsburgh Commission Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Commission." The ~~Ports~~ PORT of Pittsburgh Commission. <—

17 "INTERMODAL CORPORATION" OR "CORPORATION." THE PITTSBURGH <—
18 REGIONAL INTERMODAL FREIGHT CORPORATION, CREATED BY THE PORT OF
19 PITTSBURGH COMMISSION, FORMED AS A PUBLIC NONPROFIT CORPORATION

1 TO PROMOTE INTERMODAL FREIGHT OPPORTUNITIES, OPERATIONS AND
2 FACILITIES AND INCORPORATED UNDER SECTION 501(C)(3) OF THE
3 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
4 501(C)(3) ET SEQ.).

5 "PORT." TRANSPORTATION INFRASTRUCTURE AND FACILITIES
6 SUPPORTING GOODS MOVEMENT BY TRUCK, RAIL, BARGE AND AIRFREIGHT.
7 Section 3. Port district boundaries.

8 The port district shall include those counties WITH <—
9 SIGNIFICANT TRUCK, RAIL, BARGE AND AIRFREIGHT TRANSPORTATION
10 FACILITIES AND OPERATIONS IN THE PITTSBURGH REGION THAT ARE
11 contiguous to the Monongahela River from the West Virginia
12 border to its confluence with the Ohio River; the counties
13 contiguous to the Allegheny River from the head of navigation to
14 its confluence with the Ohio River; and the counties contiguous
15 to the Ohio River to the West Virginia-Ohio border at mile 40.
16 These counties shall include Allegheny, Armstrong, Beaver,
17 Butler, CLARION, Fayette, Greene, Lawrence, Washington and <—
18 Westmoreland.

19 ~~Section 4. Purpose of commission.~~ <—

20 ~~(a) Purposes enumerated. It shall be the purpose of the~~
21 ~~Ports of Pittsburgh Commission:~~

22 ~~(1) To promote the general welfare, to encourage public~~
23 ~~and private capital investment along the rivers for fostering~~
24 ~~the creation of industrial facilities and industrial parks~~
25 ~~and promote the establishment of a foreign trade zone within~~
26 ~~the port district.~~

27 ~~(2) To promote adequate docks, railroad, truck and~~
28 ~~intermodal facilities open to all upon reasonable and equal~~
29 ~~terms for the handling, storage, care and shipment of freight~~
30 ~~and passengers to, from and through the ports with the~~

~~purpose of increasing commerce and commercial interests.~~

~~(3) To promote the development of recreational facilities in the port district to increase public access and development options.~~

~~(4) To study and make recommendations to the proper authorities for the improvement of terminals, warehouse and other facilities necessary for the promotion of commerce on the Allegheny, Monongahela and Ohio rivers.~~

~~(5) To promote the rivers as highways of commerce with the purpose of increasing freight and passenger commerce, and for this purpose the publication of literature and the adoption of any other means may be deemed appropriate.~~

~~(b) Additional purposes. The commission shall be established for the purpose of planning, coordinating, acquiring, holding, constructing, improving, maintaining and operating, owning and leasing (either as a lessee or a lessor) port facilities and equipment, and recreational and commercial properties as set forth in this act.~~

~~Section 5. Powers and duties.~~

~~The commission is hereby granted and shall have the following powers and duties:~~

~~(1) To have perpetual existence.~~

~~(2) To contract and be contracted with and to sue and be sued.~~

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

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

~~(5) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or~~

1 ~~intangible, or any interest therein, necessary or desirable~~
2 ~~for carrying out the purposes of the commission and to sell,~~
3 ~~lease as lessor, transfer and dispose of any property, or~~
4 ~~interest therein, at any time required by it.~~

5 ~~(6) To acquire by purchase, lease or otherwise and to~~
6 ~~construct, improve, maintain, and repair and operate such~~
7 ~~facilities when no private sector operator exists.~~

8 ~~(7) To make bylaws or rules of operation for the~~
9 ~~management and regulation of its affairs.~~

10 ~~(8) To employ such managerial, engineering, legal,~~
11 ~~technical, clerical, accounting, advertising and other~~
12 ~~assistance as it may deem advisable. The commission may also~~
13 ~~contract with independent contractors for any of the~~
14 ~~foregoing assistance.~~

15 ~~(9) To borrow money, make and issue negotiable notes,~~
16 ~~bonds, refunding bonds and other evidences of indebtedness or~~
17 ~~obligations of the commission, and to secure the payment of~~
18 ~~such bonds thereof, by pledge or deed of trust of all or any~~
19 ~~of its revenues, rentals and receipts, and to make such~~
20 ~~agreements with the purchasers or holders of such bonds or~~
21 ~~with others in connection with any such bonds whether issued~~
22 ~~or to be issued as the commission shall deem advisable and,~~
23 ~~in general, to provide for the security for these bonds and~~
24 ~~the rights of the holders thereof.~~

25 ~~(10) To accept gifts, grants, loans or contributions~~
26 ~~from the United States of America, the Commonwealth of~~
27 ~~Pennsylvania, political subdivisions, municipalities,~~
28 ~~foundations, or other public or private agencies,~~
29 ~~individuals, partnerships or corporations.~~

30 ~~(11) To pledge, hypothecate or otherwise encumber all or~~

1 ~~any of the revenues or receipts of the commission as security~~
2 ~~for all or any of the obligations of the commission.~~

3 ~~(12) To do all acts and things necessary for the~~
4 ~~promotion of its business and the general welfare of the~~
5 ~~commission to carry out the powers granted to it by this act~~
6 ~~or any other acts.~~

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

11 ~~(14) To enter into contracts for group insurance for the~~
12 ~~benefit of its employees or to set up a retirement or pension~~
13 ~~fund or any other employee benefit arrangement for such~~
14 ~~employees.~~

15 ~~(15) To consider and adopt detailed and comprehensive~~
16 ~~plans for future development and improvement of its port~~
17 ~~district and to coordinate such plans with local, regional~~
18 ~~and State programs as may be necessary.~~

19 ~~(16) To provide for membership in any official,~~
20 ~~industrial, commercial or trade association or any other~~
21 ~~organizations concerned with such purposes for receptions of~~
22 ~~officials or others as may contribute to the advancement of~~
23 ~~its port district and any industrial development therein and~~
24 ~~for such other public relations activities as will promote~~
25 ~~the same, and such activities shall be considered a public~~
26 ~~purpose.~~

27 ~~(17) To represent the port district before all Federal,~~
28 ~~State and local agencies.~~

29 ~~(18) To cooperate with other public agencies and with~~
30 ~~industry, business and labor in port district improvement~~

1 ~~matters.~~

2 ~~(19) To improve navigable and nonnavigable areas as~~
3 ~~regulated by Federal or State statute.~~

4 ~~(20) To disburse funds for its lawful activities and fix~~
5 ~~salaries and wages of its employees.~~

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

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

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

23 ~~(24) To make expenditures anywhere in the United States~~
24 ~~and foreign countries to pay commissions and hire or contract~~
25 ~~with experts and consultants and otherwise to do indirectly~~
26 ~~anything the commission may do directly.~~

27 ~~(25) To elect a chairman, vice chairman, secretary and~~
28 ~~treasurer and to adopt suitable bylaws for the management of~~
29 ~~its affairs. The secretary and treasurer need not be members~~
30 ~~of the commission.~~

SECTION 4. PURPOSE OF COMMISSION AND CORPORATION.

(A) PURPOSES OF COMMISSION ENUMERATED.--IT SHALL BE THE PURPOSE OF THE COMMISSION:

(1) TO PROMOTE THE GENERAL WELFARE, TO ENCOURAGE PUBLIC AND PRIVATE CAPITAL INVESTMENT ALONG THE RIVERS FOR FOSTERING THE CREATION OF INDUSTRIAL FACILITIES AND INDUSTRIAL PARKS AND PROMOTE THE ESTABLISHMENT OF A FOREIGN TRADE ZONE WITHIN THE PORT DISTRICT.

(2) TO PROMOTE ADEQUATE DOCKS, RAILROAD, TRUCK AND INTERMODAL FACILITIES OPEN TO ALL UPON REASONABLE AND EQUAL TERMS FOR THE HANDLING, STORAGE, CARE AND SHIPMENT OF FREIGHT AND PASSENGERS TO, FROM AND THROUGH THE PORTS WITH THE PURPOSE OF INCREASING COMMERCE AND COMMERCIAL INTERESTS.

(3) TO PROMOTE THE DEVELOPMENT OF RECREATIONAL FACILITIES IN THE PORT DISTRICT TO INCREASE PUBLIC ACCESS AND DEVELOPMENT OPTIONS.

(4) TO PROMOTE THE RIVERS AS HIGHWAYS OF COMMERCE WITH THE PURPOSE OF INCREASING FREIGHT AND PASSENGER COMMERCE, AND FOR THIS PURPOSE THE PUBLICATION OF LITERATURE AND THE ADOPTION OF ANY OTHER MEANS MAY BE DEEMED APPROPRIATE.

(5) TO DEVELOP AND OPERATE THE INTERMODAL CORPORATION AND COOPERATE WITH THE SOUTHWESTERN PENNSYLVANIA REGIONAL PLANNING COMMISSION IN DEVELOPING THE CORPORATION.

(6) TO SPONSOR, SUPPORT AND ADVISE THE INTERMODAL CORPORATION.

(7) TO ACCEPT GIFTS, GRANTS AND DONATIONS ON BEHALF OF THE INTERMODAL CORPORATION.

(8) TO ELECT A CHAIRMAN, VICE CHAIRMAN, SECRETARY AND TREASURER AND TO ADOPT SUITABLE BYLAWS FOR THE MANAGEMENT OF ITS AFFAIRS. THE SECRETARY AND TREASURER NEED NOT BE MEMBERS

1 OF THE COMMISSION.

2 (9) TO DISBURSE FUNDS FOR ITS LAWFUL ACTIVITIES AND FIX
3 SALARIES AND WAGES OF ITS EMPLOYEES.

4 (B) PURPOSES OF CORPORATION ENUMERATED.--THE PURPOSE OF THE
5 INTERMODAL CORPORATION SHALL BE AS FOLLOWS:

6 (1) TO HAVE AND EXERCISE ALL RIGHTS, POWERS AND DUTIES
7 OF A PRIVATE/PUBLIC NONPROFIT CORPORATION IN THIS
8 COMMONWEALTH.

9 (2) TO PERFORM DETAILED MARKET RESEARCH AND PLAN FOR THE
10 FUTURE DEVELOPMENT AND IMPROVEMENT OF THE PORT AND TO
11 COORDINATE THESE PLANS WITH STATE, REGIONAL AND LOCAL
12 PROGRAMS AS NECESSARY.

13 (3) TO MARKET THE REGION'S FREIGHT MOVEMENT CAPABILITIES
14 AND TO PROMOTE INCREASED COMMERCE TO, FROM AND THROUGH THE
15 PORT, AND PROMOTE VALUE-ADDED SERVICES WITHIN THE REGION.

16 (4) TO CONSIDER AND ADOPT DETAILED AND COMPREHENSIVE
17 PLANS FOR FUTURE DEVELOPMENT AND IMPROVEMENT OF THE PORT
18 DISTRICT AND TO COORDINATE THESE PLANS WITH STATE, REGIONAL
19 AND LOCAL PROGRAMS AS MAY BE NECESSARY.

20 (5) TO STUDY AND MADE RECOMMENDATIONS TO THE PROPER
21 AUTHORITIES FOR THE IMPROVEMENT OF TERMINALS, WAREHOUSE AND
22 OTHER FACILITIES NECESSARY FOR THE PROMOTION OF COMMERCE ON
23 THE ALLEGHENY, MONONGAHELA AND OHIO RIVERS.

24 (6) TO CREATE A FOCUS FOR AND PROMOTE PRIVATE AND PUBLIC
25 COOPERATIVE EFFORTS IN THE AREA OF FREIGHT MOVEMENTS AND
26 RELATED COMMERCE.

27 (7) TO FOSTER IMPROVED COMMUNICATION BOTH BETWEEN THE
28 PUBLIC AND PRIVATE SECTORS AND WITHIN EACH.

29 (8) TO SUPPORT PRIVATE SECTOR FREIGHT OPERATIONS.

30 (9) TO INCREASE MODAL COMPETITION WITHIN THE REGION.

1 (10) TO INCREASE THE REGION'S NATIONAL AND INTERNATIONAL
2 COMPETITIVENESS IN GOODS MOVEMENT.

3 (11) TO INCREASE TRANSPORTATION AND GOODS MOVEMENT WITH
4 THE REGION.

5 (12) TO REPRESENT THE INTERMODAL CORPORATION BEFORE ALL
6 FEDERAL, STATE AND LOCAL AGENCIES.

7 (13) TO ACCEPT GRANTS, GIFTS AND DONATIONS FROM THE
8 COMMISSION AND OTHERS.

9 (14) TO ELECT A CHAIRMAN, VICE CHAIRMAN, SECRETARY AND
10 TREASURER AND TO ADOPT SUITABLE BYLAWS FOR THE MANAGEMENT OF
11 ITS AFFAIRS. THE SECRETARY AND TREASURER NEED NOT BE MEMBERS
12 OF THE CORPORATION.

13 (15) TO DISBURSE FUNDS FOR ITS LAWFUL ACTIVITIES AND FIX
14 SALARIES AND WAGES OF ITS EMPLOYEES.

15 SECTION 5. ADDITIONAL POWERS AND DUTIES OF COMMISSION AND
16 CORPORATION.

17 THE POWERS AND DUTIES OF THE COMMISSION AND THE CORPORATION
18 SHALL BE AS FOLLOWS:

19 (1) TO CONTRACT AND BE CONTRACTED WITH AND TO SUE AND BE
20 SUED.

21 (2) TO ADOPT AND USE AND ALTER AT WILL CORPORATE SEALS.

22 (3) TO ESTABLISH A PRINCIPAL OFFICE AND SUCH OTHER
23 OFFICE OR OFFICES AS MAY BE NECESSARY FOR THE CARRYING OUT OF
24 THEIR DUTIES.

25 (4) TO ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE AND USE
26 ANY FRANCHISE, PROPERTY, REAL, PERSONAL OR MIXED, TANGIBLE OR
27 INTANGIBLE, OR ANY INTEREST THEREIN, NECESSARY OR DESIRABLE
28 FOR CARRYING OUT THE PURPOSES OF THE COMMISSION AND
29 CORPORATION AND TO SELL, LEASE AS LESSOR, TRANSFER AND
30 DISPOSE OF ANY PROPERTY, OR INTEREST THEREIN, AT ANY TIME

1 REQUIRED BY THEM.

2 (5) TO ACQUIRE BY PURCHASE, LEASE OR OTHERWISE AND TO
3 CONSTRUCT, IMPROVE, MAINTAIN, AND REPAIR AND OPERATE SUCH
4 FACILITIES WHEN NO PRIVATE SECTOR OPERATOR EXISTS, AS
5 OUTLINED IN PARAGRAPH (19).

6 (6) TO EMPLOY SUCH STAFF AND OTHER ASSISTANCE AS THEY
7 MAY DEEM ADVISABLE. THE COMMISSION AND CORPORATION MAY ALSO
8 CONTRACT WITH INDEPENDENT CONTRACTORS FOR ANY OF THE
9 FOREGOING ASSISTANCE.

10 (7) TO BORROW MONEY, MAKE AND ISSUE NEGOTIABLE NOTES,
11 BONDS, REFUNDING BONDS AND OTHER EVIDENCES OF INDEBTEDNESS OR
12 OBLIGATIONS OF THE COMMISSION, AND TO SECURE THE PAYMENT OF
13 SUCH BONDS THEREOF, BY PLEDGE OR DEED OF TRUST OF ALL OR ANY
14 OF THEIR REVENUES, RENTALS AND RECEIPTS, AND TO MAKE SUCH
15 AGREEMENTS WITH THE PURCHASERS OR HOLDERS OF SUCH BONDS OR
16 WITH OTHERS IN CONNECTION WITH ANY SUCH BONDS WHETHER ISSUED
17 OR TO BE ISSUED AS THE COMMISSION AND CORPORATION SHALL DEEM
18 ADVISABLE AND, IN GENERAL, TO PROVIDE FOR THE SECURITY FOR
19 THESE BONDS AND THE RIGHTS OF THE HOLDERS THEREOF.

20 (8) TO ACCEPT GIFTS, GRANTS, LOANS OR CONTRIBUTIONS FROM
21 THE UNITED STATES OF AMERICA, THE COMMONWEALTH OF
22 PENNSYLVANIA, POLITICAL SUBDIVISIONS, MUNICIPALITIES,
23 FOUNDATIONS, OR OTHER PUBLIC OR PRIVATE AGENCIES,
24 INDIVIDUALS, PARTNERSHIPS OR CORPORATIONS.

25 (9) TO PLEDGE, HYPOTHECATE OR OTHERWISE ENCUMBER ALL OR
26 ANY OF THE REVENUES OR RECEIPTS OF THE COMMISSION AND
27 CORPORATION AS SECURITY FOR ALL OR ANY OF THE OBLIGATIONS OF
28 THE COMMISSION AND CORPORATION.

29 (10) TO DO ALL ACTS AND THINGS NECESSARY FOR THE
30 PROMOTION OF THEIR BUSINESS AND THE GENERAL WELFARE OF THE

1 COMMISSION AND CORPORATION TO CARRY OUT THE POWERS GRANTED TO
2 THEM BY THIS ACT OR ANY OTHER ACTS.

3 (11) TO ENTER INTO CONTRACTS WITH THE COMMONWEALTH,
4 MUNICIPALITIES OR CORPORATIONS ON SUCH TERMS AS THE
5 COMMISSION AND CORPORATION SHALL DEEM PROPER FOR THE USE OF
6 ANY FACILITY OF THE COMMISSION AND CORPORATION AND FIXING THE
7 AMOUNT TO BE PAID THEREFOR.

8 (12) TO ENTER INTO CONTRACTS FOR GROUP INSURANCE FOR THE
9 BENEFIT OF THEIR EMPLOYEES OR TO SET UP A RETIREMENT OR
10 PENSION FUND OR ANY OTHER EMPLOYEE BENEFIT ARRANGEMENT FOR
11 SUCH EMPLOYEES.

12 (13) TO PROVIDE FOR MEMBERSHIP IN ANY OFFICIAL,
13 INDUSTRIAL, COMMERCIAL OR TRADE ASSOCIATION OR ANY OTHER
14 ORGANIZATIONS CONCERNED WITH SUCH PURPOSES FOR RECEPTIONS OF
15 OFFICIALS OR OTHERS AS MAY CONTRIBUTE TO THE ADVANCEMENT OF
16 THE PORT DISTRICT AND ANY INDUSTRIAL DEVELOPMENT THEREIN AND
17 FOR SUCH OTHER PUBLIC RELATIONS ACTIVITIES AS WILL PROMOTE
18 THE SAME, AND SUCH ACTIVITIES SHALL BE CONSIDERED A PUBLIC
19 PURPOSE.

20 (14) TO REPRESENT THE PORT DISTRICT BEFORE ALL FEDERAL,
21 STATE AND LOCAL AGENCIES.

22 (15) TO COOPERATE WITH OTHER PUBLIC AGENCIES AND WITH
23 INDUSTRY, BUSINESS AND LABOR IN PORT DISTRICT IMPROVEMENT
24 MATTERS.

25 (16) TO IMPROVE NAVIGABLE AND NONNAVIGABLE AREAS AS
26 REGULATED BY FEDERAL OR STATE STATUTE.

27 (17) TO SELF-INSURE OR PROVIDE INSURANCE FOR ANY
28 PROPERTY OR OPERATIONS AGAINST ANY RISKS OR HAZARDS.

29 (18) TO ENTER INTO AGREEMENTS WITH ANY PUBLIC UTILITY
30 OPERATING A RAILROAD OR ANY OTHER TRANSPORTATION FACILITY

1 WHOLLY OR PARTIALLY WITHIN THE PORT AREA FOR THE JOINT OR
2 EXCLUSIVE USE OF ANY PROPERTY OF THE COMMISSION OR
3 CORPORATION OR THE PUBLIC UTILITY, OR THE ESTABLISHMENT OF
4 ROUTES OVER THE RIGHTS-OF-WAY OF THE PUBLIC UTILITY OR THE
5 COMMISSION, OR THE ESTABLISHMENT OF JOINT RATES.

6 (19) TO ESTABLISH FOR THE PURPOSE OF PLANNING,
7 COORDINATING, ACQUIRING, HOLDING, CONSTRUCTING, IMPROVING,
8 MAINTAINING AND OPERATING, OWNING AND LEASING, EITHER AS A
9 LESSEE OR A LESSOR, PORT FACILITIES AND EQUIPMENT, AND
10 RECREATIONAL AND COMMERCIAL PROPERTIES OF SIGNIFICANCE TO THE
11 PORT DISTRICT WHEN NO SUCH PRIVATE OPERATOR EXISTS AND WHEN
12 SUCH AN OPERATION WOULD NOT COMPETE WITH PRIVATE
13 CORPORATIONS.

14 (20) TO DEVELOP PROGRAMS DESIGNED SOLELY TO ADVERTISE,
15 PROMOTE, STIMULATE THE DEVELOPMENT OF THE USE OF THE PORT AND
16 TO JOIN AND TO AUTHORIZE THEIR AGENTS OR EMPLOYEES TO JOIN
17 NATIONAL, STATE AND LOCAL TRADE AND PROFESSIONAL
18 ORGANIZATIONS ORGANIZED FOR THE PURPOSE OF PROMOTING THE
19 BETTERMENT OF PORT FACILITIES AND THE IMPROVEMENT OF THE
20 EFFICIENCY OF PERSONS CONNECTED WITH OR EMPLOYED BY THE PORT.

21 (21) TO MAKE EXPENDITURES ANYWHERE IN THE UNITED STATES
22 AND FOREIGN COUNTRIES, TO PAY COMMISSIONS AND HIRE OR
23 CONTRACT WITH EXPERTS AND CONSULTANTS AND OTHERWISE TO DO
24 INDIRECTLY ANYTHING THE COMMISSION OR CORPORATION MAY DO
25 DIRECTLY.

26 (22) TO COOPERATE WITH OTHER PUBLIC AGENCIES AND WITH
27 INDUSTRY, BUSINESS AND LABOR IN PORT DISTRICT IMPROVEMENT
28 MATTERS.

29 (23) TO DISBURSE FUNDS FOR THEIR LAWFUL ACTIVITIES AND
30 FIX SALARIES AND WAGES OF ITS EMPLOYEES.

1 (24) TO SELF-INSURE OR PROVIDE INSURANCE FOR ANY
2 PROPERTY OR OPERATIONS OF THE COMMISSION AND CORPORATION
3 AGAINST ANY RISK OR HAZARDS.

4 (25) TO EVALUATE THE ECONOMIC IMPACTS OF FREIGHT
5 TRANSPORTATION ON THE REGION.

6 (26) TO INITIATE OR SUPPORT INTERNATIONAL TRADE AND TO
7 UTILIZE THE ADVANTAGES ASSOCIATED WITH FOREIGN TRADE ZONE 33.

8 (27) TO ENTER INTO AGREEMENTS WITH OTHER PORTS.

9 (28) TO FACILITATE AND PROMOTE AWARENESS OF NEW COST-
10 EFFECTIVE TECHNOLOGIES FOR GOODS MOVEMENT.

11 (29) TO EXPLORE AND, WHEN APPROPRIATE, IMPLEMENT THE
12 CREATION OF MAJOR INTERMODAL FACILITIES AND UPGRADE EXISTING
13 FACILITIES.

14 (30) TO DEAL EFFECTIVELY WITH REGULATORY ISSUES AND
15 RESTRICTIONS DETRIMENTAL TO THE PORT, AND TO PROMOTE NEW
16 REGULATIONS AND RESTRICTION BENEFICIAL TO THE PORT.

17 (31) TO GENERATE REVENUE TO COMPENSATE FOR ALL OR PART
18 OF THEIR ADMINISTRATIVE PLANNING, PROMOTIONAL AND OTHER
19 EXPENSES.

20 SECTION 6. RELATIONSHIP.

21 THE RELATIONSHIP OF THE INTERMODAL CORPORATION TO THE
22 COMMISSION IS AS FOLLOWS:

23 (1) THE CORPORATION MAY RECEIVE FUNDING FROM THE
24 COMMISSION.

25 (2) THE CORPORATION WILL RECEIVE POLICY ADVICE ON
26 INTERMODAL FREIGHT MATTERS.

27 (3) THE CORPORATION WILL PROVIDE ANNUAL REPORTS TO THE
28 COMMISSION.

29 Section 6 7. Governing body OF COMMISSION.

30 (a) Composition.--The commission shall be composed of ~~18~~ 19

1 voting members and two nonvoting ex officio members, who shall
2 be residents of the Commonwealth and serve at the pleasure of
3 the respective appointing authority.

4 (b) Appointment.--Members shall be appointed as follows:

5 (1) One member shall be appointed by the President pro
6 tempore of the Senate.

7 (2) One member shall be appointed by the Minority Leader
8 of the Senate.

9 (3) One member shall be appointed by the Speaker of the
10 House of Representatives.

11 (4) One member shall be appointed by the Minority leader
12 of the House of Representatives.

13 (5) ~~Nine~~ TEN members shall be appointed by the Governor. <—
14 One member shall be selected from a list of three nominees,
15 one each by the boards of county commissioners of the nine
16 counties included within the commission's boundaries. Such
17 nominees shall have experience within the areas of industry,
18 commerce or recreation, in addition to knowledge related to
19 waterways development.

20 (6) Five additional members shall be appointed by the
21 Governor. In the event that any of the organizations,
22 outlined in subparagraphs (i) through (v), are not
23 represented on the commission, the Governor shall ensure
24 representation by those organizations by making an
25 appointment from a list provided by each of the unrepresented
26 organizations. The organizations are:

27 (i) Waterways Association of Pittsburgh.

28 (ii) River Terminal Operator's Association.

29 (iii) Southwestern Pennsylvania Regional Planning
30 Commission.

1 (iv) DINAMO.

2 (v) The City of Pittsburgh.

3 (7) The Secretaries of Transportation and Commerce shall
4 serve as nonvoting ex officio members.

5 (c) Terms.--The terms of members shall be six years. Members
6 shall hold office until their successors have been appointed and
7 may succeed themselves.

8 (d) Expenses.--Members shall receive no compensation but
9 shall be entitled to reimbursement for all reasonable and
10 necessary expenses, in accordance with the rules of the
11 Executive Board.

12 (e) Initial appointments.--Initial appointments by the
13 Governor, as outlined in subsection (b)(5), shall be ~~for six~~ <—
14 ~~terms.~~ AS FOLLOWS: THREE MEMBERS FOR TWO YEARS; THREE MEMBERS <—
15 FOR THREE YEARS; THREE MEMBERS FOR FOUR YEARS; THREE MEMBERS FOR
16 FIVE YEARS; AND THREE MEMBERS FOR SIX YEARS. THEREAFTER, THE
17 TERMS SHALL BE FOR SIX YEARS. The additional appointments by the
18 Governor, as outlined in subsection (b)(6), shall be for terms
19 of four years. Initial appointments by the President pro tempore
20 of the Senate, Minority Leader of the Senate, the Speaker of the
21 House, and the Minority leader of the House shall be for terms
22 of two years.

23 SECTION 8. GOVERNING BODY OF INTERMODAL CORPORATION. <—

24 THE INTERMODAL CORPORATION SHALL BE GOVERNED BY A BOARD
25 CHOSEN IN COMPLIANCE WITH ITS BYLAWS AS OUTLINED IN SECTION 4
26 (B)(14), WHICH SHALL BE COMPOSED OF EXPERTS IN EACH OF THE AIR,
27 RAIL, BARGE, TRUCK AND FREIGHT-FORWARDERS INDUSTRIES AND OTHERS.

28 SECTION 9. IMPLEMENTATION.

29 (A) COMMISSION.--THE DEPARTMENT OF COMMERCE SHALL CREATE THE
30 PORT OF PITTSBURGH COMMISSION WITHIN SIX MONTHS OF THE EFFECTIVE

1 DATE OF THIS ACT.

2 (B) CORPORATION.--THE COMMISSION SHALL CREATE THE PITTSBURGH
3 REGIONAL INTERMODAL FREIGHT CORPORATION WITHIN SIX MONTHS OF THE
4 COMMISSION'S CREATION, IN COOPERATION WITH THE SOUTHWESTERN
5 PENNSYLVANIA REGIONAL PLANNING COMMISSION.

6 Section 7 10. Funding provisions. <—

7 The General Assembly may, from time to time, appropriate
8 funds for the operation of the commission to be allocated by the
9 ~~Departments of Transportation or Commerce~~ DEPARTMENT OF COMMERCE <—
10 OR DEPARTMENT OF TRANSPORTATION for the administration of the
11 commission and for managerial, legal, research, promotion,
12 planning and any other expenses. All gifts, contributions,
13 grants and donations accepted by the commission shall be
14 deposited in a special account in the State Treasury known as
15 the ~~Ports~~ PORT Development Fund and shall be used solely for the <—
16 purpose indicated.

17 Section 8 11. Effective date. <—

18 This act shall take effect ~~in 60 days~~. IMMEDIATELY. <—