

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2070 Session of
2008

INTRODUCED BY TURZAI, MUSTIO, BASTIAN, CAUSER, CLYMER,
CREIGHTON, ELLIS, EVERETT, FAIRCHILD, GEIST, GOODMAN, GRELL,
HESS, MARSHALL, METCALFE, R. MILLER, MOUL, PICKETT, PYLE,
REICHLEY, ROAE, ROCK, ROHRER, SAYLOR, SCAVELLO, SONNEY,
R. STEVENSON AND VULAKOVICH, SEPTEMBER 19, 2008

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 19, 2008

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 administration and for an

1 integrated mass transportation system.

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

4 Section 1. Section 3(b)(9) and (25) of the act of April 6,
5 1956 (1955 P.L.1414, No.465), known as the Second Class County
6 Port Authority Act, amended or added October 7, 1959 (P.L.1266,
7 No.429), and December 30, 1970 (P.L.953, No.300), and repealed
8 in part June 3, 1971, (P.L.118, No.6), and April 28, 1978
9 (P.L.202, No.53), are amended to read:

10 Section 3. * * *

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

15 * * *

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

1 incorporating the authority. The court of common pleas shall
2 have exclusive jurisdiction to determine the reasonableness of
3 fares, rates and other charges or services fixed, altered,
4 charged or collected by an authority. The court shall make such
5 order as to fares, rates and other charges or services as to it
6 shall be just and proper.

7 * * *

8 (25) To enter into agreements with any public utility
9 operating a railroad or any other transportation facility wholly
10 or partially within the service area for the [joint or
11 exclusive] use of any property of the authority or the public
12 utility or the establishment of through routes over the rights
13 of way of the public utility or the authority or the
14 establishment of joint fares and transfer of passengers.

15 * * *

16 Section 2. The third and fourth paragraphs of section 13.1
17 of the act, amended or added October 7, 1959 (P.L.1266, No.429)
18 and December 30, 1970 (P.L.953, No.300), are amended to read:

19 Section 13.1. * * *

20 [Upon the recording of the plan of integrated operation, any
21 law to the contrary notwithstanding, the authority shall have
22 exclusive jurisdiction with respect to all matters regarding its
23 transportation system within the service area as set forth in
24 the plan of operation or as from time to time changed as in this
25 section provided.] The Public Utility Commission shall have [no]
26 authority to grant certificates of public convenience for a
27 transportation system within the service area of the authority
28 or for the establishment of group and party rights to operate
29 wholly within such service area. The Public Utility Commission
30 shall continue to have jurisdiction[, except as otherwise

1 provided in this section,] with respect to all matters regarding
2 those transportation systems and group and party rights to
3 operate into or out of said service area.

4 [The authority shall have the exclusive right to operate a
5 transportation system within the service area as set forth in
6 the plan of integrated operation, except for those
7 transportation systems operating into the said service area from
8 points outside of said area, which companies shall have the
9 right to pick up and discharge passengers destined to and from
10 the territory outside of said area but not the right to pick up
11 and discharge passengers entirely within the service area. Said
12 excepted transportation systems by agreement with the authority
13 may arrange for the pick up and discharge of passengers within
14 the said service area when, in the opinion of the authority,
15 such privilege will serve the purpose for which the authority
16 was created. The authority may, also by agreement with an
17 existing transportation system now servicing the said service
18 area, permit a continuation of such services where, in the
19 opinion of the authority, such privilege will serve the purpose
20 for which the authority was created. In the event no such
21 agreement is entered into between the excepted transportation
22 systems and the authority prior to the authority commencing to
23 operate a mass transportation system in the service area, the
24 authority shall be liable for all direct and consequential
25 damages for any loss in value of the remaining portions of the
26 system arising from the loss of the right to pick up and
27 discharge passengers entirely within the service area.]

28 * * *

29 Section 3. This act shall take effect in 60 days.