

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, 1990

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 14, 1990

AN ACT

1 Providing for a port district in the southwestern portion of the
2 Commonwealth; establishing the Port of Pittsburgh Commission
3 and providing for its powers and duties; establishing the
4 Port OF PITTSBURGH Development Fund; and further establishing <—
5 the Pittsburgh Regional Intermodal Freight Corporation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Port of
10 Pittsburgh Commission Act.

11 Section 2. Definitions.

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

15 "Commission." The Port of Pittsburgh Commission.

16 "Intermodal Corporation" or "corporation." The Pittsburgh
17 Regional Intermodal Freight Corporation, created by the Port of
18 Pittsburgh Commission, formed as a public nonprofit corporation
19 to promote intermodal freight opportunities, operations and

1 facilities and incorporated under section 501(c)(3) of the
2 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
3 501(c)(3) et seq.).

4 "Port." Transportation infrastructure and facilities
5 supporting goods movement by truck, rail, barge and airfreight.
6 Section 3. Port district boundaries.

7 The port district shall include those counties with
8 significant truck, rail, barge and airfreight transportation
9 facilities and operations in the Pittsburgh region that are
10 contiguous to the Monongahela River from the West Virginia
11 border to its confluence with the Ohio River; the counties
12 contiguous to the Allegheny River from the head of navigation to
13 its confluence with the Ohio River; and the counties contiguous
14 to the Ohio River to the West Virginia-Ohio border at mile 40.
15 These counties shall include Allegheny, Armstrong, Beaver,
16 Butler, Clarion, Fayette, Greene, Lawrence, Washington and
17 Westmoreland.

18 Section 4. Purpose of commission and corporation.

19 (a) Purposes of commission enumerated.--It shall be the
20 purpose of the commission:

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

26 (2) To promote adequate docks, railroad, truck, AIR <—
27 FREIGHT and intermodal facilities open to all upon reasonable
28 and equal terms for the handling, storage, care and shipment
29 of freight and passengers to, from and through the ~~ports~~ PORT <—
30 with the purpose of increasing commerce and commercial

1 interests.

2 (3) TO PROMOTE COOPERATION AND COMMON OBJECTIVES OF THE <—
3 PORTS OF PITTSBURGH, ERIE AND PHILADELPHIA.

4 ~~(3)~~ (4) To promote the development of recreational <—
5 facilities in the port district to increase public access and
6 development options.

7 ~~(4)~~ (5) To promote the rivers as highways of commerce <—
8 with the purpose of increasing freight and passenger
9 commerce, and for this purpose the publication of literature
10 and the adoption of any other means may be deemed
11 appropriate.

12 ~~(5) To develop and operate the Intermodal Corporation <—~~
13 ~~and cooperate with the Southwestern Pennsylvania Regional~~
14 ~~Planning Commission in developing the corporation.~~

15 (6) To sponsor, support and advise the Intermodal
16 Corporation.

17 (7) To accept gifts, grants and donations on behalf of
18 the Intermodal Corporation.

19 (8) To elect a chairman, vice chairman, secretary and
20 treasurer and to adopt suitable bylaws for the management of
21 its affairs. The secretary and treasurer need not be members
22 of the commission.

23 (9) To disburse funds for its lawful activities and fix
24 salaries and wages of its employees.

25 (b) Purposes of corporation enumerated.--The purpose of the
26 Intermodal Corporation shall be as follows:

27 (1) To have and exercise all rights, powers and duties
28 of a private/public nonprofit corporation in this
29 Commonwealth.

30 (2) To perform detailed market research and plan for the

1 future development and improvement of the port and to
2 coordinate these plans with State, regional and local
3 programs as necessary.

4 (3) To market the region's freight movement capabilities
5 and to promote increased commerce to, from and through the
6 port, and promote value-added services within the region.

7 (4) TO EVALUATE THE ECONOMIC IMPACTS OF FREIGHT
8 TRANSPORTATION ON THE REGION. <—

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

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

14 ~~(4) To consider and adopt detailed and comprehensive~~ (7) <—
15 TO CONSIDER AND FORMULATE plans for future development and
16 improvement of FREIGHT, TRANSPORTATION AND RELATED FACILITIES <—
17 IN the port district and to coordinate these plans with
18 State, regional and local ~~programs~~ ENTITIES as may be <—
19 necessary.

20 ~~(5)~~ (8) 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~~ IN THE PORT <—
24 DISTRICT.

25 ~~(6)~~ (9) To create a focus for and promote private and <—
26 public cooperative efforts in the area of freight movements
27 and related commerce.

28 ~~(7)~~ (10) To foster improved communication both between <—
29 the public and private sectors and within each.

30 ~~(8)~~ (11) To support private sector freight operations. <—

1 ~~(9)~~ (12) To increase modal competition within the <—
2 region.

3 ~~(10)~~ (13) To increase the region's national and <—
4 international competitiveness in goods movement.

5 ~~(11)~~ ~~To increase transportation and goods movement with~~ <—
6 ~~the region.~~

7 (14) TO INCREASE INTER-REGIONAL AND INTRA-REGIONAL <—
8 FREIGHT TRANSPORTATION AND GOODS MOVEMENT.

9 ~~(12)~~ (15) To represent the Intermodal Corporation before <—
10 all Federal, State and local agencies.

11 ~~(13)~~ (16) To accept grants, gifts and donations from the <—
12 commission and others.

13 ~~(14)~~ (17) To elect a chairman, vice chairman, secretary <—
14 and treasurer and to adopt suitable bylaws for the management
15 of its affairs. The secretary and treasurer need not be
16 members of the corporation.

17 ~~(15)~~ (18) To disburse funds for its lawful activities <—
18 and fix salaries and wages of its employees.

19 Section 5. Additional powers and duties of commission and
20 corporation.

21 The powers and duties of the commission and the corporation
22 shall be as follows:

23 (1) To contract and be contracted with and to sue and be
24 sued.

25 (2) To adopt and use and alter at will corporate seals.

26 (3) To establish a principal office and such other
27 office or offices as may be necessary for the carrying out of
28 their duties.

29 (4) To acquire, purchase, hold, lease as lessee and use
30 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
3 corporation and to sell, lease as lessor, transfer and
4 dispose of any property, or interest therein, at any time
5 required by them.

6 (5) To acquire by purchase, lease or otherwise and to
7 construct, improve, maintain, and repair and operate such
8 facilities when no private sector operator exists, as
9 outlined in paragraph (19).

10 (6) To employ such staff and other assistance as they
11 may deem advisable. The commission and corporation may also
12 contract with independent contractors for any of the
13 foregoing assistance.

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

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

29 (9) To pledge, hypothecate or otherwise encumber all or
30 any of the revenues or receipts of the commission and

1 corporation as security for all or any of the obligations of
2 the commission and corporation.

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

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

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

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

24 (14) To represent the port district before all Federal,
25 State and local agencies.

26 (15) To cooperate with other public agencies and with
27 industry, business and labor in port district improvement
28 matters.

29 (16) To improve navigable and nonnavigable areas as
30 regulated by Federal or State statute.

1 (17) To self-insure or provide insurance for any
2 property or operations against any risks or hazards.

3 (18) To enter into agreements with any public utility
4 operating a railroad or any other transportation facility
5 wholly or partially within the port area for the joint or
6 exclusive use of any property of the commission or
7 corporation or the public utility, or the establishment of
8 routes over the rights-of-way of the public utility or the
9 commission, or the establishment of joint rates.

10 (19) To establish for the purpose of planning,
11 coordinating, acquiring, holding, constructing, improving,
12 maintaining and operating, owning and leasing, either as a
13 lessee or a lessor, port facilities and equipment, and
14 recreational and commercial properties of significance to the
15 port district UPON THE DETERMINATION OF THE COMMISSION when <—
16 no such private operator exists IN THE PORT DISTRICT and when <—
17 such an operation would not compete with private
18 corporations.

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

26 (21) To make expenditures anywhere in the United States
27 and foreign countries, to pay commissions and hire or
28 contract with experts and consultants and otherwise to do
29 indirectly anything the commission or corporation may do
30 directly.

1 (22) To cooperate with other public agencies and with
2 industry, business and labor in port district improvement
3 matters.

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

6 (24) To self-insure or provide insurance for any
7 property or operations of the commission and corporation
8 against any risk or hazards.

9 ~~(25) To evaluate the economic impacts of freight~~ <—
10 ~~transportation on the region.~~

11 ~~(26)~~ (25) To initiate or support international trade and
12 to utilize the advantages associated with foreign trade zone
13 33.

14 ~~(27)~~ (26) To enter into agreements with other ports. <—

15 ~~(28) To facilitate and promote awareness of new cost~~ <—
16 ~~effective technologies for goods movement.~~

17 ~~(29) To explore and, when appropriate, implement the~~
18 ~~creation of major intermodal facilities and upgrade existing~~
19 ~~facilities.~~

20 ~~(30)~~ (27) To deal effectively with regulatory issues and
21 restrictions detrimental to the port, and to promote new
22 regulations and restriction beneficial to the port.

23 ~~(31)~~ (28) To generate revenue to compensate for all or <—
24 part of their administrative planning, promotional and other
25 expenses.

26 Section 6. Relationship.

27 The relationship of the Intermodal Corporation to the
28 commission is as follows:

29 (1) The corporation may receive funding from the
30 commission.

1 (2) The corporation will receive policy advice on
2 intermodal freight matters FROM THE COMMISSION. <—

3 (3) The corporation will provide annual reports to the
4 commission.

5 SECTION 7. USE OF FUNDS. <—

6 THE COMMISSION OR CORPORATION SHALL NOT USE PUBLIC FUNDS TO
7 SUBSIDIZE ANY PUBLIC OR PRIVATE ENTITY SO AS TO CREATE UNFAIR
8 COMPETITION WITH PRIVATE INTERESTS.

9 Section 7 8. Governing body of commission. <—

10 (a) Composition.--The commission shall be composed of 19
11 voting members and two nonvoting ex officio members, who shall
12 be residents of the Commonwealth and serve at the pleasure of
13 the respective appointing authority.

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

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

17 (2) One member shall be appointed by the Minority Leader
18 of the Senate.

19 (3) One member shall be appointed by the Speaker of the
20 House of Representatives.

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

23 (5) ~~Ten~~ ELEVEN members shall be appointed by the <—
24 Governor. One member shall be selected from a list of three
25 nominees, one each by the boards of county commissioners of
26 the ~~nine~~ TEN counties included within the commission's <—
27 boundaries AND THE MAYOR OF THE CITY OF PITTSBURGH. Such <—
28 nominees shall have experience within the areas of industry,
29 commerce or recreation, in addition to knowledge related to
30 waterways development.

1 (6) ~~Five~~ FOUR additional members shall be appointed by <—
2 the Governor. In the event that any of the organizations,
3 outlined in subparagraphs (i) through ~~(v)~~ (IV), are not <—
4 represented on the commission, the Governor shall ensure
5 representation by those organizations by making an
6 appointment from a list provided by each of the unrepresented
7 organizations. The organizations are:

8 (i) Waterways Association of Pittsburgh.

9 (ii) River Terminal Operator's Association.

10 (iii) Southwestern Pennsylvania Regional Planning
11 Commission.

12 (iv) DINAMO (THE ASSOCIATION FOR THE DEVELOPMENT OF <—
13 INLAND NAVIGATION IN AMERICA'S OHIO VALLEY).

14 ~~(v) The City of Pittsburgh.~~ <—

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

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

20 (d) Expenses.--Members shall receive no compensation but
21 shall be entitled to reimbursement for all reasonable and
22 necessary expenses, in accordance with the rules of the
23 Executive Board.

24 (e) Initial appointments.--Initial appointments by the
25 Governor, as outlined in subsection (b)(5) AND (6), shall be as <—
26 follows: three members for two years; three members for three
27 years; three members for four years; three members for five
28 years; and three members for six years. Thereafter, the terms
29 shall be for six years. ~~The additional appointments by the~~ <—
30 ~~Governor, as outlined in subsection (b)(6), shall be for terms~~

1 ~~of four years.~~ Initial appointments by the President pro tempore
2 of the Senate, Minority Leader of the Senate, the Speaker of the
3 House, and the Minority leader of the House shall be for terms
4 of two years.

5 Section ~~8~~ 9. Governing body of Intermodal Corporation. <—

6 The Intermodal Corporation shall be governed by a board
7 chosen in compliance with its bylaws as outlined in section 4
8 (b)(14), which shall be composed of experts in each of the air,
9 rail, barge, truck and freight-forwarders industries and others.

10 Section ~~9~~ 10. Implementation. <—

11 (a) Commission.--The Department of Commerce shall create the
12 Port of Pittsburgh Commission within ~~six~~ THREE months of the <—
13 effective date of this act.

14 (b) Corporation.--The commission shall create the Pittsburgh
15 Regional Intermodal Freight Corporation within ~~six~~ THREE months <—
16 of the commission's creation, in cooperation with the
17 Southwestern Pennsylvania Regional Planning Commission.

18 Section ~~10~~ 11. Funding provisions. <—

19 The General Assembly may, from time to time, appropriate
20 funds for the operation of the commission to be allocated by the
21 Department of Commerce or Department of Transportation for the
22 administration of the commission AND THE CORPORATION and for <—
23 managerial, legal, research, promotion, planning and any other
24 expenses. All gifts, contributions, grants and donations
25 accepted by the commission shall be deposited in a special
26 account in the State Treasury known as the Port OF PITTSBURGH <—
27 Development Fund and shall be used solely for the purpose
28 indicated.

29 Section ~~11~~ 12. Effective date. <—

30 This act shall take effect immediately.