
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1711 Session of
1990

INTRODUCED BY FISHER, SHAFFER, SCANLON, STOUT, BODACK, DAWIDA,
BELAN, REGOLI, LaVALLE, PECORA AND PORTERFIELD, JUNE 29, 1990

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 20, 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

1 to promote intermodal freight opportunities, operations and
2 facilities and ~~incorporated~~ QUALIFIED under section 501(c)(3) of <—
3 the 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 and corporation.

20 (a) Purposes of commission enumerated.--It shall be the
21 purpose of the 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, air
28 freight and intermodal facilities open to all upon reasonable
29 and equal terms for the handling, storage, care and shipment
30 of freight and passengers to, from and through the port with

1 the purpose of increasing commerce and commercial interests.

2 (3) To promote cooperation and common objectives of the
3 Ports of Pittsburgh, Erie and Philadelphia.

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

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

11 (6) To sponsor, support and advise the Intermodal
12 Corporation.

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

15 (8) To elect a chairman, vice chairman, secretary and
16 treasurer and to adopt suitable bylaws for the management of
17 its affairs. The secretary and treasurer need not be members
18 of the commission.

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

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

23 (1) To have and exercise all rights, powers and duties
24 of a ~~private/public~~ PUBLIC nonprofit corporation in this
25 Commonwealth. <—

26 (2) To perform detailed market research and plan for the
27 future development and improvement of the port and to
28 coordinate these plans with State, regional and local
29 programs as necessary.

30 (3) To market the region's freight movement capabilities

1 and to promote increased commerce to, from and through the
2 port, and promote value-added services within the region.

3 (4) To evaluate the economic impacts of freight
4 transportation on the region.

5 (5) To facilitate and promote awareness of new cost-
6 effective technologies for goods movement.

7 (6) To explore and, when appropriate, implement the
8 creation of major intermodal facilities and upgrade existing
9 facilities.

10 (7) To consider and formulate plans for future
11 development and improvement of freight, transportation and
12 related facilities in the port district and to coordinate
13 these plans with State, regional and local entities as may be
14 necessary.

15 (8) To study and made recommendations to the proper
16 authorities for the improvement of terminals, warehouse and
17 other facilities necessary for the promotion of commerce in
18 the port district.

19 (9) To create a focus for and promote private and public
20 cooperative efforts in the area of freight movements and
21 related commerce.

22 (10) To foster improved communication both between the
23 public and private sectors and within each.

24 (11) To support private sector freight operations.

25 (12) To increase modal competition within the region.

26 (13) To increase the region's national and international
27 competitiveness in goods movement.

28 (14) To increase inter-regional and intra-regional
29 freight transportation and goods movement.

30 (15) To represent the Intermodal Corporation before all

1 Federal, State and local agencies.

2 (16) To accept grants, gifts and donations from the
3 commission and others.

4 (17) To elect a chairman, vice chairman, secretary and
5 treasurer and to adopt suitable bylaws for the management of
6 its affairs. The secretary and treasurer need not be members
7 of the corporation.

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

10 Section 5. Additional powers and duties of commission and
11 corporation.

12 (A) GENERAL RULE.--The powers and duties of the commission
13 and the corporation shall be as follows: <—

14 (1) To contract and be contracted with and to sue and be
15 sued.

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

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

20 (4) To acquire, purchase, hold, lease as lessee and use
21 any franchise, property, real, personal or mixed, tangible or
22 intangible, or any interest therein, necessary or desirable
23 for carrying out the purposes of the commission and
24 corporation and to sell, lease as lessor, transfer and
25 dispose of any property, or interest therein, at any time
26 required by them.

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

1 (6) To employ such staff and other assistance as they
2 may deem advisable. The commission and corporation may also
3 contract with independent contractors for any of the
4 foregoing assistance.

5 (7) To borrow money, make and issue negotiable notes,
6 bonds, refunding bonds and other evidences of indebtedness or
7 obligations of the commission, and to secure the payment of
8 such bonds thereof, by pledge or deed of trust of all or any
9 of their revenues, rentals and receipts, and to make such
10 agreements with the purchasers or holders of such bonds or
11 with others in connection with any such bonds whether issued
12 or to be issued as the commission and corporation shall deem
13 advisable and, in general, to provide for the security for
14 these bonds and the rights of the holders thereof.

15 (8) To accept gifts, grants, loans or contributions from
16 the United States of America, the Commonwealth of
17 Pennsylvania, political subdivisions, municipalities,
18 foundations, or other public or private agencies,
19 individuals, partnerships or corporations.

20 (9) To pledge, hypothecate or otherwise encumber all or
21 any of the revenues or receipts of the commission and
22 corporation as security for all or any of the obligations of
23 the commission and corporation.

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

28 (11) To enter into contracts on such terms as the
29 commission and corporation shall deem proper for the use of
30 any facility of the commission and corporation and fixing the

1 amount to be paid therefor.

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

6 (13) To provide for membership in any official,
7 industrial, commercial or trade association or any other
8 organizations concerned with such purposes for receptions of
9 officials or others as may contribute to the advancement of
10 the port district and any industrial development therein and
11 for such other public relations activities as will promote
12 the same, and such activities shall be considered a public
13 purpose.

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

16 (15) To cooperate with other public agencies and with
17 industry, business and labor in port district improvement
18 matters.

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

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

23 (18) To enter into agreements with any public utility
24 operating a railroad or any other transportation facility
25 wholly or partially within the port area for the joint or
26 exclusive use of any property of the commission or
27 corporation or the public utility, or the establishment of
28 routes over the rights-of-way of the public utility or the
29 commission, or the establishment of joint rates.

30 (19) To establish for the purpose of planning,

1 coordinating, acquiring, holding, constructing, improving,
2 maintaining and operating, owning and leasing, either as a
3 lessee or a lessor, port facilities and equipment, and
4 recreational and commercial properties of significance to the
5 port district upon the determination of the commission when
6 no such private operator exists in the port district and when
7 such an operation would not compete with private
8 corporations.

9 (20) To develop programs designed solely to advertise,
10 promote, stimulate the development of the use of the port and
11 to join and to authorize their agents or employees to join
12 trade and professional organizations organized for the
13 purpose of promoting the betterment of port facilities and
14 the improvement of the efficiency of persons connected with
15 or employed by the port.

16 (21) To make expenditures anywhere in the United States
17 and foreign countries, to pay commissions and hire or
18 contract with experts and consultants and otherwise to do
19 indirectly anything the commission or corporation may do
20 directly.

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

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

26 (24) To self-insure or provide insurance for any
27 property or operations of the commission and corporation
28 against any risk or hazards.

29 (25) To initiate or support international trade and to
30 utilize the advantages associated with foreign trade zone 33.

1 (26) To enter into agreements with other ports.

2 (27) To deal effectively with regulatory issues and
3 restrictions detrimental to the port, and to promote new
4 regulations and restriction beneficial to the port.

5 (28) To generate revenue to compensate for all or part
6 of their administrative planning, promotional and other
7 expenses.

8 (B) EXCLUSION.--NOTWITHSTANDING ANY GENERAL OR SPECIFIC <—
9 POWERS GRANTED TO THE COMMISSION OR THE CORPORATION BY THIS ACT
10 OR ANY OTHER ACT, WHETHER EXPRESS OR IMPLIED:

11 (1) THE COMMISSION AND THE CORPORATION, WHETHER JOINTLY
12 OR SEVERALLY, SHALL HAVE NO POWER, AT ANY TIME OR IN ANY
13 MANNER, TO PLEDGE THE CREDIT OR TAXING POWER OF THE
14 COMMONWEALTH OR ANY POLITICAL SUBDIVISION.

15 (2) NO OBLIGATIONS OF EITHER THE COMMISSION OR THE
16 CORPORATION SHALL BE DEEMED TO BE OBLIGATIONS OF THE
17 COMMONWEALTH OR OF ANY OF ITS POLITICAL SUBDIVISIONS.

18 (3) THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION
19 THEREOF SHALL NOT BE LIABLE FOR THE PAYMENT OF PRINCIPAL OR
20 INTEREST ON OBLIGATIONS OF EITHER THE COMMISSION OR THE
21 CORPORATION.

22 Section 6. Relationship.

23 The relationship of the Intermodal Corporation to the
24 commission is as follows:

25 (1) The corporation may receive funding from the
26 commission.

27 (2) The corporation will receive policy advice on
28 intermodal freight matters from the commission.

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

1 Section 7. Use of funds.

2 The commission or corporation shall not use public funds to
3 subsidize any public or private entity so as to create unfair
4 competition with private interests.

5 Section 8. Governing body of commission.

6 (a) Composition.--The commission shall be composed of 19
7 voting members and two nonvoting ex officio members, who shall
8 be residents of the Commonwealth and serve at the pleasure of
9 the respective appointing authority.

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

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

13 (2) One member shall be appointed by the Minority Leader
14 of the Senate.

15 (3) One member shall be appointed by the Speaker of the
16 House of Representatives.

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

19 (5) Eleven members shall be appointed by the Governor.
20 One member shall be selected from a list of three nominees,
21 one each by the boards of county commissioners of the ten
22 counties included within the commission's boundaries and the
23 Mayor of the City of Pittsburgh. Such nominees shall have
24 experience within the areas of industry, commerce or
25 recreation, in addition to knowledge related to waterways
26 development.

27 (6) Four additional members shall be appointed by the
28 Governor. In the event that any of the organizations,
29 outlined in subparagraphs (i) through (iv), are not
30 represented on the commission, the Governor shall ensure

1 representation by those organizations by making an
2 appointment from a list provided by each of the unrepresented
3 organizations. The organizations are:

4 (i) Waterways Association of Pittsburgh.

5 (ii) River Terminal Operator's Association.

6 (iii) Southwestern Pennsylvania Regional Planning
7 Commission.

8 (iv) DINAMO (The Association for the Development of
9 Inland Navigation in America's Ohio Valley).

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

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

15 (d) Expenses.--Members shall receive no compensation but
16 shall be entitled to reimbursement for all reasonable and
17 necessary expenses, in accordance with the rules of the
18 Executive Board.

19 (e) Initial appointments.--Initial appointments by the
20 Governor, as outlined in subsection (b)(5) and (6), shall be as
21 follows: three members for two years; three members for three
22 years; three members for four years; three members for five
23 years; and three members for six years. Thereafter, the terms
24 shall be for six years. Initial appointments by the President
25 pro tempore of the Senate, Minority Leader of the Senate, the
26 Speaker of the House, and the Minority leader of the House shall
27 be for terms of two years.

28 Section 9. Governing body of Intermodal Corporation.

29 The Intermodal Corporation shall be governed by a board
30 chosen in compliance with its bylaws as outlined in section 4

1 (b)(14), which shall be composed of experts in each of the air,
2 rail, barge, truck and freight-forwarders industries and others.
3 Section 10. Implementation.

4 (a) Commission.--The Department of Commerce shall create the
5 Port of Pittsburgh Commission within three months of the
6 effective date of this act.

7 (b) Corporation.--The commission shall create the Pittsburgh
8 Regional Intermodal Freight Corporation within three months of
9 the commission's creation, in cooperation with the Southwestern
10 Pennsylvania Regional Planning Commission.

11 Section 11. Funding provisions.

12 The General Assembly may, from time to time, appropriate
13 funds for the operation of the commission to be allocated by the
14 Department of Commerce or Department of Transportation for the
15 administration of the commission and the corporation and for
16 managerial, legal, research, promotion, planning and any other
17 expenses. All gifts, contributions, grants and donations
18 accepted by the commission shall be deposited in a special
19 account in the State Treasury known as the Port of Pittsburgh
20 Development Fund and shall be used solely for the purpose
21 indicated.

22 Section 12. Effective date.

23 This act shall take effect ~~immediately~~ IN 90 DAYS.

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