

THE GENERAL ASSEMBLY OF PENNSYLVANIA

1650

SENATE BILL
No. 881

Session of
1979

INTRODUCED BY MANBECK AND LYNCH, JUNE 30, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 11, 1980

AN ACT

1 Amending the act of January 22, 1968 (P.L.42, No.8), entitled,
2 "An act empowering and authorizing the Department of
3 Community Affairs to establish and administer certain grant
4 programs for the betterment of mass transportation systems
5 and facilities throughout the Commonwealth; providing for
6 State grants to transportation companies, municipalities,
7 counties, or their instrumentalities and to agencies and
8 instrumentalities of the Commonwealth for studies, research,
9 demonstration programs, promotion programs, purchase of
10 service projects, and capital improvement projects under
11 certain conditions; authorizing grants by counties or
12 municipalities in metropolitan areas to local transportation
13 organizations," ADDING AND further providing for definitions <—
14 and program authorizations, making an editorial change,
15 FURTHER PROVIDING FOR PROJECT GRANTS, further providing for <—
16 intergovernmental cooperation, ~~and making certain transfers~~ <—
17 ~~and repeals~~. PROVIDING FOR STATE SUBSIDIES, AUTHORIZING THE <—
18 CREATION OF A TRANSPORTATION AUTHORITY TO FUNCTION IN EACH
19 METROPOLITAN AREA CONSISTING OF ANY COUNTY OF THE FIRST CLASS
20 AND ALL NEARBY COUNTIES WITHIN A RADIUS OF TWENTY MILES OF
21 ANY SUCH FIRST CLASS COUNTY, AS A BODY CORPORATE AND POLITIC
22 FOR THE PURPOSE OF ESTABLISHING AN INTEGRATED MASS
23 TRANSPORTATION SYSTEM WITH ALL PERTINENT POWERS INCLUDING,
24 BUT NOT LIMITED TO, LEASING, ACQUIRING, OWNING, OPERATING AND
25 MAINTAINING A SYSTEM FOR, OR OTHERWISE PROVIDING FOR, THE
26 TRANSPORTATION OF PERSONS, AUTHORIZING THE BORROWING OF MONEY
27 AND ISSUANCE OF BONDS THEREFOR, CONFERRING THE RIGHT OF
28 EMINENT DOMAIN ON THE AUTHORITY; ALTERING THE JURISDICTION OF
29 THE PUBLIC UTILITY COMMISSION, AUTHORIZING THE ACCEPTANCE OF
30 GRANTS FROM FEDERAL, STATE AND LOCAL GOVERNMENTS, LIMITING
31 ACTIONS AGAINST THE AUTHORITY AND EXEMPTING IT FROM TAXATION,
32 AUTHORIZING COUNTIES AND MUNICIPALITIES TO ENTER INTO

1 COMPACTS FOR THE FINANCING OF EACH AUTHORITY AND TO MAKE
2 APPROPRIATIONS IN ACCORDANCE WITH SUCH COMPACTS, CREATING A
3 CITIZEN ADVISORY COMMITTEE CONFERRING EXCLUSIVE JURISDICTION
4 UPON CERTAIN COURTS WITH RESPECT TO MATTERS RELATING TO SUCH
5 AUTHORITY, EMPOWERING EACH AUTHORITY TO FUNCTION OUTSIDE OF
6 THE METROPOLITAN AREA UNDER CERTAIN TERMS AND CONDITIONS,
7 IMPOSING A REQUIREMENT TO SUBMIT A REORGANIZATION PLAN,
8 PROVIDING SANCTIONS FOR FAILURE TO SUBMIT A REORGANIZATION
9 PLAN AND MAKING APPROPRIATIONS, AND MAKING CERTAIN TRANSFERS
10 AND REPEALS.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 3, act of January 22, 1968 (P.L.42,~~ <—
14 ~~No.8), known as the "Pennsylvania Urban Mass Transportation~~
15 ~~Assistance Law of 1967," clause (6.1) added July 1, 1978~~
16 ~~(P.L.691, No.118), is amended to read:~~

17 ~~Section 3. Definitions. The following terms, whenever used~~
18 ~~or referred to in this act, shall have the following meanings,~~
19 ~~except in those instances where the context clearly indicates a~~
20 ~~different meaning:~~

21 ~~{(1) "Authority" shall mean the body created by section 3 of~~
22 ~~"The Pennsylvania Transportation Assistance Authority Act of~~
23 ~~1967."}~~

24 ~~"Capital project" shall mean and include any system of public~~
25 ~~passenger or public passenger and mail transportation, including~~
26 ~~but not limited to any railway, street railway, subway, elevated~~
27 ~~and monorail passenger or passenger and mail rolling stock,~~
28 ~~including self propelled and gallery cars, locomotives,~~
29 ~~passenger buses and wires, poles and equipment for the~~
30 ~~electrification of any of the foregoing, rails, tracks,~~
31 ~~roadbeds, guideways, elevated structures, buildings, stations,~~
32 ~~terminals, docks, shelters, airports and parking areas for use~~
33 ~~in connection with public passenger or public passenger and mail~~
34 ~~transportation systems, interconnecting lines and tunnels to~~

1 ~~provide passenger or passenger and mail service connections~~
2 ~~between transportation systems, transportation routes,~~
3 ~~corridors, and rights of way for any thereof (but not for public~~
4 ~~highways), signal and communication systems necessary or~~
5 ~~desirable for the construction, operation or improvement of the~~
6 ~~public passenger or passenger and mail transportation system~~
7 ~~involved, or any improvement of or equipment or furnishings for~~
8 ~~any of the foregoing or any part, or fractional and undivided~~
9 ~~co-ownership interest in any one or combination of any of the~~
10 ~~foregoing, that may be designated as a capital project by the~~
11 ~~secretary.~~

12 ~~"Construction" shall mean and include acquisition and~~
13 ~~construction and the term "to construct" shall mean and include~~
14 ~~to acquire and to construct, all in such manner as may be deemed~~
15 ~~desirable.~~

16 ~~[(2)] "Counties" shall include any county.~~

17 ~~[(3)] "Department" shall mean the Department of [Community~~
18 ~~Affairs] Transportation.~~

19 ~~"Equipment" and "furnishings" shall mean and include any~~
20 ~~equipment and furnishings whatsoever as may be deemed desirable~~
21 ~~and required for a capital project and approved by the~~
22 ~~department for the use and occupancy of such capital project,~~
23 ~~and the terms "to equip" or "to furnish" shall mean and include~~
24 ~~the installation of such equipment and furnishings.~~

25 ~~"Federal agency" shall mean and include the United States of~~
26 ~~America, the President of the United States of America, and any~~
27 ~~department of, or corporation, agency or instrumentality~~
28 ~~heretofore or hereafter created, designated or established by~~
29 ~~the United States of America.~~

30 ~~"Improvement" shall mean and include extension, enlargement,~~

1 ~~equipping, furnishing and improvement, and the term "to improve"~~
2 ~~shall mean and include to extend, to enlarge, to equip, to~~
3 ~~furnish and to improve, all in such manner as may be deemed~~
4 ~~desirable.~~

5 ~~[(4)] "Local transportation organization" shall mean any~~
6 ~~political subdivision or any mass transportation or port~~
7 ~~authority or airport authority now or hereafter organized under~~
8 ~~the law of Pennsylvania or pursuant to an interstate compact or~~
9 ~~otherwise empowered to render transportation service or assist~~
10 ~~in the rendering of transportation service in a limited area in~~
11 ~~the Commonwealth of Pennsylvania, even though it may also render~~
12 ~~transportation service in adjacent states.~~

13 ~~[(5)] "Municipalities" shall include any city, borough,~~
14 ~~township, incorporated town or town.~~

15 ~~"Person" shall mean and include natural persons, firms,~~
16 ~~associations, corporations, business trusts, partnerships and~~
17 ~~public bodies, including local transportation organizations.~~

18 ~~[(6)] "Project grant" shall mean and include the~~
19 ~~Commonwealth's share of the cost of carrying out the particular~~
20 ~~project, which cost may include costs incurred prior to the~~
21 ~~effective date of this act and which cost shall include an~~
22 ~~appropriate allowance for the administrative expenses involved~~
23 ~~in carrying out the project.~~

24 ~~"Property" shall mean all property, real, personal or mixed,~~
25 ~~tangible or intangible or any interest therein including~~
26 ~~fractional and undivided co ownership interests.~~

27 ~~[(6.1)] "Public highway" shall mean every way or place, of~~
28 ~~whatever nature, open to the use of the public as a matter of~~
29 ~~right, for purposes of vehicular travel. The term "public~~
30 ~~highway" solely for the purpose of administering this act shall~~

1 ~~not be deemed to include a bridge located wholly within this~~
2 ~~Commonwealth which is open to the use of the public for the~~
3 ~~purpose of vehicular traffic but which on March 15, 1964 [is]~~
4 ~~was owned and maintained by a mass transportation or port~~
5 ~~authority and which comprises a part of the transportation~~
6 ~~system of the mass transportation or port authority.~~

7 ~~[(7)] "Secretary" shall mean the Secretary of [Community~~
8 ~~Affairs] Transportation.~~

9 ~~[(8)] "Transportation company" shall mean and include any~~
10 ~~person, firm or corporation rendering public passenger or public~~
11 ~~passenger and mail transportation service, with or without the~~
12 ~~rendering of other service, in this State pursuant to common~~
13 ~~carrier authorization from the Pennsylvania Public Utility~~
14 ~~Commission or the Interstate Commerce Commission.~~

15 ~~[(9)] "Urban common carrier mass transportation" shall~~
16 ~~include transportation within an area that includes a~~
17 ~~municipality or other built up place which is appropriate, in~~
18 ~~the judgment of the department, for a common carrier~~
19 ~~transportation system to serve commuters or others in the~~
20 ~~locality, taking into consideration the local patterns and~~
21 ~~trends of urban growth, by bus or rail or other conveyance,~~
22 ~~either publicly or privately owned, serving the general public~~
23 ~~(but not including school buses or charter or sightseeing~~
24 ~~service) and moving over prescribed routes.~~

25 ~~Section 2. Clauses (4) and (5) of section 4, subsection (c)~~
26 ~~of section 5 and section 7 of the act, clause (5) of section 4~~
27 ~~added December 27, 1972 (P.L.1631, No.339), are amended to read:~~

28 ~~Section 4. Program Authorizations. The department is hereby~~
29 ~~authorized, within the limitations hereinafter provided:~~

30 ~~* * *~~

1 ~~(4) In connection with privately or locally assisted capital~~
2 ~~projects or capital projects financed with private or local and~~
3 ~~Federal funds, to [sublease] make grants for approved capital~~
4 ~~projects [leased from the authority] to a local transportation~~
5 ~~organization or a transportation company, [subject to section 11~~
6 ~~(b) of "The Pennsylvania Transportation Assistance Authority Act~~
7 ~~of 1967,"] including the acquisition, construction,~~
8 ~~reconstruction, and improvement of facilities and equipment,~~
9 ~~[including land (but not public highways),] buses and other~~
10 ~~rolling stock, and other real or personal property, including~~
11 ~~land (but not public highways), needed for an efficient and~~
12 ~~coordinated mass transportation system for use, by operation,~~
13 ~~lease or otherwise, in urban common carrier mass transportation~~
14 ~~service and in coordinating such service with highway and other~~
15 ~~transportation. No [lease of a] capital project [from the~~
16 ~~authority] grant shall be made for the purpose of financing,~~
17 ~~directly or indirectly, the acquisition of any interest in, or~~
18 ~~the purchase of any facilities or other property of, a private~~
19 ~~urban common carrier mass transportation company. Each [lease~~
20 ~~from the authority] capital project shall be based on a program~~
21 ~~or plan approved by the department. [The amount of authority~~
22 ~~funds used for any such leased] No capital project grant shall~~
23 ~~[not] exceed one sixth of the "Net Project Cost," subject,~~
24 ~~however, to the following specific exceptions:~~

25 ~~(i) if two or more capital projects [of the department] are~~
26 ~~combined for financing purposes, the amount of [authority]~~
27 ~~department funds used for [a leased project] any one of such~~
28 ~~projects may exceed one sixth of the "Net Project Cost" provided~~
29 ~~that the total amount of [the authority] department funds~~
30 ~~provided for all the projects [of the department] so combined~~

~~does not exceed one sixth of the total "Net Project Costs" of
all of the projects so combined.~~

~~{(ii) if a project is eligible to receive Federal financial
assistance under the Federal "Urban Mass Transportation Act of
1964," as amended, and if the Federal grant for that project is
limited to one half of the "Net Project Cost" as provided by
section 5, of that act, pending the completion within a three-
year period of the planning requirements specified by section 4
(a) of that act, and if the department has determined that the
project is essential and should proceed without delay, the
authority funds for that leased project may be increased
temporarily to an amount not to exceed one fourth of the "Net
Project Cost," with the requirement that upon the making to the
project of the additional Federal grant in an amount not to
exceed one sixth of the "Net Project Cost," the amount of the
authority funds used in excess of one sixth of the "Net Project
Cost" be refunded to the authority or be applied as the
authority may direct to help meet the authority's share of the
cost of another project subject to the terms of any indenture or
bond resolution of the authority.}~~

~~(iii) if a capital project is eligible to receive Federal
financial assistance under the Federal "Urban Mass
Transportation Act of 1964," as amended, and if the project
application for such Federal financial assistance has been
rejected or delayed because of a lack of Federal funds or if the
normal amount of Federal grant cannot be provided because of a
lack of Federal funds, and if the department has determined that
the capital project is essential and should proceed without
delay, [the authority] department funds for [that leased] such
capital project may be increased temporarily to an amount not to~~

1 ~~exceed five sixths of the "Net Project Cost" so long as the~~
2 ~~funds provided from local sources shall equal at least one sixth~~
3 ~~of the "Net Project Cost," with the requirement that upon the~~
4 ~~availability of additional Federal funds and the making to the~~
5 ~~capital project of a new or an additional Federal grant, the~~
6 ~~amount of [the authority] department funds in excess of one~~
7 ~~sixth of the "Net Project Cost" be refunded to the [authority]~~
8 ~~department or be applied as the [authority] department may~~
9 ~~direct to help meet the [authority's] department's share of the~~
10 ~~cost of another project, [subject to the terms of any indenture~~
11 ~~or bond resolution of the authority] in which the department is~~
12 ~~a participant.~~

13 ~~(iv) if a project is ineligible to receive Federal financial~~
14 ~~assistance under the Federal "Urban Mass Transportation Act of~~
15 ~~1964," as amended, and if the department has determined that the~~
16 ~~project is essential and should proceed without delay, the~~
17 ~~amount of [authority] department funds for [that leased] such~~
18 ~~project shall be limited to an amount not to exceed one half of~~
19 ~~the "Net Project Cost."~~

20 ~~(5) To make grants to agencies and instrumentalities of the~~
21 ~~Commonwealth and to municipalities, counties, or other~~
22 ~~instrumentalities from the State Lottery Fund to pay estimated~~
23 ~~transit losses resulting from granting free service to persons~~
24 ~~sixty five years of age or older on common carrier mass~~
25 ~~transportation systems when such passage is by local public bus,~~
26 ~~trolley or subway elevated systems during nonpeak riding hours~~
27 ~~and on holidays and weekends. The department shall promulgate~~
28 ~~such rules and regulations as are necessary to carry out the~~
29 ~~purposes of this clause.~~

30 ~~In counties where there does not now exist a mass~~

1 ~~transportation authority the department shall enter into~~
2 ~~agreements with private carriers, authorized to carry passengers~~
3 ~~for hire by the Public [Utilities] Utility Commission to carry~~
4 ~~out the purposes of this clause.~~

5 ~~Section 5. Grant Proposals. * * *~~

6 ~~(c) The department shall review the proposal and, if~~
7 ~~satisfied that the proposal is in accordance with the purposes~~
8 ~~of this act, shall[, with the approval of the Governor,] enter~~
9 ~~into a grant agreement subject to the condition that the grant~~
10 ~~be used in accordance with the terms of the proposal.~~

11 ~~* * *~~

12 ~~Section 7. Cooperation with Other [Agencies.] Governments~~
13 ~~and Private Interests. (a) The department is directed to~~
14 ~~administer this program with such flexibility as to permit full~~
15 ~~cooperation between Federal, State and local governments,~~
16 ~~agencies and instrumentalities, as well as private interests, so~~
17 ~~as to result in as effective and economical a program as~~
18 ~~possible.~~

19 ~~(b) The department is hereby authorized to enter into~~
20 ~~agreements providing for mutual cooperation between or among it~~
21 ~~and any Federal agency, local transportation organization or~~
22 ~~transportation company, concerning any or all projects,~~
23 ~~including joint applications for Federal grants.~~

24 ~~(c) It is the purpose and intent of this act to authorize~~
25 ~~the department to do any and all other things necessary or~~
26 ~~desirable to secure the financial aid or cooperation of any~~
27 ~~Federal agency in any of the department's projects, and to do~~
28 ~~and perform all things which may be required by any statute of~~
29 ~~the United States of America or by the lawful requirements of~~
30 ~~any Federal agency authorized to administer any program of~~

1 ~~Federal aid to transportation.~~

2 ~~Section 3. (a) All allocations, appropriations, agreements,~~
3 ~~leases, claims, demands and causes of action of any nature~~
4 ~~whether or not subject to litigation on the date of this act,~~
5 ~~equipment, files, records, classified data files, maps, air~~
6 ~~photographs and other material which are used, employed or~~
7 ~~expended in connection with the duties, powers or functions of~~
8 ~~the Pennsylvania Transportation Assistance Authority are hereby~~
9 ~~transferred to the Department of Transportation with the same~~
10 ~~force and effect as if the appropriations had been made to and~~
11 ~~said items had been the property of the Department of~~
12 ~~Transportation in the first instance and as if said contracts,~~
13 ~~agreements, leases and obligations had been incurred or entered~~
14 ~~into by the Department of Transportation.~~

15 ~~(b) The power to allocate excess funds from one project to~~
16 ~~another, given to the Pennsylvania Transportation Assistance~~
17 ~~Authority in the following acts is hereby transferred to the~~
18 ~~Department of Transportation, subject to the approval of the~~
19 ~~Secretary of the Budget:~~

20 ~~(1) Section 2, act of April 13, 1976 (P.L.97, No.42),~~
21 ~~entitled "A supplement to the act of October 18, 1975 (P.L.408,~~
22 ~~No.112), entitled 'An act providing for the capital budget for~~
23 ~~the fiscal year 1975-1976,' itemizing a transportation~~
24 ~~assistance project to be acquired or constructed by The~~
25 ~~Pennsylvania Transportation Assistance Authority together with~~
26 ~~its estimated financial cost; authorizing the incurring of debt~~
27 ~~without the approval of the electors for the purpose of~~
28 ~~financing the project, stating the estimated useful life of the~~
29 ~~project, and making an appropriation."~~

30 ~~(2) Section 2, act of July 9, 1976 (P.L.570, No.138),~~

1 ~~entitled "A supplement to the act of July 9, 1976 (P.L.123,~~
2 ~~No.54), entitled 'An act providing for the capital budget for~~
3 ~~the fiscal year 1976-1977,' itemizing transportation assistance~~
4 ~~projects to be acquired or constructed by The Pennsylvania~~
5 ~~Transportation Assistance Authority together with their~~
6 ~~estimated financial cost; authorizing the incurring of debt~~
7 ~~without the approval of the electors for the purpose of~~
8 ~~financing the projects, stating the estimated useful life of the~~
9 ~~projects, and making an appropriation."~~

10 ~~(3) Section 2, act of September 28, 1978 (P.L.811, No.159),~~
11 ~~entitled "A supplement to the act of September 28, 1978~~
12 ~~(P.L.787, No.151), entitled 'An act providing for the capital~~
13 ~~budget for the fiscal year 1978-1979,' itemizing transportation~~
14 ~~assistance projects to be acquired or constructed by the~~
15 ~~Pennsylvania Transportation Assistance Authority together with~~
16 ~~their estimated financial cost; authorizing the incurring of~~
17 ~~debt without the approval of the electors for the purpose of~~
18 ~~financing the projects, stating the estimated useful life of the~~
19 ~~projects, and making an appropriation."~~

20 ~~Section 4. The act of January 22, 1968 (P.L.27, No.7), known~~
21 ~~as the "Pennsylvania Transportation Assistance Authority Act of~~
22 ~~1967," is repealed.~~

23 ~~Section 5. This act shall take effect immediately.~~

24 SECTION 1. THE TITLE, ACT OF JANUARY 22, 1968 (1967 P.L.42, <—
25 NO.8), KNOWN AS THE "PENNSYLVANIA URBAN MASS TRANSPORTATION
26 ASSISTANCE LAW OF 1967," IS AMENDED TO READ:

27 AN ACT
28 EMPOWERING AND AUTHORIZING THE DEPARTMENT OF [COMMUNITY AFFAIRS]
29 TRANSPORTATION TO ESTABLISH AND ADMINISTER CERTAIN GRANT
30 PROGRAMS FOR THE BETTERMENT OF MASS TRANSPORTATION SYSTEMS

1 AND FACILITIES THROUGHOUT THE COMMONWEALTH; PROVIDING FOR
2 STATE GRANTS TO TRANSPORTATION COMPANIES, MUNICIPALITIES,
3 COUNTIES, OR THEIR INSTRUMENTALITIES AND TO AGENCIES AND
4 INSTRUMENTALITIES OF THE COMMONWEALTH FOR STUDIES, RESEARCH,
5 DEMONSTRATION PROGRAMS, PROMOTION PROGRAMS, PURCHASE OF
6 SERVICE PROJECTS, AND CAPITAL IMPROVEMENT PROJECTS UNDER
7 CERTAIN CONDITIONS; AUTHORIZING GRANTS BY COUNTIES OR
8 MUNICIPALITIES IN METROPOLITAN AREAS TO LOCAL TRANSPORTATION
9 ORGANIZATIONS, AUTHORIZING THE CREATION OF A TRANSPORTATION
10 AUTHORITY TO FUNCTION IN EACH METROPOLITAN AREA CONSISTING OF
11 ANY COUNTY OF THE FIRST CLASS AND ALL NEARBY COUNTIES WITHIN
12 A RADIUS OF TWENTY MILES OF ANY SUCH FIRST CLASS COUNTY, AS A
13 BODY CORPORATE AND POLITIC FOR THE PURPOSE OF ESTABLISHING AN
14 INTEGRATED MASS TRANSPORTATION SYSTEM WITH ALL PERTINENT
15 POWERS INCLUDING, BUT NOT LIMITED TO, LEASING, ACQUIRING,
16 OWNING, OPERATING AND MAINTAINING A SYSTEM FOR, OR OTHERWISE
17 PROVIDING FOR, THE TRANSPORTATION OF PERSONS, AUTHORIZING THE
18 BORROWING OF MONEY AND ISSUANCE OF BONDS THEREFOR, CONFERRING
19 THE RIGHT OF EMINENT DOMAIN ON THE AUTHORITY; ALTERING THE
20 JURISDICTION OF THE PUBLIC UTILITY COMMISSION, AUTHORIZING
21 THE ACCEPTANCE OF GRANTS FROM FEDERAL, STATE AND LOCAL
22 GOVERNMENTS, LIMITING ACTIONS AGAINST THE AUTHORITY AND
23 EXEMPTING IT FROM TAXATION, AUTHORIZING COUNTIES AND
24 MUNICIPALITIES TO ENTER INTO COMPACTS FOR THE FINANCING OF
25 EACH AUTHORITY AND TO MAKE APPROPRIATIONS IN ACCORDANCE WITH
26 SUCH COMPACTS, CREATING A CITIZEN ADVISORY COMMITTEE,
27 CONFERRING EXCLUSIVE JURISDICTION UPON CERTAIN COURTS WITH
28 RESPECT TO MATTERS RELATING TO SUCH AUTHORITY, EMPOWERING
29 EACH AUTHORITY TO FUNCTION OUTSIDE OF THE METROPOLITAN AREA
30 UNDER CERTAIN TERMS AND CONDITIONS.

SECTION 2. SECTIONS 1 THROUGH 12 OF THE ACT ARE REPEALED.

SECTION 3. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

ARTICLE I

PRELIMINARY PROVISIONS

SECTION 101. SHORT TITLE.--THIS ACT SHALL BE KNOWN AND MAY
BE CITED AS THE "PENNSYLVANIA URBAN MASS TRANSPORTATION LAW."

ARTICLE II

URBAN MASS TRANSPORTATION ASSISTANCE

~~SECTION 101. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND
MAY BE CITED AS THE "PENNSYLVANIA URBAN MASS TRANSPORTATION
ASSISTANCE LAW."~~

SECTION 201. FINDINGS AND DECLARATION OF POLICY.--(A)
IT IS HEREBY DETERMINED AND DECLARED AS A MATTER OF LEGISLATIVE
FINDING:

(1) THAT THE WELFARE AND VITALITY OF URBAN AREAS IN THE
COMMONWEALTH, THE SATISFACTORY MOVEMENT OF PEOPLE AND GOODS
WITHIN SUCH AREAS, AND THE EFFECTIVENESS OF HOUSING, URBAN
RENEWAL, HIGHWAY, INDUSTRIAL DEVELOPMENT, AND OTHER PROGRAMS ARE
BEING JEOPARDIZED BY THE DETERIORATION OR INADEQUATE PROVISION
OF URBAN COMMON CARRIER MASS TRANSPORTATION FACILITIES AND
SERVICES, THE INTENSIFICATION OF TRAFFIC CONGESTION, AND THE
LACK OF COORDINATED TRANSPORTATION AND OTHER DEVELOPMENT
PLANNING ON A COMPREHENSIVE AND CONTINUING BASIS.

(2) THAT STATE FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF
EFFICIENT AND COORDINATED URBAN COMMON CARRIER MASS
TRANSPORTATION SYSTEMS, FACILITIES AND SERVICES IS ESSENTIAL TO
THE SOLUTION OF THESE URBAN PROBLEMS.

(3) THAT EFFICIENT AND COORDINATED URBAN COMMON CARRIER MASS
TRANSPORTATION SYSTEMS, FACILITIES AND SERVICES WILL PROMOTE THE
PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE.

1 (B) THEREFORE, IT IS HEREBY DECLARED TO BE THE POLICY OF THE
2 GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA TO PROMOTE
3 THE HEALTH, SAFETY, CONVENIENCE AND WELFARE OF ITS INHABITANTS
4 THROUGH THE DEPARTMENT BY MEANS OF STATE FINANCIAL ASSISTANCE
5 FOR THE DEVELOPMENT OF EFFICIENT AND COORDINATED URBAN COMMON
6 CARRIER MASS TRANSPORTATION SYSTEMS, FACILITIES AND SERVICES AND
7 TO PROVIDE FREE OR REDUCED TRANSIT SERVICE FOR THE ELDERLY. SUCH
8 PURPOSES ARE HEREBY DECLARED TO BE PUBLIC USES FOR WHICH STATE
9 MONEYS MAY BE SPENT.

10 ~~SECTION 403~~ 202. DEFINITIONS.--THE FOLLOWING TERMS, WHENEVER <—
11 USED OR REFERRED TO IN THIS ACT ARTICLE, SHALL HAVE THE <—
12 FOLLOWING MEANINGS, EXCEPT IN THOSE INSTANCES WHERE THE CONTEXT
13 CLEARLY INDICATES A DIFFERENT MEANING:

14 "AVERAGE FARE" SHALL BE DEFINED AS TOTAL PASSENGER REVENUE
15 DIVIDED BY THE TOTAL LINKED PASSENGER TRIPS EXCLUDING TRIPS BY
16 SENIOR CITIZENS PARTICIPATING IN THE FREE TRANSIT PROGRAM FOR
17 SENIOR CITIZENS.

18 "CAPITAL PROJECT" SHALL MEAN AND INCLUDE ANY SYSTEM OF PUBLIC
19 PASSENGER OR PUBLIC PASSENGER AND RAIL TRANSPORTATION, INCLUDING
20 BUT NOT LIMITED TO ANY RAILWAY, STREET RAILWAY, SUBWAY, ELEVATED
21 AND MONORAIL PASSENGER OR PASSENGER AND RAIL ROLLING STOCK,
22 INCLUDING SELF-PROPELLED AND GALLERY CARS, LOCOMOTIVES,
23 PASSENGER BUSES AND WIRES, POLES AND EQUIPMENT FOR THE
24 ELECTRIFICATION OF ANY OF THE FOREGOING, RAILS, TRACKS,
25 ROADBEDS, GUIDEWAYS, ELEVATED STRUCTURES, BUILDINGS, STATIONS,
26 TERMINALS, DOCKS, SHELTERS, AIRPORTS AND PARKING AREAS FOR USE
27 IN CONNECTION WITH PUBLIC PASSENGER OR PUBLIC PASSENGER AND RAIL
28 TRANSPORTATION SYSTEMS, INTERCONNECTING LINES AND TUNNELS TO
29 PROVIDE PASSENGER OR PASSENGER AND RAIL SERVICE CONNECTIONS
30 BETWEEN TRANSPORTATION SYSTEMS, TRANSPORTATION ROUTES,

CORRIDORS, AND RIGHTS-OF-WAY FOR ANY THEREOF (BUT NOT FOR PUBLIC
HIGHWAYS), SIGNAL AND COMMUNICATION SYSTEMS NECESSARY OR
DESIRABLE FOR THE CONSTRUCTION, OPERATION OR IMPROVEMENT OF THE
PUBLIC PASSENGER OR PASSENGER AND RAIL TRANSPORTATION SYSTEM
INVOLVED, OR ANY IMPROVEMENT OF OR EQUIPMENT OR FURNISHINGS FOR
ANY OF THE FOREGOING OR ANY PART, OR FRACTIONAL AND UNDIVIDED
CO-OWNERSHIP INTEREST IN ANY ONE OR COMBINATION OF ANY OF THE
FOREGOING, THAT MAY BE DESIGNATED AS A CAPITAL PROJECT BY THE
SECRETARY.

"CONSTRUCTION" SHALL MEAN AND INCLUDE ACQUISITION AND
CONSTRUCTION AND THE TERM "TO CONSTRUCT" SHALL MEAN AND INCLUDE
TO ACQUIRE AND TO CONSTRUCT, ALL IN SUCH MANNER AS MAY BE DEEMED
DESIRABLE.

"COUNTIES" SHALL INCLUDE ANY COUNTY.

"COUNTY TRANSPORTATION SYSTEM" SHALL MEAN AND INCLUDE BUSES,
VANS OR OTHER TRANSIT VEHICLES PURCHASED, MAINTAINED AND
OPERATED BY ANY COUNTY AND USED TO PROVIDE FREE OR REDUCED RATE
TRANSPORTATION WITHIN THE COUNTY TO PERSONS SIXTY-FIVE YEARS OF
AGE OR OLDER.

"DEPARTMENT" SHALL MEAN THE DEPARTMENT OF TRANSPORTATION.

"EQUIPMENT" AND "FURNISHINGS" SHALL MEAN AND INCLUDE ANY
EQUIPMENT AND FURNISHINGS WHATSOEVER AS MAY BE DEEMED DESIRABLE
AND REQUIRED FOR A CAPITAL PROJECT AND APPROVED BY THE
DEPARTMENT FOR THE USE AND OCCUPANCY OF SUCH CAPITAL PROJECT,
AND THE TERMS "TO EQUIP" OR "TO FURNISH" SHALL MEAN AND INCLUDE
THE INSTALLATION OF SUCH EQUIPMENT AND FURNISHINGS.

"FEDERAL AGENCY" SHALL MEAN AND INCLUDE THE UNITED STATES OF
AMERICA, THE PRESIDENT OF THE UNITED STATES OF AMERICA, AND ANY
DEPARTMENT OF, OR CORPORATION, AGENCY OR INSTRUMENTALITY
HERETOFORE OR HEREAFTER CREATED, DESIGNATED OR ESTABLISHED BY

1 THE UNITED STATES OF AMERICA.

2 "FIXED ROUTE PUBLIC TRANSPORTATION SERVICES" SHALL INCLUDE
3 REGULARLY SCHEDULED TRANSPORTATION THAT IS AVAILABLE TO THE
4 GENERAL PUBLIC, AND IS PROVIDED ACCORDING TO PUBLISHED SCHEDULES
5 ALONG DESIGNATED PUBLISHED ROUTES WITH SPECIFIED STOPPING POINTS
6 FOR THE TAKING ON AND DISCHARGING OF PASSENGERS. (ELIGIBLE
7 SERVICES INCLUDE PUBLIC BUS AND COMMUTER RAIL SYSTEMS.) EXCLUDED
8 FROM THIS DEFINITION ARE EXCLUSIVE RIDE TAXI SERVICE; CHARTER OR
9 SIGHTSEEING SERVICES; NONPUBLIC TRANSPORTATION; SCHOOL BUS OR
10 LIMOUSINE SERVICES.

11 "IMPROVEMENT" SHALL MEAN AND INCLUDE EXTENSION, ENLARGEMENT,
12 EQUIPPING, FURNISHING AND IMPROVEMENT, AND THE TERM "TO IMPROVE"
13 SHALL MEAN AND INCLUDE TO EXTEND, TO ENLARGE, TO EQUIP, TO
14 FURNISH AND TO IMPROVE, ALL IN SUCH MANNER AS MAY BE DEEMED
15 DESIRABLE.

16 "LINKED PASSENGER TRIPS" SHALL MEAN AND INCLUDE TRANSIT TRIPS
17 TAKEN BY INITIALLY BOARDING (ORIGINATING) PATRONS PAYING A FULL
18 FARE, ANY REDUCED FARE OR NO FARE (FREE FARE) BUT SHALL NOT MEAN
19 AND SHALL EXCLUDE ALL TRANSFER RIDES AND ALL CHARTER RIDES.

20 "LOCAL TRANSPORTATION ORGANIZATION" SHALL MEAN ANY POLITICAL
21 SUBDIVISION OR ANY MASS TRANSPORTATION ~~OR PORT AUTHORITY, PORT,~~ <—
22 REDEVELOPMENT OR AIRPORT AUTHORITY NOW OR HEREAFTER ORGANIZED
23 UNDER THE LAW OF PENNSYLVANIA OR PURSUANT TO AN INTERSTATE
24 COMPACT OR OTHERWISE EMPOWERED TO RENDER ~~TRANSPORTATION SERVICE,~~ <—
25 CONTRACT FOR THE RENDERING, OR ASSIST IN THE RENDERING OF
26 TRANSPORTATION SERVICE IN A LIMITED AREA IN THE COMMONWEALTH OF
27 PENNSYLVANIA, EVEN THOUGH IT MAY ALSO RENDER OR ASSIST IN <—
28 RENDERING TRANSPORTATION SERVICE IN ADJACENT STATES.

29 "MUNICIPALITIES" SHALL INCLUDE ANY CITY, BOROUGH, TOWNSHIP,
30 INCORPORATED TOWN OR TOWN.

1 "PERSON" SHALL MEAN AND INCLUDE NATURAL PERSONS, FIRMS,
2 ASSOCIATIONS, CORPORATIONS, BUSINESS TRUSTS, PARTNERSHIPS AND
3 PUBLIC BODIES, INCLUDING LOCAL TRANSPORTATION ORGANIZATIONS.

4 "PROJECT GRANT" SHALL MEAN AND INCLUDE THE COMMONWEALTH'S
5 SHARE OF THE COST OF CARRYING OUT THE PARTICULAR PROJECT, WHICH
6 COST MAY INCLUDE COSTS INCURRED PRIOR TO THE EFFECTIVE DATE OF
7 THIS ~~ACT~~ ARTICLE AND WHICH COST SHALL INCLUDE AN APPROPRIATE <—
8 ALLOWANCE FOR THE ADMINISTRATIVE EXPENSES INVOLVED IN CARRYING
9 OUT THE PROJECT.

10 "PROPERTY" SHALL MEAN ALL PROPERTY, REAL, PERSONAL OR MIXED,
11 TANGIBLE OR INTANGIBLE OR ANY INTEREST THEREIN INCLUDING
12 FRACTIONAL AND UNDIVIDED CO-OWNERSHIP INTERESTS.

13 "PUBLIC HIGHWAY" SHALL MEAN EVERY WAY OR PLACE, OF WHATEVER
14 NATURE, OPEN TO THE USE OF THE PUBLIC AS A MATTER OF RIGHT, FOR
15 PURPOSES OF VEHICULAR TRAVEL. THE TERM "PUBLIC HIGHWAY" SOLELY
16 FOR THE PURPOSE OF ADMINISTERING THIS ~~ACT~~ ARTICLE SHALL NOT BE <—
17 DEEMED TO INCLUDE A BRIDGE LOCATED WHOLLY WITHIN THIS
18 COMMONWEALTH WHICH IS OPEN TO THE USE OF THE PUBLIC FOR THE
19 PURPOSE OF VEHICULAR TRAFFIC BUT WHICH ON MARCH 15, 1964 WAS
20 OWNED AND MAINTAINED BY A MASS TRANSPORTATION OR PORT AUTHORITY
21 AND WHICH COMPRISES A PART OF THE TRANSPORTATION SYSTEM OF THE
22 MASS TRANSPORTATION OR PORT AUTHORITY.

23 "SECRETARY" SHALL MEAN THE SECRETARY OF TRANSPORTATION.

24 "SHARED RIDE PUBLIC TRANSPORTATION SERVICES" SHALL INCLUDE
25 DEMAND RESPONSIVE TRANSPORTATION THAT IS AVAILABLE TO THE
26 GENERAL PUBLIC, OPERATES ON A NONFIXED ROUTE BASIS AND CHARGES A
27 FARE TO ALL RIDERS. FOR TRANSPORTATION TO BE INCLUDED IN THIS
28 DEFINITION THE FIRST FARE PAYING PASSENGERS TO ENTER THE PUBLIC
29 TRANSPORTATION VEHICLE MUST NOT REFUSE TO SHARE THE VEHICLE WITH
30 OTHER PASSENGERS DURING A GIVEN TRIP. SERVICES EXCLUDED UNDER

1 THIS DEFINITION ARE: EXCLUSIVE RIDE TAXI SERVICE; CHARTER AND
2 SIGHTSEEING SERVICES; NONPUBLIC TRANSPORTATION; SCHOOL BUS OR
3 LIMOUSINE SERVICES.

4 "TRANSIT VEHICLE" SHALL MEAN A SELF-PROPELLED OR ELECTRICALLY
5 PROPELLED VEHICLE DESIGNED FOR CARRYING FIFTEEN OR MORE
6 PASSENGERS, EXCLUSIVE OF THE DRIVER, OTHER THAN A TAXICAB,
7 DESIGNED AND USED FOR THE TRANSPORTATION OF PERSONS FOR
8 COMPENSATION INCLUDING, BUT NOT LIMITED TO, SUBWAY CARS,
9 TROLLEYS, TRACKLESS TROLLEYS AND RAILROAD PASSENGER CARS.

10 "TRANSPORTATION COMPANY" SHALL MEAN AND INCLUDE ANY PERSON,
11 FIRM OR CORPORATION RENDERING PUBLIC PASSENGER OR PUBLIC
12 PASSENGER AND RAIL TRANSPORTATION SERVICE, WITH OR WITHOUT THE
13 RENDERING OF OTHER SERVICE, IN THIS STATE PURSUANT TO COMMON
14 CARRIER AUTHORIZATION FROM THE PENNSYLVANIA PUBLIC UTILITY
15 COMMISSION OR THE INTERSTATE COMMERCE COMMISSION.

16 "URBAN COMMON CARRIER MASS TRANSPORTATION" SHALL INCLUDE
17 TRANSPORTATION WITHIN AN AREA THAT INCLUDES A MUNICIPALITY OR
18 OTHER BUILT-UP PLACE WHICH IS APPROPRIATE, IN THE JUDGMENT OF
19 THE DEPARTMENT, FOR A COMMON CARRIER TRANSPORTATION SYSTEM TO
20 SERVE COMMUTERS OR OTHERS IN THE LOCALITY, TAKING INTO
21 CONSIDERATION THE LOCAL PATTERNS AND TRENDS OF URBAN GROWTH, BY
22 BUS OR RAIL OR OTHER CONVEYANCE, EITHER PUBLICLY OR PRIVATELY
23 OWNED, SERVING THE GENERAL PUBLIC (BUT NOT INCLUDING SCHOOL
24 BUSES OR CHARTER OR SIGHTSEEING SERVICE). ~~AND MOVING OVER~~
25 ~~PRESCRIBED ROUTES.~~

26 SECTION ~~104~~ 203. PROGRAM AUTHORIZATIONS.--THE DEPARTMENT IS
27 HEREBY AUTHORIZED, WITHIN THE LIMITATIONS HEREINAFTER PROVIDED
28 AND IS REQUIRED WHERE THE PROVISIONS OF SECTION ~~105~~ 204 APPLY:

29 (1) TO UNDERTAKE AND TO PROVIDE FINANCIAL SUPPORT FOR
30 RESEARCH, BY CONTRACT OR OTHERWISE, CONCERNING URBAN COMMON

CARRIER MASS TRANSPORTATION.

(2) TO MAKE PROJECT GRANTS TO MUNICIPALITIES, COUNTIES, OR
THEIR INSTRUMENTALITIES, AND TO AGENCIES AND INSTRUMENTALITIES
OF THE COMMONWEALTH TO SUPPLEMENT FEDERAL OR LOCAL OR FEDERAL
AND LOCAL FUNDS FOR USE:

(I) FOR THE PURPOSE OF STUDIES, ANALYSIS, PLANNING AND
DEVELOPMENT OF PROGRAMS FOR URBAN COMMON CARRIER MASS
TRANSPORTATION SERVICE AND FACILITIES, AND FOR THE PURPOSE OF
ACTIVITIES RELATED TO THE PLANNING, ENGINEERING, AND DESIGNING
OF SPECIFIC PROJECTS WHICH ARE A PART OF A COMPREHENSIVE PROGRAM
INCLUDING BUT NOT LIMITED TO ACTIVITIES SUCH AS STUDIES RELATED
TO MANAGEMENT, OPERATIONS, CAPITAL REQUIREMENTS, AND ECONOMIC
FEASIBILITY, TO THE PREPARATION OF ENGINEERING AND ARCHITECTURAL
SURVEYS, PLANS, AND SPECIFICATIONS, AND TO OTHER SIMILAR OR
RELATED ACTIVITIES PRELIMINARY TO AND IN PREPARATION FOR THE
CONSTRUCTION, ACQUISITION, OR IMPROVED OPERATION OF URBAN COMMON
CARRIER MASS TRANSPORTATION SYSTEMS, FACILITIES, AND EQUIPMENT.
STATE FUNDING UNDER THIS ~~SUBCLAUSE~~ SUBPARAGRAPH SHALL NOT EXCEED
EIGHTY PERCENT OR ONE-HALF OF THE NON-FEDERAL SHARE OF THE
PROJECT COSTS, WHICHEVER IS LESS.

(II) TO PROVIDE FOR RESEARCH, DEVELOPMENT AND DEMONSTRATION
PROJECTS IN ALL PHASES OF URBAN COMMON CARRIER MASS
TRANSPORTATION (INCLUDING THE DEVELOPMENT, TESTING AND
DEMONSTRATION OF NEW FACILITIES, EQUIPMENT, TECHNIQUES AND
METHODS) TO ASSIST IN THE SOLUTION OF URBAN TRANSPORTATION
PROBLEMS, IN THE IMPROVEMENT OF MASS TRANSPORTATION SERVICE, AND
THE CONTRIBUTION OF SUCH SERVICE TOWARD MEETING TOTAL URBAN
TRANSPORTATION NEEDS AT MINIMUM COST. STATE FUNDING UNDER THIS
~~SUBCLAUSE~~ SUBPARAGRAPH SHALL NOT EXCEED EIGHTY PERCENT OR ONE-
HALF OF THE NON-FEDERAL SHARE OF THE PROJECT COSTS, WHICHEVER IS

1 LESS.

2 (III) TO ASSIST IN FINANCING PURCHASE OF SERVICE PROJECTS
3 DESIGNED TO CONTINUE NECESSARY SERVICE TO THE PUBLIC, TO PERMIT
4 NEEDED IMPROVEMENTS IN SERVICE WHICH ARE NOT SELF-SUPPORTING,
5 AND TO PERMIT SERVICE WHICH MAY BE SOCIALLY DESIRABLE BUT
6 ECONOMICALLY UNJUSTIFIED. EACH PROJECT AND PROJECT GRANT SHALL
7 BE SUBJECT TO AN ANNUAL REVIEW AND RENEWAL. STATE FUNDING UNDER
8 THIS ~~SUBCLAUSE~~ SUBPARAGRAPH SHALL NOT EXCEED THREE-FOURTHS OF <—
9 THE NON-FEDERAL SHARE OF PROJECT COSTS AS DEFINED BY THE
10 DEPARTMENT WHICH CANNOT, AS DETERMINED BY THE DEPARTMENT,
11 REASONABLY BE FINANCED FROM REVENUES. LOCAL OR PRIVATE FUNDING
12 SHALL EQUAL AT LEAST ONE-FOURTH OF THE NON-FEDERAL SHARE OF THE
13 PROJECT DEFICIT, AS DEFINED BY THE DEPARTMENT. THE METHODOLOGY
14 FOR CALCULATING THE ELIGIBLE DEFICIT OF APPLICANTS UNDER THIS
15 ~~SUBCLAUSE~~ SUBPARAGRAPH SHALL BE DETERMINED IN ACCORDANCE WITH <—
16 SECTION ~~105~~ 204. EACH PURCHASE OF SERVICE PROJECT GRANT SHALL BE <—
17 BASED ON A PROGRAM OR PLAN APPROVED BY THE DEPARTMENT AND
18 DETERMINED BY THE DEPARTMENT TO BE IN THE PUBLIC INTEREST AND TO
19 BE IN FURTHERANCE OF A COORDINATED MASS TRANSPORTATION PLAN FOR
20 THE AREA. NO STATE GRANT SHALL BE MADE FOR A PARTICULAR PURCHASE
21 OF SERVICE PROJECT THAT THE DEPARTMENT DETERMINES WILL INVOLVE
22 UNNECESSARY AND UNFAIR COMPETITION AND NO STATE GRANT SHALL BE
23 MADE FOR A PARTICULAR PURCHASE OF SERVICE PROJECT UNLESS THE
24 DEPARTMENT DETERMINES AND FINDS FOR SAID PROJECT THAT:

25 ~~(I)~~ (A) THE PURCHASE OF THE SERVICE PROJECT IS NECESSARY; <—

26 ~~(II)~~ (B) THE MASS TRANSPORTATION CARRIER IS TAKING OR WILL <—

27 TAKE CONTINUING ACTION TO IMPROVE THE SERVICE AND HOLD LOSSES TO
28 A MINIMUM.

29 (3) TO MAKE PROJECT GRANTS TO ANY TRANSPORTATION COMPANY OR
30 COMPANIES TO SUPPLEMENT FEDERAL, PRIVATE OR LOCAL OR FEDERAL AND

1 PRIVATE OR LOCAL FUNDS FOR USE IN FINANCING PURCHASE OF SERVICE
2 PROJECTS DESIGNED TO CONTINUE NECESSARY SERVICE TO THE PUBLIC,
3 TO PERMIT NEEDED IMPROVEMENTS IN SERVICES WHICH ARE NOT SELF-
4 SUPPORTING, AND TO PERMIT SERVICES WHICH MAY BE SOCIALLY
5 DESIRABLE BUT ECONOMICALLY UNJUSTIFIED. IN VIEW OF THE
6 PARTICULAR SENSITIVITY OF SPECIAL INSTRUMENTALITIES AND AGENCIES
7 OF THE COMMONWEALTH CREATED TO SERVE OR COORDINATE THE LOCAL
8 TRANSPORTATION NEEDS OF SUBSTANTIAL METROPOLITAN AREAS, NO
9 PROJECT FOR USE EXCLUSIVELY OR PRINCIPALLY IN THE LOCAL SERVICE
10 AREA OF ANY SUCH AGENCY OR INSTRUMENTALITY IN WHICH A CITY OR
11 COUNTY OF THE FIRST OR SECOND CLASS HAS MEMBERSHIP, SHALL
12 RECEIVE A PROJECT GRANT EXCEPT IN ACCORDANCE WITH A SYSTEM OF
13 PRIORITIES AGREED UPON BY THE DEPARTMENT AND SUCH AGENCY OR
14 INSTRUMENTALITY. IN THE CASE OF A PROJECT GRANT FOR A PROJECT TO
15 BE OPERATED EXCLUSIVELY OR PRINCIPALLY WITHIN THE LOCAL SERVICE
16 AREAS OF SUCH AGENCY OR INSTRUMENTALITY NO PROJECT GRANT SHALL
17 BE MADE EXCEPT IN ACCORDANCE WITH AGREEMENTS BY THE DEPARTMENT
18 AND SUCH AGENCY OR INSTRUMENTALITY WITH RESPECT TO SUCH USE. IN
19 THE CASE OF A PROJECT NOT FALLING WITHIN THE SCOPE OF THE
20 PRECEDING SENTENCE BUT COVERING USE BOTH WITHIN AND WITHOUT THE
21 LOCAL SERVICE AREA OF SUCH AGENCY OR INSTRUMENTALITY, THE
22 PROJECT GRANT SHALL REQUIRE THAT THE ROUTES, SCHEDULES, AND
23 FARES APPLICABLE ONLY WITHIN SUCH SERVICE AREAS SHALL BE THOSE
24 MUTUALLY AGREED UPON BY THE DEPARTMENT AND SUCH AGENCY OR
25 INSTRUMENTALITY. NO AGREEMENT REFERRED TO IN THIS ~~CLAU~~SE
26 PARAGRAPH SHALL IMPAIR, SUSPEND, REDUCE, ENLARGE OR EXTEND OR
27 AFFECT IN ANY MANNER THE POWERS OF THE PENNSYLVANIA PUBLIC
28 UTILITY COMMISSION OR THE INTERSTATE COMMERCE COMMISSION
29 OTHERWISE APPLICABLE BY LAW. STATE FUNDING UNDER THIS ~~SUBCLAUSE~~
30 PARAGRAPH SHALL NOT EXCEED THREE-FOURTHS OF THE NON-FEDERAL

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<—

1 SHARE OF PROJECT COSTS AS DEFINED BY THE DEPARTMENT WHICH
2 CANNOT, AS DETERMINED BY THE DEPARTMENT, REASONABLY BE FINANCED
3 FROM REVENUES. LOCAL OR PRIVATE FUNDING SHALL EQUAL AT LEAST
4 ONE-FOURTH OF THE NON-FEDERAL SHARE OF THE PROJECT DEFICIT, AS
5 DEFINED BY THE DEPARTMENT. THE METHODOLOGY FOR CALCULATING THE
6 ELIGIBLE DEFICIT OF APPLICANTS UNDER THIS SUBCLAUSE PARAGRAPH
7 SHALL BE DETERMINED IN ACCORDANCE WITH SECTION 105 204. EACH
8 PURCHASE OF SERVICE PROJECT GRANT SHALL BE BASED UPON A PROGRAM
9 OR PLAN APPROVED BY THE DEPARTMENT AND DETERMINED BY THE
10 DEPARTMENT TO BE IN THE PUBLIC INTEREST, TO BE IN FURTHERANCE OF
11 A COORDINATED MASS TRANSPORTATION PLAN FOR THE AREA, AND NOT TO
12 INVOLVE UNNECESSARY AND UNFAIR COMPETITION. NO STATE GRANT SHALL
13 BE MADE FOR A PARTICULAR PURCHASE OF

14 ~~NO STATE GRANT SHALL BE MADE FOR A PARTICULAR PURCHASE OF~~
15 SERVICE PROJECT UNLESS THE DEPARTMENT DETERMINES AND FINDS FOR
16 SAID PROJECT THAT:

17 (I) THE PURCHASE OF SERVICE PROJECT IS NECESSARY IN THE
18 PUBLIC INTEREST; AND

19 (II) THE MASS TRANSPORTATION CARRIER IS TAKING OR WILL TAKE
20 CONTINUING ACTION TO IMPROVE THE SERVICE AND HOLD LOSSES TO A
21 MINIMUM.

22 (4) IN CONNECTION WITH PRIVATELY OR LOCALLY ASSISTED CAPITAL
23 PROJECTS OR CAPITAL PROJECTS FINANCED WITH PRIVATE OR LOCAL AND
24 FEDERAL FUNDS, TO MAKE GRANTS FOR APPROVED CAPITAL PROJECTS TO A
25 LOCAL TRANSPORTATION ORGANIZATION OR A TRANSPORTATION COMPANY,
26 INCLUDING THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, AND
27 IMPROVEMENT OF FACILITIES AND EQUIPMENT, BUSES AND OTHER ROLLING
28 STOCK, AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING LAND (BUT
29 NOT PUBLIC HIGHWAYS), NEEDED FOR AN EFFICIENT AND COORDINATED
30 MASS TRANSPORTATION SYSTEM FOR USE, BY OPERATION, LEASE OR

1 OTHERWISE, IN URBAN COMMON CARRIER MASS TRANSPORTATION SERVICE
2 AND IN COORDINATING SUCH SERVICE WITH HIGHWAY AND OTHER
3 TRANSPORTATION. NO CAPITAL PROJECT GRANT SHALL BE MADE FOR THE
4 PURPOSE OF FINANCING, DIRECTLY OR INDIRECTLY, THE ACQUISITION OF
5 ANY INTEREST IN, OR THE PURCHASE OF ANY FACILITIES OR OTHER
6 PROPERTY OF, A PRIVATE URBAN COMMON CARRIER MASS TRANSPORTATION
7 COMPANY. EACH CAPITAL PROJECT SHALL BE BASED ON A PROGRAM OR
8 PLAN APPROVED BY THE DEPARTMENT. NO CAPITAL PROJECT GRANT SHALL
9 EXCEED ONE-SIXTH OF THE "NET PROJECT COST," SUBJECT, HOWEVER, TO
10 THE FOLLOWING SPECIFIC EXCEPTIONS:

11 (I) IF TWO OR MORE CAPITAL PROJECTS ARE COMBINED FOR
12 FINANCING PURPOSES, THE AMOUNT OF DEPARTMENT FUNDS USED FOR ANY
13 ONE OF SUCH PROJECTS MAY EXCEED ONE-SIXTH OF THE "NET PROJECT
14 COST" PROVIDED THAT THE TOTAL AMOUNT OF DEPARTMENT FUNDS
15 PROVIDED FOR ALL THE PROJECTS SO COMBINED DOES NOT EXCEED ONE-
16 SIXTH OF THE TOTAL "NET PROJECT COSTS" OF ALL OF THE PROJECTS SO
17 COMBINED.

18 (II) IF A CAPITAL PROJECT IS ELIGIBLE TO RECEIVE FEDERAL
19 FINANCIAL ASSISTANCE UNDER THE FEDERAL URBAN MASS TRANSPORTATION
20 ACT OF 1964, AS AMENDED, AND IF THE PROJECT APPLICATION FOR SUCH
21 FEDERAL FINANCIAL ASSISTANCE HAS BEEN REJECTED OR DELAYED
22 BECAUSE OF A LACK OF FEDERAL FUNDS OR IF THE NORMAL AMOUNT OF
23 FEDERAL GRANT CANNOT BE PROVIDED BECAUSE OF A LACK OF FEDERAL
24 FUNDS, AND IF THE DEPARTMENT HAS DETERMINED THAT THE CAPITAL
25 PROJECT IS ESSENTIAL AND SHOULD PROCEED WITHOUT DELAY,
26 DEPARTMENT FUNDS FOR SUCH CAPITAL PROJECT MAY BE INCREASED
27 TEMPORARILY TO AN AMOUNT NOT TO EXCEED FIVE-SIXTHS OF THE "NET
28 PROJECT COST" SO LONG AS THE FUNDS PROVIDED FROM LOCAL SOURCES
29 SHALL EQUAL AT LEAST ONE-SIXTH OF THE "NET PROJECT COST," WITH
30 THE REQUIREMENT THAT UPON THE AVAILABILITY OF ADDITIONAL FEDERAL

1 FUNDS AND THE MAKING TO THE CAPITAL PROJECT OF A NEW OR AN
2 ADDITIONAL FEDERAL GRANT, THE AMOUNT OF DEPARTMENT FUNDS IN
3 EXCESS OF ONE-SIXTH OF THE "NET PROJECT COST" BE REFUNDED TO THE
4 DEPARTMENT OR BE APPLIED AS THE DEPARTMENT MAY DIRECT TO HELP
5 MEET THE DEPARTMENT'S SHARE OF THE COST OF ANOTHER PROJECT, IN
6 WHICH THE DEPARTMENT IS A PARTICIPANT.

7 (III) IF A PROJECT IS INELIGIBLE TO RECEIVE FEDERAL
8 FINANCIAL ASSISTANCE UNDER THE FEDERAL URBAN MASS TRANSPORTATION
9 ACT OF 1964, AS AMENDED, AND IF THE DEPARTMENT HAS DETERMINED
10 THAT THE PROJECT IS ESSENTIAL AND SHOULD PROCEED WITHOUT DELAY,
11 THE AMOUNT OF DEPARTMENT FUNDS FOR SUCH PROJECT SHALL BE LIMITED
12 TO AN AMOUNT NOT TO EXCEED ONE-HALF OF THE "NET PROJECT COST."

13 ~~(5) TO MAKE GRANTS TO TRANSPORTATION COMPANIES AND LOCAL~~ <—
14 ~~TRANSPORTATION ORGANIZATIONS FROM THE STATE LOTTERY FUND TO PAY~~
15 ~~ESTIMATED TRANSIT LOSSES RESULTING FROM GRANTING ON LOCAL COMMON~~
16 ~~CARRIER MASS TRANSPORTATION SYSTEMS:~~

17 ~~(I) FREE SERVICE TO PERSONS SIXTY FIVE YEARS OF AGE AND~~
18 ~~OLDER WHEN SUCH PASSAGE IS ON FIXED ROUTE PUBLIC TRANSPORTATION~~
19 ~~SERVICES DURING NONPEAK RIDING HOURS AND ON HOLIDAYS AND~~
20 ~~WEEKENDS:~~

21 ~~(II) REDUCED FARE SERVICES TO PERSONS SIXTY FIVE YEARS OF~~
22 ~~AGE OR OLDER WHEN SUCH PASSAGE IS ON SHARED RIDE PUBLIC~~
23 ~~TRANSPORTATION SERVICES DURING REGULAR HOURS OF OPERATION. ON~~
24 ~~FIXED ROUTE PUBLIC TRANSPORTATION SERVICE, LOSSES ARE~~
25 ~~REIMBURSABLE AT SEVENTY FIVE PERCENT OF THE TRANSIT SYSTEM'S~~
26 ~~AVERAGE FARE MULTIPLIED BY THE NUMBER OF TRIPS MADE BY SENIOR~~
27 ~~CITIZENS PARTICIPATING IN THE FREE TRANSIT PROGRAM, EXCEPT FOR~~ <—
28 ~~TRANSIT SYSTEMS THAT CURRENTLY RECEIVE A PROGRAM REIMBURSEMENT~~
29 ~~BASED UPON A PERCENTAGE OF AVERAGE FARE GREATER THAN SEVENTY~~
30 ~~FIVE PERCENT. THESE TRANSIT SYSTEMS SHALL RECEIVE THEIR CURRENT~~

~~1 AMOUNT OF SENIOR CITIZEN PROGRAM REIMBURSEMENT UNTIL SUCH TIME~~
~~2 AS THE AMOUNT OF REIMBURSEMENT FOR THESE SYSTEMS EQUALS SEVENTY~~
~~3 FIVE PERCENT OF THE AVERAGE FARE TIMES THE NUMBER OF SENIOR~~
~~4 CITIZEN TRIPS. ON SHARED PUBLIC TRANSPORTATION SERVICES, LOSSES~~
~~5 ARE REIMBURSABLE ONLY IF THE ELDERLY PERSON PAYS 25% OR TWENTY~~
~~6 FIVE PERCENT OF THE COST OF THE INDIVIDUAL FARE WHICHEVER IS~~
~~7 GREATER. THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND~~
~~8 REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS~~
~~9 CLAUSE SUBPARAGRAPH. IN ACCORDANCE WITH SECTION 2203 A(27) OF~~
~~10 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE~~
~~11 ADMINISTRATIVE CODE OF 1929," NO SUCH REGULATION SHALL TAKE~~
~~12 EFFECT UNTIL THEY ARE SUBMITTED TO THE DEPARTMENT OF AGING FOR~~
~~13 COMMENT.~~

14 (5) TO MAKE GRANTS FROM THE STATE LOTTERY FUND TO
15 TRANSPORTATION COMPANIES, COUNTY TRANSPORTATION SYSTEMS AND
16 LOCAL TRANSPORTATION ORGANIZATIONS TO PAY ESTIMATED TRANSIT
17 LOSSES RESULTING FROM PROVIDING:

18 (1) FREE SERVICE OR LOCAL COMMON CARRIER MASS TRANSPORTATION
19 SYSTEMS TO PERSONS SIXTY-FIVE YEARS OR OLDER WHEN SUCH PASSAGE
20 IS ON FIXED ROUTE PUBLIC TRANSPORTATION SERVICES DURING NONPEAK
21 RIDING HOURS AND ON HOLIDAYS AND WEEKENDS. THE LOSSES RESULTING
22 FROM GRANTING SERVICE ON MASS TRANSPORTATION SYSTEMS SHALL BE
23 REIMBURSABLE AT SEVENTY-FIVE PERCENT OF SUCH SYSTEM'S AVERAGE
24 FARE MULTIPLIED BY THE NUMBER OF TRIPS MADE BY SENIOR CITIZENS
25 PARTICIPATING IN SUCH FREE TRANSIT PROGRAM. TRANSIT SYSTEMS THAT
26 CURRENTLY RECEIVE A PROGRAM REIMBURSEMENT BASED UPON A
27 PERCENTAGE OF AVERAGE FARE GREATER THAN SEVENTY-FIVE PERCENT
28 SHALL RECEIVE THEIR CURRENT AMOUNT OF SENIOR CITIZEN PROGRAM
29 REIMBURSEMENT UNTIL SUCH TIME AS THE AMOUNT OF REIMBURSEMENT FOR
30 THESE SYSTEMS EQUALS SEVENTY-FIVE PERCENT OF THE AVERAGE FARE

1 TIMES THE NUMBER OF SENIOR CITIZENS TRIPS: PROVIDED, HOWEVER,
2 THAT REIMBURSEMENT FOR THE FISCAL YEAR 1980-1981 SHALL BE
3 CALCULATED USING THE AVERAGE FARES AS OF JANUARY 1, 1980.

4 (II) FREE OR REDUCED FARE ON SHARED RIDE COUNTY
5 TRANSPORTATION SYSTEMS FOR PERSONS SIXTY-FIVE YEARS OR OLDER:

6 (A) IN CASE OF FREE SERVICE ON SUCH COUNTY SYSTEMS, THE
7 COUNTY SHALL BE REIMBURSED AT SEVENTY-FIVE PERCENT OF THE COST
8 INCURRED OR TO BE INCURRED IN OPERATING AND MAINTAINING SUCH
9 SYSTEM, WITH THE REMAINDER OF ANY SUCH COST BEING PAID BY THE
10 COUNTY.

11 (B) IN CASE OF REDUCED FARE SERVICES ON SUCH COUNTY SYSTEMS,
12 THE COUNTY SHALL BE REIMBURSED AT THE SAME RATE AND UNDER THE
13 SAME CONDITIONS AS PROVIDED IN SUBPARAGRAPH (III).

14 (III) REDUCED FARE SERVICES ON LOCAL COMMON CARRIER MASS
15 TRANSPORTATION SYSTEMS TO PERSONS SIXTY-FIVE YEARS OF AGE OR
16 OLDER WHEN SUCH PASSAGE IS ON SHARED RIDE PUBLIC OR CONTRACT
17 TRANSPORTATION SERVICES DURING REGULAR HOURS OF OPERATION. ON
18 SHARED PUBLIC TRANSPORTATION, LOSSES ARE REIMBURSABLE ONLY IF
19 THE ELDERLY PERSON PAYS 25¢ OR TWENTY-FIVE PERCENT OF THE COST
20 OF THE INDIVIDUAL FARE, WHICHEVER IS GREATER.

21 (IV) IN NO CASE SHALL THE REIMBURSEMENTS FOR EACH SUCCEEDING
22 YEAR EXCEED THE PRIOR YEAR'S REIMBURSEMENTS INCREASED BY A
23 PERCENTAGE EQUAL TO THE PERCENTAGE INCREASE IN GRANTING COSTS
24 FOR ALL LOCAL TRANSPORTATION ORGANIZATIONS, COUNTY
25 TRANSPORTATION SYSTEMS AND TRANSPORTATION COMPANIES FOR THE MOST
26 RECENTLY COMPLETED STATE FISCAL YEAR AS COMPARED TO THE FISCAL
27 YEAR IMMEDIATELY PRECEDING SUCH YEAR.

28 (V) THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND
29 REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS
30 SUBPARAGRAPH. IN ACCORDANCE WITH SECTION 2203-A(27) OF THE ACT

1 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
2 CODE OF 1929," NO SUCH REGULATION SHALL TAKE EFFECT UNTIL THEY
3 ARE SUBMITTED TO THE DEPARTMENT OF AGING FOR COMMENT.

4 SECTION ~~105~~ 204. ANNUAL APPROPRIATION, COMPUTATION OF <—
5 SUBSIDY.--(A) THE COMMONWEALTH SHALL ANNUALLY DETERMINE THE
6 LEVEL OF APPROPRIATION FOR URBAN COMMON CARRIER MASS
7 TRANSPORTATION ASSISTANCE, USING THE STANDARDS CONTAINED IN THIS
8 SECTION, TO SUFFICIENTLY FUND AND TO MAKE FULLY OPERATIVE
9 SECTION ~~104~~ 203(2)(III) AND ~~104~~(3). <—

10 (B) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE TO THE
11 DEPARTMENT FOR DISTRIBUTION AN AMOUNT BASED UPON THE INDIVIDUAL
12 PROJECTED SUBSIDIES OF THE LOCAL TRANSPORTATION ORGANIZATIONS OR
13 TRANSPORTATION COMPANIES PARTICIPATING IN THE PROGRAM. EACH
14 LOCAL TRANSPORTATION ORGANIZATION AND TRANSPORTATION COMPANY
15 SHALL BE ENTITLED TO RECEIVE A STATE SUBSIDY OF AT LEAST TWO-
16 THIRDS BUT NOT MORE THAN THREE-QUARTERS OF ITS CONSTRAINED
17 DEFICIT: PROVIDED, HOWEVER, THAT IF AMOUNT OF MONEYS ACTUALLY <—
18 APPROPRIATED BY THE GENERAL ASSEMBLY IS GREATER OR LESSER THAN
19 THE LUMP SUM APPROPRIATION REQUEST, THE INDIVIDUAL CALCULATED
20 GRANTS SHALL BE PRORATED AMONG ALL RECIPIENTS IN ACCORDANCE WITH
21 THE PROVISIONS OF THIS ARTICLE USING A RATIO DETERMINED BY
22 APPLYING THE ACTUAL LUMP SUM APPROPRIATION TO THE LUMP SUM
23 APPROPRIATION REQUEST.

24 (C) THE CONSTRAINED DEFICIT SHALL BE AN AMOUNT EQUAL TO
25 ELIGIBLE OPERATING COSTS REDUCED BY ASSUMED REVENUES AND FEDERAL
26 OPERATING SUBSIDIES. FOR PURPOSES OF THIS SUBSECTION:

27 (1) ELIGIBLE OPERATING COSTS FOR THE BUDGET YEAR SHALL NOT
28 EXCEED THE PRIOR YEAR'S OPERATING COSTS FOR THE SAME LEVEL OF
29 SERVICE INCREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE
30 INCREASE IN OPERATING COSTS FOR ALL LOCAL TRANSPORTATION

1 ORGANIZATIONS AND TRANSPORTATION COMPANIES FOR THE MOST RECENTLY
2 COMPLETED STATE FISCAL YEAR AS COMPARED TO THE FISCAL YEAR
3 IMMEDIATELY PRECEDING SUCH YEAR PLUS FIFTEEN PERCENT OF SUCH
4 INCREASE.

5 (2) (I) ASSUMED REVENUES SHALL BE A PERCENTAGE OF ELIGIBLE <—
6 OPERATING COSTS AS DETERMINED BY REFERENCE TO THE FOLLOWING
7 TABLE:

8	<u>FISCAL YEAR</u>	<u>(A)</u>	<u>(B)</u>	
9	<u>1980-81</u>	<u>44%</u>	<u>34%</u>	<—
10	<u>1981-82</u>	<u>42%</u>	<u>32%</u>	
11	<u>1982-83</u>	<u>40%</u>	<u>30%</u>	
12	<u>1983-84</u>	<u>38%</u>	<u>28%</u>	
13	<u>1984-85</u>	<u>36%</u>	<u>26%</u>	
14	<u>1980-81</u>	<u>48%</u>	<u>38%</u>	
15	<u>1981-82</u>	<u>48%</u>	<u>38%</u>	
16	<u>1982-83</u>	<u>46%</u>	<u>36%</u>	
17	<u>1983-84</u>	<u>44%</u>	<u>34%</u>	
18	<u>1984-85</u>	<u>42%</u>	<u>32%</u>	

19 WHERE (II) COLUMN (A) IS TO BE USED FOR LOCAL TRANSPORTATION <—
20 ORGANIZATIONS OR TRANSPORTATION COMPANIES OPERATING MORE THAN
21 TWENTY TRANSIT VEHICLES IN THE PEAK PERIOD AND COLUMN (B) IS TO
22 BE USED FOR LOCAL TRANSPORTATION ORGANIZATIONS OR TRANSPORTATION
23 COMPANIES OPERATING TWENTY OR FEWER TRANSIT VEHICLES IN THE PEAK
24 PERIOD.

25 (III) IN ANY CASE WHERE A LOCAL TRANSPORTATION ORGANIZATION <—
26 OR TRANSPORTATION COMPANY INCREASES OR DECREASES THE NUMBER OF
27 TRANSIT VEHICLES OPERATING DURING THE PEAK PERIOD SO AS TO MOVE
28 FROM COLUMN (B) TO COLUMN (A) OR FROM COLUMN (A) TO COLUMN (B)
29 THE DEPARTMENT MAY MAKE APPROPRIATE ADJUSTMENTS REGARDING
30 ASSUMED REVENUES DURING A REASONABLE PERIOD FOLLOWING SUCH

1 INCREASE OR DECREASE.

2 (3) FEDERAL OPERATING SUBSIDIES SHALL MEAN THE TOTAL
3 OPERATING ASSISTANCE FUNDS IN THE BUDGET YEAR TO WHICH THE <—
4 ELIGIBLE GRANTEE IS ENTITLED ACTUALLY RECEIVES UNDER THE FEDERAL <—
5 URBAN MASS TRANSPORTATION ACT OF 1964, PUBLIC LAW 88-365 (49
6 U.S.C. § 1601, ET SEQ.) OR ANY OTHER FEDERAL LAW.

7 (D) THE BASIC SUBSIDY FOR WHICH EACH LOCAL TRANSPORTATION
8 ORGANIZATION OR TRANSPORTATION COMPANY SHALL BE ENTITLED SHALL
9 BE EQUAL TO SIXTY-SIX AND TWO-THIRDS PERCENT OF ITS CONSTRAINED
10 DEFICIT.

11 (E) EACH LOCAL TRANSPORTATION ORGANIZATION OR TRANSPORTATION
12 COMPANY SHALL RECEIVE, IN ADDITION TO THE BASIC SUBSIDY, AN
13 INCENTIVE GRANT SUBSIDY OF UP TO EIGHT AND ONE-THIRD PERCENT OF
14 ITS CONSTRAINED DEFICIT BASED UPON A FINDING THAT THE LOCAL
15 TRANSPORTATION ORGANIZATION OR TRANSPORTATION COMPANY FOR THE
16 MOST RECENTLY COMPLETED STATE FISCAL YEAR AS COMPARED TO THE
17 FISCAL YEAR IMMEDIATELY PRECEDING SUCH YEAR HAS MET OR EXCEEDED
18 THE FOLLOWING PERFORMANCE FACTORS. EACH FACTOR WHICH A LOCAL
19 TRANSPORTATION ORGANIZATION OR TRANSPORTATION COMPANY MEETS
20 SHALL RESULT IN AN ADDITIONAL INCREASE IN STATE FUNDING OF ITS
21 CONSTRAINED DEFICIT. THE FACTORS TO BE CONSIDERED BY THE
22 DEPARTMENT IN AWARDING INCENTIVE GRANT SUBSIDIES ARE AS FOLLOWS:

23 (1) A DECREASE OF NO MORE THAN TWO PERCENTAGE POINTS IN THE
24 SYSTEM'S REVENUE/COST RATIO FROM THE PREVIOUS FISCAL YEAR.

25 (2) HIGHER RIDERSHIP PER VEHICLE HOUR IN THE SYSTEM THAN IN
26 THE PREVIOUS FISCAL YEAR.

27 (3) HIGHER OPERATING REVENUE PER VEHICLE HOUR IN THE SYSTEM
28 THAN IN PREVIOUS FISCAL YEAR.

29 (4) LOWER OPERATING COSTS PER VEHICLE HOUR IN THE SYSTEM
30 (ADJUSTED FOR INFLATION) THAN IN THE PREVIOUS FISCAL YEAR.

1 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO
2 LOCAL TRANSPORTATION ORGANIZATION OR TRANSPORTATION COMPANY
3 SHALL BE ENTITLED TO RECEIVE AN AMOUNT WITH RESPECT TO ANY
4 FISCAL YEAR GREATER THAN SEVENTY-FIVE PERCENT OF ITS ACTUAL <—
5 OPERATING COSTS LESS ACTUAL REVENUES AND FEDERAL SUBSIDIES FOR
6 THAT FISCAL YEAR.

7 (G) A LOCAL TRANSPORTATION ORGANIZATION OR TRANSPORTATION
8 COMPANY MAY AT ITS OPTION SUBMIT AN APPLICATION FOR PROJECT
9 GRANTS COVERING MODES OR OPERATING SUBSIDIARIES ON AN INDIVIDUAL
10 BASIS OR ON A COLLECTIVE BASIS.

11 (H) RECIPIENTS OF FUNDS UNDER THIS SECTION SHALL SUBMIT TO
12 THE DEPARTMENT BETWEEN AUGUST 15 AND SEPTEMBER 15 OF EACH
13 CALENDAR YEAR A PROPOSED BUDGET FOR THE BUDGET YEAR BEGINNING
14 JULY 1 TOGETHER WITH BUDGET PROJECTIONS FOR FOUR SUCCEEDING
15 BUDGET YEARS. BUDGET PROPOSALS, BASED UPON INFORMATION SUBMITTED
16 BY INDIVIDUAL RECIPIENTS, SHALL APPEAR AS LINE ITEMS IN THE
17 DEPARTMENT'S BUDGET REQUEST: PROVIDED, HOWEVER, THAT THE
18 DEPARTMENT BUDGET REQUEST FOR FUNDS UNDER THIS SECTION SHALL BE
19 MADE AS A LUMP SUM APPROPRIATION REQUEST WHICH SHALL BE THE
20 TOTAL OF SUCH LINE ITEMS. IF AMOUNT OF MONEYS ACTUALLY <—
21 ~~APPROPRIATED BY THE GENERAL ASSEMBLY IS GREATER OR LESSER THAN~~
22 ~~THE LUMP SUM APPROPRIATION REQUEST, THE INDIVIDUAL CALCULATED~~
23 ~~GRANTS SHALL BE PRORATED AMONG ALL RECIPIENTS IN ACCORDANCE WITH~~
24 ~~THE PROVISIONS OF THIS ACT ARTICLE USING A RATIO DETERMINED BY~~
25 ~~APPLYING THE ACTUAL LUMP SUM APPROPRIATION TO THE LUMP SUM~~
26 ~~APPROPRIATION REQUEST.~~

27 (I) LOCAL TRANSPORTATION ORGANIZATIONS AND TRANSPORTATION
28 COMPANIES SHALL BE PREPARED TO APPEAR INDIVIDUALLY BEFORE THE
29 APPROPRIATION COMMITTEES OF THE SENATE AND THE HOUSE OF
30 REPRESENTATIVES TO JUSTIFY BUDGET REQUESTS.

1 SECTION ~~106~~ 205. GRANT PROPOSALS.--(A) GRANTS MAY BE MADE <—
2 HEREUNDER WITH REFERENCE TO ANY APPROPRIATE PROJECT IRRESPECTIVE
3 OF WHEN IT WAS FIRST COMMENCED OR CONSIDERED AND REGARDLESS OF
4 WHETHER COSTS WITH RESPECT THERETO SHALL HAVE BEEN INCURRED
5 PRIOR TO THE TIME THE GRANT IS APPLIED FOR OR MADE.

6 (B) THE GOVERNING BODIES OF MUNICIPALITIES, COUNTIES OR
7 THEIR INSTRUMENTALITIES, AND AGENCIES AND INSTRUMENTALITIES OF
8 THE COMMONWEALTH MAY, BY FORMAL RESOLUTION, APPLY AND
9 TRANSPORTATION COMPANIES BY APPLICATION MAY APPLY TO THE
10 DEPARTMENT FOR STATE GRANT FUNDS PROVIDED BY THIS ACT ARTICLE. <—

11 IF SUCH ACTION IS TAKEN BY ANY SUCH GOVERNING BODY, A CERTIFIED
12 COPY OF THE RESOLUTION AND IN THE CASE OF TRANSPORTATION
13 COMPANIES, AN APPLICATION SHALL BE FORWARDED TO THE DEPARTMENT
14 WITH A PROPOSAL OF THE GOVERNING BODY OR COMPANY, WHICH SHALL
15 SET FORTH THE USE TO BE MADE OF STATE GRANT FUNDS AND THE AMOUNT
16 OF FUNDS REQUIRED.

17 (C) THE DEPARTMENT SHALL GIVE PREFERENCE TO ANY PROPOSAL
18 WHICH WILL ASSIST IN CARRYING OUT A PLAN, MEETING CRITERIA
19 ESTABLISHED BY THE DEPARTMENT, FOR A UNIFIED OR OFFICIALLY
20 COORDINATED URBAN TRANSPORTATION SYSTEM AS A PART OF THE
21 COMPREHENSIVELY PLANNED DEVELOPMENT OF THE URBAN AREA, WHICH IS
22 NECESSARY FOR THE SOUND, ECONOMIC AND DESIRABLE DEVELOPMENT OF
23 SUCH AREA, AND WHICH SHALL ENCOURAGE TO THE MAXIMUM EXTENT
24 FEASIBLE THE PARTICIPATION OF PRIVATE ENTERPRISE.

25 (D) THE USE OF THE STATE GRANT FUNDS SHALL BE FOR THE
26 PURPOSES SET FORTH IN SECTION ~~104~~ 203, AND WITHOUT LIMITING THE <—
27 GENERALITY OF THE FOREGOING, MAY BE USED FOR LOCAL CONTRIBUTIONS
28 REQUIRED BY THE FEDERAL URBAN MASS TRANSPORTATION ACT OF 1964,
29 AS AMENDED, OR OTHER FEDERAL LAW CONCERNING COMMON CARRIER MASS
30 TRANSPORTATION.

1 (E) THE DEPARTMENT SHALL REVIEW THE PROPOSAL AND, IF
2 SATISFIED THAT THE PROPOSAL IS IN ACCORDANCE WITH THE PURPOSES
3 OF THIS ACT ARTICLE, SHALL ENTER INTO A GRANT AGREEMENT SUBJECT <—
4 TO THE CONDITION THAT THE GRANT BE USED IN ACCORDANCE WITH THE
5 TERMS OF THE PROPOSAL.

6 (F) THE TIME OF PAYMENT OF THE GRANT AND ANY CONDITIONS
7 CONCERNING SUCH PAYMENT SHALL BE SET FORTH IN THE GRANT
8 AGREEMENT.

9 SECTION ~~107~~ 206. RULES AND REGULATIONS OF THE DEPARTMENT.-- <—
10 IN ORDER TO EFFECTUATE AND ENFORCE THE PROVISIONS OF THIS ACT <—
11 ARTICLE, THE DEPARTMENT IS AUTHORIZED TO PROMULGATE NECESSARY
12 RULES AND REGULATIONS AND PRESCRIBE CONDITIONS AND PROCEDURES IN
13 ORDER TO ASSURE COMPLIANCE IN CARRYING OUT THE PURPOSES FOR
14 WHICH GRANTS MAY BE MADE HEREUNDER.

15 SECTION ~~108~~ 207. COOPERATION WITH OTHER GOVERNMENTS AND <—
16 PRIVATE INTERESTS.--(A) THE DEPARTMENT IS DIRECTED TO
17 ADMINISTER THIS PROGRAM WITH SUCH FLEXIBILITY AS TO PERMIT FULL
18 COOPERATION BETWEEN FEDERAL, STATE AND LOCAL GOVERNMENTS,
19 AGENCIES AND INSTRUMENTALITIES, AS WELL AS PRIVATE INTERESTS, SO
20 AS TO RESULT IN AS EFFECTIVE AND ECONOMICAL A PROGRAM AS
21 POSSIBLE.

22 (B) THE DEPARTMENT IS HEREBY AUTHORIZED TO ENTER INTO
23 AGREEMENTS PROVIDING FOR MUTUAL COOPERATION BETWEEN OR AMONG IT
24 AND ANY FEDERAL AGENCY, LOCAL TRANSPORTATION ORGANIZATION OR
25 TRANSPORTATION COMPANY, CONCERNING ANY OR ALL PROJECTS,
26 INCLUDING JOINT APPLICATIONS FOR FEDERAL GRANTS.

27 (C) IT IS THE PURPOSE AND INTENT OF THIS ACT ARTICLE TO <—
28 AUTHORIZE THE DEPARTMENT TO DO ANY AND ALL OTHER THINGS
29 NECESSARY OR DESIRABLE TO SECURE THE FINANCIAL AID OR
30 COOPERATION OF ANY FEDERAL AGENCY IN ANY OF THE DEPARTMENT'S

1 PROJECTS, AND TO DO AND PERFORM ALL THINGS WHICH MAY BE REQUIRED
2 BY ANY STATUTE OF THE UNITED STATES OF AMERICA OR BY THE LAWFUL
3 REQUIREMENTS OF ANY FEDERAL AGENCY AUTHORIZED TO ADMINISTER ANY
4 PROGRAM OF FEDERAL AID TO TRANSPORTATION.

5 SECTION ~~109~~ 208. GRANTS BY COUNTIES OR MUNICIPALITIES.--ANY <—
6 COUNTY OR MUNICIPALITY IN ANY METROPOLITAN AREA WHICH IS A
7 MEMBER OF A LOCAL TRANSPORTATION ORGANIZATION SHALL BE AND IT IS
8 HEREBY AUTHORIZED TO MAKE ANNUAL GRANTS FROM CURRENT REVENUES TO
9 SUCH LOCAL TRANSPORTATION ORGANIZATION TO ASSIST IN DEFRAYING
10 THE COSTS OF OPERATIONS, MAINTENANCE AND DEBT SERVICE OF SUCH
11 LOCAL TRANSPORTATION ORGANIZATION OR OF A PARTICULAR MASS
12 TRANSPORTATION PROJECT OF SUCH LOCAL TRANSPORTATION ORGANIZATION
13 AND TO ENTER INTO LONG-TERM AGREEMENTS PROVIDING FOR THE PAYMENT
14 OF THE SAME. THE OBLIGATION OF A MUNICIPALITY OR COUNTY UNDER
15 ANY SUCH AGREEMENT SHALL NOT BE CONSIDERED TO BE A PART OF ITS
16 INDEBTEDNESS, NOR SHALL SUCH OBLIGATION BE DEEMED TO IMPAIR THE
17 STATUS OF ANY INDEBTEDNESS OF SUCH MUNICIPALITY OR COUNTY WHICH
18 WOULD OTHERWISE BE CONSIDERED AS SELF-SUSTAINING.

19 SECTION ~~110~~ 209. LIMITATION ON DECISIONS, FINDINGS AND <—
20 REGULATIONS MADE BY THE SECRETARY.--ALL DECISIONS, FINDINGS AND
21 REGULATIONS MADE BY THE SECRETARY PURSUANT TO THIS ACT ARTICLE <—
22 SHALL BE FOR THE PURPOSES OF THIS ACT ARTICLE ONLY AND SHALL NOT <—
23 CONSTITUTE EVIDENCE BEFORE ANY REGULATORY BODY OF THIS
24 COMMONWEALTH OR ANY OTHER JURISDICTION.

25 SECTION ~~111.~~ CONSTITUTIONAL CONSTRUCTION. THE PROVISIONS OF <—
26 THIS ACT SHALL BE SEVERABLE, AND IF ANY OF THE PROVISIONS
27 THEREOF SHALL BE HELD UNCONSTITUTIONAL, SUCH DECISIONS SHALL NOT
28 AFFECT THE VALIDITY OF ANY OF THE REMAINING PROVISIONS OF THIS
29 ACT. IT IS HEREBY DECLARED AS THE LEGISLATIVE INTENT THAT THIS
30 ACT WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL PROVISION

~~NOT BEEN INCLUDED HEREIN.~~

~~ARTICLE II III~~

~~METROPOLITAN TRANSPORTATION AUTHORITIES~~

~~SECTION 201. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND
MAY BE CITED AS THE "METROPOLITAN TRANSPORTATION AUTHORITIES
ACT."~~

~~SECTION 202 301. LEGISLATIVE FINDING; DECLARATION OF
POLICY.--(A) IT IS HEREBY DETERMINED AND DECLARED AS A MATTER
OF LEGISLATIVE FINDING:~~

~~(1) THAT THERE EXISTS IN THE URBAN AND SUBURBAN COMMUNITIES
IN METROPOLITAN AREAS, TRAFFIC CONGESTION AND SERIOUS MASS
TRANSPORTATION PROBLEMS BECAUSE OF UNDERDEVELOPED, UNCOORDINATED
OBSOLETE MASS TRANSPORTATION FACILITIES RESULTING IN INADEQUATE
OR OVERCROWDED HIGH COST CONDITIONS ON OUR HIGHWAYS AND EXISTING
MASS TRANSPORTATION FACILITIES.~~

~~(2) THAT SUCH CONDITIONS OR A COMBINATION OF SOME OR ALL OF
THEM HAVE MADE AND WILL CONTINUE TO RESULT IN MAKING SUCH
COMMUNITIES ECONOMIC AND SOCIAL LIABILITIES, HARMFUL TO THE
SOCIAL AND ECONOMIC WELL-BEING OF THE ENTIRE AREA, DEPRECIATING
VALUES THEREIN, REDUCING THE TAX REVENUES, MAKING THE
METROPOLITAN AREAS AND THEIR CONSTITUENT COMMUNITIES LESS
DESIRABLE AREAS IN WHICH TO LIVE AND WORK AND THEREBY
DEPRECIATING FURTHER THE GENERAL COMMUNITY-WIDE VALUES.~~

~~(3) THAT THE FOREGOING CONDITIONS CANNOT BE EFFECTIVELY
DEALT WITH BY PRIVATE ENTERPRISE UNDER EXISTING LAW WITHOUT THE
ADDITIONAL AIDS HEREIN GRANTED AND ARE BEYOND REMEDY OR CONTROL
BY GOVERNMENTAL REGULATORY PROCESSES.~~

~~(4) THAT THE SOUND REPLANNING AND REDEVELOPMENT OF
METROPOLITAN MASS TRANSPORTATION FACILITIES IN ACCORDANCE WITH
SOUND AND APPROVED PLANS FOR THEIR PROMOTION, DEVELOPMENT AND~~

1 GROWTH WILL PROMOTE THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND
2 WELFARE AND THAT THE PUBLIC ACQUISITION OF EXISTING MASS
3 TRANSPORTATION FACILITIES IN ACCORDANCE WITH THE SAID SOUND
4 PLANS FOR THEIR REDEVELOPMENT AND PROMOTION WILL PROMOTE THE
5 PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE.

6 (5) THAT THE WELL-BEING AND ECONOMIC HEALTH OF THE COUNTIES
7 AND OTHER COMMUNITIES IN THE METROPOLITAN AREAS REQUIRE
8 INTEGRATED SYSTEMS OF MASS PASSENGER TRANSPORTATION.

9 (6) THAT IT IS DESIRABLE THAT THE PUBLIC TRANSPORTATION
10 SYSTEMS IN THE METROPOLITAN AREAS BE COMBINED, IMPROVED,
11 EXTENDED AND SUPPLEMENTED BY THE CREATION OF AUTHORITIES AS
12 HEREIN PROVIDED.

13 (7) THAT THE ESTABLISHMENT OF METROPOLITAN TRANSPORTATION
14 AUTHORITIES WILL PROMOTE THE PUBLIC SAFETY, CONVENIENCE AND
15 WELFARE.

16 (8) THAT IT IS INTENDED THAT SUCH AUTHORITIES COOPERATE WITH
17 AND/OR ACQUIRE EXISTING TRANSPORTATION FACILITIES THAT PRIVATE
18 ENTERPRISE AND GOVERNMENT MAY MUTUALLY PROVIDE ADEQUATE TRANSIT
19 FACILITIES FOR THE CONVENIENCE OF THE PUBLIC.

20 (9) THAT IT IS INTENDED THAT ANY AUTHORITY CREATED HEREUNDER
21 WILL COOPERATE WITH ALL MUNICIPALITIES AND OTHER PUBLIC BODIES
22 IN WHOSE TERRITORIES IT OPERATES SO THAT THE MASS PASSENGER
23 TRANSPORTATION SYSTEM MAY BEST SERVE THE INTERESTS OF THE
24 RESIDENTS THEREOF.

25 (B) THEREFORE, IT IS HEREBY DECLARED TO BE THE POLICY OF THE
26 COMMONWEALTH OF PENNSYLVANIA TO PROMOTE THE SAFETY AND WELFARE
27 OF THE INHABITANTS THEREOF BY AUTHORIZING THE CREATION OF A BODY
28 CORPORATE AND POLITIC FOR EACH METROPOLITAN AREA, TO BE KNOWN AS
29 THE TRANSPORTATION AUTHORITY OF SUCH AREA, WHICH SHALL EXIST AND
30 OPERATE FOR THE PURPOSES CONTAINED IN THIS ACT ARTICLE. SUCH

<—

1 PURPOSES ARE HEREBY DECLARED TO BE PUBLIC USES FOR WHICH PUBLIC
2 MONEY MAY BE SPENT AND PRIVATE PROPERTY MAY BE ACQUIRED BY THE
3 EXERCISE OF THE POWER OF EMINENT DOMAIN.

4 SECTION ~~203~~ 302. DEFINITIONS.--(A) THE FOLLOWING TERMS, <—
5 WHENEVER USED OR REFERRED TO IN THIS ARTICLE, SHALL HAVE THE
6 FOLLOWING MEANINGS, EXCEPT IN THOSE INSTANCES WHERE THE CONTEXT
7 CLEARLY INDICATES OTHERWISE:

8 "AUTHORITY" SHALL MEAN ANY BODY CORPORATE AND POLITIC CREATED
9 PURSUANT TO THIS ~~ACT~~ ARTICLE. <—

10 "BOARD" SHALL MEAN THE GOVERNING AND POLICY MAKING BODY OF AN
11 AUTHORITY.

12 "COMMONWEALTH" SHALL MEAN THE COMMONWEALTH OF PENNSYLVANIA.

13 "COMPREHENSIVE TRANSIT PLAN" SHALL MEAN A COMPREHENSIVE
14 STATEMENT, CONSISTING OF MAPS, CHARTS AND TEXTUAL MATTER, OF THE
15 AUTHORITY'S POLICIES, STRATEGIES AND OBJECTIVES FOR THE
16 DEVELOPMENT OF THE TRANSIT SYSTEM CONSISTENT WITH THE
17 LEGISLATIVE FINDINGS AND DECLARED POLICY OF THIS ~~ACT~~ ARTICLE AND <—
18 THE RIGHTS, POWERS AND DUTIES OF THE AUTHORITY.

19 "COUNTY COMMISSIONERS" SHALL MEAN THE MEMBERS OF THE BOARD OF
20 COUNTY COMMISSIONERS IN EACH OF THE COUNTIES IN THE METROPOLITAN
21 AREA, EXCEPT COUNTIES OF THE FIRST CLASS.

22 "FEDERAL AGENCY" SHALL MEAN AND INCLUDE THE UNITED STATES OF
23 AMERICA, THE PRESIDENT OF THE UNITED STATES AND ANY DEPARTMENT
24 OR CORPORATION, AGENCY OR INSTRUMENTALITY, HERETOFORE OR
25 HEREAFTER CREATED, DESIGNATED OR ESTABLISHED BY THE UNITED
26 STATES OF AMERICA.

27 "GOVERNOR" MEANS THE GOVERNOR OF THE COMMONWEALTH OF
28 PENNSYLVANIA.

29 "LEGISLATIVE BODY" SHALL MEAN, IN COUNTIES OF THE FIRST
30 CLASS, THE CITY COUNCIL; IN THE OTHER COUNTIES THE BOARD OF

COUNTY COMMISSIONERS OR THE COUNTY COUNCIL; AND IN THE OTHER MUNICIPALITIES, THAT BODY AUTHORIZED BY LAW TO ENACT ORDINANCES.

"MAJORITY" SHALL MEAN ANY WHOLE NUMBER CONSTITUTING MORE THAN HALF OF THE TOTAL NUMBER, E.G., A MAJORITY OF FIVE EQUALS THREE OR MORE; A MAJORITY OF SIX EQUALS FOUR OR MORE.

"MAYOR" SHALL MEAN THE CHIEF EXECUTIVE OFFICER OF ANY FIRST CLASS CITY IN ANY FIRST CLASS COUNTY.

"METROPOLITAN AREA" SHALL MEAN ALL OF THE TERRITORY WITHIN THE BOUNDARIES OF ANY COUNTY OF THE FIRST CLASS AND ALL OTHER COUNTIES LOCATED IN WHOLE OR IN PART WITHIN TWENTY MILES OF SUCH FIRST CLASS COUNTY.

"MUNICIPALITY" MEANS ANY CITY, COUNTY, BOROUGH OR TOWNSHIP OF THE FIRST OR SECOND CLASS WITHIN ANY METROPOLITAN AREA.

"PERSONS" SHALL MEAN AND INCLUDE CORPORATIONS, ASSOCIATIONS AND OTHER LEGAL ENTITIES, AS WELL AS NATURAL PERSONS.

"PROJECT" SHALL MEAN ANY STRUCTURE, FACILITY OR UNDERTAKING WHICH AN AUTHORITY IS AUTHORIZED TO ACQUIRE, CONSTRUCT, IMPROVE, LEASE, MAINTAIN, OPERATE, CONTRACT FOR, OR OTHERWISE FUNCTION WITH RESPECT TO, UNDER THE PROVISIONS OF THIS ACT ARTICLE.

<—

"TRANSIT VEHICLE" MEANS EVERY VEHICLE WHICH IS SELF-PROPELLED OR WHICH IS PROPELLED BY ELECTRIC POWER.

"TRANSPORTATION SYSTEM" SHALL MEAN ALL PROPERTY, REAL AND PERSONAL, USEFUL FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE, INCLUDING BUT NOT LIMITED TO POWER PLANTS, SUBSTATIONS, TERMINALS, GARAGES, BRIDGES, TUNNELS, SUBWAYS, ELEVATED LINES, MONORAILS, RAILROAD MOTIVE POWER, TRAINS, RAILROAD PASSENGER CARS AND EQUIPMENT, BELT CONVEYORS, INCLINES, CAR BARNs, STREET CARS, BUSES, RAILS, LINES, POLES, WIRES, STATIONS, OFF-STREET PARKING FACILITIES RIGHTS-OF-WAY, AS WELL AS THE FRANCHISES, RIGHTS AND LICENSES THEREFOR, INCLUDING RIGHTS TO PROVIDE GROUP

1 AND PARTY SERVICES: PROVIDED, THAT SUCH TERM SHALL NOT INCLUDE
2 TAXICABS.

3 (B) WORDS IMPORTING THE SINGULAR SHALL INCLUDE THE PLURAL;
4 THE MASCULINE SHALL INCLUDE THE FEMININE AND VICE VERSA.

5 SECTION ~~204~~ 303. CREATION OF TRANSPORTATION AUTHORITIES; <—
6 RIGHTS AND POWERS.--(A) THERE IS HEREBY AUTHORIZED THE CREATION
7 OF A SEPARATE BODY CORPORATE AND POLITIC IN EACH METROPOLITAN
8 AREA, TO BE KNOWN AS THE TRANSPORTATION AUTHORITY OF SUCH AREA,
9 EXTENDING TO AND INCLUDING ALL OF THE TERRITORY IN THE
10 METROPOLITAN AREA. AN AUTHORITY SHALL IN NO WAY BE DEEMED TO BE
11 AN INSTRUMENTALITY OF ANY CITY OR COUNTY OR OTHER MUNICIPALITY
12 OR ENGAGED IN THE PERFORMANCE OF A MUNICIPAL FUNCTION, BUT SHALL
13 EXERCISE THE PUBLIC POWERS OF THE COMMONWEALTH AS AN AGENCY AND
14 INSTRUMENTALITY THEREOF. AN AUTHORITY SHALL EXIST FOR THE
15 PURPOSE OF PLANNING, ACQUIRING, HOLDING, CONSTRUCTING,
16 IMPROVING, MAINTAINING, OPERATING, LEASING, EITHER AS LESSOR OR
17 LESSEE, AND OTHERWISE FUNCTIONING WITH RESPECT TO, A
18 TRANSPORTATION SYSTEM IN THE METROPOLITAN AREA, AND, OUTSIDE OF
19 SUCH AREA, WHETHER WITHIN OR BEYOND THE BOUNDARIES OF THE
20 COMMONWEALTH, TO THE EXTENT NECESSARY FOR THE OPERATION OF AN
21 INTEGRATED SYSTEM AND FOR THE PROVISION OF ALL GROUP AND PARTY
22 SERVICES WHICH CAN BE PROVIDED BY TRANSPORTATION SYSTEMS SUBJECT
23 TO ACQUISITION UNDER THIS ~~ACT~~ ARTICLE: PROVIDED, HOWEVER, THAT <—
24 ALL SERVICES RENDERED BY THE AUTHORITY OUTSIDE THE METROPOLITAN
25 AREA SHALL BE PURSUANT TO CERTIFICATES OF PUBLIC CONVENIENCE OR
26 OTHER APPROPRIATE AUTHORIZATION ISSUED TO IT BY THE PENNSYLVANIA
27 PUBLIC UTILITY COMMISSION, OR OTHER APPROPRIATE REGULATORY
28 AGENCY OF ANY STATE OR THE FEDERAL GOVERNMENT. AN AUTHORITY
29 SHALL TRANSACT NO BUSINESS OR OTHERWISE BECOME OPERATIVE UNTIL
30 AND UNLESS A MAJORITY OF ITS BOARD SHALL HAVE BEEN QUALIFIED IN

1 ACCORDANCE WITH THIS ACT ARTICLE.

2 (B) THE CERTIFICATION BY THE APPOINTING POWER OF EACH BOARD
3 MEMBER, AND THE CONSTITUTIONAL OATH OF OFFICE SUBSCRIBED BY EACH
4 MEMBER, SHALL BE FILED WITH THE DEPARTMENT OF STATE AND UPON THE
5 RECEIPT OF INITIAL CERTIFICATIONS AND RESPECTIVE OATHS OF A
6 MAJORITY OF THE TOTAL NUMBER OF BOARD MEMBERS APPROPRIATE TO ANY
7 METROPOLITAN AREA, THE SECRETARY OF THE COMMONWEALTH SHALL ISSUE
8 A CERTIFICATE OF INCORPORATION. SUCH CERTIFICATE SHALL REFER TO
9 THE AUTHORITY BY THE NAME WHICH SHALL BE DESIGNATED BY SUCH
10 BOARD MEMBERS.

11 (C) IN ANY SUIT, ACTION OR PROCEEDING INVOLVING OR RELATING
12 TO THE VALIDITY OR ENFORCEMENT OF ANY CONTRACT OR ACT OF AN
13 AUTHORITY, A COPY OF THE CERTIFICATE OF INCORPORATION, DULY
14 CERTIFIED BY THE DEPARTMENT OF STATE, SHALL BE ADMISSIBLE IN
15 EVIDENCE, AND SHALL BE CONCLUSIVE PROOF OF THE LEGAL
16 ESTABLISHMENT OF THE AUTHORITY.

17 (D) A DULY CERTIFIED AUTHORITY SHALL HAVE AND MAY EXERCISE
18 ALL POWERS NECESSARY OR CONVENIENT FOR THE CARRYING OUT OF THE
19 AFORESAID PURPOSES, INCLUDING BUT WITHOUT LIMITING THE
20 GENERALITY OF THE FOREGOING, THE FOLLOWING RIGHTS OR POWERS:

21 (1) TO HAVE PERPETUAL EXISTENCE.

22 (2) TO SUE AND BE SUED, IMPEAD AND BE IMPEADED, COMPLAIN
23 AND DEFEND IN ALL COURTS, TO PETITION THE INTERSTATE COMMERCE
24 COMMISSION OR OTHER REGULATORY BODY, OR JOIN IN ANY PROCEEDING
25 BEFORE ANY SUCH BODIES OR COURTS IN ANY MATTER AFFECTING THE
26 OPERATION OF ANY PROJECT OF THE AUTHORITY.

27 (3) TO ADOPT AND USE AND ALTER AT WILL A CORPORATE SEAL.

28 (4) TO ESTABLISH A PRINCIPAL OFFICE WITHIN THE COUNTY OF THE
29 FIRST CLASS AND SUCH OTHER OFFICE OR OFFICES AS MAY BE NECESSARY
30 FOR THE CARRYING ON OF ITS DUTIES.

1 (5) TO ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE AND USE ANY
2 FRANCHISE, PROPERTY, REAL, PERSONAL OR MIXED, TANGIBLE OR
3 INTANGIBLE, OR ANY INTEREST THEREIN NECESSARY, OR DESIRABLE FOR
4 CARRYING OUT THE PURPOSES OF THE AUTHORITY, AND TO SELL, LEASE
5 AS LESSOR, TRANSFER AND DISPOSE OF ANY PROPERTY, OR INTEREST
6 THEREIN, AT ANY TIME ACQUIRED BY IT. IN EXERCISING ANY OF THE
7 POWERS GRANTED BY THIS PARAGRAPH, THE AUTHORITY SHALL CONSIDER,
8 INTER ALIA, THE SAME VALUE FACTORS AS PROVIDED IN SECTION 109 OF <—
9 THIS ACT 309 IN DETERMINING COMPENSATION UNDER THE EXERCISE OF
10 EMINENT DOMAIN.

11 (6) TO ACQUIRE BY PURCHASE, LEASE, OR OTHERWISE, AND TO
12 CONSTRUCT, IMPROVE, MAINTAIN, REPAIR AND OPERATE PASSENGER
13 TRANSPORTATION FACILITIES.

14 (7) TO MAKE AND FROM TIME TO TIME TO AMEND AND REPEAL
15 BYLAWS, RULES, REGULATIONS AND RESOLUTIONS.

16 (8) TO APPOINT OFFICERS, AGENTS, EMPLOYES AND SERVANTS, TO
17 PRESCRIBE THEIR DUTIES AND FIX THEIR COMPENSATION, SUBJECT,
18 HOWEVER, TO SPECIFIC PROVISIONS OF THIS ACT ARTICLE. <—

19 (9) TO FIX, ALTER, CHARGE AND COLLECT FARES, RATES, RENTALS
20 AND OTHER CHARGES FOR ITS FACILITIES BY ZONES OR OTHERWISE AT
21 REASONABLE RATES TO BE DETERMINED EXCLUSIVELY BY IT, SUBJECT TO
22 APPEAL, AS HEREINAFTER PROVIDED, FOR THE PURPOSE OF PROVIDING
23 FOR THE PAYMENT OF ALL EXPENSES AND OBLIGATIONS OF THE
24 AUTHORITY, INCLUDING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT,
25 REPAIR, MAINTENANCE AND OPERATION OF ITS FACILITIES AND
26 PROPERTIES, THE PAYMENT OF THE PRINCIPAL AND INTEREST ON ITS
27 OBLIGATIONS, AND TO COMPLY FULLY WITH THE TERMS AND PROVISIONS
28 OF ANY AGREEMENTS MADE WITH THE PURCHASERS OR HOLDERS OF ANY
29 SUCH OBLIGATIONS. THE AUTHORITY SHALL DETERMINE BY ITSELF <—
30 EXCLUSIVELY, AFTER A PUBLIC HEARING, NOTICE OF WHICH SHALL BE

1 ~~PUBLISHED IN TWO NEWSPAPERS OF GENERAL CIRCULATION AND A~~
2 ~~PUBLICATION SPECIFICALLY DESIGNED TO REACH MINORITIES NOT FEWER~~
3 ~~THAN THIRTY CALENDAR DAYS PRIOR TO SUCH HEARING, THE FACILITIES~~
4 ~~TO BE OPERATED BY IT, THE SERVICES TO BE AVAILABLE TO THE~~
5 ~~PUBLIC, AND THE RATES TO BE CHARGED THEREFOR. THE AUTHORITY~~
6 ~~SHALL DETERMINE BY ITSELF, EXCLUSIVELY, THE FACILITIES TO BE~~
7 ~~OPERATED BY IT, THE SERVICES TO BE AVAILABLE AND THE RATES TO BE~~
8 ~~CHARGED THEREFOR. PUBLIC HEARINGS SHALL BE HELD PRIOR TO SUCH~~
9 ~~DETERMINATIONS WHEN CHANGES ARE PROPOSED WHICH WOULD INCREASE OR~~
10 ~~DECREASE FARES, ESTABLISH NEW ROUTES, ELIMINATE ROUTES, CHANGE~~
11 ~~ROUTING OR MAKE SUBSTANTIAL CHANGES IN THE LEVEL OF SERVICE~~
12 ~~SCHEDULED. HOWEVER, IN THE CASE OF TEMPORARY CHANGES NOT~~
13 ~~EXCEEDING NINETY DAYS CAUSED BY EMERGENCIES, PUBLIC HEARINGS~~
14 ~~NEED NOT BE HELD FOR CHANGES IN ROUTING OR LEVEL OF SCHEDULED~~
15 ~~SERVICE. NOTICE OF PUBLIC HEARINGS SHALL BE PUBLISHED IN TWO~~
16 ~~NEWSPAPERS OF GENERAL CIRCULATION AND A PUBLICATION SPECIFICALLY~~
17 ~~DESIGNED TO REACH MINORITIES NOT FEWER THAN THIRTY CALENDAR DAYS~~
18 ~~PRIOR TO SUCH HEARING. ANY PERSON AGGRIEVED BY ANY RATE OR~~
19 ~~SERVICE OR CHANGE OF SERVICE FIXED BY THE AUTHORITY MAY BRING AN~~
20 ~~APPEAL AGAINST THE AUTHORITY IN THE COURT OF COMMON PLEAS OF ANY~~
21 ~~COUNTY IN THE METROPOLITAN AREA IN WHICH THE CHARGE, SERVICE OR~~
22 ~~CHANGE OF SERVICE SHALL BE APPLICABLE, FOR THE PURPOSE OF~~
23 ~~PROTESTING AGAINST ANY SUCH CHARGE, SERVICE OR CHANGE OF~~
24 ~~SERVICE: PROVIDED, HOWEVER, THAT THE GROUNDS FOR SUCH SUITS~~
25 ~~SHALL BE RESTRICTED TO A MANIFEST AND FLAGRANT ABUSE OF~~
26 ~~DISCRETION OR AN ERROR OF LAW; OTHERWISE, ALL SUCH ACTIONS BY~~
27 ~~THE AUTHORITY SHALL BE FINAL. UPON THE FINDING OF AN ERROR OF~~
28 ~~LAW OR A MANIFEST AND FLAGRANT ABUSE OF DISCRETION, THE COURT~~
29 ~~SHALL ISSUE AN ORDER SETTING FORTH THE ABUSE OR ERROR AND~~
30 ~~RETURNING THE MATTER TO THE AUTHORITY FOR SUCH FURTHER ACTION AS~~

1 SHALL BE NOT INCONSISTENT WITH THE FINDINGS OF THE COURT. NO
2 APPEAL FROM THE ACTION OF THE AUTHORITY OR FROM THE DECISION OF
3 THE COURT OF COMMON PLEAS SHALL ACT AS A SUPERSEDEAS, EXCEPT
4 WHEN TAKEN BY THE AUTHORITY OR ANY COUNTY OR MUNICIPALITY, OR,
5 IN OTHER CASES, WHEN SPECIALLY GRANTED AFTER A FINDING THAT
6 IRREPARABLE AND EXTRAORDINARY HARM WILL RESULT. THE COURTS SHALL
7 GIVE PRIORITY TO ALL SUCH APPEALS AND NO BOND SHALL BE REQUIRED
8 OF ANY PARTY INSTITUTING SUCH AN APPEAL UNDER THE PROVISIONS OF
9 THIS SECTION.

10 (10) THE AUTHORITY SHALL FIX SUCH RATES, FARES AND CHARGES
11 IN SUCH MANNER THAT THEY SHALL BE AT ALL TIMES SUFFICIENT IN THE
12 AGGREGATE, AND IN CONJUNCTION WITH ANY GRANTS FROM FEDERAL OR
13 OTHER SOURCES, AND ANY OTHER INCOME AVAILABLE TO THE AUTHORITY,
14 TO PROVIDE FUNDS ~~(I)~~ FOR THE PAYMENT OF ALL OPERATING COSTS AND <—
15 EXPENSES WHICH SHALL BE INCURRED BY THE AUTHORITY, ~~AND (II)~~ FOR <—
16 THE PAYMENT OF THE INTEREST ON AND PRINCIPAL OF ALL BONDS,
17 CERTIFICATES AND OTHER OBLIGATIONS PAYABLE FROM SAID REVENUES
18 AND TO MEET ALL OTHER CHARGES UPON SUCH REVENUES AS PROVIDED BY
19 ANY TRUST AGREEMENT EXECUTED BY THE AUTHORITY IN CONNECTION WITH
20 THE ISSUANCE OF BONDS OR CERTIFICATES UNDER THIS ~~ACT~~ ARTICLE. <—

21 (11) THE BOARD MAY ENTER INTO AGREEMENTS WITH THE UNITED
22 STATES POST OFFICE DEPARTMENT FOR THE TRANSPORTATION OF MAIL AND
23 PAYMENT OF COMPENSATION TO THE AUTHORITY IN LIEU OF FARES FOR
24 THE TRANSPORTATION OF LETTER CARRIERS IN UNIFORM AT ALL TIMES.
25 THE BOARD MAY MAKE SIMILAR AGREEMENTS WITHIN ANY MUNICIPALITY,
26 IN AND BY WHICH THEY ARE EMPLOYED, FOR THE TRANSPORTATION OF
27 FIREMEN AND PUBLIC HEALTH NURSES WHEN IN UNIFORM, AND OF
28 POLICEMEN WHEN IN UNIFORM OR WHEN NOT IN UNIFORM, UPON
29 PRESENTATION OF IDENTIFICATION AS POLICEMEN. THE BOARD MAY ALSO
30 PROVIDE FREE TRANSPORTATION FOR EMPLOYEES OF THE AUTHORITY WHEN

1 IN UNIFORM OR UPON PRESENTATION OF IDENTIFICATION AS SUCH
2 EMPLOYES.

3 (12) TO BORROW MONEY FROM PRIVATE LENDERS, OR FROM THE STATE
4 OR FEDERAL GOVERNMENT, OR FROM ANY MUNICIPALITY IN THE
5 METROPOLITAN AREA, IN SUCH AMOUNTS AS MAY BE NECESSARY OR
6 DESIRABLE FOR THE OPERATION AND WORK OF THE AUTHORITY; TO MAKE
7 AND ISSUE NEGOTIABLE NOTES, BONDS, REFUNDING BONDS AND OTHER
8 EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS OF THE AUTHORITY IN
9 CONNECTION WITH ANY SUCH BORROWING OR REFUNDING OR IN PAYMENT IN
10 WHOLE OR IN PART OF ALL OR ANY PART OF ANY TRANSPORTATION
11 SYSTEM, OR ANY BONDS, SHARES OR OTHER SECURITIES OF ANY
12 CORPORATION OWNING OR OPERATING ANY SUCH SYSTEM, OR ANY
13 FRANCHISES, PROPERTY, EQUIPMENT OR INTERESTS ACQUIRED OR TO BE
14 ACQUIRED BY THE AUTHORITY, AND TO SECURE THE PAYMENT OF SUCH
15 BONDS, OR ANY PART THEREOF, BY PLEDGE OR DEED OF TRUST OF ALL OR
16 ANY OF ITS REVENUES, RENTALS, AND RECEIPTS, AND TO MAKE SUCH
17 AGREEMENTS WITH THE PURCHASERS OR HOLDERS OF SUCH BONDS OR WITH
18 OTHERS IN CONNECTION WITH ANY SUCH BONDS, WHETHER ISSUED OR TO
19 BE ISSUED AS THE AUTHORITY SHALL DEEM ADVISABLE AND IN GENERAL,
20 TO PROVIDE FOR THE SECURITY FOR SAID BONDS AND THE RIGHTS OF THE
21 HOLDERS THEREOF.

22 (13) TO APPLY FOR AND TO ACCEPT GRANTS, LOANS AND OTHER
23 ASSISTANCE FROM, AND TO ENTER INTO CONTRACTS, LEASES OR OTHER
24 TRANSACTIONS WITH, THE FEDERAL GOVERNMENT OR ANY AGENCY OR
25 INSTRUMENTALITY THEREOF, THE COMMONWEALTH, ANY MUNICIPALITY OR
26 CORPORATION, OR ANY PERSON WHATSOEVER, FOR ANY OF THE PURPOSES
27 OF THE AUTHORITY, AND TO ENTER INTO ANY AGREEMENT WITH THE
28 FEDERAL GOVERNMENT IN RELATION TO SUCH GRANTS, LOANS, OR OTHER
29 ASSISTANCE: PROVIDED, THAT SUCH AGREEMENT DOES NOT CONFLICT WITH
30 ANY OF THE PROVISIONS OF ANY TRUST AGREEMENT SECURING THE

1 PAYMENT OF BONDS OR CERTIFICATES OF THE AUTHORITY.

2 (14) TO MAKE AND EXECUTE ALL CONTRACTS AND OTHER INSTRUMENTS
3 NECESSARY OR CONVENIENT TO THE EXERCISE OF THE POWERS OF THE
4 AUTHORITY; AND ANY CONTRACT OR INSTRUMENT WHEN SIGNED BY THE
5 CHAIRMAN OR VICE CHAIRMAN AND SECRETARY OR ASSISTANT SECRETARY
6 OR TREASURER OR ASSISTANT TREASURER OF THE AUTHORITY SHALL BE
7 HELD TO HAVE BEEN PROPERLY EXECUTED FOR AND ON ITS BEHALF.
8 WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE AUTHORITY
9 IS ALSO AUTHORIZED TO ENTER INTO CONTRACTS FOR THE PURCHASE,
10 LEASE, OPERATION OR MANAGEMENT OF TRANSPORTATION FACILITIES
11 WITHIN OR WITHOUT THE METROPOLITAN AREA OR WITHIN OR WITHOUT THE
12 COMMONWEALTH: PROVIDED, HOWEVER, THAT WHENEVER SUCH FACILITIES
13 ARE LOCATED OUTSIDE THE METROPOLITAN AREA, THEY SHALL BE SUBJECT
14 TO THE JURISDICTION OF THE APPROPRIATE REGULATORY AGENCIES.

15 (15) TO ACQUIRE BY EMINENT DOMAIN ANY REAL OR PERSONAL
16 PROPERTY INCLUDING IMPROVEMENTS, FIXTURES AND FRANCHISES OF ANY
17 KIND WHATEVER FOR THE PUBLIC PURPOSES SET FORTH IN THIS ACT <—
18 ARTICLE IN THE MANNER HEREINAFTER PROVIDED.

19 (16) TO PLEDGE, HYPOTHECATE, OR OTHERWISE ENCUMBER, ALL OR
20 ANY OF THE REVENUES OR RECEIPTS OF THE AUTHORITY AS SECURITY FOR
21 ALL OR ANY OF THE OBLIGATIONS OF THE AUTHORITY.

22 (17) TO DO ALL ACTS AND THINGS NECESSARY FOR THE PROMOTION
23 OF ITS BUSINESS, AND THE GENERAL WELFARE OF THE AUTHORITY TO
24 CARRY OUT THE POWERS GRANTED TO IT BY THIS ACT ARTICLE OR ANY <—
25 OTHER ACTS STATUTE. <—

26 (18) TO ENTER INTO CONTRACTS WITH THE COMMONWEALTH, ITS
27 AGENCIES AND INSTRUMENTALITIES, MUNICIPALITIES OR CORPORATIONS,
28 ON SUCH TERMS AS THE AUTHORITY SHALL DEEM PROPER FOR THE USE OF
29 ANY FACILITY OF THE AUTHORITY, AND FIXING THE AMOUNT TO BE PAID
30 THEREFOR.

1 (19) TO ENTER INTO CONTRACTS OF GROUP INSURANCE FOR THE
2 BENEFIT OF ITS EMPLOYEES, OR TO CONTINUE ANY EXISTING INSURANCE
3 AND/OR PENSION OR RETIREMENT SYSTEM AND/OR ANY OTHER EMPLOYEE
4 BENEFIT ARRANGEMENT COVERING EMPLOYEES OF AN ACQUIRED EXISTING
5 TRANSPORTATION SYSTEM, AND/OR TO SET UP A RETIREMENT OR PENSION
6 FUND OR ANY OTHER EMPLOYEE BENEFIT ARRANGEMENT FOR SUCH EMPLOYEES.

7 (20) THE AUTHORITY SHALL HAVE NO POWER, AT ANY TIME OR IN
8 ANY MANNER, TO PLEDGE THE CREDIT OR TAXING POWER OF THE
9 COMMONWEALTH, OR ANY POLITICAL SUBDIVISION, NOR SHALL ANY OF ITS
10 OBLIGATIONS BE DEEMED TO BE OBLIGATIONS OF THE COMMONWEALTH OR
11 OF ANY OF ITS POLITICAL SUBDIVISIONS, NOR SHALL THE COMMONWEALTH
12 OR ANY POLITICAL SUBDIVISION THEREOF BE LIABLE FOR THE PAYMENT
13 OF PRINCIPAL OR INTEREST ON SUCH OBLIGATIONS.

14 (21) PRIVATE RIGHTS AND PROPERTY IN THE BEDS OF EXISTING
15 PUBLIC HIGHWAYS VACATED IN ORDER TO FACILITATE THE PURPOSES OF
16 THE AUTHORITY SHALL NOT BE DEEMED DESTROYED OR OUSTED BY REASON
17 OF SUCH VACATION, BUT SHALL BE ACQUIRED OR RELOCATED BY THE
18 AUTHORITY IN THE SAME MANNER AS OTHER PROPERTY.

19 (22) TO HAVE THE RIGHT TO USE ANY PUBLIC ROAD, STREET, WAY,
20 HIGHWAY, BRIDGE OR TUNNEL FOR THE OPERATION OF A TRANSPORTATION
21 SYSTEM WITHIN THE METROPOLITAN AREA: PROVIDED, HOWEVER, THAT IN
22 ALL CASES INVOLVING THE FACILITIES OF A RAILROAD, ANY OPERATIONS
23 OF WHICH EXTEND BEYOND THE METROPOLITAN AREA, THE EXERCISE OF
24 THIS RIGHT BY THE AUTHORITY SHALL BE SUBJECT TO THE JURISDICTION
25 OF THE PUBLIC UTILITY COMMISSION UNDER TITLE 66 OF THE
26 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO PUBLIC
27 UTILITIES).

28 (23) TO LEASE PROPERTY OR CONTRACT FOR SERVICE, INCLUDING
29 MANAGERIAL AND OPERATING SERVICE, WHENEVER IT CAN MORE
30 EFFICIENTLY AND EFFECTIVELY SERVE THE PUBLIC BY SO DOING, RATHER

1 THAN CONDUCTING ITS OWN OPERATIONS WITH ITS OWN PROPERTY.

2 (24) TO SELF-INSURE OR OTHERWISE PROVIDE FOR THE INSURANCE
3 OF ANY PROPERTY OR OPERATIONS OF THE AUTHORITY AGAINST ANY RISKS
4 OR HAZARDS.

5 (25) TO ACT AS AGENT OF THE STATE, OR OF THE FEDERAL
6 GOVERNMENT OR ANY OF ITS INSTRUMENTALITIES OR AGENCIES, FOR THE
7 PUBLIC PURPOSE SET OUT IN THIS ACT ARTICLE. <—

8 (26) TO CONDUCT EXAMINATIONS AND INVESTIGATIONS AND TO HEAR
9 TESTIMONY AND TAKE PROOF, UNDER OATH OR AFFIRMATION AT PUBLIC OR
10 PRIVATE HEARINGS, AS HEREINAFTER PROVIDED, ON ANY MATTER
11 MATERIAL TO THE PUBLIC PURPOSES SET FORTH IN THIS ACT ARTICLE. <—

12 (27) TO MAKE AVAILABLE TO THE GOVERNMENT OF A MUNICIPALITY
13 OR ANY APPROPRIATE AGENCY, BOARD OR COMMISSION THEREOF, THE
14 RECOMMENDATIONS OF THE AUTHORITY AFFECTING ANY AREA IN THE
15 AUTHORITY'S FIELD OF OPERATION OR PROPERTY THEREIN, WHICH IT MAY
16 DEEM LIKELY TO PROMOTE THE PUBLIC HEALTH, MORALS, SAFETY AND
17 WELFARE.

18 (28) TO FORM PLANS FOR THE IMPROVEMENT OF MASS
19 TRANSPORTATION IN ORDER TO PROMOTE THE ECONOMIC DEVELOPMENT OF
20 THE METROPOLITAN AREA IN WHICH THE TRANSPORTATION AUTHORITY
21 OPERATES; TO MAKE RECOMMENDATIONS CONCERNING MASS TRANSPORTATION
22 FACILITIES WHICH THE AUTHORITY DOES NOT OWN OR OPERATE; TO MAKE
23 RECOMMENDATIONS CONCERNING THROUGHWAYS AND ARTERIAL HIGHWAY
24 CONNECTIONS TO THE DEPARTMENT OF TRANSPORTATION AND TO OTHER
25 APPROPRIATE GOVERNMENTAL BODIES; AND OTHERWISE TO COOPERATE WITH
26 ALL SUCH GOVERNMENTAL BODIES. THE AUTHORITY SHALL GIVE ADVANCE
27 NOTICE TO THE DEPARTMENT OF TRANSPORTATION OF ANY PLANS WHICH IT
28 MAY HAVE FOR THE OCCUPATION OR USE OF ANY PART OF ANY STATE
29 HIGHWAY.

30 (29) THE AUTHORITY SHALL NOT HAVE POWER TO LEVY TAXES FOR

1 ANY PURPOSE WHATSOEVER.

2 (30) IT SHALL BE THE DUTY OF THE BOARD, AS PROMPTLY AS
3 POSSIBLE, TO REHABILITATE, RECONSTRUCT, AND EXTEND AS POSSIBLE,
4 ALL PORTIONS OF ANY TRANSPORTATION SYSTEM ACQUIRED BY THE
5 AUTHORITY AND TO MAINTAIN AT ALL TIMES A FAST, RELIABLE AND
6 ECONOMICAL TRANSPORTATION SYSTEM SUITABLE AND ADAPTED TO THE
7 NEEDS OF THE MUNICIPALITIES SERVED BY THE AUTHORITY AND FOR
8 SAFE, COMFORTABLE AND CONVENIENT SERVICE. TO THAT END, THE BOARD
9 SHALL MAKE EVERY EFFORT TO UTILIZE HIGH SPEED RIGHTS-OF-WAY,
10 PRIVATE OR OTHERWISE, TO THE MAXIMUM EXTENT PRACTICABLE TO AVOID
11 AIR POLLUTION BY ITS VEHICLES; TO ABANDON NO PHYSICAL PROPERTY
12 WHICH HAS USEFUL AND ECONOMICAL CAPABILITIES, AND TO EXTEND ITS
13 RAIL AND HIGHWAY SERVICES INTO AREAS WHICH HAVE SUFFICIENT NEED
14 FOR THEM TO ECONOMICALLY OR STRATEGICALLY JUSTIFY SUCH
15 EXTENSION.

16 (31) TO AGREE WITH THE CONSTITUENT MUNICIPALITIES IN WHICH
17 IT OPERATES FOR THE LEASE OF PRESENT AND FUTURE MUNICIPAL
18 PROPERTY, WHERE SUCH A LEASE WOULD BE ADVANTAGEOUS TO THE
19 AUTHORITY IN THE FINANCING OR THE OPERATION OF IMPROVED
20 PASSENGER TRANSPORTATION SERVICE.

21 (32) TO ADOPT CONSISTENT WITH THE POLICIES OF THIS ACT <—
22 ARTICLE AND FROM TIME TO TIME AMEND A COMPREHENSIVE TRANSIT
23 PLAN: PROVIDED, HOWEVER, THAT A PUBLIC HEARING SHALL BE
24 CONDUCTED PRIOR TO ADOPTION OR AMENDMENT. NOTICE OF SUCH PUBLIC
25 HEARING SHALL BE PUBLISHED IN TWO NEWSPAPERS OF GENERAL
26 CIRCULATION AND A PUBLICATION SPECIFICALLY DESIGNED TO REACH
27 MINORITIES NOT FEWER THAN THIRTY DAYS PRIOR TO SUCH HEARING.

28 SECTION 205 304. PUBLIC HEARINGS.--(A) ALL PUBLIC HEARINGS <—
29 REQUIRED BY THIS ACT ARTICLE SHALL BE CONDUCTED SO AS TO INSURE <—
30 THAT:

1 (1) MEMBERS OF THE PUBLIC ARE AFFORDED A REASONABLE
2 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING OR BOTH ORALLY AND
3 IN WRITING CONCERNING ACTIONS THE AUTHORITY PROPOSES TO TAKE.

4 (2) THE SITE OF THE HEARING IS A CONVENIENT, ACCESSIBLE
5 LOCATION.

6 (3) MEMBERS OF THE PUBLIC ARE ADEQUATELY INFORMED AT THE
7 OUTSET REGARDING THE PURPOSES OF THE HEARING AND THE MATTERS ON
8 THE AGENDA.

9 (4) REASONABLE AND LEGITIMATE QUESTIONS FROM MEMBERS OF THE
10 PUBLIC ARE ANSWERED.

11 (B) WHENEVER A DECREASE IN SERVICE IS PROPOSED A PUBLIC <—
12 HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THIS SECTION IN
13 THE AREA AFFECTED BY THE PROPOSED DECREASE IN SERVICE.

14 SECTION 206 305. CITIZEN ADVISORY COMMITTEE.--(A) THERE IS <—
15 HEREBY ESTABLISHED A CITIZEN ADVISORY COMMITTEE. THE COMMITTEE
16 SHALL CONSIST OF:

17 (1) AN EVEN NUMBER OF MEMBERS OF THE GENERAL PUBLIC NOT
18 FEWER THAN FOURTEEN AND NOT GREATER THAN TWENTY-FOUR (THE EXACT
19 NUMBER TO BE DETERMINED BY THE CHIEF OPERATIONS OFFICER) WHO
20 SHALL BE APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY
21 COUNCIL, AS THE CASE MAY BE, OF ALL COUNTIES OF THE THIRD CLASS
22 AND SECOND CLASS A WHO ARE INVOLVED WITH ANY CITY OF THE FIRST
23 CLASS IN THE OPERATION OF A MASS TRANSPORTATION SYSTEM AND BY
24 THE MAYOR OF ANY SUCH CITY OF THE FIRST CLASS FROM RESIDENTS OF
25 THEIR RESPECTIVE MUNICIPALITIES WHO ARE REGULAR USERS OF MASS
26 TRANSPORTATION SERVICE; AND

27 (2) FIVE MEMBERS OF THE GENERAL PUBLIC, ONE RESIDENT FROM
28 EACH OF THE COUNTIES MENTIONED IN ~~CLAUSE~~ PARAGRAPH (1) AND ONE <—
29 RESIDENT FROM THE CITY MENTIONED IN ~~CLAUSE~~ PARAGRAPH (1) WHO ARE <—
30 REGULAR USERS OF MASS TRANSPORTATION SERVICE WHO SHALL BE

1 APPOINTED BY THE CHIEF OPERATIONS OFFICER.

2 (B) THE COMPOSITION OF THE COMMITTEE SHALL REFLECT THE
3 PROPORTIONATE DISTRIBUTION OF TOTAL RIDERSHIP AMONG ALL COUNTIES
4 OF THE THIRD CLASS AND SECOND CLASS A WHO ARE INVOLVED WITH ANY
5 CITY OF THE FIRST CLASS IN THE OPERATION OF A MASS
6 TRANSPORTATION SYSTEM AND ANY SUCH CITY OF THE FIRST CLASS. THE
7 TERMS OF THE MEMBERS SHALL BE TWO YEARS FROM THE DATE OF
8 APPOINTMENT OR UNTIL A SUCCESSOR HAS BEEN APPOINTED EXCEPT THAT
9 ONE-HALF OF THE MEMBERS FIRST APPOINTED SHALL SERVE FOR TERMS OF
10 ONE YEAR AND THE OTHER ONE-HALF SHALL SERVE FOR TERMS OF TWO
11 YEARS. NO MEMBER SHALL SERVE MORE THAN THREE CONSECUTIVE TERMS.
12 THE COMMITTEE SHALL SELECT FROM AMONG ITS NUMBER A CHAIRMAN,
13 VICE CHAIRMAN AND A SECRETARY. A MAJORITY OF THE MEMBERS OF THE
14 COMMITTEE PLUS ONE SHALL CONSTITUTE A QUORUM.

15 (C) ~~THE~~ REGARDLESS OF WHETHER PUBLIC HEARINGS ARE REQUIRED <—
16 ON THE FOLLOWING MATTERS, THE CHIEF OPERATIONS OFFICER SHALL
17 SUBMIT TO THE COMMITTEE PROPOSALS REGARDING THE ADOPTION OR
18 AMENDMENT OF A COMPREHENSIVE TRANSIT PLAN, THE ANNUAL OPERATING
19 BUDGET, ANY CAPITAL BUDGET, ~~ANY CHANGES IN THE LEVEL OF SERVICE~~ <—
20 ~~OR FARES~~ THE FACILITIES TO BE OPERATED, THE SERVICES TO BE <—
21 AVAILABLE AND THE RATES TO BE CHARGED THEREFOR OR OTHER MATTERS
22 OF A SIMILAR NATURE PRIOR TO ANY FINAL ACTION RELATING TO ANY OF
23 THE FOREGOING. THE COMMITTEE MAY THOROUGHLY CONSIDER SUCH
24 PROPOSALS AND MAY PREPARE AND TRANSMIT TO THE CHIEF OPERATIONS
25 OFFICER AND TO ANY INTERESTED MEMBER OF THE PUBLIC WRITTEN
26 COMMENTS CONCERNING THE PROPOSALS PRIOR TO THE DATE WHEN FINAL
27 ACTION IS TO BE TAKEN.

28 (D) ALTHOUGH THE CHIEF OPERATIONS OFFICER SHALL GIVE CAREFUL
29 AND DUE CONSIDERATION TO THE COMMITTEE'S COMMENTS PRIOR TO THE
30 TAKING OF ANY FINAL ACTION, SUCH COMMENTS SHALL BE CONSIDERED

1 ONLY ADVISORY IN NATURE.

2 SECTION 207 306. POWER TO ACQUIRE PROPERTY, FRANCHISES, <—
3 ETC.-- (A) THE AUTHORITY SHALL HAVE POWER TO ACQUIRE BY
4 PURCHASE, CONDEMNATION, LEASE, GIFT, OR OTHERWISE, ALL OR ANY
5 PART OF THE PROPERTY OF ANY PUBLIC UTILITY OPERATING A
6 TRANSPORTATION SYSTEM WITHIN THE METROPOLITAN AREA, INCLUDING
7 BUT NOT LIMITED TO, THE PLANT, EQUIPMENT, PROPERTY RIGHTS IN
8 PROPERTY RESERVE FUNDS, EMPLOYES' PENSION OR RETIREMENT FUNDS,
9 SPECIAL FUNDS, FRANCHISES, LICENSES, PATENTS, PERMITS, OPERATING
10 RIGHTS, AND PAPER DOCUMENTS AND RECORDS, WHICH SAID PROPERTY
11 SHALL BE LOCATED WITHIN THE METROPOLITAN AREA AND SHALL BE
12 APPROPRIATE FOR THE PURPOSES FOR WHICH THE AUTHORITY IS
13 ESTABLISHED, AS WELL AS ALL OR ANY PART OF THE RIGHT-OF-WAY,
14 EQUIPMENT, FIXED FACILITIES, AND OTHER PROPERTY OF ANY KIND OF
15 ANY SUCH UTILITY, EXTENDING BEYOND THE BOUNDARIES OF THE
16 METROPOLITAN AREA AND FORMING, OR CAPABLE OF FORMING, PART OF AN
17 INTEGRATED SUBURBAN RAPID TRANSIT OR RAIL TRANSPORTATION
18 FACILITY, CONNECTING WITH RAPID TRANSIT OR ELECTRIC RAILWAY
19 LINE OF THE AUTHORITY IN SUPER HIGHWAYS OR ELSEWHERE. NO
20 INTEREST IN THE RIGHT-OF-WAY OF A RAILROAD COMPANY THE
21 OPERATIONS OF WHICH EXTEND BEYOND THE METROPOLITAN AREA SHALL BE
22 ACQUIRED OR OCCUPIED UNDER THE POWER OF EMINENT DOMAIN PURSUANT
23 TO THIS SECTION OR ANY OTHER SECTION OF THIS ACT WITHOUT THE <—
24 CONSENT OF SAID RAILROAD. SUCH PROPERTIES, UPON ACQUISITION BY
25 OR LEASE TO THE AUTHORITY, SHALL BECOME AND BE OPERATED AS PART
26 OF THE TRANSPORTATION SYSTEM OF THE AUTHORITY, AND THE AUTHORITY
27 SHALL HAVE ALL POWERS IN CONNECTION WITH SUCH PROPERTIES AND
28 SUCH OPERATIONS AS ARE CONFERRED BY THIS ACT ARTICLE. THE <—
29 AUTHORITY SHALL ALSO HAVE THE POWER TO ENTER INTO AGREEMENTS TO
30 OPERATE ANY SUCH LINES LOCATED OR EXTENDING BEYOND THE

1 BOUNDARIES OF THE METROPOLITAN AREA, SUCH AGREEMENTS TO BE
2 SUBJECT TO ALL OTHER PROVISIONS OF THIS ACT ARTICLE. THE <—
3 AUTHORITY SHALL HAVE POWER TO LEASE OR PURCHASE ANY MUNICIPALLY-
4 OWNED LOCAL TRANSPORTATION SUBWAYS OR OTHER MUNICIPALLY-OWNED
5 LOCAL TRANSPORTATION FACILITIES FOR OPERATION AND MAINTENANCE BY
6 THE AUTHORITY.

7 (B) WHENEVER THE AUTHORITY SHALL CONDEMN ALL OR
8 SUBSTANTIALLY ALL OF THE PROPERTY OF A TRANSPORTATION SYSTEM, IT
9 MAY ELECT TO COMMENCE CONDEMNATION PROCEEDINGS WITHOUT IMMEDIATE
10 PASSAGE OF TITLE BY INSERTING A PROVISION TO THAT EFFECT IN THE
11 DECLARATION OF TAKING. IN THAT EVENT, THE PROVISIONS OF SECTION
12 407 OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.84, NO.6), KNOWN <—
13 AS THE "EMINENT DOMAIN CODE," SHALL NOT APPLY, AND THE TITLE
14 SHALL NOT PASS TO THE AUTHORITY AND THE AUTHORITY SHALL NOT BE
15 ENTITLED TO POSSESSION UNTIL PAYMENT TO THE CONDEMNEE OR INTO
16 COURT OF THE AMOUNT OF THE JUST COMPENSATION PAYABLE FOR THE
17 PROPERTY TAKEN (DETERMINED AS OF THE DATE OF FILING OF THE
18 DECLARATION OF TAKING), AS FINALLY DETERMINED IN ACCORDANCE WITH
19 THE PROVISIONS OF THIS ACT ARTICLE: PROVIDED, THAT SUCH PAYMENT <—
20 OCCURS WITHIN ONE YEAR OF SUCH FINAL DETERMINATION: AND PROVIDED
21 FURTHER, THAT FROM AND AFTER THE FILING OF THE DECLARATION OF
22 TAKING UNTIL THE PAYMENT TO THE CONDEMNEE OF JUST COMPENSATION
23 FOR THE CONDEMNED PROPERTY, THE AUTHORITY SHALL HAVE THE RIGHT
24 TO PETITION THE COURT HAVING JURISDICTION OF THE PROCEEDINGS TO
25 PREVENT WASTE, SUBSTANTIAL DISPOSITION OR ANY TRANSACTION WITH
26 RESPECT TO THE CONDEMNED PROPERTY OTHER THAN IN THE ORDINARY
27 COURSE OF BUSINESS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT
28 OF THE AUTHORITY. THE CONDEMNEE SHALL HAVE NO RIGHT TO TENDER
29 POSSESSION OF THE PROPERTY OR OTHERWISE TO DEMAND PAYMENT OF ANY
30 COMPENSATION PRIOR TO SUCH PASSAGE OF TITLE.

1 ~~SECTION 208~~ 307. POWER TO BUY, LEASE OR SELL PROPERTY.--THE <—
2 AUTHORITY SHALL HAVE POWER TO ACQUIRE BY PURCHASE, CONDEMNATION,
3 LEASE, GIFT OR OTHERWISE, ANY PROPERTY AND RIGHTS USEFUL FOR ITS
4 PURPOSES AND TO SELL, LEASE, TRANSFER OR CONVEY ANY PROPERTY OR
5 RIGHTS WHEN NO LONGER USEFUL OR EXCHANGE THE SAME FOR OTHER
6 PROPERTY OR RIGHTS WHICH ARE USEFUL FOR ITS PURPOSES.

7 ~~SECTION 209~~ 308. POWER TO CONTRACT WITH PUBLIC UTILITIES.-- <—
8 THE AUTHORITY SHALL HAVE POWER TO ENTER INTO AGREEMENTS WITH ANY
9 PUBLIC UTILITY OPERATING A RAILROAD OR ANY OTHER TRANSPORTATION
10 FACILITY, EITHER WITHIN OR WITHOUT THE METROPOLITAN AREA FOR THE
11 JOINT USE OF ANY PROPERTY OF THE AUTHORITY OR PUBLIC UTILITY OR
12 THE ESTABLISHMENT OF THROUGH ROUTES, JOINT FARES AND TRANSFER OF
13 PASSENGERS.

14 ~~SECTION 210~~ 309. REMOVAL OR RELOCATION OF UTILITY <—
15 STRUCTURES; POWER OF EMINENT DOMAIN.-- (A) THE AUTHORITY SHALL
16 HAVE POWER, SUBJECT TO RELEVANT PROVISIONS OF SECTION ~~204~~ <—
17 ~~303(D)(22)~~, TO REQUIRE PERSONS OR CORPORATIONS OWNING OR
18 OPERATING PUBLIC UTILITY STRUCTURES AND APPLIANCES IN, UPON,
19 UNDER, OVER, ACROSS OR ALONG THE PUBLIC ROADS, STREETS, OR OTHER
20 PUBLIC WAYS IN WHICH THE AUTHORITY HAS THE RIGHT TO OWN,
21 CONSTRUCT, OPERATE OR MAINTAIN TRANSPORTATION FACILITIES TO
22 REMOVE SUCH PUBLIC UTILITY STRUCTURES AND APPLIANCES FROM THEIR
23 LOCATIONS. IF ANY PERSON OR CORPORATION OWNING OR OPERATING
24 PUBLIC UTILITY STRUCTURES AND APPLIANCES FAILS OR REFUSES SO TO
25 REMOVE OR RELOCATE THEM, THE AUTHORITY MAY REMOVE OR RELOCATE
26 THEM; THE AUTHORITY SHALL PROVIDE THE NEW LOCATION WHICH THE
27 STRUCTURES OR APPLIANCES AS RELOCATED SHALL OCCUPY AND TO THAT
28 END THE AUTHORITY IS HEREBY AUTHORIZED TO ACQUIRE BY PURCHASE OR
29 BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN ANY NECESSARY
30 LAND OR RIGHT-OF-WAY FOR SUCH PURPOSE, IF THE NEW LOCATION SHALL

1 NOT BE IN, ON OR ABOVE A HIGHWAY, ROAD OR STREET. THE EXACT NEW
2 LOCATION SHALL BE CHOSEN BY AGREEMENT OF THE AUTHORITY AND THE
3 UTILITY. UPON THE COMPLETION OF SUCH RELOCATION, THE AUTHORITY
4 SHALL REIMBURSE THE PUBLIC UTILITY FOR THE COST OF RELOCATION
5 WHICH SHALL BE THE ENTIRE AMOUNT PAID BY THE UTILITY PROPERLY
6 ATTRIBUTABLE TO THE RELOCATION OF THE STRUCTURE OR APPLIANCE
7 AFTER DEDUCTING THE COST OF ANY INCREASE IN THE SERVICE CAPACITY
8 OF THE NEW STRUCTURE OR APPLIANCE AND ANY SALVAGE VALUE DERIVED
9 FROM THE OLD STRUCTURE OR APPLIANCE. IF AN ISSUE SHALL ARISE
10 BETWEEN THE AUTHORITY AND THE PUBLIC UTILITY AS TO THE AMOUNT OF
11 THE COST OF RELOCATION OR THE NEW LOCATION EITHER PARTY MAY
12 INSTITUTE A PROCEEDING BY COMPLAINT BEFORE THE PENNSYLVANIA
13 PUBLIC UTILITY COMMISSION WHICH IS HEREBY CLOTHED WITH EXCLUSIVE
14 JURISDICTION TO HEAR AND DETERMINE SUCH ISSUE. APPEAL FROM THE
15 ORDER OF THE COMMISSION IN ANY SUCH PROCEEDING MAY BE TAKEN IN
16 THE SAME MANNER AS IS PRESCRIBED BY LAW FOR APPEALS FROM OTHER
17 ORDERS OF THE COMMISSION.

18 (B) THE AUTHORITY SHALL HAVE THE RIGHT OF EMINENT DOMAIN
19 WHICH MAY BE EXERCISED, EITHER WITHIN OR WITHOUT THE
20 METROPOLITAN AREA, TO ACQUIRE PRIVATE PROPERTY AND PROPERTY
21 DEVOTED TO ANY PUBLIC USE WHICH IS NECESSARY FOR THE PURPOSES OF
22 THE AUTHORITY, EXCEPT PROPERTY OF A PUBLIC UTILITY OPERATING
23 TRANSPORTATION FACILITIES EXTENDING BEYOND THE BOUNDARIES OF THE
24 METROPOLITAN AREA: PROVIDED, HOWEVER, THE AUTHORITY SHALL HAVE
25 THE RIGHT OF EMINENT DOMAIN TO ACQUIRE PROPERTY OF ANY RAILROAD
26 WHICH PROPERTY IS NOT USED FOR OR IN CONNECTION WITH THE
27 TRANSPORTATION OF PERSONS OR PROPERTY AND TO ACQUIRE RIGHTS AND
28 EASEMENTS ACROSS, UNDER OR OVER THE RIGHT-OF-WAY OF SUCH
29 RAILROAD WHENEVER THE AUTHORITY SHALL ACQUIRE THE PRIVATE RIGHT-
30 OF-WAY OR OTHER PROPERTY OF A PUBLIC UTILITY USED OR USEFUL IN

1 ITS SERVICE TO THE PUBLIC. IT SHALL BEFORE REQUIRING THE REMOVAL
2 OF THE EXISTING STRUCTURES AND APPLIANCES PROVIDE A NEW LOCATION
3 FOR THE SAID STRUCTURES AND APPLIANCES, AND UPON THE COMPLETION
4 OF RELOCATION, REIMBURSE THE PUBLIC UTILITY FOR THE COST THEREOF
5 IN THE MANNER PROVIDED IN SUBSECTION (A).

6 (C) TITLE TO ANY PROPERTY ACQUIRED BY AN AUTHORITY THROUGH
7 EMINENT DOMAIN SHALL BE AN ABSOLUTE OWNERSHIP OR FEE SIMPLE
8 TITLE UNLESS A LESSER TITLE SHALL BE DESIGNATED SPECIFICALLY IN
9 THE EMINENT DOMAIN PROCEEDINGS. REAL AND PERSONAL PROPERTY OF
10 ANY KIND WHATEVER BELONGING TO A PUBLIC UTILITY CORPORATION
11 PROVIDING TRANSPORTATION OR TRANSPORTATION RELATED SERVICES, MAY
12 BE ACQUIRED WITHOUT THE APPROVAL OF THE PUBLIC UTILITY
13 COMMISSION: PROVIDED, HOWEVER, THAT IN ALL CASES INVOLVING THE
14 FACILITIES OF A RAILROAD, ANY OPERATIONS OF WHICH EXTEND BEYOND
15 THE METROPOLITAN AREA, THE EXERCISE OF THE POWER OF THE
16 AUTHORITY UNDER THIS SUBSECTION SHALL BE SUBJECT TO THE
17 JURISDICTION OF THAT COMMISSION UNDER TITLE 66 OF THE
18 PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO PUBLIC
19 UTILITIES).

20 (D) NO PROPERTY OWNED OR USED BY THE UNITED STATES, THE
21 COMMONWEALTH, ANY POLITICAL SUBDIVISION THEREOF, OR ANY BODY
22 POLITIC AND CORPORATE ORGANIZED AS AN "AUTHORITY" UNDER ANY LAW
23 OF THE COMMONWEALTH OR BY ANY AGENCY OF ANY OF THEM, NOR
24 PROPERTY USED FOR BURIAL PURPOSES OR PLACES OF PUBLIC WORSHIP,
25 SHALL BE TAKEN UNDER THE RIGHT OF EMINENT DOMAIN WITHOUT THE
26 CONSENT OF THE OWNER OR USER THEREOF.

27 (E) BEFORE EXERCISING THE POWER OF EMINENT DOMAIN,
28 REASONABLE EFFORTS SHALL BE MADE BY THE AUTHORITY TO ACHIEVE THE
29 DESIRED RESULT THROUGH NEGOTIATION.

30 SECTION ~~211~~ 310. USE OF WAYS OCCUPIED BY OTHER PASSENGER

<—

1 UTILITIES.-- THE AUTHORITY SHALL NOT HAVE THE RIGHT TO USE ANY
2 STREET OR PUBLIC WAY, PRESENTLY OCCUPIED BY A PUBLIC UTILITY
3 ENGAGED IN LOCAL PASSENGER TRANSPORTATION, FOR A COMPETING
4 PURPOSE, WITHOUT THE AGREEMENT OF SUCH PUBLIC UTILITY.

5 SECTION ~~212~~ 311. LOANS, BONDS AND CERTIFICATES; TRUST <—
6 INDENTURES.-- (A) THE AUTHORITY SHALL HAVE THE CONTINUING POWER
7 TO BORROW MONEY FOR THE PURPOSE OF ACQUIRING ANY TRANSPORTATION
8 SYSTEM (INCLUDING ANY CASH FUNDS OF SUCH SYSTEM RESERVED TO
9 REPLACE WORN OUT OR OBSOLETE EQUIPMENT AND FACILITIES) AND FOR
10 ACQUIRING NECESSARY CASH WORKING FUNDS OR FOR ACQUIRING,
11 CONSTRUCTING, RECONSTRUCTING, EXTENDING OR IMPROVING ITS
12 TRANSPORTATION SYSTEM OR ANY PART THEREOF AND FOR ACQUIRING ANY
13 PROPERTY AND EQUIPMENT USEFUL FOR THE CONSTRUCTION,
14 RECONSTRUCTION, EXTENSION, IMPROVEMENT OR OPERATION OF ITS
15 TRANSPORTATION SYSTEM OR ANY PART THEREOF, AND FOR ANY OTHER OF
16 ITS CORPORATE PURPOSES. THE AUTHORITY SHALL ALSO HAVE THE
17 CONTINUING POWER TO ISSUE AND DELIVER EVIDENCE OF ITS
18 INDEBTEDNESS IN PAYMENT IN WHOLE OR IN PART FOR ALL OR ANY PART
19 OF ANY TRANSPORTATION SYSTEM, OR ANY BONDS, SHARES OR OTHER
20 SECURITIES OF ANY CORPORATION OWNING OR OPERATING ANY SUCH
21 SYSTEM, OR ANY FRANCHISES, PROPERTY, EQUIPMENT OR INTERESTS
22 ACQUIRED OR TO BE ACQUIRED BY THE AUTHORITY. FOR THE PURPOSE OF
23 EVIDENCING THE OBLIGATION OF THE AUTHORITY TO REPAY ANY MONEY
24 BORROWED AS AFORESAID, OR TO PAY ANY INDEBTEDNESS INCURRED IN
25 CONNECTION WITH THE ACQUISITION OF ALL OR ANY PART OF ANY
26 TRANSPORTATION SYSTEM, OR ANY BONDS, SHARES OR OTHER SECURITIES
27 OF ANY CORPORATION OWNING OR OPERATING ANY SUCH SYSTEM, OR ANY
28 FRANCHISES, PROPERTY, EQUIPMENT OR INTERESTS AS AFORESAID, THE
29 AUTHORITY MAY, PURSUANT TO RESOLUTION ADOPTED BY THE BOARD, FROM
30 TIME TO TIME, ISSUE AND DISPOSE OF ITS INTEREST-BEARING BONDS OR

1 CERTIFICATES AND MAY ALSO, FROM TIME TO TIME, ISSUE AND DISPOSE
2 OF ITS INTEREST-BEARING BONDS OR CERTIFICATES, TO REFUND ANY
3 BONDS OR CERTIFICATES AT MATURITY OR PURSUANT TO REDEMPTION
4 PROVISIONS OR AT ANY TIME BEFORE MATURITY WITH THE CONSENT OF
5 THE HOLDERS THEREOF. ALL SUCH BONDS AND CERTIFICATES SHALL BE
6 PAYABLE SOLELY FROM THE REVENUES OR INCOME TO BE DERIVED FROM
7 THE TRANSPORTATION SYSTEM INCLUDING GRANTS, GIFTS OR
8 CONTRIBUTIONS FROM THE FEDERAL, STATE OR LOCAL GOVERNMENTS,
9 THEIR AGENCIES OR INSTRUMENTALITIES, OR ANY OTHER SOURCE; MAY
10 BEAR SUCH DATE OR DATES; MAY MATURE AT SUCH TIME OR TIMES NOT
11 EXCEEDING FORTY YEARS FROM THEIR RESPECTIVE DATES; MAY BEAR
12 INTEREST AT SUCH RATE OR RATES; MAY BE IN SUCH FORM; MAY CARRY
13 SUCH REGISTRATION PRIVILEGES; MAY BE EXECUTED IN SUCH MANNER;
14 MAY BE PAYABLE AT SUCH PLACE OR PLACES; MAY BE MADE SUBJECT TO
15 REDEMPTION IN SUCH MANNER AND UPON SUCH TERMS WITH OR WITHOUT
16 PREMIUM AS IS STATED ON THE FACE THEREOF; MAY BE AUTHENTICATED
17 IN SUCH MANNER AND MAY CONTAIN SUCH TERMS AND COVENANTS, ALL AS
18 MAY BE AUTHORIZED BY THE BOARD. NOTWITHSTANDING THE FORM OR
19 TENOR THEREOF, AND IN THE ABSENCE OF AN EXPRESS RECITAL ON THE
20 FACE THEREOF THAT IT IS NONNEGOTIABLE, ALL SUCH BONDS AND
21 CERTIFICATES SHALL BE NEGOTIABLE INSTRUMENTS. PENDING THE
22 PREPARATION AND EXECUTION OF ANY SUCH BONDS OR CERTIFICATES,
23 TEMPORARY BONDS OR CERTIFICATES MAY BE ISSUED WITH OR WITHOUT
24 INTEREST COUPONS AS MAY BE AUTHORIZED BY THE BOARD.

25 (B) TO SECURE THE PAYMENT OF ANY OR ALL OF SUCH BONDS OR
26 CERTIFICATES AND FOR THE PURPOSE OF SETTING FORTH THE COVENANTS
27 AND UNDERTAKING OF THE AUTHORITY IN CONNECTION WITH THE ISSUANCE
28 THEREOF AND THE ISSUANCE OF ANY ADDITIONAL BONDS OR CERTIFICATES
29 PAYABLE FROM SUCH REVENUE OR INCOME AS WELL AS THE USE AND
30 APPLICATION OF THE REVENUE OR INCOME TO BE DERIVED FROM THE

1 TRANSPORTATION SYSTEM, THE AUTHORITY MAY EXECUTE AND DELIVER A
2 TRUST INDENTURE OR INDENTURES. A REMEDY FOR ANY BREACH OR
3 DEFAULT OF THE TERMS OF ANY SUCH TRUST INDENTURE BY THE
4 AUTHORITY MAY BE BY MANDAMUS OR INJUNCTION PROCEEDING, OR OTHER
5 PROCEEDING IN LAW OR IN EQUITY IN ANY COURT OF COMPETENT
6 JURISDICTION TO COMPEL PERFORMANCE AND COMPLIANCE THEREWITH, BUT
7 THE TRUST INDENTURE MAY PRESCRIBE BY WHOM OR ON WHOSE BEHALF
8 SUCH ACTION MAY OR MAY NOT BE INSTITUTED.

9 (C) UNDER NO CIRCUMSTANCES SHALL ANY BONDS OR CERTIFICATES
10 ISSUED BY THE AUTHORITY OR ANY OTHER OBLIGATION OF THE AUTHORITY
11 BE OR BECOME AN INDEBTEDNESS OR OBLIGATION OF THE COMMONWEALTH
12 OR OF ANY POLITICAL SUBDIVISION THEREOF.

13 (D) BEFORE ANY SUCH BONDS OR CERTIFICATES (EXCEPTING
14 REFUNDING BONDS OR CERTIFICATES AND BONDS OR CERTIFICATES ISSUED
15 IN PAYMENT IN WHOLE OR IN PART OF ALL OR ANY PART OF ANY
16 TRANSPORTATION SYSTEM, OR ANY BONDS, SHARES OR OTHER SECURITIES
17 OF ANY CORPORATION OWNING OR OPERATING ANY SUCH SYSTEM, OR ANY
18 FRANCHISES, PROPERTY, EQUIPMENT OR INTERESTS) ARE SOLD, THE
19 ENTIRE AUTHORIZED ISSUE OR ANY PART THEREOF SHALL BE OFFERED FOR
20 SALE AS A UNIT AFTER ADVERTISING FOR BIDS AT LEAST THREE TIMES
21 IN A DAILY NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE
22 METROPOLITAN AREA, THE LAST PUBLICATION TO BE AT LEAST TEN DAYS
23 BEFORE BIDS ARE REQUIRED TO BE FILED. COPIES OF SUCH
24 ADVERTISEMENT MAY BE PUBLISHED IN ANY NEWSPAPER OR FINANCIAL
25 PUBLICATION IN THE UNITED STATES. ALL BIDS SHALL BE SEALED,
26 FILED AND PUBLICLY OPENED AS AUTHORIZED BY THE BOARD, AND THE
27 BONDS OR CERTIFICATES SHALL BE AWARDED TO THE HIGHEST
28 RESPONSIBLE BIDDER OR BIDDERS THEREFOR. THE AUTHORITY SHALL HAVE
29 THE RIGHT TO REJECT ALL BIDS AND READVERTISE FOR BIDS IN THE
30 MANNER PROVIDED FOR IN THE INITIAL ADVERTISEMENT. HOWEVER, IF NO

1 BIDS ARE RECEIVED, SUCH BONDS OR CERTIFICATES MAY BE SOLD AT NOT
2 LESS THAN PAR VALUE AND ACCRUED INTEREST WITHOUT FURTHER
3 ADVERTISING WITHIN SIXTY DAYS AFTER THE BIDS ARE REQUIRED TO BE
4 FILED PURSUANT TO ANY ADVERTISEMENT. THE FOREGOING REQUIREMENTS
5 OF COMPETITIVE BIDDING SHALL NOT BE APPLICABLE TO BONDS OR
6 CERTIFICATES OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED IN
7 PAYMENT IN WHOLE OR IN PART FOR ALL OR ANY PART OF ANY
8 TRANSPORTATION SYSTEM, OR ANY BONDS, SHARES OR OTHER SECURITIES
9 OF ANY CORPORATION OWNING OR OPERATING ANY SUCH SYSTEM, OR ANY
10 FRANCHISES, PROPERTY, EQUIPMENT OR INTERESTS ACQUIRED OR TO BE
11 ACQUIRED BY THE AUTHORITY, NOR SHALL SUCH REQUIREMENTS BE
12 APPLICABLE TO NOTES ISSUED BY THE AUTHORITY WHICH MATURE IN NOT
13 MORE THAN THREE YEARS FROM DATE OF ISSUE AND WHICH ARE ISSUED IN
14 ANTICIPATION OF FINANCING OVER A LONGER TERM.

15 (E) THE BONDS OF THE AUTHORITY CREATED UNDER THE PROVISIONS
16 OF THIS ACT ARTICLE, THE SALE OR TRANSFER THEREOF, AND THE <—
17 INCOME THEREFROM SHALL, AT ALL TIMES, BE FREE FROM TAXATION FOR
18 STATE OR LOCAL PURPOSES UNDER ANY LAW OF THIS COMMONWEALTH OR
19 POLITICAL SUBDIVISION THEREOF.

20 (F) NEITHER THE BOARD MEMBERS OF THE AUTHORITY NOR ANY
21 PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON ANY
22 SUCH BONDS BY REASON OF THE ISSUANCE THEREOF.

23 (G) BONDS OF THE AUTHORITY WHICH ARE SOLD FOR CASH MAY BE
24 SOLD AT NOT LESS THAN NINETY-FIVE PERCENT OF PAR AND ACCRUED
25 INTEREST. IN CASE ANY OF THE OFFICERS OF THE AUTHORITY, WHOSE
26 SIGNATURES APPEAR ON ANY BONDS OR COUPONS SHALL CEASE TO BE
27 OFFICERS BEFORE THE DELIVERY OF SUCH BONDS, THEIR SIGNATURES
28 SHALL, NEVERTHELESS, BE VALID AND SUFFICIENT FOR ALL PURPOSES,
29 THE SAME AS IF SUCH OFFICERS HAD REMAINED IN OFFICE UNTIL SUCH
30 DELIVERY.

1 (H) ANY BOND RECITING IN SUBSTANCE THAT HAS BEEN ISSUED BY
2 THE AUTHORITY TO ACCOMPLISH THE PUBLIC PURPOSES OF THIS ACT <—
3 ARTICLE, SHALL BE CONCLUSIVELY DEEMED IN ANY SUIT, ACTION OR
4 PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF SUCH BOND
5 OR SECURITY THEREFOR TO HAVE BEEN ISSUED FOR SUCH PURPOSE.

6 SECTION ~~213~~ 312. ACQUISITION OF EQUIPMENT; AGREEMENTS AND <—
7 LEASES.-- (A) THE AUTHORITY SHALL HAVE POWER TO PURCHASE
8 EQUIPMENT SUCH AS CARS, TROLLEY BUSES AND MOTOR BUSES AND MAY
9 EXECUTE AGREEMENTS, LEASES AND EQUIPMENT TRUST CERTIFICATES IN
10 THE FORM CUSTOMARILY USED IN SUCH CASES APPROPRIATE TO EFFECT
11 SUCH PURCHASE, AND MAY DISPOSE OF SUCH EQUIPMENT TRUST
12 CERTIFICATES: PROVIDED, HOWEVER, THAT WHEREVER FEASIBLE, SUCH
13 CERTIFICATES SHALL BE OFFERED FOR PUBLIC SALE IN A MANNER
14 SIMILAR TO THAT PROVIDED FOR THE SALE OF BONDS IN THIS ACT <—

15 ARTICLE. ALL MONEY REQUIRED TO BE PAID BY THE AUTHORITY UNDER
16 THE PROVISIONS OF SUCH AGREEMENTS, LEASES, AND EQUIPMENT TRUST
17 CERTIFICATES, SHALL BE PAYABLE SOLELY FROM THE REVENUE OR INCOME
18 TO BE DERIVED FROM THE TRANSPORTATION SYSTEM AND FROM GRANTS AND
19 LOANS AS PROVIDED ELSEWHERE IN THIS ACT ARTICLE. PAYMENT FOR <—
20 SUCH EQUIPMENT OR RENTALS THEREFOR MAY BE MADE IN INSTALLMENTS
21 AND THE DEFERRED INSTALLMENTS MAY BE EVIDENCED BY EQUIPMENT
22 TRUST CERTIFICATES PAYABLE SOLELY FROM SUCH REVENUE, INCOME,
23 GRANTS OR LOANS AND TITLE TO SUCH EQUIPMENT SHALL NOT VEST IN
24 THE AUTHORITY UNTIL THE EQUIPMENT TRUST CERTIFICATES ARE PAID.

25 (B) THE AGREEMENT TO PURCHASE MAY DIRECT THE VENDOR TO SELL
26 AND ASSIGN THE EQUIPMENT TO A BANK OR TRUST COMPANY DULY
27 AUTHORIZED TO TRANSACT BUSINESS IN THE COMMONWEALTH AS TRUSTEE
28 FOR THE BENEFIT AND SECURITY OF THE EQUIPMENT TRUST CERTIFICATES
29 AND MAY DIRECT THE TRUSTEE TO DELIVER THE EQUIPMENT TO ONE OR
30 MORE DESIGNATED OFFICERS OF THE AUTHORITY AND MAY AUTHORIZE THE

1 TRUSTEE SIMULTANEOUSLY THEREWITH TO EXECUTE AND DELIVER A LEASE
2 OF THE EQUIPMENT TO THE AUTHORITY.

3 (C) THE AGREEMENTS AND LEASES SHALL BE DULY ACKNOWLEDGED
4 BEFORE SOME PERSON AUTHORIZED BY LAW TO TAKE ACKNOWLEDGMENTS OF
5 DEEDS AND IN THE FORM REQUIRED FOR ACKNOWLEDGMENTS OF DEEDS, AND
6 SUCH AGREEMENTS, LEASES AND EQUIPMENT TRUST CERTIFICATES SHALL
7 BE AUTHORIZED BY RESOLUTION OF THE BOARD AND SHALL CONTAIN SUCH
8 COVENANTS, CONDITIONS AND PROVISIONS AS MAY BE DEEMED NECESSARY
9 OR APPROPRIATE TO INSURE THE PAYMENT OF THE EQUIPMENT TRUST
10 CERTIFICATES FROM THE REVENUE OR INCOME TO BE DERIVED FROM THE
11 TRANSPORTATION SYSTEM.

12 (D) THE COVENANTS, CONDITIONS AND PROVISIONS OF THE
13 AGREEMENTS, LEASES AND EQUIPMENT TRUST CERTIFICATES SHALL NOT
14 CONFLICT WITH ANY OF THE PROVISIONS OF ANY TRUST INDENTURE
15 SECURING THE PAYMENT OF BONDS OR CERTIFICATES OF THE AUTHORITY.

16 (E) AN EXECUTED COPY OF EACH SUCH AGREEMENT AND LEASE SHALL
17 BE FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH WHO
18 SHALL BE ENTITLED TO RECEIVE ONE DOLLAR FOR EACH SUCH COPY FILED
19 WITH HIM, AND WHICH FILING SHALL CONSTITUTE NOTICE TO ANY
20 SUBSEQUENT JUDGMENT CREDITOR OR ANY SUBSEQUENT PURCHASER. EACH
21 VEHICLE SO PURCHASED AND LEASED SHALL HAVE THE NAME OF THE OWNER
22 AND LESSOR PLAINLY MARKED UPON BOTH SIDES THEREOF, FOLLOWED BY
23 THE WORDS "OWNER AND LESSOR."

24 (F) AN AUTHORITY SHALL HAVE POWER BY THE RESOLUTION, TRUST,
25 INDENTURE, MORTGAGE, LEASE OR OTHER CONTRACT TO CONFER UPON ANY
26 OBLIGEEES HOLDING OR REPRESENTING A SPECIFIED PERCENTAGE IN
27 BONDS, OR HOLDING A LEASE, THE RIGHT, IN ADDITION TO ALL RIGHTS
28 THAT MAY OTHERWISE BE CONFERRED, UPON THE HAPPENING OF AN EVENT
29 OF DEFAULT AS DEFINED IN SUCH RESOLUTION OR INSTRUMENT, BY SUIT,
30 ACTION OR PROCEEDING IN ANY COURT OF COMPETENT JURISDICTION:

1 (1) TO OBTAIN THE APPOINTMENT OF A RECEIVER OF ANY REAL
2 PROPERTY OF THE AUTHORITY AND OF THE RENTS AND PROFITS
3 THEREFROM. IF SUCH RECEIVER BE APPOINTED, HE MAY ENTER AND TAKE
4 POSSESSION OF SUCH REAL PROPERTY, OPERATE THE SAME AND COLLECT
5 AND RECEIVE ALL REVENUES OR OTHER INCOME THEREAFTER ARISING
6 THEREFROM, AND SHALL KEEP SUCH MONEYS IN A SEPARATE ACCOUNT AND
7 APPLY THE SAME IN ACCORDANCE WITH THE OBLIGATIONS OF THE
8 AUTHORITY AS THE COURT SHALL DIRECT.

9 (2) TO REQUIRE THE AUTHORITY, AND THE BOARD MEMBERS THEREOF,
10 TO ACCOUNT AS IF IT AND THEY WERE THE TRUSTEES OF AN EXPRESS
11 TRUST.

12 SECTION ~~214~~ 313. PROVISIONS OF BONDS; TRUST INDENTURES.--IN <—
13 CONNECTION WITH THE ISSUANCE OF BONDS OR THE INCURRING OF
14 OBLIGATIONS UNDER LEASES, AND IN ORDER TO SECURE THE PAYMENT OF
15 SUCH BONDS OR OBLIGATIONS, THE AUTHORITY, IN ADDITION TO ITS
16 OTHER POWERS, SHALL HAVE POWER:

17 (1) TO PLEDGE ALL OR ANY PART OF ITS GROSS OR NET REVENUES
18 TO WHICH ITS RIGHT THEN EXISTS OR MAY THEREAFTER COME INTO
19 EXISTENCE.

20 (2) TO MORTGAGE ALL OR ANY PART OF ITS REAL OR PERSONAL
21 PROPERTY THEN OWNED OR THEREAFTER ACQUIRED.

22 (3) TO COVENANT AGAINST PLEDGING ALL OR ANY PART OF ITS
23 REVENUES, OR AGAINST MORTGAGING ALL OR ANY PART OF ITS REAL OR
24 PERSONAL PROPERTY TO WHICH ITS RIGHT OR TITLE EXISTS OR MAY
25 THEREAFTER COME INTO EXISTENCE, OR AGAINST PERMITTING OR
26 SUFFERING ANY LIEN ON SUCH REVENUES OR PROPERTY TO COVENANT WITH
27 RESPECT TO LIMITATIONS ON ITS RIGHT TO SELL, LEASE OR OTHERWISE
28 DISPOSE OF ANY OF ITS REAL PROPERTY, AND TO COVENANT AS TO WHAT
29 OTHER OR ADDITIONAL DEBTS OR OBLIGATIONS MAY BE INCURRED BY IT.

30 (4) TO COVENANT AS TO THE BONDS TO BE ISSUED AND AS TO THE

1 ISSUANCE OF SUCH BONDS, IN ESCROW, OR OTHERWISE, AND AS TO THE
2 USE AND DISPOSITION OF THE PROCEEDS THEREOF, TO PROVIDE FOR THE
3 REPLACEMENT OF LOST, DESTROYED, OR MUTILATED BONDS, TO COVENANT
4 AGAINST EXTENDING THE TIME FOR THE PAYMENT OF ITS BONDS OR
5 INTEREST THEREON, AND TO REDEEM THE BONDS AND TO COVENANT FOR
6 THEIR REDEMPTION AND TO PROVIDE THE TERMS AND CONDITIONS
7 THEREOF.

8 (5) TO COVENANT, SUBJECT TO THE LIMITATIONS CONTAINED IN
9 THIS ~~ACT~~ ARTICLE, AS TO THE AMOUNT OF REVENUES TO BE RAISED EACH <—
10 YEAR, OR OTHER PERIOD OF TIME, AS WELL AS TO THE USE AND
11 DISPOSITION TO BE MADE THEREOF, TO CREATE OR TO AUTHORIZE THE
12 CREATION OF SPECIAL FUNDS FOR DEBT SERVICE OR OTHER PURPOSES,
13 AND TO COVENANT AS TO THE USE AND DISPOSITION OF THE MONEYS HELD
14 IN SUCH FUNDS.

15 (6) TO PRESCRIBE THE PROCEDURE, IF ANY, BY WHICH THE TERMS
16 OF ANY CONTRACT WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED,
17 THE AMOUNT OF BONDS, THE HOLDERS OF WHICH MUST CONSENT THERETO,
18 AND THE MANNER IN WHICH SUCH CONSENT MAY BE GIVEN.

19 (7) TO COVENANT AS TO THE USE OF ANY OR ALL OF ITS REAL OR
20 PERSONAL PROPERTY, TO WARRANT ITS TITLE, AND TO COVENANT AS TO
21 THE MAINTENANCE OF ITS REAL AND PERSONAL PROPERTY, THE
22 REPLACEMENT THEREOF, THE INSURANCE TO BE CARRIED THEREON, AND
23 THE USE AND DISPOSITION OF INSURANCE MONEYS.

24 (8) TO COVENANT AS TO THE RIGHTS, LIABILITIES, POWERS AND
25 DUTIES ARISING UPON THE BREACH BY IT OF ANY COVENANT, CONDITION
26 OR OBLIGATION, AND TO COVENANT AND PRESCRIBE, IN THE EVENT OF
27 DEFAULT, AS TO TERMS AND CONDITIONS UPON WHICH ANY OR ALL OF ITS
28 BONDS OR OBLIGATIONS SHALL BECOME OR MAY BE DECLARED DUE BEFORE
29 MATURITY, AND AS TO THE TERMS AND CONDITIONS UPON WHICH SUCH
30 DECLARATION AND ITS CONSEQUENCES MAY BE WAIVED.

1 (9) TO VEST IN A TRUSTEE, OR THE HOLDERS OF BONDS, OR ANY
2 PROPORTION OF THEM, THE RIGHT TO ENFORCE THE PAYMENT OF THE
3 BONDS OR ANY COVENANTS SECURING OR RELATING TO THE BONDS, TO
4 VEST IN A TRUSTEE THE RIGHT, IN THE EVENT OF A DEFAULT BY THE
5 AUTHORITY, TO TAKE POSSESSION AND USE, OPERATE AND MANAGE ANY
6 REAL PROPERTY AND TO COLLECT THE RENTS AND REVENUES ARISING
7 THEREFROM AND TO DISPOSE OF SUCH MONEYS IN ACCORDANCE WITH THE
8 AGREEMENT OF THE AUTHORITY WITH SUCH TRUSTEE, TO PROVIDE FOR THE
9 POWERS AND DUTIES OF A TRUSTEE AND TO LIMIT LIABILITIES THEREOF,
10 AND TO PROVIDE THE TERMS AND CONDITIONS UPON WHICH THE TRUSTEE
11 OR THE HOLDERS OF BONDS OR ANY PROPORTION OF THEM MAY ENFORCE
12 ANY COVENANT OR RIGHTS SECURING OR RELATING TO THE BONDS.

13 (10) TO MAKE COVENANTS OTHER THAN, AND IN ADDITION TO, THE
14 COVENANTS HEREIN EXPRESSLY AUTHORIZED; TO MAKE SUCH COVENANTS
15 AND TO DO ANY AND ALL SUCH ACTS AND THINGS AS MAY BE NECESSARY
16 OR CONVENIENT OR DESIRABLE IN ORDER TO SECURE ITS BONDS, OR IN
17 THE ABSOLUTE DISCRETION OF THE AUTHORITY, AS WILL TEND TO
18 ACCOMPLISH THE PURPOSES OF THIS ACT ARTICLE, BY MAKING THE BONDS <—
19 MORE MARKETABLE NOTWITHSTANDING THAT SUCH COVENANTS, ACTS OR
20 THINGS MAY NOT BE ENUMERATED HEREIN.

21 SECTION 215 314. BONDS AND CERTIFICATES TO BE LEGAL <—
22 INVESTMENTS.-- THE COMMONWEALTH AND ALL POLITICAL SUBDIVISIONS
23 AND PUBLIC BODIES AND PUBLIC OFFICERS OF ANY THEREOF, ALL BANKS,
24 BANKERS, TRUST COMPANIES, SAVING BANKS AND INSTITUTIONS,
25 BUILDING AND LOAN ASSOCIATIONS, SAVING AND LOAN ASSOCIATIONS,
26 INVESTMENT COMPANIES AND OTHER PERSONS CARRYING ON A BANKING
27 BUSINESS, ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS AND
28 OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS AND ALL
29 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES AND OTHER
30 FIDUCIARIES MAY LEGALLY INVEST ANY SINKING FUNDS, MONEYS OR

1 OTHER FUNDS BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY
2 BONDS OR CERTIFICATES ISSUED PURSUANT TO THIS ACT ARTICLE, IT <—
3 BEING THE PURPOSE OF THIS SECTION TO AUTHORIZE THE INVESTMENT IN
4 SUCH BONDS OR CERTIFICATES OF ALL SINKING, INSURANCE,
5 RETIREMENT, COMPENSATION, PENSION AND TRUST FUNDS, WHETHER OWNED
6 OR CONTROLLED BY PRIVATE OR PUBLIC PERSONS OR OFFICERS.

7 SECTION 216 315. INVESTMENT AND REINVESTMENT OF FUNDS.--THE <—
8 AUTHORITY SHALL HAVE THE POWER TO INVEST AND REINVEST ANY FUNDS
9 HELD IN RESERVE OR SINKING FUNDS NOT REQUIRED FOR IMMEDIATE

10 DISBURSEMENT: (A) IN THE FOLLOWING SECURITIES AS DEFINED IN THE <—
11 FIDUCIARIES INVESTMENT ACT OF 1949, AS AMENDED: OBLIGATIONS OF
12 THE UNITED STATES AND OF THE COMMONWEALTH OF PENNSYLVANIA AS
13 MORE FULLY DEFINED IN SECTION 3, SUBSECTION (1) AND MORE FULLY
14 DEFINED IN SECTION 3, SUBSECTIONS (1) AND (2) OF SUCH ACT;

15 OBLIGATIONS OF FEDERAL ORGANIZATIONS AS DEFINED IN SECTION 4 OF
16 SUCH ACT; AND (B) FOR SINKING FUND PURPOSES ONLY, IN BONDS OR

17 (1) IN OBLIGATIONS OF THE UNITED STATES AND OF THE <—
18 COMMONWEALTH OF PENNSYLVANIA AS DEFINED IN 20 PA.C.S. §
19 7303(1) AND (2) (RELATING TO GOVERNMENT OBLIGATIONS) AND
20 OBLIGATIONS OF FEDERAL ORGANIZATIONS AS DEFINED IN 20 PA.C.S.
21 § 7304 (RELATING TO OBLIGATIONS OF FEDERAL ORGANIZATIONS);

22 AND

23 (2) FOR SINKING FUND PURPOSES ONLY, IN BONDS OR
24 CERTIFICATES OF THE AUTHORITY AT NOT TO EXCEED THEIR PAR
25 VALUE OR THEIR CALL PRICE PLUS ACCRUED INTEREST; AND TO SELL <—

26 ANY OF

27 AND TO SELL ANY OF THE SECURITIES ACQUIRED UNDER CLAUSE (A) <—
28 PARAGRAPH (1) WHENEVER THE FUNDS ARE NEEDED FOR DISBURSEMENT.
29 SUCH INVESTMENT OR REINVESTMENT OF ANY FUND SHALL NOT BE IN
30 CONFLICT WITH ANY PROVISIONS OF ANY TRUST AGREEMENT SECURING THE

PAYMENT OF BONDS OR CERTIFICATES OF THE AUTHORITY.

SECTION ~~217~~ 316. GOVERNING AND POLICYMAKING BODY; POLICY

MATTERS.--(A) THE GOVERNING AND POLICYMAKING BODY OF THE

AUTHORITY SHALL BE A BOARD, TO BE KNOWN AS THE TRANSPORTATION

BOARD OF THE METROPOLITAN AREA, CONSISTING OF MEMBERS TO BE

APPOINTED AS HEREINAFTER PROVIDED, WHO, EXCEPT FOR THE APPOINTEE

OF THE GOVERNOR, MUST BE RESIDENTS OF THE METROPOLITAN AREA. NO

BOARD MEMBER SHALL BE ALLOWED ANY FEES, PERQUISITES OR

EMOLUMENTS, REWARD OR COMPENSATION FOR HIS SERVICES AS A MEMBER

OR OFFICER OF THE AUTHORITY, BUT HE SHALL BE REIMBURSED FOR

ACTUAL EXPENSES INCURRED BY HIM IN THE PERFORMANCE OF HIS

DUTIES.

(B) THE BOARD SHALL NOT INVOLVE ITSELF IN THE DAY-TO-DAY

ADMINISTRATION OF THE AUTHORITY'S BUSINESS. IT SHALL LIMIT ITS

EXERCISE OF POWERS TO SUCH AREAS OF DISCRETION OR POLICY AS THE

FUNCTIONS AND PROGRAMS OF THE AUTHORITY, THE AUTHORITY'S

OPERATING AND CAPITAL BUDGETS, THE AUTHORITY'S STANDARD OF

SERVICES, UTILIZATION OF TECHNOLOGY, THE ORGANIZATIONAL

STRUCTURE AND SUBJECT TO THE PROVISIONS OF THIS ACT ARTICLE THE

SELECTION OF PERSONNEL AND THE ESTABLISHMENT OF SALARIES FOR

SUCH PERSONNEL.

SECTION ~~218~~ 317. APPOINTMENT OF BOARD MEMBERS.--(A) AT ANY

TIME AFTER THE EFFECTIVE DATE OF THIS ACT ARTICLE:

(1) THE GOVERNOR MAY APPOINT AS A MEMBER OF THE BOARD, ONE

PERSON, WHO MAY BE AN EX-OFFICIO APPOINTEE FROM AMONG THE

VARIOUS OFFICIALS IN THE GOVERNMENT OF THE COMMONWEALTH, AND

WHOSE TERM AS A BOARD MEMBER SHALL RUN CONCURRENTLY WITH THAT OF

HIS COMMONWEALTH POSITION, IF ANY, OR THE TERM OF THE APPOINTING

GOVERNOR, WHICHEVER IS SHORTER.

(2) THE COUNTY COMMISSIONERS OR THE COUNTY COUNCIL IN EACH

1 COUNTY, AND, IN ANY COUNTY OF THE FIRST CLASS CONTAINING A CITY
2 OF THE FIRST CLASS, THE MAYOR, WITH THE APPROVAL OF THE CITY
3 COUNCIL, MAY APPOINT TWO PERSONS FOR EACH COUNTY TO SERVE AS
4 BOARD MEMBERS.

5 (B) AT THE EXPIRATION OF THE TERM OF ANY BOARD MEMBER, HIS
6 SUCCESSOR SHALL BE APPOINTED BY THE SAME POWER WHO APPOINTED
7 HIM, FOR A TERM OF FIVE YEARS FROM SUCH EXPIRATION DATE.

8 (C) THE APPOINTING POWERS SHALL CERTIFY THEIR RESPECTIVE
9 APPOINTMENTS TO THE SECRETARY OF THE COMMONWEALTH. WITHIN THIRTY
10 DAYS AFTER CERTIFICATION OF HIS APPOINTMENT AND BEFORE ENTERING
11 UPON THE DUTIES OF HIS OFFICE, EACH MEMBER OF THE BOARD SHALL
12 TAKE AND SUBSCRIBE THE CONSTITUTIONAL OATH OF OFFICE AND FILE IT
13 IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

14 SECTION ~~219~~ 318. RESIGNATION AND REMOVAL OF MEMBERS; <—
15 VACANCIES.--MEMBERS OF THE BOARD SHALL HOLD OFFICE UNTIL THEIR
16 RESPECTIVE SUCCESSORS HAVE BEEN APPOINTED AND HAVE QUALIFIED.
17 THE APPOINTING POWER MAY REMOVE ANY MEMBER OF THE BOARD
18 APPOINTED BY HIM OR THEM, BUT ONLY IN CASE OF INCOMPETENCY,
19 NEGLECT OF DUTY OR MALFEASANCE IN OFFICE. NO MEMBER SHALL BE
20 THUS REMOVED EXCEPT AFTER HAVING BEEN GIVEN A COPY OF THE
21 CHARGES AGAINST HIM AND AN OPPORTUNITY TO BE PUBLICLY HEARD, AT
22 A PLACE IN THE METROPOLITAN AREA, IN PERSON OR BY COUNSEL, IN
23 HIS OWN DEFENSE UPON NOT LESS THAN TEN DAYS' WRITTEN NOTICE. IN
24 CASE OF FAILURE TO QUALIFY WITHIN THE TIME REQUIRED OR OF
25 ABANDONMENT OF HIS OFFICE OR IN CASE OF DEATH, CONVICTION OF A
26 FELONY OR REMOVAL FROM OFFICE, HIS OFFICE SHALL BECOME VACANT. A
27 MEMBER SHALL BE DEEMED TO HAVE ABANDONED HIS OFFICE UPON FAILURE
28 TO ATTEND ANY REGULAR OR SPECIAL MEETING OF THE BOARD, WITHOUT
29 EXCUSE APPROVED BY RESOLUTION OF THE BOARD, FOR A PERIOD OF FOUR
30 MONTHS, OR UPON REMOVAL OF HIS RESIDENCE FROM THE METROPOLITAN

1 AREA. EACH VACANCY SHALL BE FILLED FOR THE UNEXPIRED TERM BY
2 APPOINTMENT IN LIKE MANNER AND WITH LIKE REGARD AS TO THE PLACE
3 OF RESIDENCE OF THE APPOINTEE AS IN CASE OF EXPIRATION OF THE
4 TERM OF A MEMBER OF THE BOARD. A MEMBER REMOVED FOR
5 INCOMPETENCY, NEGLECT OF DUTY OR MALFEASANCE IN OFFICE SHALL
6 HAVE THE RIGHT TO APPEAL SUCH REMOVAL TO THE COURT OF COMMON
7 PLEAS OF THE COUNTY FOR WHICH HE WAS APPOINTED, BUT ONLY ON THE
8 GROUND OF ERROR OF LAW OR MANIFEST AND FLAGRANT ABUSE OF
9 DISCRETION.

10 SECTION 220 319. MEETINGS, QUORUM, APPROVAL OF RESOLUTIONS; <—
11 ELECTION OF CHAIRMAN.--(A) REGULAR MEETINGS OF THE BOARD SHALL
12 BE HELD IN THE METROPOLITAN AREA AT LEAST ONCE IN EACH CALENDAR
13 MONTH EXCEPT JULY OR AUGUST, THE TIME AND PLACE OF SUCH MEETINGS
14 TO BE FIXED BY THE BOARD. A MAJORITY OF THE BOARD SHALL
15 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS. ALL ACTION
16 OF THE BOARD SHALL BE BY RESOLUTION AND THE AFFIRMATIVE VOTE OF
17 A MAJORITY OF ALL THE MEMBERS SHALL BE NECESSARY FOR THE
18 ADOPTION OF ANY RESOLUTION: PROVIDED, HOWEVER, THAT NO ACTION BY
19 THE BOARD, TO WHICH AN EXPRESS OBJECTION HAS BEEN MADE, PURSUANT
20 TO THIS SECTION, BY A BOARD MEMBER OR MEMBERS REPRESENTING A
21 COUNTY OR COUNTIES HAVING ONE-THIRD OR MORE OF THE POPULATION OF
22 THE METROPOLITAN AREA, AS DETERMINED BY THE MOST RECENT
23 DECENNIAL CENSUS, SHALL BE CARRIED UNLESS SUPPORTED AT A
24 SUBSEQUENT REGULAR MEETING OF THE BOARD BY THE VOTES OF AT LEAST
25 THREE-QUARTERS OF THE MEMBERSHIP OF THE BOARD. IN CASE OF
26 DISAGREEMENT BETWEEN MEMBERS REPRESENTING THE SAME COUNTY, EACH
27 MEMBER SHALL BE DEEMED TO REPRESENT ONE-HALF OF THE POPULATION
28 OF THAT COUNTY.

29 (B) THE BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRMAN
30 AND A VICE CHAIRMAN, WHO SHALL SERVE FOR A TERM OF ONE YEAR AND

1 UNTIL THEIR SUCCESSORS SHALL HAVE BEEN ELECTED AND QUALIFIED,
2 AND SHALL PERFORM SUCH DUTIES AS THE BOARD SHALL, BY RESOLUTION,
3 DETERMINE.

4 (C) ALL RESOLUTIONS AND ALL PROCEEDINGS OF THE AUTHORITY AND
5 ALL DOCUMENTS AND RECORDS IN ITS POSSESSION SHALL BE PUBLIC
6 RECORDS AND OPEN TO PUBLIC INSPECTION, EXCEPT SUCH DOCUMENTS AND
7 RECORDS AS SHALL BE KEPT OR PREPARED BY THE BOARD FOR USE IN
8 NEGOTIATIONS, ACTIONS OR PROCEEDINGS TO WHICH THE AUTHORITY IS
9 OR MAY BECOME A PARTY.

10 SECTION ~~221~~ 320. SECRETARY, OATH, BOND.--THE BOARD SHALL <—
11 APPOINT A SECRETARY WHO SHALL NOT BE A MEMBER OF THE BOARD, TO
12 HOLD OFFICE DURING THE PLEASURE OF THE BOARD AND SHALL FIX SUCH
13 PERSON'S DUTIES AND COMPENSATION. THE SECRETARY SHALL NOT BE
14 ENGAGED IN ANY OTHER BUSINESS OR EMPLOYMENT DURING HIS OR HER
15 TENURE OF OFFICE AS SECRETARY OF THE BOARD. BEFORE ENTERING UPON
16 THE DUTIES OF HIS OR HER OFFICE HE OR SHE SHALL TAKE AND
17 SUBSCRIBE THE CONSTITUTIONAL OATH OF OFFICE. OFFICERS AND
18 EMPLOYEES OF THE AUTHORITY, AND SUCH MEMBERS OF THE BOARD AS THE
19 BOARD MAY DETERMINE, SHALL EXECUTE CORPORATE SURETY BONDS,
20 CONDITIONED UPON THE FAITHFUL PERFORMANCE OF THEIR RESPECTIVE
21 DUTIES. A BLANKET FORM OF SURETY BOND MAY BE USED FOR THIS
22 PURPOSE IF THE BOARD DEEMS SUCH PROCEDURE TO BE PRACTICAL AND
23 PRUDENT. THE OBLIGATION OF THE SURETIES SHALL NOT EXTEND TO ANY
24 LOSS SUSTAINED BY THE INSOLVENCY, FAILURE OR CLOSING OF ANY
25 NATIONAL OR STATE BANK WHEREIN FUNDS OF THE AUTHORITY HAVE BEEN
26 DEPOSITED IF THE BANK HAS BEEN APPROVED BY THE BOARD AS A
27 DEPOSITORY FOR THESE FUNDS. THE OATHS OF OFFICE AND THE SURETY
28 BOND OR BONDS SHALL BE FILED IN THE PRINCIPAL OFFICE OF THE
29 AUTHORITY.

30 SECTION ~~222~~ 321. CONTROLLER.--THE BOARD SHALL APPOINT A <—

1 CONTROLLER, WHO SHALL NOT BE A MEMBER OF THE BOARD, TO HOLD
2 OFFICE DURING THE PLEASURE OF THE BOARD AND SHALL FIX HIS OR HER
3 COMPENSATION. THE CONTROLLER SHALL CONDUCT A MONTHLY EXAMINATION
4 OF THE BOOKS, ACCOUNTS, DOCUMENTS AND PAPERS OF THE AUTHORITY
5 AND REPORT THE RESULTS OF HIS OR HER INVESTIGATION TO THE BOARD
6 AND THE CHIEF OPERATIONS OFFICER. THE CONTROLLER SHALL SUBMIT AN
7 ANNUAL REPORT OF THE AUTHORITY'S FINANCIAL CONDITION WHICH SHALL
8 BE IN ADDITION TO ANY OTHER FINANCIAL REPORT REQUIRED BY THIS
9 ACT ARTICLE TO THE BOARD AND THE CHIEF OPERATIONS OFFICER. THE <—
10 CONTROLLER SHALL EXECUTE A CORPORATE SURETY BOND AND SHALL TAKE
11 AND SUBSCRIBE THE OATH OF OFFICE PROVIDED IN SECTION 219 318. <—

12 SECTION 223 322. TREASURER.--THE CHIEF OPERATIONS OFFICER <—
13 SHALL APPOINT A TREASURER TO HOLD OFFICE AT HIS OR HER PLEASURE.
14 IN ADDITION TO THE DUTIES IMPOSED ON THE TREASURER BY THIS ACT <—
15 ARTICLE, THE TREASURER SHALL PERFORM SUCH OTHER DUTIES AS THE
16 CHIEF OPERATIONS OFFICER SHALL PRESCRIBE. THE TREASURER SHALL
17 EXECUTE A CORPORATE SURETY BOND AND SHALL TAKE AND SUBSCRIBE THE
18 OATH OF OFFICE PRESCRIBED IN SECTION 221 320. <—

19 SECTION 224 323. DEPOSIT OF FUNDS, CHECKS AND DRAFTS; <—
20 SECURITY COLLATERAL.--(A) ALL FUNDS DEPOSITED BY THE TREASURER
21 IN ANY BANK SHALL BE PLACED IN THE NAME OF THE AUTHORITY AND
22 SHALL BE WITHDRAWN OR PAID OUT ONLY BY CHECK OR DRAFT UPON THE
23 BANK SIGNED BY THE TREASURER AND COUNTERSIGNED BY THE CHAIRMAN
24 OF THE BOARD. THE BOARD MAY DESIGNATE ANY OF ITS MEMBERS OR ANY
25 OFFICER OR EMPLOYE OF THE AUTHORITY TO AFFIX THE SIGNATURE OF
26 THE CHAIRMAN TO ANY CHECK OR DRAFT FOR PAYMENT OF SALARIES OR
27 WAGES AND FOR THE PAYMENT OF ANY OTHER OBLIGATION OF NOT MORE
28 THAN \$100,000. THE CHIEF OPERATIONS OFFICER MAY DESIGNATE ANY
29 OFFICER OR EMPLOYE OF THE AUTHORITY TO AFFIX THE SIGNATURE OF
30 THE TREASURER TO ANY CHECK OR DRAFT FOR PAYMENT OF SALARIES OR

1 WAGES AND FOR THE PAYMENT OF ANY OTHER OBLIGATION OF NOT MORE
2 THAN \$100,000.

3 (B) WHENEVER THE BUSINESS OF THE AUTHORITY REQUIRES THE
4 AFFIXING OF THE SIGNATURE OF ANY OFFICER OR EMPLOYE OF THE
5 AUTHORITY, THE USE OF A FACSIMILE SIGNATURE, WHEN EXPRESSLY
6 AUTHORIZED BY RESOLUTION OF THE BOARD, SHALL HAVE THE SAME FORCE
7 AND EFFECT AS AN ORIGINAL SIGNATURE.

8 (C) ALL BANK BALANCES TO THE EXTENT THE SAME ARE NOT INSURED
9 SHALL BE CONTINUOUSLY SECURED BY A PLEDGE OF DIRECT OBLIGATIONS
10 OF UNITED STATES OF AMERICA, OF THE COMMONWEALTH OR OF ANY
11 MUNICIPALITY OR MUNICIPALITIES IN THE METROPOLITAN AREA, HAVING
12 AN AGGREGATE MARKET VALUE, EXCLUSIVE OF ACCRUED INTEREST AT ALL
13 TIMES AT LEAST EQUAL TO THE BALANCE ON DEPOSIT IN SUCH BANK.
14 SUCH SECURITIES SHALL EITHER BE DEPOSITED WITH THE TREASURER OF
15 THE AUTHORITY OR BE HELD BY A TRUSTEE OR AGENT SATISFACTORY TO
16 THE AUTHORITY. ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO
17 GIVE SUCH SECURITY FOR SUCH BALANCES.

18 SECTION ~~225~~ 324. SIGNATURES OF OFFICERS CEASING TO HOLD <—
19 OFFICE.--IN CASE ANY OFFICER WHOSE SIGNATURE APPEARS UPON ANY
20 CHECK, DRAFT, BOND, CERTIFICATE OR INTEREST COUPON ISSUED
21 PURSUANT TO THIS ACT ARTICLE, CEASES TO HOLD HIS OFFICE BEFORE <—
22 THE DELIVERY THEREOF TO THE PAYEE OR THE PURCHASER OF ANY BOND
23 OR CERTIFICATE, HIS SIGNATURE NEVERTHELESS SHALL BE VALID AND
24 SUFFICIENT FOR ALL PURPOSES WITH THE SAME EFFECT AS IF HE HAD
25 REMAINED IN OFFICE UNTIL DELIVERY THEREOF.

26 SECTION ~~226~~ 325. CHIEF OPERATIONS OFFICER.--THE BOARD SHALL <—
27 APPOINT A CHIEF OPERATIONS OFFICER, WHO SHALL HAVE DEMONSTRATED
28 THAT HE OR SHE IS COMPETENT AND EXPERIENCED IN THE AREA OF
29 TRANSIT MANAGEMENT, AND SHALL FIX HIS OR HER COMPENSATION. THE
30 CHIEF OPERATIONS OFFICER SHALL HAVE THE POWER AND IT SHALL BE

1 HIS OR HER DUTY TO:

2 (1) MANAGE THE PROPERTIES OF THE AUTHORITIES.

3 (2) ATTEND TO THE DAY-TO-DAY ADMINISTRATION, FISCAL
4 MANAGEMENT AND OPERATION OF THE AUTHORITY'S BUSINESS.

5 (3) APPOINT SUCH EMPLOYEES AS HE OR SHE DEEMS NECESSARY TO
6 CONDUCT THE AFFAIRS OF HIS OR HER OFFICE, SUBJECT TO THE
7 PROVISIONS OF THIS ~~ACT~~ ARTICLE. <—

8 (4) IMPLEMENT AND ENFORCE ALL RESOLUTIONS, RULES AND
9 REGULATIONS OF THE BOARD.

10 (5) SUBMIT TO THE BOARD ACCORDING TO A SCHEDULE ESTABLISHED
11 BY IT, PERIODIC REPORTS SHOWING THE OVERALL STATE OR CONDITION
12 OF THE TRANSIT SYSTEM ACCORDING TO ESTABLISHED INDUSTRY
13 PERFORMANCE STANDARDS. SUCH REPORTS SHALL BE CONSIDERED PUBLIC
14 RECORDS.

15 (6) IMPLEMENT POLICIES ESTABLISHED BY THE BOARD.

16 SECTION ~~227~~ 326. COUNSEL TO THE BOARD.--THE BOARD SHALL <—
17 APPOINT A COUNSEL TO THE BOARD, WHO SHALL BE AN ATTORNEY AT LAW,
18 ADMITTED TO PRACTICE BEFORE THE SUPREME COURT OF THE
19 COMMONWEALTH, AND WHO SHALL BE APPOINTED BY THE BOARD TO SERVE
20 AT ITS DISCRETION. THE BOARD SHALL PAY TO THE COUNSEL TO THE
21 BOARD REASONABLE COMPENSATION FOR SERVICES ACTUALLY PERFORMED.
22 THE COUNSEL TO THE BOARD SHALL ADVISE THE BOARD IN ALL MATTERS
23 RELATING TO ITS OFFICIAL DUTIES AND SHALL NOTWITHSTANDING ANY
24 OTHER PROVISION OF THIS ~~ACT~~ ARTICLE APPROVE ALL MATTERS RELATING <—
25 TO BONDS AND INDENTURES.

26 SECTION ~~228~~ 327. LEGAL DIVISION; GENERAL COUNSEL.--(A) THE <—
27 CHIEF OPERATIONS OFFICER SHALL ESTABLISH A LEGAL DIVISION WHICH
28 SHALL BE ADMINISTERED BY A FULL-TIME GENERAL COUNSEL WHO SHALL
29 BE AN ATTORNEY AT LAW ADMITTED TO PRACTICE BEFORE THE SUPREME
30 COURT OF PENNSYLVANIA AND WHO SHALL BE APPOINTED BY THE CHIEF

OPERATIONS OFFICER TO SERVE AT HIS OR HER PLEASURE. THE LEGAL
DIVISION, IN ADDITION TO THE GENERAL COUNSEL, SHALL CONSIST OF
SUCH ATTORNEYS AND OTHER EMPLOYES AS THE GENERAL COUNSEL FROM
TIME TO TIME SHALL DETERMINE TO BE NECESSARY, AND WHO SHALL BE
APPOINTED BY THE CHIEF OPERATIONS OFFICER. EXCEPT AS PROVIDED IN
SECTION 227 326 THE LEGAL DIVISION SHALL ADMINISTER THE LEGAL
AFFAIRS OF THE AUTHORITY, SHALL PROSECUTE AND DEFEND, SETTLE OR
COMPROMISE ALL SUITS OR CLAIMS FOR AND ON BEHALF OF THE
AUTHORITY, AND SHALL ADVISE THE CHIEF OPERATIONS OFFICER IN ALL
MATTERS RELATING TO HIS OR HER OFFICIAL DUTIES.

(B) THE GENERAL COUNSEL MAY, FROM TIME TO TIME, WITH THE
APPROVAL OF THE CHIEF OPERATIONS OFFICER, RETAIN SUCH OTHER
LEGAL COUNSEL ON SUCH TERMS AND FOR SUCH PURPOSES AS SHALL BE
DEEMED BY THE CHIEF OPERATIONS OFFICER TO BE NECESSARY OR IN
CASES WHERE THE NEEDS OF THE AUTHORITY WOULD BE BETTER SERVED.
NOTHING IN THIS SECTION OR ~~IN THE PRECEDING~~ SECTION 326 SHALL BE
CONSTRUED SO AS TO LIMIT THE POWER OF THE LEGAL OR OTHER
OFFICERS OF THE COUNTIES AND MUNICIPALITIES COMPRISING THE
METROPOLITAN AREA TO ACT IN BEHALF OF THE CHIEF OPERATIONS
OFFICER IN THEIR OFFICIAL CAPACITIES WHEN REQUESTED SO TO DO BY
THE CHIEF OPERATIONS OFFICER.

SECTION 229 328. OTHER EMPLOYES.--THE BOARD ACTING THROUGH
THE CHIEF OPERATIONS OFFICER SHALL HAVE THE RIGHT TO BARGAIN
COLLECTIVELY AND ENTER INTO AGREEMENTS WITH LABOR ORGANIZATIONS.
THE BOARD ACTING THROUGH THE CHIEF OPERATIONS OFFICER SHALL
RECOGNIZE AND BE BOUND BY EXISTING LABOR UNION AGREEMENTS WHERE
THEY EXIST BETWEEN LABOR UNIONS AND TRANSPORTATION COMPANIES
THAT ARE ACQUIRED, PURCHASED, CONDEMNED OR LEASED BY THE BOARD.
IT SHALL DESIGNATE THEIR DUTIES AND REQUIRE BONDS OF SUCH OF
THEM AS THE BOARD MAY DESIGNATE. THE COMPENSATION OF THE CHIEF

1 OPERATIONS OFFICER, COUNSEL TO THE BOARD, SECRETARY AND
2 CONTROLLER SHALL BE FIXED BY THE BOARD. FOR ALL OTHER OFFICERS,
3 EMPLOYES, ATTORNEYS, ENGINEERS, CONSULTANTS AND AGENTS THE BOARD
4 SHALL ESTABLISH SALARY SCALES. THE CHIEF OPERATIONS OFFICER
5 SHALL ESTABLISH WITHIN SUCH SALARY SCALES COMPENSATION LEVELS
6 BASED UPON WRITTEN APPRAISALS OF PERFORMANCE FOR ALL EMPLOYES
7 UNDER HIS CONTROL. THE SECRETARY AND THE CONTROLLER SHALL
8 ESTABLISH WITHIN SUCH SALARY SCALES COMPENSATION LEVELS BASED
9 UPON WRITTEN APPRAISALS OF PERFORMANCE FOR ALL EMPLOYES IN THEIR
10 RESPECTIVE OFFICES. WITH THE EXCEPTION OF THE SECRETARY, ANY OF
11 THE FOREGOING MAY BE APPOINTED, RETAINED, HIRED OR EMPLOYED ON A
12 PART-TIME BASIS AND MAY BE ENGAGED IN OTHER BUSINESS OR
13 PROFESSIONAL ACTIVITIES: PROVIDED, THAT NO SALARIED EXECUTIVE
14 OFFICER OF THE AUTHORITY SHALL HOLD ANY OTHER OFFICE IN OR BE AN
15 EMPLOYEE OF THE FEDERAL, STATE OR ANY COUNTY OR MUNICIPAL
16 GOVERNMENT EXCEPT AN OFFICE OR EMPLOYMENT WITHOUT COMPENSATION
17 OR AN OFFICE IN THE MILITARY RESERVE OR NATIONAL GUARD.

18 SECTION ~~230~~ 329. CLASSIFICATION OF POSITIONS AND <—
19 EMPLOYMENTS; DISCHARGE OR DEMOTION OF OFFICERS OR EMPLOYES;
20 HEARINGS; SENIORITY; PENSIONS AND RETIREMENT.--(A) THE CHIEF
21 OPERATIONS OFFICER SHALL CLASSIFY ALL THE OFFICES, POSITIONS AND
22 GRADES OF REGULAR EMPLOYMENT REQUIRED, EXCEPTING THAT OF THE
23 CHAIRMAN OF THE BOARD, SECRETARY, COUNSEL TO THE BOARD AND
24 CONTROLLER, WITH REFERENCE TO THE DUTIES THEREOF AND THE
25 COMPENSATION FIXED THEREFOR AND ADOPT RULES GOVERNING
26 APPOINTMENTS TO ANY OF SUCH OFFICES OR POSITIONS ON THE BASIS OF
27 MERIT AND EFFICIENCY. NO DISCRIMINATION SHALL BE MADE IN ANY
28 APPOINTMENT OR PROMOTION BECAUSE OF AGE, SEX, RACE, CREED, COLOR <—
29 OR POLITICAL OR RELIGIOUS AFFILIATIONS. NO OFFICER OR EMPLOYEE
30 SHALL BE DISCHARGED OR DEMOTED EXCEPT FOR JUST CAUSE.

1 (B) THE CHIEF OPERATIONS OFFICER MAY ABOLISH ANY OFFICE OR
2 REDUCE THE FORCE OF EMPLOYES FOR LACK OF WORK OR LACK OF FUNDS,
3 BUT IN SO DOING, THE OFFICER OR EMPLOYEE WITH THE SHORTEST
4 SERVICE RECORD IN THE CLASS AND GRADE TO WHICH HE BELONGS SHALL
5 BE FIRST RELEASED FROM SERVICE AND SHALL BE REINSTATED IN ORDER
6 OF SENIORITY, WHEN ADDITIONAL FORCE OF EMPLOYES IS REQUIRED.
7 SENIORITY SHALL BE CONSIDERED A WORKING CONDITION. NO QUALIFIED
8 PERSON SHALL BE LAID OFF IF A TRANSFER TO ANOTHER JOB, DIVISION
9 OR DEPARTMENT WITHIN THE TRANSPORTATION SYSTEM CAN BE ARRANGED.

10 (C) THERE SHALL BE ESTABLISHED AND MAINTAINED BY THE
11 AUTHORITY A PENSIONS AND RETIREMENT SYSTEM TO PROVIDE FOR
12 PAYMENTS WHEN DUE UNDER SUCH SYSTEM OR AS MODIFIED FROM TIME TO
13 TIME BY RESOLUTION OF THE BOARD. FOR THIS PURPOSE, BOTH THE
14 BOARD AND THE PARTICIPATING EMPLOYES SHALL MAKE SUCH PERIODIC
15 PAYMENTS TO THE ESTABLISHED SYSTEM AS MAY BE DETERMINED BY SUCH
16 RESOLUTION. THE BOARD MAY PROVIDE FOR PARTICIPATION BY ITS
17 EMPLOYES IN THE SOCIAL SECURITY PROGRAM OR, IN LIEU OF SOCIAL
18 SECURITY PAYMENTS REQUIRED TO BE PAID BY PRIVATE CORPORATIONS
19 ENGAGED IN SIMILAR ACTIVITY, SHALL MAKE PAYMENTS INTO SUCH
20 ESTABLISHED SYSTEM AT LEAST EQUAL IN AMOUNT TO THE AMOUNT SO
21 REQUIRED TO BE PAID BY SUCH PRIVATE CORPORATIONS, OR MAKE SUCH
22 OTHER ARRANGEMENTS AS WILL ACCOMPLISH THE SAME PURPOSE.
23 PROVISIONS SHALL BE MADE BY THE BOARD FOR ALL OFFICERS AND
24 EMPLOYES OF THE AUTHORITY APPOINTED PURSUANT TO THIS ACT ARTICLE <—
25 TO BECOME, SUBJECT TO REASONABLE RULES AND REGULATIONS, MEMBERS
26 AND BENEFICIARIES OF THE PENSIONS AND REQUIREMENT SYSTEM, WITH
27 UNIFORM RIGHTS, PRIVILEGES, OBLIGATIONS AND STATUS AS TO THE
28 CLASS IN WHICH SUCH OFFICERS AND EMPLOYES BELONG. MEMBERS AND
29 BENEFICIARIES OF ANY PENSIONS OR RETIREMENT SYSTEM ESTABLISHED
30 BY A TRANSPORTATION SYSTEM ACQUIRED BY THE AUTHORITY SHALL

1 CONTINUE TO HAVE RIGHTS, PRIVILEGES, BENEFITS, OBLIGATIONS AND
2 STATUS WITH RESPECT TO SUCH PREVIOUSLY ESTABLISHED SYSTEM. TO
3 ACHIEVE THE PURPOSES SET FORTH IN THIS SUBSECTION, THE BOARD
4 SHALL MAKE APPROPRIATE RULES AND REGULATIONS AND FROM TIME TO
5 TIME SHALL OBTAIN COMPETENT ACTUARIAL ADVICE.

6 SECTION ~~231~~ 330. TRANSFERS OF FACILITIES OR THINGS OF VALUE <—
7 TO ANY AUTHORITY.--ANY COUNTY, MUNICIPALITY, SCHOOL DISTRICT,
8 CORPORATION OR PERSON, OR GROUP, MAY AND THEY ARE HEREBY
9 AUTHORIZED TO SELL, LEASE, LEND, GRANT, CONVEY, TRANSFER OR PAY
10 OVER TO ANY AUTHORITY, WITH OR WITHOUT CONSIDERATION, ANY
11 PROJECT OR ANY PART OR PARTS THEREOF, OR ANY INTEREST IN REAL OR
12 PERSONAL PROPERTY OR ANY FUNDS AVAILABLE FOR BUILDING
13 CONSTRUCTION OR IMPROVEMENT PURPOSES, INCLUDING THE PROCEEDS OF
14 BONDS PREVIOUSLY OR HEREAFTER ISSUED FOR BUILDING CONSTRUCTION
15 OR IMPROVEMENT PURPOSES, OR ANY MONEY OR THING OF VALUE,
16 INCLUDING SERVICES, WHICH MAY BE USED BY THE AUTHORITY IN THE
17 CONSTRUCTION, ACQUISITION, IMPROVEMENT, MAINTENANCE OR OPERATION
18 OF ANY PROJECT OR FOR ANY OTHER OF ITS CORPORATE PURPOSES, ANY
19 OTHER LAW TO THE CONTRARY NOTWITHSTANDING.

20 SECTION ~~232~~ 331. COMPACTS TO FINANCE OPERATIONS AND <—
21 PARTICULAR PROJECTS.--(A) THE COUNTIES AND MUNICIPALITIES IN
22 ANY METROPOLITAN AREA SHALL ENTER INTO A COMPACT OR COMPACTS
23 AMONG THEMSELVES AND/OR WITH THE AUTHORITY TO PROVIDE FOR
24 MEETING THE AUTHORITY'S CAPITAL OR OPERATING BUDGET BY
25 APPROPRIATIONS, ANNUAL OR OTHERWISE, OF SUCH SUMS AND IN SUCH
26 PROPORTIONS AS MAY BE AGREED UPON IN SUCH COMPACT TO BE PAID BY
27 EACH SIGNATORY PARTY THERETO. THE OBLIGATION INCURRED THEREBY
28 SHALL BE FOR THE TERM AS SET FORTH IN THE COMPACT WITHOUT REGARD
29 TO THE PROVISIONS OF ANY LAW, ORDINANCE OR REGULATION TO THE
30 CONTRARY, AND SHALL CONSTITUTE A COMMITMENT AND OBLIGATION,

BINDING AND ABSOLUTE, ON THE PART OF EACH SUCH SIGNATORY PARTY,
TO APPROPRIATE AND PAY OVER THE NECESSARY FUNDS IN ACCORDANCE
THEREWITH. THE SAID OPERATING BUDGET SHALL INCLUDE ALL SUMS OF
MONEY NECESSARY FOR THE FORMATION AND ORGANIZATION OF ANY
AUTHORITY AND ALL ITEMS OF OPERATING EXPENSES IN CONNECTION WITH
SAID AUTHORITY, AS WELL AS NECESSARY FUNDS FOR PLANNING AND
RESEARCH APPROPRIATE AND CONSISTENT WITH THE PURPORT OF THIS ACT <—
ARTICLE AND ANY COMPACT ENTERED INTO PURSUANT TO THIS ACT <—
ARTICLE.

(B) SUCH A COMPACT MAY ALSO PROVIDE FOR THE FINANCING OF A
PARTICULAR MASS TRANSPORTATION PROJECT IN SUCH MANNER AS SHALL
BE PROVIDED FOR IN THE COMPACT.

(C) WHENEVER A PARTY SIGNATORY TO SUCH A COMPACT THEREBY
EXPRESSES ITS APPROVAL OF THE BUDGET FOR FINANCING A PARTICULAR
PROJECT, THIS SHALL THEN CONSTITUTE A COMMITMENT AND OBLIGATION,
BINDING AND ABSOLUTE, ON THE PART OF SUCH PARTY SIGNATORY TO
APPROPRIATE THE NECESSARY FUNDS IN ACCORDANCE THEREWITH.

(D) NO COMMITMENT OR OBLIGATION INVOLVING THE PAYMENT OF
MONEYS TO OR ON BEHALF OF SUCH AUTHORITY SHALL EXIST IN ANY
INSTANCE ON THE PART OF ANY COUNTY OR OTHER MUNICIPALITY WITHIN
THE METROPOLITAN AREA UNLESS AND UNTIL SUCH COMMITMENT OR
OBLIGATION SHALL FIRST HAVE BEEN EXPRESSLY AND LAWFULLY
UNDERTAKEN AND ASSUMED BY SUCH COUNTY OR MUNICIPALITY.

SECTION ~~233~~ 332. CONTRACTS, PROCUREMENT AND SALE OF <—
PROPERTY; CONCESSIONS; ADVERTISEMENT; BIDDING.--(A) EXCEPT IN
THE PURCHASE OF UNIQUE ARTICLES OR ARTICLES WHICH, FOR ANY OTHER
REASON, CANNOT BE OBTAINED IN THE OPEN MARKET AND EXCEPT AS
HEREINAFTER PROVIDED, COMPETITIVE BIDS SHALL BE SECURED BEFORE
ANY PURCHASE OR SALE, BY CONTRACT OR OTHERWISE IS MADE OR BEFORE
ANY CONTRACT IS AWARDED FOR CONSTRUCTION, ALTERATIONS, SUPPLIES,

EQUIPMENT, REPAIRS OR MAINTENANCE OR FOR RENDERING ANY SERVICES
TO THE AUTHORITY OTHER THAN PROFESSIONAL SERVICES; AND THE
PURCHASE SHALL BE MADE FROM OR THE CONTRACT SHALL BE AWARDED TO
THE LOWEST RESPONSIBLE BIDDER; OR A SALE TO THE HIGHEST
RESPONSIBLE BIDDER. NO PURCHASE OF ANY UNIQUE ARTICLE OR OTHER
ARTICLES WHICH CANNOT BE OBTAINED IN THE OPEN MARKET SHALL BE
MADE WITHOUT EXPRESS APPROVAL OF THE BOARD WHERE THE AMOUNT
INVOLVED IS IN EXCESS OF \$10,000.

(B) ALL PURCHASES AND SALES IN EXCESS OF \$10,000 SHALL BE
AWARDED AFTER ADVERTISING IN A LOCAL NEWSPAPER OF GENERAL
CIRCULATION IN THE METROPOLITAN AREA AT LEAST TWO WEEKS PRIOR TO
THE BID OPENING. BIDS SHALL BE PUBLICLY OPENED AND READ ALOUD AT
A DATE, TIME, AND PLACE DESIGNATED IN THE INVITATION TO BID.
INVITATIONS TO BID SHALL BE SENT AT LEAST ONE WEEK PRIOR TO THE
BID OPENING TO AT LEAST THREE POTENTIAL BIDDERS WHO ARE
QUALIFIED TECHNICALLY AND FINANCIALLY TO SUBMIT BIDS, OR IN LIEU
THEREOF A MEMORANDUM SHALL BE KEPT ON FILE SHOWING THAT LESS
THAN THREE POTENTIAL BIDDERS SO QUALIFIED EXIST IN THE MARKET
AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN BIDS.

(C) WRITTEN PRICE QUOTATIONS FROM AT LEAST THREE QUALIFIED
AND RESPONSIBLE VENDORS SHALL BE OBTAINED FOR ALL PURCHASES AND
SALES UNDER \$10,000 AND OVER \$2,500, OR IN LIEU THEREOF, A
MEMORANDUM, APPROVED BY THE CHIEF OPERATIONS OFFICER, SHALL BE
KEPT ON FILE SHOWING THAT LESS THAN THREE VENDORS SO QUALIFIED
EXIST IN THE MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO
OBTAIN QUOTATIONS; EXCEPT AS HEREINAFTER PROVIDED.

(D) PURCHASES OR SALES UNDER \$2,500 MAY BE NEGOTIATED WITH
OR WITHOUT COMPETITIVE BIDDING UNDER SOUND PROCUREMENT
PROCEDURES AS PROMULGATED AND ESTABLISHED BY THE CHIEF
OPERATIONS OFFICER.

1 (E) COMPETITIVE BIDDING REQUIREMENTS MAY BE WAIVERED IF IT
2 IS DETERMINED BY THE CHIEF OPERATIONS OFFICER, OR IN SUCH OTHER
3 MANNER AS THE BOARD MAY, BY REGULATION, PROVIDE, THAT AN
4 EMERGENCY DIRECTLY AND IMMEDIATELY AFFECTING CUSTOMER SERVICE,
5 OR PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES IMMEDIATE DELIVERY
6 OF SUPPLIES, MATERIALS, EQUIPMENT OR SERVICES: PROVIDED,
7 HOWEVER, THAT A RECORD OF CIRCUMSTANCES EXPLAINING THE EMERGENCY
8 SHALL BE SUBMITTED TO THE BOARD AT ITS NEXT REGULAR MEETING AND
9 THEREAFTER KEPT ON FILE.

10 (F) ALL CONCESSIONS GRANTED BY THE AUTHORITY FOR THE SALE OF
11 PRODUCTS OR THE RENDITION OF SERVICES FOR A CONSIDERATION ON
12 AUTHORITY PROPERTY SHALL BE AWARDED ONLY PURSUANT TO WRITTEN
13 SPECIFICATIONS AFTER COMPETITIVE BIDDING AND TO THE HIGHEST
14 RESPONSIBLE BIDDER IN A MANNER SIMILAR TO THAT REQUIRED BY
15 SUBSECTION (E) RELATING TO CONTRACTS FOR PROCUREMENT INVOLVING
16 AN EXPENDITURE OF MORE THAN \$10,000: PROVIDED, THAT THE
17 FOREGOING REQUIREMENT FOR COMPETITIVE BIDDING SHALL NOT APPLY TO
18 ANY CONCESSION WHICH HAS BEEN GRANTED BY A TRANSPORTATION SYSTEM
19 ACQUIRED BY THE AUTHORITY AND WHICH BY THE TERMS OF THE
20 AGREEMENT GRANTING IT WILL TERMINATE WITHIN ONE YEAR FROM DATE
21 OF THE ACQUISITION OF THE TRANSPORTATION SYSTEM BY THE
22 AUTHORITY, NOR TO ANY CONCESSION INVOLVING THE ESTIMATED RECEIPT
23 BY THE AUTHORITY OF LESS THAN 2,500 OVER THE PERIOD FOR WHICH
24 THE CONCESSION IS GRANTED.

25 (G) CONTRACTS FOR THE SALE OR LEASE OF REAL PROPERTY OWNED
26 BY THE AUTHORITY SHALL BE AWARDED AFTER COMPETITIVE BIDDING AS
27 SHOWN IN SUBSECTION (B) EXCEPT WHERE CONTRACT IS ENTERED INTO
28 WITH THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION OR AGENCY OR
29 INSTRUMENTALITY THEREOF OR WITH THE UNITED STATES GOVERNMENT OR
30 ANY AGENCY OR INSTRUMENTALITY THEREOF.

1 (H) CONTRACTS FOR THE MANAGEMENT OF AUTHORITY-OWNED
2 PROPERTY, SUCH AS BUS ROUTES OR SUBWAY SYSTEMS MAY BE NEGOTIATED
3 AND AWARDED BY AN AFFIRMATIVE VOTE OF ONE MORE THAN A MAJORITY
4 OF ALL MEMBERS OF THE BOARD.

5 (I) REQUIREMENTS SHALL NOT BE SPLIT INTO PARTS FOR THE
6 PURPOSE OF AVOIDING THE PROVISIONS OF THIS SECTION.

7 (J) THE AUTHORITY SHALL HAVE THE RIGHT TO REJECT ANY OR ALL
8 BIDS OR PARTS OF ANY OR ALL BIDS, WHENEVER, IN THE OPINION OF
9 THE BOARD, SUCH REJECTION IS NECESSARY FOR THE PROTECTION OF THE
10 INTERESTS OF THE AUTHORITY. IN EVERY SUCH CASE, A RECORD SHALL
11 BE MADE, SETTING FORTH THE REASON FOR SUCH REJECTION, WHICH
12 RECORD SHALL THEREAFTER BE KEPT ON FILE.

13 (K) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO
14 EFFECTUATE THE PROVISIONS OF THIS SECTION.

15 SECTION 234 333. CONFLICT OF INTEREST.--EVERY MEMBER OF THE <—
16 BOARD AND EVERY EMPLOYE OF THE AUTHORITY WHO KNOWINGLY HAS ANY
17 INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT TO WHICH THE
18 AUTHORITY IS, OR IS ABOUT TO BECOME, A PARTY, OR IN ANY OTHER
19 BUSINESS OF THE AUTHORITY, OR IN ANY FIRM OR CORPORATION DOING
20 BUSINESS WITH THE AUTHORITY, SHALL MAKE FULL DISCLOSURE OF SUCH
21 INTEREST TO THE BOARD. FAILURE TO DISCLOSE SUCH AN INTEREST
22 SHALL CONSTITUTE MISCONDUCT, FOR WHICH A BOARD MEMBER MAY BE
23 REMOVED BY THE APPOINTING POWER, OR AN EMPLOYE MAY BE DISCHARGED
24 OR OTHERWISE DISCIPLINED AT THE DISCRETION OF THE BOARD.
25 WHENEVER, IN THE OPINION OF THE BOARD, ANY SUCH INTEREST ON THE
26 PART OF ANY BOARD MEMBER OR ANY EMPLOYE, SHALL CONSTITUTE A
27 CONFLICT OF INTEREST DETRIMENTAL TO THE AUTHORITY, THE BOARD
28 SHALL REQUIRE SUCH ACTION OR ABSTENTION BY SUCH BOARD MEMBER OR
29 EMPLOYE AS IT MAY DEEM NECESSARY OR DESIRABLE TO PROTECT THE
30 INTEREST OF THE AUTHORITY. THE BOARD SHALL PROMULGATE SUCH RULES

1 AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES
2 OF THIS SECTION.

3 SECTION 235 334. FISCAL OPERATING YEAR; BUDGET; CAPITAL <—
4 PROGRAM.--(A) THE BOARD SHALL ESTABLISH A FISCAL OPERATING
5 YEAR. AT LEAST NINETY DAYS PRIOR TO THE BEGINNING OF THE FIRST
6 FULL FISCAL YEAR AFTER THE CREATION OF THE AUTHORITY AND,
7 ANNUALLY THEREAFTER, THE BOARD SHALL CAUSE TO BE PREPARED AND
8 SUBMITTED TO IT A TENTATIVE OPERATING BUDGET AND A TENTATIVE
9 CAPITAL BUDGET FOR THE ENSUING FISCAL YEAR. THE TENTATIVE
10 BUDGETS SHALL BE CONSIDERED BY THE BOARD AND, SUBJECT TO ANY
11 REVISION AND AMENDMENTS AS MAY BE DETERMINED, SHALL BE ADOPTED
12 AT LEAST THIRTY DAYS PRIOR TO THE FIRST DAY OF THE ENSUING
13 FISCAL YEAR AS THE BUDGETS FOR THAT YEAR. THE BOARD SHALL
14 ESTABLISH SUCH RULES AS ARE NECESSARY FOR PROPER OBSERVANCE OF
15 THE BUDGETS. SIMULTANEOUSLY WITH THE ADOPTION OF THE BUDGET, THE
16 BOARD SHALL ADOPT A TENTATIVE CAPITAL PROGRAM COVERING THE
17 ENSUING SIX YEARS.

18 (B) A PUBLIC HEARING SHALL BE CONDUCTED PRIOR TO THE
19 ADOPTION OF THE FINAL OPERATING BUDGET AND TENTATIVE CAPITAL
20 PROGRAM. NOTICE OF SUCH PUBLIC HEARING SHALL BE PUBLISHED IN TWO
21 NEWSPAPERS OF GENERAL CIRCULATION AND A PUBLICATION SPECIFICALLY
22 DESIGNED TO REACH MINORITIES NOT FEWER THAN THIRTY DAYS PRIOR TO
23 SUCH HEARING.

24 SECTION 236. FISCAL OPERATING YEAR; BUDGET; CAPITAL <—
25 PROGRAM. THE BOARD SHALL ESTABLISH A FISCAL OPERATING YEAR. AT
26 LEAST NINETY DAYS PRIOR TO THE BEGINNING OF THE FIRST FULL
27 FISCAL YEAR AFTER THE CREATION OF THE AUTHORITY AND, ANNUALLY
28 THEREAFTER, THE BOARD SHALL CAUSE TO BE PREPARED AND SUBMITTED
29 TO IT A TENTATIVE OPERATING BUDGET AND A TENTATIVE CAPITAL
30 BUDGET FOR THE ENSUING FISCAL YEAR. THE TENTATIVE BUDGETS SHALL

~~BE CONSIDERED BY THE BOARD AND, SUBJECT TO ANY REVISION AND
AMENDMENTS AS MAY BE DETERMINED, SHALL BE ADOPTED AT LEAST
THIRTY DAYS PRIOR TO THE FIRST DAY OF THE ENSUING FISCAL YEAR AS
THE BUDGETS FOR THAT YEAR. THE BOARD SHALL ESTABLISH SUCH RULES
AS ARE NECESSARY FOR PROPER OBSERVANCE OF THE BUDGETS.
SIMULTANEOUSLY WITH THE ADOPTION OF THE BUDGET, THE BOARD SHALL
ADOPT A TENTATIVE CAPITAL PROGRAM COVERING THE ENSUING SIX
YEARS.~~

SECTION 237 335. FINANCIAL STATEMENTS AND REPORTS; AUDIT.-- <—

(A) AS SOON AFTER THE END OF EACH FISCAL YEAR AS IS FEASIBLE,
THE BOARD SHALL CAUSE TO BE PREPARED AND PRINTED A REPORT AND
FINANCIAL STATEMENT OF THE AUTHORITY'S OPERATIONS FOR THE
PREVIOUS YEAR AND OF ITS ASSETS AND LIABILITIES. A REASONABLY
SUFFICIENT NUMBER OF COPIES OF SUCH REPORT SHALL BE PRINTED FOR
DISTRIBUTION TO PERSONS INTERESTED UPON REQUEST. A COPY OF SUCH
REPORT SHALL BE FILED WITH THE SECRETARY OF THE COMMONWEALTH,
THE COUNTY CLERK OF EACH COUNTY IN THE METROPOLITAN AREA, AND
THE CLERK OF EACH MUNICIPALITY WHICH HAS GRANTED RIGHTS TO THE
AUTHORITY BY ORDINANCE AND A COPY OF SUCH REPORT SHALL BE
ADDRESSED TO AND MAILED TO THE MAYOR AND CITY COUNCIL OR THE
GOVERNING BODY OF SUCH MUNICIPALITY. THE BOARD FROM TIME TO TIME
SHALL MAIL TO THE PERSONS AND OFFICES SPECIFIED IN THE PRECEDING
SENTENCE COPIES OF SUCH INTERIM FINANCIAL REPORTS AS MAY BE
PREPARED BY THE AUTHORITY, COPIES OF ALL BYLAWS, RULES AND
REGULATIONS, AND AMENDMENTS THERETO, AND COPIES OF THE ANNUAL
FINANCIAL BUDGETS.

(B) THE BOARD SHALL APPOINT IN DUE TIME EACH YEAR A FIRM OF
INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS AS AUDITORS WHO SHALL
EXAMINE THE BOOKS, RECORDS AND ACCOUNTS OF THE AUTHORITY FOR THE
PURPOSE OF AUDITING AND REPORTING UPON ITS FINANCIAL STATEMENT

FOR SUCH YEAR. THE REPORT OF SUCH AUDITORS SHALL BE APPENDED TO
SUCH FINANCIAL STATEMENT.

~~SECTION 238~~ 336. TRANSFER OF RECORDS BY PUBLIC UTILITY
COMMISSION.--IN CASE THE AUTHORITY ACQUIRES THE PLANT,
EQUIPMENT, PROPERTY AND RIGHTS IN PROPERTY OF ANY PUBLIC UTILITY
USED OR USEFUL IN THE OPERATION OF A TRANSPORTATION SYSTEM, THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL TRANSFER AND
DELIVER TO THE BOARD, UPON ITS DEMAND, IN WRITING, ALL BOOKS,
PAPERS AND RECORDS IN CONTROL OF SAID COMMISSION AFFECTING SUCH
PUBLIC UTILITY EXCLUSIVELY.

~~SECTION 239~~ 337. DEPRECIATION RESERVE.--(A) THERE SHALL BE
ESTABLISHED AND MAINTAINED A RESERVE FOR DEPRECIATION REASONABLY
ESTIMATED TO BE ADEQUATE TO CARE FOR THE RETIREMENT (DUE TO
EXHAUSTION, WEAR AND TEAR AND OBSOLESCENCE) OF PROPERTY AT COST.
THE AMOUNT NECESSARY TO BE CREDITED TO THE RESERVE EACH YEAR FOR
SUCH PURPOSES SHALL BE CHARGED TO OPERATIONS.

(B) IF, BY ANY COVENANT OF THE AUTHORITY, THERE IS REQUIRED
TO BE ESTABLISHED OUT OF REVENUES ANY RESERVE FOR DEBT
RETIREMENT OR PROPERTY REPLACEMENTS OR ADDITIONS, THE AMOUNT OF
THE ANNUAL PROVISION CREDITED TO THE RESERVE AS REQUIRED BY THIS
SECTION, SHALL BE CONSIDERED TO HAVE BEEN MADE, TO THE EXTENT
NEEDED, FOR OR TOWARD THE CORRESPONDING ANNUAL REQUIREMENT OF
ANY SUCH COVENANT.

~~SECTION 240~~ 338. DAMAGE RESERVE FUND.--THE BOARD SHALL
WITHDRAW FROM THE GROSS RECEIPTS OF THE AUTHORITY AND CHARGE TO
OPERATING EXPENSES SUCH AN AMOUNT OF MONEY AS, IN THE OPINION OF
THE BOARD, SHALL BE SUFFICIENT TO PROVIDE FOR THE ADJUSTMENT,
DEFENSE AND SATISFACTION OF ALL SUITS, CLAIMS, DEMANDS, RIGHTS
AND CAUSES OF ACTION, AND THE PAYMENT AND SATISFACTION OF ALL
JUDGMENTS ENTERED AGAINST THE AUTHORITY FOR DAMAGE CAUSED BY

1 INJURY TO OR DEATH OF ANY PERSON AND FOR DAMAGE TO PROPERTY
2 RESULTING FROM THE CONSTRUCTION, MAINTENANCE AND OPERATION OF
3 THE TRANSPORTATION SYSTEM, AND THE BOARD SHALL DEPOSIT SUCH
4 MONEYS IN A FUND TO BE KNOWN AND DESIGNATED AS DAMAGE RESERVE
5 FUND. THE BOARD SHALL USE THE MONEYS IN THE DAMAGE RESERVE FUND
6 TO PAY ALL EXPENSES AND COSTS ARISING FROM THE ADJUSTMENT,
7 DEFENSE AND SATISFACTION OF ALL SUITS, CLAIMS, DEMANDS, RIGHTS
8 AND CAUSES OF ACTION, AND THE PAYMENT AND SATISFACTION OF ALL
9 JUDGMENTS ENTERED AGAINST THE AUTHORITY FOR DAMAGES CAUSED BY
10 INJURY TO OR DEATH OF ANY PERSON AND FOR DAMAGE TO PROPERTY
11 RESULTING FROM THE CONSTRUCTION, MAINTENANCE AND OPERATION OF
12 THE TRANSPORTATION SYSTEM. AT ANY TIME, AND FROM TIME TO TIME,
13 THE BOARD MAY OBTAIN AND MAINTAIN INSURANCE COVERAGE OR
14 PROTECTION, PARTIALLY OR WHOLLY, INSURING OR INDEMNIFYING THE
15 AUTHORITY AGAINST LOSS OR LIABILITY ON ACCOUNT OF INJURY TO, OR
16 DEATH OF ANY PERSON, AND FOR DAMAGE TO PROPERTY RESULTING FROM
17 THE CONSTRUCTION, MAINTENANCE AND OPERATION OF THE
18 TRANSPORTATION SYSTEM. THE COST OF OBTAINING AND MAINTAINING
19 SUCH INSURANCE SHALL BE PAID OUT OF THE MONEYS IN THE DAMAGE
20 RESERVE FUND. ALL MONEYS RECEIVED FROM SUCH INSURANCE COVERAGE
21 OR PROTECTION SHALL BE PAID INTO THE DAMAGE RESERVE FUND.

22 SECTION ~~241~~ 339. SPECIAL FUNDS; COMMON CASH ACCOUNT AND <—
23 AUXILIARY SHORT TERM INVESTMENT PORTFOLIO; RESERVES.--(A) THE
24 AUTHORITY, PURSUANT TO RESOLUTIONS ADOPTED FROM TIME TO TIME BY
25 THE BOARD, MAY ESTABLISH AND CREATE SUCH OTHER AND ADDITIONAL
26 SPECIAL FUNDS AS MAY BE FOUND DESIRABLE BY THE BOARD AND IN AND
27 BY SUCH RESOLUTIONS MAY PROVIDE FOR PAYMENTS INTO ALL SPECIAL
28 FUNDS FROM SPECIFIED SOURCES WITH SUCH PREFERENCES AND
29 PRIORITIES AS MAY BE DEEMED ADVISABLE AND MAY ALSO BY ANY SUCH
30 RESOLUTIONS PROVIDE FOR THE CUSTODY, DISBURSEMENT AND

1 APPLICATION OF ANY MONEYS IN ANY SUCH SPECIAL FUNDS CONSISTENT
2 WITH THE PROVISIONS OF THIS ACT ARTICLE, AND CONSISTENT WITH <—
3 GOOD ACCOUNTING PRACTICE WITH DUE REFERENCE TO THE UNIFORM
4 SYSTEM OF ACCOUNTS FOR TRANSPORTATION OPERATIONS MAINTAINED BY
5 EITHER THE INTERSTATE COMMERCE COMMISSION OR THE PENNSYLVANIA
6 PUBLIC UTILITY COMMISSION.

7 (B) TO THE EXTENT PRACTICABLE THE AUTHORITY MAY ESTABLISH A
8 COMMON CASH ACCOUNT AND AUXILIARY SHORT-TERM INVESTMENT
9 PORTFOLIO AS A DEPOSITORY FOR ALL CASH OF THE GENERAL OR SPECIAL
10 FUNDS: PROVIDED, THAT THE INTEREST OF EACH FUND THEREIN BE
11 CLEARLY RECORDED AND PRESERVED AT ALL TIMES: AND PROVIDED
12 FURTHER, THAT THERE SHALL NOT BE ANY COMMINGLING OF ASSETS WHERE
13 PROHIBITED BY ANY COVENANT OF THE AUTHORITY.

14 (C) NOTHING CONTAINED IN THIS ACT ARTICLE SHALL BE CONSTRUED <—
15 AS TO PREVENT THE PRUDENT ACCUMULATION OF RESERVE FUNDS BY THE
16 AUTHORITY.

17 SECTION 242 340. INVESTIGATIONS AND SUBPOENAS.--(A) THE <—
18 BOARD MAY INVESTIGATE ALL MEANS OF TRANSPORTATION AND THE
19 MANAGEMENT THEREOF, THE ENFORCEMENT OF ITS RESOLUTIONS, RULES
20 AND REGULATIONS, AND THE ACTION, CONDUCT, AND EFFICIENCY OF ALL
21 OFFICERS, AGENTS AND EMPLOYES OF THE AUTHORITY. IN THE CONDUCT
22 OF SUCH INVESTIGATIONS, THE BOARD MAY HOLD PUBLIC HEARINGS ON
23 ITS OWN MOTION AND SHALL DO SO ON COMPLAINT OR PETITION OF ANY
24 MUNICIPALITY IN THE METROPOLITAN AREA. EACH MEMBER OF THE BOARD
25 SHALL HAVE POWER TO ADMINISTER OATHS AND THE SECRETARY, BY ORDER
26 OF THE BOARD, SHALL ISSUE SUBPOENAS TO SECURE THE ATTENDANCE AND
27 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS AND PAPERS
28 RELEVANT TO SUCH INVESTIGATIONS AND TO ANY HEARING BEFORE THE
29 BOARD OR ANY MEMBER THEREOF, OR ANY OFFICERS' COMMITTEE OR
30 EMPLOYES' COMMITTEE, APPOINTED BY THE BOARD TO HEAR ANY

1 COMPLAINT OF AN OFFICER OR EMPLOYEE WHO HAS BEEN DISCHARGED OR
2 DEMOTED.

3 (B) ANY COURT OF RECORD OF THIS COMMONWEALTH, OR ANY JUDGE
4 THEREOF, EITHER IN TERM TIME OR VACATION, UPON APPLICATION OF
5 THE BOARD OR ANY MEMBER THEREOF MAY, IN HIS DISCRETION, COMPEL
6 THE ATTENDANCE OF WITNESSES, THE PRODUCTION OF BOOKS AND PAPERS,
7 AND GIVING OF TESTIMONY BEFORE THE BOARD OR BEFORE ANY MEMBER
8 THEREOF, OR ANY OFFICERS' COMMITTEE OR EMPLOYEES' COMMITTEE,
9 APPOINTED BY THE BOARD BY ATTACHMENT FOR CONTEMPT OR OTHERWISE,
10 IN THE SAME MANNER AS THE PRODUCTION OF EVIDENCE MAY BE
11 COMPELLED BEFORE SAID COURT.

12 SECTION 243 341. AID FROM FEDERAL GOVERNMENT.--IN ADDITION <—
13 TO THE POWERS CONFERRED UPON ANY AUTHORITY BY OTHER PROVISIONS
14 OF THIS ACT ARTICLE, SUCH AUTHORITY IS EMPOWERED TO BORROW MONEY <—
15 OR ACCEPT MONEY OR ACCEPT GRANTS OR OTHER FINANCIAL ASSISTANCE
16 FROM THE FEDERAL GOVERNMENT, FOR OR IN AID OF ITS OPERATIONS. IT
17 IS THE PURPOSE AND INTENT OF THIS ACT ARTICLE TO AUTHORIZE THE <—
18 AUTHORITY, AND THE AUTHORITY IS SO AUTHORIZED, TO DO ANY AND ALL
19 THINGS NECESSARY OR DESIRABLE TO SECURE THE FINANCIAL AID OR
20 COOPERATION OF THE FEDERAL GOVERNMENT IN ANY OF ITS OPERATIONS.
21 SUCH THINGS MAY INCLUDE WITHOUT LIMITING THE GENERALITY OF THE
22 FOREGOING: THE POWER TO CHANGE OR REVISE RATES, FARES AND
23 CHARGES; TO MAKE RELOCATION PAYMENTS TO FAMILIES, BUSINESSES AND
24 NONPROFIT ORGANIZATIONS; TO PROVIDE AN AREA-WIDE TRANSPORTATION
25 PLAN OR PROGRAM FOR THE DEVELOPMENT OF A COMPREHENSIVE AND
26 COORDINATED MASS TRANSPORTATION SYSTEM FOR THE METROPOLITAN
27 AREA; TO CARRY OUT RESEARCH, DEVELOPMENT AND DEMONSTRATION
28 PROJECTS; TO PROVIDE A SHARE OF THE COST OF ANY PROJECT; ALL AS
29 MAY BE REQUIRED BY ANY FEDERAL LAW OR BY THE REQUIREMENTS OF ANY
30 FEDERAL AGENCY AUTHORIZED TO ADMINISTER ANY FEDERAL PROGRAM OF

1 AID TO ANY MASS TRANSPORTATION PROGRAM.

2 SECTION 244 342. EXEMPTION FROM TAXATION.--THE EFFECTUATION <—
3 OF THE AUTHORIZED PURPOSES OF ANY AUTHORITY CREATED UNDER THIS
4 ACT ARTICLE SHALL AND WILL BE, IN ALL RESPECTS, FOR THE BENEFIT <—
5 OF THE PEOPLE OF THE COMMONWEALTH, FOR THE INCREASE OF THEIR
6 COMMERCE AND PROSPERITY AND FOR THE IMPROVEMENT OF THEIR HEALTH
7 AND LIVING CONDITIONS, AND SINCE SUCH AUTHORITY WILL BE
8 PERFORMING ESSENTIAL GOVERNMENTAL FUNCTIONS IN EFFECTUATING SUCH
9 PURPOSES, IT SHALL NOT BE REQUIRED TO PAY ANY PROPERTY TAXES OR
10 ASSESSMENTS, OF ANY KIND OR NATURE WHATSOEVER, NOW IN EXISTENCE
11 OR TO BE ENACTED IN THE FUTURE, WHETHER IMPOSED BY THE
12 COMMONWEALTH OR BY ANY POLITICAL SUBDIVISION THEREOF, OR BY ANY
13 OTHER TAXING AUTHORITY, AND THE BONDS ISSUED BY SUCH AUTHORITY,
14 THEIR TRANSFER, AND THE INCOME THEREFROM (INCLUDING ANY PROFITS
15 MADE ON THE SALE THEREOF), SHALL AT ALL TIMES BE FREE FROM
16 TAXATION WITHIN THE COMMONWEALTH.

17 SECTION 245 343. LIMITATION OF POWERS.--THE COMMONWEALTH <—
18 DOES HEREBY PLEDGE TO AND AGREE WITH ANY PERSON, FIRM OR
19 CORPORATION, OR FEDERAL AGENCY SUBSCRIBING TO OR ACQUIRING THE
20 BONDS TO BE ISSUED BY ANY AUTHORITY FOR THE CONSTRUCTION,
21 EXTENSION, IMPROVEMENT OR ENLARGEMENT OF ANY PROJECT OR PART
22 THEREOF, THAT THE COMMONWEALTH WILL NOT LIMIT OR ALTER THE
23 RIGHTS HEREBY VESTED IN SUCH AUTHORITY UNTIL ALL BONDS AT ANY
24 TIME ISSUED, TOGETHER WITH THE INTEREST THEREON, ARE FULLY MET
25 AND DISCHARGED. THE COMMONWEALTH DOES FURTHER PLEDGE TO AND
26 AGREE WITH THE UNITED STATES AND ANY OTHER FEDERAL AGENCY THAT,
27 IN THE EVENT THAT ANY FEDERAL AGENCY SHALL CONSTRUCT OR
28 CONTRIBUTE ANY FUNDS FOR THE CONSTRUCTION, EXTENSION,
29 IMPROVEMENT OR ENLARGEMENT OF ANY PROJECT OR ANY PORTION
30 THEREOF, THE COMMONWEALTH WILL NOT ALTER OR LIMIT THE RIGHTS AND

1 POWERS OF THE AUTHORITY IN ANY MANNER WHICH WOULD BE
2 INCONSISTENT WITH THE CONTINUED MAINTENANCE AND OPERATION OF THE
3 PROJECT, OR THE IMPROVEMENT THEREOF, OR WHICH WOULD BE
4 INCONSISTENT WITH THE DUE PERFORMANCE OF ANY AGREEMENTS BETWEEN
5 THE AUTHORITY AND ANY SUCH FEDERAL AGENCY, AND THE AUTHORITY
6 SHALL CONTINUE TO HAVE AND MAY EXERCISE ALL POWERS HEREIN
7 GRANTED, SO LONG AS THE SAME SHALL BE NECESSARY OR DESIRABLE FOR
8 THE CARRYING OUT OF THE PURPOSES OF THIS ACT ARTICLE AND THE <—
9 PURPOSES OF THE UNITED STATES IN THE CONSTRUCTION OR IMPROVEMENT
10 OR ENLARGEMENT OF THE PROJECT OR SUCH PORTION THEREOF.

11 ~~SECTION 246. SEVERABILITY. IF ANY PROVISION OF THIS ACT OR~~ <—
12 ~~THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD~~
13 ~~INVALID, THE REMAINDER OF THIS ACT, AND THE APPLICATION OF SUCH~~
14 ~~PROVISION TO OTHER PERSONS OR CIRCUMSTANCES, SHALL NOT BE~~
15 ~~AFFECTED THEREBY, AND TO THIS END, THE PROVISIONS OF THIS ACT~~
16 ~~ARE DECLARED TO BE SEVERABLE.~~

17 ARTICLE III IV <—

18 TRANSITION AND MISCELLANEOUS PROVISIONS

19 SECTION 301 401. TRANSFER OF POWERS, APPROPRIATIONS, ETC. <—
20 FROM PENNSYLVANIA TRANSPORTATION ASSISTANCE AUTHORITY TO
21 DEPARTMENT OF TRANSPORTATION.--(A) ALL ALLOCATIONS,
22 APPROPRIATIONS, AGREEMENTS, LEASES, CLAIMS, DEMANDS AND CAUSES
23 OF ACTION OF ANY NATURE WHETHER OR NOT SUBJECT TO LITIGATION ON
24 THE DATE OF THIS ACT, EQUIPMENT, FILES, RECORDS, CLASSIFIED DATA
25 FILES, MAPS, AIR PHOTOGRAPHS AND OTHER MATERIAL WHICH ARE USED,
26 EMPLOYED OR EXPENDED IN CONNECTION WITH THE DUTIES, POWERS OR
27 FUNCTIONS OF THE PENNSYLVANIA TRANSPORTATION ASSISTANCE
28 AUTHORITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF
29 TRANSPORTATION WITH THE SAME FORCE AND EFFECT AS IF THE
30 APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE

1 PROPERTY OF THE DEPARTMENT OF TRANSPORTATION IN THE FIRST
2 INSTANCE AND AS IF SAID CONTRACTS, AGREEMENTS, LEASES AND
3 OBLIGATIONS HAD BEEN INCURRED OR ENTERED INTO BY THE DEPARTMENT
4 OF TRANSPORTATION.

5 (B) THE POWER TO ALLOCATE EXCESS FUNDS FROM ONE PROJECT TO
6 ANOTHER, GIVEN TO THE PENNSYLVANIA TRANSPORTATION ASSISTANCE
7 AUTHORITY IN THE FOLLOWING ACTS STATUTES IS HEREBY TRANSFERRED <—
8 TO THE DEPARTMENT OF TRANSPORTATION, SUBJECT TO THE APPROVAL OF
9 THE SECRETARY OF THE BUDGET:

10 (1) SECTION 2, ACT OF APRIL 13, 1976 (P.L.97, NO.42),
11 ENTITLED "A SUPPLEMENT TO THE ACT OF OCTOBER 18, 1975 (P.L.408,
12 NO.112), ENTITLED 'AN ACT PROVIDING FOR THE CAPITAL BUDGET FOR
13 THE FISCAL YEAR 1975-1976,' ITEMIZING A TRANSPORTATION
14 ASSISTANCE PROJECT TO BE ACQUIRED OR CONSTRUCTED BY THE
15 PENNSYLVANIA TRANSPORTATION ASSISTANCE AUTHORITY TOGETHER WITH
16 ITS ESTIMATED FINANCIAL COST; AUTHORIZING THE INCURRING OF DEBT
17 WITHOUT THE APPROVAL OF THE ELECTORS FOR THE PURPOSE OF
18 FINANCING THE PROJECT, STATING THE ESTIMATED USEFUL LIFE OF THE
19 PROJECT, AND MAKING AN APPROPRIATION."

20 (2) SECTION 2, ACT OF JULY 9, 1976 (P.L.570, NO.138),
21 ENTITLED "A SUPPLEMENT TO THE ACT OF JULY 9, 1976 (P.L.522,
22 NO.154), ENTITLED 'AN ACT PROVIDING FOR THE CAPITAL BUDGET FOR
23 THE FISCAL YEAR 1976-1977,' ITEMIZING TRANSPORTATION ASSISTANCE
24 PROJECTS TO BE ACQUIRED OR CONSTRUCTED BY THE PENNSYLVANIA
25 TRANSPORTATION ASSISTANCE AUTHORITY TOGETHER WITH THEIR
26 ESTIMATED FINANCIAL COST; AUTHORIZING THE INCURRING OF DEBT
27 WITHOUT THE APPROVAL OF THE ELECTORS FOR THE PURPOSE OF
28 FINANCING THE PROJECTS, STATING THE ESTIMATED USEFUL LIFE OF THE
29 PROJECTS, AND MAKING AN APPROPRIATION."

30 (3) SECTION 2, ACT OF JULY 4, 1979 (NO.28), ENTITLED "A

1 SUPPLEMENT TO THE ACT OF SEPTEMBER 28, 1978 (P.L.787, NO.151),
2 ENTITLED 'AN ACT PROVIDING FOR THE CAPITAL BUDGET FOR THE FISCAL
3 YEAR 1978-1979,' ITEMIZING TRANSPORTATION ASSISTANCE PROJECTS TO
4 BE ACQUIRED OR CONSTRUCTED BY THE PENNSYLVANIA TRANSPORTATION
5 ASSISTANCE AUTHORITY TOGETHER WITH THEIR ESTIMATED FINANCIAL
6 COST; ITEMIZING TRANSPORTATION ASSISTANCE PROJECTS TO BE
7 ACQUIRED OR PURCHASED BY THE PENNSYLVANIA DEPARTMENT OF
8 TRANSPORTATION; AUTHORIZING THE INCURRING OF DEBT WITHOUT THE
9 APPROVAL OF THE ELECTORS FOR THE PURPOSE OF FINANCING THE
10 PROJECTS, STATING THE ESTIMATED USEFUL LIFE OF CERTAIN OF THE
11 PROJECTS, AND MAKING AN APPROPRIATION."

12 SECTION ~~302~~ 402. CONTINUATION OF EXISTING LAW.--THE <—
13 PROVISIONS OF ~~ARTICLE II~~ THIS ACT, SO FAR AS THEY ARE THE SAME <—
14 AS THOSE OF EXISTING LAW, ARE INTENDED AS A CONTINUATION OF SUCH
15 LAW AND NOT AS NEW ENACTMENTS.

16 SECTION ~~303~~ 403. REORGANIZATION PLAN.--(A) THE GOVERNING <—
17 BODIES OF ALL COUNTIES OF THE THIRD CLASS AND SECOND CLASS A
18 WHICH ARE INVOLVED WITH ANY CITY OF THE FIRST CLASS IN THE
19 OPERATION OF A MASS TRANSPORTATION SYSTEM TOGETHER WITH THE
20 MAYOR OF ANY CITY OF THE FIRST CLASS IN CONSULTATION WITH THE
21 GOVERNOR SHALL SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A
22 PLAN FOR THE REORGANIZATION OF ANY TRANSPORTATION AUTHORITY
23 CREATED PURSUANT TO THE ACT OF AUGUST 14, 1963 (P.L.984,
24 NO.450), KNOWN AS THE "METROPOLITAN TRANSPORTATION AUTHORITIES
25 ACT OF 1963," OR THIS ACT PRIOR TO JUNE 30, 1980. WITHIN NINETY <—
26 DAYS OF THE DATE OF FINAL ENACTMENT OF THIS SECTION. THE
27 REORGANIZATION PLAN SHALL CONTAIN A DISCUSSION OF AND
28 RECOMMENDATIONS CONCERNING THE FOLLOWING:

29 (1) THE VETO POWER INVESTED IN THE TRANSPORTATION BOARD;
30 (2) THE DIFFICULTIES OCCASIONED BY DUAL OWNERSHIP OF REAL

AND PERSONAL PROPERTY BY SUCH AUTHORITY AND ANY CITY OF THE
FIRST CLASS;

(3) THE PROBLEMS PRECIPITATED BY THE COMPOSITION AND
STRUCTURE OF THE TRANSPORTATION BOARD; AND

(4) ANY OTHER ISSUE REASONABLY RELATED TO THE FOREGOING.

(B) IF THE REORGANIZATION PLAN IS NOT SUBMITTED IN
ACCORDANCE WITH SUBSECTION (A) NO AUTHORITY CREATED PURSUANT TO
THE "METROPOLITAN TRANSPORTATION AUTHORITIES ACT OF 1963" SHALL
CONTINUE TO BE ELIGIBLE TO RECEIVE ANY STATE FUNDS. FOR FISCAL
YEAR 1980-1981.

SECTION 404. APPOINTMENT OF NEW OFFICERS.--THE
TRANSPORTATION BOARD OF ANY AUTHORITY CREATED PURSUANT TO THE
ACT OF AUGUST 14, 1963 (P.L.984, NO.450), KNOWN AS THE
"METROPOLITAN TRANSPORTATION AUTHORITIES ACT OF 1963," OR THIS
ACT SHALL APPOINT A NEW COUNSEL TO THE BOARD AND CONTROLLER
PRIOR TO JUNE 30, 1980.

SECTION 405. APPROPRIATIONS.--(A) THE SUM OF \$5,360,000
OR AS MUCH THEREOF AS MAY BE NECESSARY IS HEREBY APPROPRIATED TO
THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY FOR THE
EXCLUSIVE PURPOSE OF MAINTAINING AND REHABILITATING PRESENTLY
OWNED TRANSIT VEHICLES.

(B) THE SUM OF \$2,600,000, OR AS MUCH THEREOF AS MAY BE
NECESSARY, IS HEREBY APPROPRIATED TO THE PORT AUTHORITY OF
ALLEGHENY COUNTY FOR THE EXCLUSIVE PURPOSE OF MAINTAINING AND
REHABILITATING PRESENTLY OWNED TRANSIT VEHICLES.

(C) THE SUM OF \$22,500 IS HEREBY APPROPRIATED TO THE WEST-
ALL RAIL TRANSPORTATION AUTHORITY IN WESTMORELAND COUNTY TO
PROVIDE PRELIMINARY FUNDING RELATING TO THE DEVELOPMENT OF A
LIGHT RAIL COMMUTER SERVICE.

~~(C)~~ (D) THE SUM OF \$665,000, OR AS MUCH THEREOF AS MAY BE

1 NECESSARY, IS HEREBY APPROPRIATED TO THE REMAINING
2 TRANSPORTATION AUTHORITIES FOR THE EXCLUSIVE PURPOSE OF
3 MAINTAINING AND REHABILITATING PRESENTLY OWNED TRANSIT VEHICLES.

4 SECTION 406. DEMAND RESPONSE ENTITLEMENT GRANTS.--(A) <—
5 EXCEPT FOR GRANTS MADE FOR REDUCED FARE SERVICE ON LOCAL COMMON
6 CARRIER TRANSPORTATION SYSTEMS IN COUNTIES OF THE FIRST AND
7 SECOND CLASS, THE GRANTS AUTHORIZED UNDER ARTICLE II, SECTION
8 203(5)(II) AND (III) SHALL BE SUSPENDED FOR THE FISCAL YEARS
9 1980-1981 AND 1981-1982. IN LIEU OF PAYMENT OF SUCH GRANTS
10 AUTHORIZED UNDER SUBPARAGRAPHS (II) AND (III), THE GRANTS FOR
11 SUCH FISCAL YEARS SHALL BE MADE DIRECTLY TO COUNTIES IN SUCH
12 AMOUNT AND FOR SUCH PURPOSES AS IS HEREINAFTER PROVIDED:

13 (1) FOR THE FISCAL YEARS 1980-1981 AND 1981-1982 ONLY,
14 GRANTS FROM THE STATE LOTTERY FUND SHALL BE MADE DIRECTLY TO ALL
15 COUNTIES, EXCEPT COUNTIES OF THE FIRST AND SECOND CLASS. THE
16 TOTAL AMOUNT TO BE GRANTED BY THE DEPARTMENT FOR EACH FISCAL
17 YEAR SHALL BE COMPUTED BY MULTIPLYING THE FOLLOWING DOLLAR
18 AMOUNT FIXED FOR A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER BY
19 THE TOTAL NUMBER OF ALL SUCH ELDERLY PERSONS RESIDING IN ALL
20 COUNTIES OTHER THAN IN COUNTIES OF THE FIRST AND SECOND CLASS;
21 FOR THE FISCAL YEAR 1980-1981, THE DOLLAR AMOUNT OF THE
22 MULTIPLIER SHALL BE \$9.50 PER ELDERLY PERSON; AND FOR THE FISCAL
23 YEAR 1981-1982, THE DOLLAR AMOUNT OF THE MULTIPLIER SHALL BE
24 \$4.75 PER ELDERLY PERSON. EACH COUNTY ENTITLED TO RECEIVE A
25 GRANT UNDER THIS PARAGRAPH SHALL HAVE FIVE YEARS FROM THE
26 EFFECTIVE DATE OF THIS ACT TO APPLY FOR AND RECEIVE SUCH GRANT.

27 (2) THE DEPARTMENT, AFTER DETERMINING THE TOTAL DOLLAR
28 AMOUNT OF THE GRANT FOR EACH FISCAL YEAR, SHALL THEN APPORTION
29 EACH SUCH FISCAL YEAR AMOUNT BY A FRACTION FOR EACH COUNTY, THE
30 NUMERATOR OF WHICH SHALL BE THE TOTAL NUMBER OF PERSONS SIXTY-

1 FIVE YEARS OF AGE OR OLDER RESIDING WITHIN A PARTICULAR COUNTY
2 OTHER THAN COUNTIES OF THE FIRST AND SECOND CLASS, AND THE
3 DENOMINATOR OF WHICH IS THE TOTAL NUMBER OF PERSONS SIXTY-FIVE
4 YEARS OF AGE OR OLDER RESIDING IN ALL OF THE COUNTIES OTHER THAN
5 COUNTIES OF THE FIRST AND SECOND CLASS. THE AMOUNT THUS
6 APPORTIONED FOR EACH COUNTY SHALL THEN BE THE GRANT ENTITLEMENT
7 FOR SAID COUNTY FOR EACH OF SAID FISCAL YEARS, EXCEPT THAT NO
8 COUNTY, BY VIRTUE OF APPLICATION OF ITS APPORTIONMENT FRACTION,
9 SHALL RECEIVE LESS THAN A MINIMUM OF \$25,000 OR A MAXIMUM OF
10 \$400,000 IN THE FISCAL YEAR 1980-1981 OR LESS THAN A MINIMUM OF
11 \$12,500 OR A MAXIMUM OF \$200,000 FOR THE FISCAL YEAR 1981-1982.
12 TO AID THE DEPARTMENT IN COMPUTING APPORTIONMENT FRACTIONS, IT
13 SHALL BE THE DUTY OF THE SECRETARY OF AGING TO FURNISH TO THE
14 DEPARTMENT THE LATEST STATISTICAL DATA THEN AVAILABLE ON PERSONS
15 SIXTY-FIVE YEARS OF AGE OR OLDER RESIDING IN SUCH COUNTIES.

16 (3) COUNTIES OTHER THAN COUNTIES OF THE FIRST AND SECOND
17 CLASS MAY OBTAIN THEIR SHARE OF THE FISCAL YEAR GRANTS BY FILING
18 FOR EACH FISCAL YEAR WITH THE DEPARTMENT AN APPLICATION ON A
19 FORM PRESCRIBED BY IT. THE DEPARTMENT SHALL REQUIRE WITH SUCH
20 APPLICATION A TRANSPORTATION PLAN PLUS SUCH OTHER INFORMATION AS
21 THE DEPARTMENT MAY REQUIRE TO ESTABLISH TO THE SATISFACTION OF
22 THE DEPARTMENT THAT THE COUNTY PLANS TO PROVIDE AN INTEGRATED
23 TRANSPORTATION SYSTEM ON A FREE OR REDUCED RATE BASIS FOR THOSE
24 PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER RESIDING IN SUCH
25 COUNTY. THE GRANTS MADE BY THE DEPARTMENT SHALL BE UTILIZED BY
26 THE COUNTY AS FOLLOWS:

27 (1) IN COUNTIES WHERE LOCAL MASS TRANSPORTATION SYSTEMS
28 WHICH PROVIDE SHARED RIDE PUBLIC SERVICES NOW OPERATE OR WHERE
29 TRANSPORTATION SERVICES ARE ESTABLISHED UNDER THE PROVISIONS OF
30 THIS SECTION, LOSSES RESULTING FROM PROVIDING SUCH SERVICES

1 SHALL BE REIMBURSED FROM THE COUNTIES' ALLOCATION USING THE
2 REIMBURSEMENT CRITERIA OUTLINED IN ARTICLE II, SECTION 203(5);
3 AND

4 (II) EXPENDITURES INCURRED OR TO BE INCURRED IN THE
5 PLANNING, DEVELOPING AND ESTABLISHING OF LOCAL TRANSPORTATION
6 SYSTEMS IN A COUNTY FOR PERSONS SIXTY-FIVE YEARS OR OLDER; OR

7 (III) EXPENDITURES INCURRED OR TO BE INCURRED FOR THE
8 EXPANSION OR EXTENSION OF NOW EXISTING LOCAL MASS TRANSPORTATION
9 SYSTEMS WITHIN A COUNTY FOR THE PURPOSE OF PROVIDING
10 TRANSPORTATION SERVICES FOR THE ELDERLY IN THOSE GEOGRAPHICAL
11 AREAS OF THE COUNTY WHICH ARE NOT SERVICED AT ALL OR ARE
12 INADEQUATELY SERVICED BY SUCH SYSTEM; OR

13 (IV) EXPENDITURES INCURRED OR TO BE INCURRED BY THE COUNTY
14 FOR THE PLANNING, DEVELOPING AND ESTABLISHING OF A COUNTY
15 TRANSPORTATION SYSTEM AND FOR THE PURCHASE OWNERSHIP, OPERATION
16 AND MAINTENANCE OF BUSES, VANS OR OTHER PASSENGER-TYPE VEHICLES
17 USED FOR TRANSPORTING WITHIN THE COUNTY PERSONS SIXTY-FIVE YEARS
18 OF AGE OR OLDER; OR

19 (V) THE GRANTS MADE TO COUNTIES FOR CATEGORIES (II), (III)
20 AND (IV)) MAY BE USED AS MATCHING FUNDS TO OBTAIN STATE OR
21 FEDERAL AID FOR THE ESTABLISHING, EXPANDING OR ACQUIRING
22 TRANSPORTATION SYSTEMS IN ORDER TO PROVIDE TRANSPORTATION FOR
23 THE ELDERLY.

24 (B) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO PROMULGATE
25 SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO IMPLEMENT THE
26 PURPOSES OF THIS SECTION. THESE RULES AND REGULATIONS SHALL
27 INCLUDE PROVISIONS TO PREVENT THE DUPLICATION OF EXISTING
28 TRANSPORTATION SERVICES. SUCH REGULATIONS, IN ACCORDANCE WITH
29 THE PROVISIONS OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
30 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," SHALL NOT TAKE

1 EFFECT UNTIL THE SAME ARE SUBMITTED TO THE DEPARTMENT OF AGING
2 FOR COMMENT.

3 (C) UPON THE TERMINATION OF THE FISCAL YEAR 1981-1982, NO
4 FURTHER GRANTS SHALL BE MADE DIRECTLY TO THE COUNTIES UNDER THIS
5 PARAGRAPH: PROVIDED, HOWEVER, THAT NO COUNTY RECEIVING A FISCAL
6 YEAR GRANT UNDER THIS PARAGRAPH SHALL FORFEIT SUCH GRANT OR BE
7 DENIED SUBSEQUENT FISCAL YEAR GRANTS SOLELY ON THE BASIS THAT
8 THE COUNTY HAS FAILED WITHIN EITHER THE FISCAL YEAR 1980-1981 OR
9 1981-1982 TO FULLY AND COMPLETELY IMPLEMENT ITS TRANSIT SYSTEM
10 FOR THE ELDERLY, IT BEING THE INTENT OF THE GENERAL ASSEMBLY TO
11 PROVIDE EACH COUNTY FIVE YEARS FROM THE EFFECTIVE DATE OF THIS
12 ACT IN WHICH TO PHASE IN AND MAKE OPERATIONAL SOME TYPE OF
13 TRANSIT SYSTEM FOR THE ELDERLY. IN THE EVENT THAT ANY COUNTY
14 FAILS WITHIN SUCH FIVE YEARS TO PROVIDE SOME TYPE OF AN
15 OPERATIONAL TRANSIT SYSTEM FOR THE ELDERLY, ANY UNSPENT AND
16 UNENCUMBERED GRANT MONEYS MADE TO THE COUNTIES FOR THE FISCAL
17 YEARS 1980-1981 OR 1981-1982 SHALL BE RETURNED THROUGH THE
18 DEPARTMENT OF TRANSPORTATION FOR DEPOSIT IN THE STATE LOTTERY
19 FUND FOR USE IN THE GRANT PROGRAM PROVIDED IN SECTION 203(5) OR
20 FOR OTHER SENIOR CITIZENS PROGRAMS.

21 SECTION ~~306-406~~ 407. REPEALS.--THE FOLLOWING ACTS ARE <—
22 REPEALED:

23 ACT OF AUGUST 14, 1963 (P.L.984, NO.450), KNOWN AS THE
24 "METROPOLITAN TRANSPORTATION AUTHORITIES ACT OF 1963."

25 ACT OF JANUARY 22, 1968 (P.L.27, NO.7), KNOWN AS "THE
26 PENNSYLVANIA TRANSPORTATION ASSISTANCE AUTHORITY ACT OF 1967."

27 SECTION 4. EXCEPT FOR SECTION ~~105~~ 204 OF ARTICLE ~~±~~ II, WHICH <—
28 SHALL TAKE EFFECT JANUARY 1, 1981, THIS ACT SHALL TAKE EFFECT
29 IMMEDIATELY.