

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1876 Session of  
1985

INTRODUCED BY A. C. FOSTER, JR., GAMBLE, D. W. SNYDER, DUFFY,  
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DISTLER, NAHILL AND SCHEETZ, NOVEMBER 18, 1985

REFERRED TO COMMITTEE ON URBAN AFFAIRS, NOVEMBER 18, 1985

AN ACT

1 Amending the act of April 6, 1956 (1955 P.L.1414, No.465),  
2 entitled, as amended, "An act to promote the welfare of the  
3 people of this Commonwealth; creating Port authorities to  
4 function in counties of the second class as bodies corporate  
5 and politic, with power to plan, acquire, construct, maintain  
6 and operate facilities and projects for the improvement and  
7 development of the port district and to borrow money and  
8 issue bonds therefor; providing for the payment of such bonds  
9 and prescribing the rights of the holders thereof; conferring  
10 the right of eminent domain on the authorities; authorizing  
11 the authorities to enter into contracts with and to accept  
12 grants from the Federal government or any agency thereof; and  
13 conferring exclusive jurisdiction on certain courts over  
14 rates and services; and authorizing the authorities to  
15 collect tolls, fares, fees, rentals and charges for the use  
16 of facilities; defining the authorities' powers and duties,  
17 and defining the port districts; granting Port Authorities  
18 the exclusive right to engage in the business of owning,  
19 operating, and maintaining a transportation system for the  
20 transportation of persons in counties of the second class,  
21 providing, when necessary, for extension of transportation  
22 systems into adjoining counties and outside of said counties  
23 as provided in the act; limiting the jurisdiction of the  
24 Public Utility Commission over Port Authorities; authorizing  
25 municipalities to make loans and grants and to transfer  
26 existing facilities; authorizing Port Authorities to enter  
27 into contracts with and to accept grants from State and local  
28 governments or agencies thereof; exempting the property and  
29 facilities of such Port Authorities from taxation and  
30 limiting the time to commence civil action against said  
31 Authorities," further providing for the board of the  
32 authority; and providing for a transit council, audits,

1 service standards and the operating budget.

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

4 Section 1. The act of April 6, 1956 (1955 P.L.1414, No.465),  
5 known as the Second Class County Port Authority Act, is amended  
6 by adding sections to read:

7 Section 3.1. (a) There is hereby established a citizens  
8 advisory committee, to be known as the (insert name of county)  
9 Transit Council.

10 (b) Membership on the transit council shall be open to  
11 transit riders, citizens of the county and other interested  
12 parties.

13 (c) The members of the transit council shall, independent of  
14 the authority, adopt such bylaws, rules and regulations, and  
15 elect such officers as they deem appropriate for the conduct of  
16 the council's business.

17 (d) Regardless of whether public hearings are required on  
18 the following matters, the executive director shall submit to  
19 the transit council before final action is taken by the board  
20 proposals regarding (1) the adoption or amendment of a  
21 comprehensive transit plan, (2) the annual operating budget, (3)  
22 any capital budget, (4) the facilities to be operated, (5) the  
23 services to be available and the rates to be charged therefor,  
24 or (6) other matters of similar nature. The transit council may  
25 thoroughly consider the proposals and may prepare and transmit  
26 to the executive director, the board and to any interested  
27 member of the public written comments concerning the proposals  
28 prior to the date when final action is to be taken.

29 (e) Although the board shall give careful and due  
30 consideration to the transit council's comments prior to the

1 taking of any final action, the council's comments shall be  
2 considered only advisory in nature.

3 Section 3.2. (a) In addition to any audits or financial  
4 statements required by the county, State or Federal Government,  
5 the authority shall be subject to the following performance  
6 audit requirements:

7 (1) at least once every four years, the Office of the  
8 Auditor General shall review the procedures and audit, settle  
9 and adjust the accounts of the authority; and

10 (2) at least once every eight years, the board shall engage  
11 an outside consultant to conduct a comprehensive management  
12 study of the entire operation of the authority, including  
13 recommendations to improve the efficiency of services being  
14 provided.

15 (b) In no instance shall the same consultant be used for  
16 consecutive audits.

17 (c) The findings of both of the audits required by  
18 subsection (a) shall be made available to the public.

19 (d) This section shall not be construed to prohibit more  
20 frequent reviews of the books and accounts of the authority.

21 Section 3.3. (a) Within one year after the effective date  
22 of this amendatory act and annually thereafter, the board shall  
23 adopt a series of service standards and performance evaluation  
24 measures. These service standards and performance evaluation  
25 measures shall consist of objectives and specific numeric  
26 performance levels to be achieved in meeting these objectives.  
27 The areas to be addressed are:

28 (1) an automatic mechanism to review the utilization of  
29 routes;

30 (2) staffing ratios (ratio of administrative employees to

operating employees, number of vehicles per mechanic);

(3) productivity measures (vehicle miles per employee, passenger and employee accidents per one hundred thousand vehicle miles, on-time performance, miles between road calls);

(4) fiscal indicators (operating cost per passenger, subsidy per passenger);

(5) the attendance of board members at regularly scheduled meetings of the board; and

(6) any other matter as desired by the board.

(b) The service standards and performance evaluation measures shall be established by an action of the board following an opportunity for comment from the public, the transit council, any labor union representing authority employees, county government and other interested parties.

(c) In the discretion of the board, the service standards and performance evaluation measures may be system-wide or based on a sampling.

(d) The service standards and performance evaluation measures shall only constitute goals for the authority in providing service in the year following their adoption. At the end of the year, fiscal or calendar as the case may be, the authority shall release to the public a report indicating the projected performance level and the performance level that was actually achieved.

Section 3.4. (a) Annually, the board shall adopt an operating budget for the ensuing fiscal year. The budget shall reflect as nearly as possible the estimated revenues, including governmental operating subsidies and expenses of the authority for the fiscal year for which the budget is prepared. The total expenses shall not exceed the revenues estimated as available

1 for the fiscal year.

2 (b) The board may at any time make supplemental  
3 appropriations or revisions of the budget for any lawful purpose  
4 from funds on hand or estimated to be received within the fiscal  
5 year and not otherwise appropriated, or from funds received in  
6 excess of projections.

7 (c) Where the governmental operating subsidies received  
8 during the year are less than anticipated in the operating  
9 budget adopted by the board, the board shall adjust the level of  
10 total expenditures so that total expenditures do not exceed the  
11 revised level of anticipated revenues.

12 Section 2. Section 6 of the act, amended March 28, 1969  
13 (P.L.8, No.6), is amended to read:

14 Section 6. Subject to the provisions of section 6.1, the  
15 powers of the authority shall be exercised by a board, composed  
16 of the number of members, not more than [twelve] nine, as shall  
17 be fixed by the county commissioners of each county of the  
18 second class. The county commissioners of each county of the  
19 second class shall appoint the members of the board, all of whom  
20 shall be residents of such county and citizens of the United  
21 States, whose terms of office shall commence on the date of  
22 appointment, one member shall serve for one year, one for two  
23 years, one for three years, and one for four years, and one for  
24 five years, from the first day of January next succeeding the  
25 date of approval of this act, and terms of other members shall  
26 be staggered in a similar manner but in no instance shall exceed  
27 five years. Thereafter, whenever a vacancy has occurred or is  
28 about to occur by reason of the expiration of the term of any  
29 member, the county commissioners shall appoint a member for a  
30 term of five years to succeed the member whose term has expired

1 or is about to expire. Members shall hold office until their  
2 successors have been appointed, and may succeed themselves. A  
3 member shall receive such compensation for his services as the  
4 county commissioners shall determine and shall be entitled to  
5 the necessary expenses, including traveling expenses incurred in  
6 the performance of his duties. Within ninety days after the  
7 creation of the authority, the board shall meet and organize by  
8 electing from their number a chairman, a vice chairman, and such  
9 other officers as the board may determine. The board may employ  
10 a secretary, an executive director, its own counsel and legal  
11 staff and such technical experts and other agents and employes,  
12 permanent or temporary, as it may require, and may determine the  
13 qualifications and fix the compensation of such persons. [Six]  
14 Five members of the board shall constitute a quorum for its  
15 meetings. Members of the board shall not be liable personally on  
16 the bonds or other obligations of the authority, and the rights  
17 of creditors shall be solely against such authority. The board  
18 may delegate to one or more of its agents or employes such of  
19 its powers as it shall deem necessary to carry out the purposes  
20 of this act, subject always to the supervision and control of  
21 the board. The board shall have full authority to manage and  
22 operate the business of the authority and to prescribe, amend  
23 and repeal by-laws, rules and regulations governing the manner  
24 in which the business of the authority may be conducted and the  
25 powers granted to it may be exercised and embodied. Copies of  
26 such by-laws, rules and regulations shall be filed with the  
27 county commissioners of the county incorporating the authority.  
28 Members may be removed at the will of the appointing power.

29 If a vacancy occurs by reason of the death, resignation or  
30 removal of a member, the board of county commissioners shall

1 appoint a successor to fill his unexpired term.

2 Section 3. (a) Section 2 of this act shall take effect  
3 January 1, 1987.

4 (b) The remaining provisions of this act shall take effect  
5 in 60 days.