

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 646 Session of  
1999

INTRODUCED BY MURPHY, APRIL 9, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 11, 1999

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 MEMBERSHIP ON THE

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1 AUTHORITY BOARD, FOR REMOVAL OF AUTHORITY BOARD MEMBERS, FOR  
2 A QUORUM FOR BOARD MEETINGS AND FOR eating and drinking in  
3 certain transit stations.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 ~~Section 1. Section 10.1 of the act of April 6, 1956 (1955~~ <—  
7 ~~P.L.1414, No.465), known as the Second Class County Port~~  
8 ~~Authority Act, added July 9, 1992 (P.L.700, No.104), is amended~~  
9 ~~to read:~~

10 SECTION 1. SECTION 6 OF THE ACT OF APRIL 6, 1956 (1955 <—  
11 P.L.1414, NO.465), KNOWN AS THE SECOND CLASS COUNTY PORT  
12 AUTHORITY ACT, AMENDED JULY 2, 1986 (P.L.309, NO.76), IS AMENDED  
13 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 NINE, ONE OF WHOM SHALL, <—  
17 AT ALL TIMES, BE A MEMBER OF THE COUNTY COUNCIL APPOINTED BY THE  
18 COUNTY EXECUTIVE, AS SHALL BE FIXED BY THE COUNTY

19 [COMMISSIONERS] COUNCIL OF EACH COUNTY OF THE SECOND CLASS. THE <—  
20 COUNTY [COMMISSIONERS] EXECUTIVE OF EACH COUNTY OF THE SECOND <—  
21 CLASS SHALL APPOINT THE MEMBERS OF THE BOARD, ALL OF WHOM SHALL  
22 BE RESIDENTS OF SUCH COUNTY AND CITIZENS OF THE UNITED STATES,  
23 WHOSE TERMS OF OFFICE SHALL COMMENCE ON THE DATE OF APPOINTMENT,  
24 ONE MEMBER SHALL SERVE FOR ONE YEAR, ONE FOR TWO YEARS, ONE FOR  
25 THREE YEARS, AND ONE FOR FOUR YEARS, AND ONE FOR FIVE YEARS,  
26 FROM THE FIRST DAY OF JANUARY NEXT SUCCEEDING THE DATE OF  
27 APPROVAL OF THIS ACT, AND TERMS OF OTHER MEMBERS SHALL BE  
28 STAGGERED IN A SIMILAR MANNER BUT IN NO INSTANCE SHALL EXCEED  
29 FIVE YEARS. THEREAFTER, WHENEVER A VACANCY HAS OCCURRED OR IS  
30 ABOUT TO OCCUR BY REASON OF THE EXPIRATION OF THE TERM OF ANY  
31 MEMBER, THE COUNTY [COMMISSIONERS] EXECUTIVE SHALL APPOINT A <—

1 MEMBER FOR A TERM OF FIVE YEARS TO SUCCEED THE MEMBER WHOSE TERM  
2 HAS EXPIRED OR IS ABOUT TO EXPIRE. MEMBERS SHALL HOLD OFFICE  
3 UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED, AND MAY SUCCEED  
4 THEMSELVES. A MEMBER SHALL RECEIVE SUCH COMPENSATION FOR HIS  
5 SERVICES AS THE COUNTY [COMMISSIONERS] EXECUTIVE SHALL DETERMINE <—  
6 AND SHALL BE ENTITLED TO THE NECESSARY EXPENSES, INCLUDING  
7 TRAVELING EXPENSES INCURRED IN THE PERFORMANCE OF HIS DUTIES.  
8 WITHIN NINETY DAYS AFTER THE CREATION OF THE AUTHORITY, THE  
9 BOARD SHALL MEET AND ORGANIZE BY ELECTING FROM THEIR NUMBER A  
10 CHAIRMAN, A VICE CHAIRMAN, AND SUCH OTHER OFFICERS AS THE BOARD  
11 MAY DETERMINE. THE BOARD MAY EMPLOY A SECRETARY, AN EXECUTIVE  
12 DIRECTOR, ITS OWN COUNSEL AND LEGAL STAFF AND SUCH TECHNICAL  
13 EXPERTS AND OTHER AGENTS AND EMPLOYES, PERMANENT OR TEMPORARY,  
14 AS IT MAY REQUIRE, AND MAY DETERMINE THE QUALIFICATIONS AND FIX  
15 THE COMPENSATION OF SUCH PERSONS. [FIVE] SIX MEMBERS OF THE <—  
16 BOARD SHALL CONSTITUTE A QUORUM FOR ITS MEETINGS. MEMBERS OF THE  
17 BOARD SHALL NOT BE LIABLE PERSONALLY ON THE BONDS OR OTHER  
18 OBLIGATIONS OF THE AUTHORITY, AND THE RIGHTS OF CREDITORS SHALL  
19 BE SOLELY AGAINST SUCH AUTHORITY. THE BOARD MAY DELEGATE TO ONE  
20 OR MORE OF ITS AGENTS OR EMPLOYES SUCH OF ITS POWERS AS IT SHALL  
21 DEEM NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT, SUBJECT  
22 ALWAYS TO THE SUPERVISION AND CONTROL OF THE BOARD. THE BOARD  
23 SHALL HAVE FULL AUTHORITY TO MANAGE AND OPERATE THE BUSINESS OF  
24 THE AUTHORITY AND TO PRESCRIBE, AMEND AND REPEAL BY-LAWS, RULES  
25 AND REGULATIONS GOVERNING THE MANNER IN WHICH THE BUSINESS OF  
26 THE AUTHORITY MAY BE CONDUCTED AND THE POWERS GRANTED TO IT MAY  
27 BE EXERCISED AND EMBODIED. COPIES OF SUCH BY-LAWS, RULES AND  
28 REGULATIONS SHALL BE FILED WITH THE COUNTY [COMMISSIONERS] <—  
29 COUNCIL OF THE COUNTY INCORPORATING THE AUTHORITY. [MEMBERS] A  
30 MEMBER MAY BE REMOVED [AT THE WILL OF THE APPOINTING POWER] FOR

1 CAUSE BY THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH THE  
2 AUTHORITY IS LOCATED AFTER HAVING BEEN PROVIDED WITH A COPY OF  
3 THE CHARGES AGAINST THE MEMBER FOR AT LEAST TEN DAYS AND A FULL  
4 HEARING BY THE COURT.

5 IF A VACANCY OCCURS BY REASON OF THE DEATH, RESIGNATION OR  
6 REMOVAL OF A MEMBER, THE [BOARD OF COUNTY COMMISSIONERS] COUNTY <—  
7 EXECUTIVE SHALL APPOINT A SUCCESSOR TO FILL [HIS] THE UNEXPIRED  
8 TERM.

9 SECTION 2. SECTION 10.1 OF THE ACT, ADDED JULY 9, 1992  
10 (P.L.700, NO.104), IS AMENDED TO READ:

11 Section 10.1. (a) Except as otherwise provided in  
12 subsection (b), it shall be unlawful for any person to smoke a  
13 cigar, pipe, cigarette or other device used to smoke or to eat  
14 or drink anything on a public conveyance owned or operated by  
15 the authority, including, but not limited to, a bus, street  
16 railway car, light rail vehicle, a commuter rail train or  
17 incline.

18 (b) Subsection (a) shall not apply to: (i) passengers on a  
19 commuter rail car which comprises part of a commuter rail train  
20 and which car is specifically designated as an area on the train  
21 where smoking, eating or drinking is permitted; [or] (ii)  
22 passengers on a bus, street railway car or light rail vehicle  
23 which is being used to transport groups or parties of persons,  
24 the charge for which is based upon the transportation of a group  
25 and not upon the number of persons carried and for which payment  
26 is made by a single person or organization and not by the  
27 passengers as individuals; or (iii) eating or drinking in the  
28 transit stations used by public conveyances owned or operated by  
29 the authority.

30 (c) The authority shall post a notice of any prohibitions or

1 restrictions against smoking, eating and drinking and the  
2 penalty imposed by this section on the inside front of all  
3 public conveyances referred to in subsection (a).

4 (d) A person who violates the provisions of subsection (a)  
5 shall, upon conviction in a summary proceeding, be sentenced to  
6 pay a fine of fifty dollars and the costs of prosecution and, in  
7 default of the payment of the fine and costs, shall be sentenced  
8 to imprisonment for a period of not more than ten days.

9 Section ~~2~~ 3. This act shall take effect ~~immediately~~. AS  
10 FOLLOWS:

11 (1) THE AMENDMENT OF SECTION 6 OF THE ACT RELATING TO  
12 THE APPOINTMENT OF A MEMBER OF THE COUNTY COUNCIL TO THE  
13 BOARD OF THE AUTHORITY SHALL TAKE EFFECT FEBRUARY 1, 2000,  
14 AND BE APPLICABLE TO THE FIRST VACANCY OCCURRING ON OR AFTER  
15 FEBRUARY 1, 2000.  
16 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
17 IMMEDIATELY.