

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1642 Session of  
2007

INTRODUCED BY WAGNER, GERBER, BENNINGTON, BIANCUCCI, BRENNAN,  
CALTAGIRONE, CARROLL, CONKLIN, COSTA, DeLUCA, DePASQUALE,  
EACHUS, D. EVANS, GALLOWAY, GOODMAN, HALUSKA, HARHAI,  
HORNAMAN, JAMES, W. KELLER, KING, KIRKLAND, KORTZ, KULA,  
LEACH, LENTZ, LEVDANSKY, LONGIETTI, MAHER, MAHONEY,  
MANDERINO, MARKOSEK, McGEEHAN, MUSTIO, PARKER, PASHINSKI,  
PAYTON, PETRARCA, PETRONE, PRESTON, SABATINA, SAINATO,  
SANTONI, SEIP, SHIMKUS, SIPTROTH, SOLOBAY, R. TAYLOR, THOMAS,  
TURZAI, WANSACZ, WATERS, WHEATLEY, J. WHITE, WILLIAMS,  
WOJNAROSKI, YOUNGBLOOD AND YUDICHAK, JUNE 27, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 27, 2007

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

1 into contracts with and to accept grants from State and local  
2 governments or agencies thereof; exempting the property and  
3 facilities of such Port Authorities from taxation and  
4 limiting the time to commence civil action against said  
5 Authorities," further providing for board members.

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

8 Section 1. Section 6 of the act of April 6, 1956 (1955  
9 P.L.1414, No.465), known as the Second Class County Port  
10 Authority Act, amended June 18, 1999 (P.L.72, No.11), is amended  
11 to read:

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

32 (b) The Governor, the President pro tempore of the Senate,

1 the Minority Leader of the Senate, the Speaker of the House of  
2 Representatives and the Minority Leader of the House of  
3 Representatives shall each appoint one member to the nine-member  
4 board. Within forty-five days after the effective date of this  
5 subsection, designate five current members of the board,  
6 excepting the member representing county council, to be replaced  
7 by the gubernatorial and legislative appointees. On or after  
8 forty-five days after the effective date of this subsection,  
9 whenever a vacancy occurs or is about to occur by reason of the  
10 expiration of the term of a member, the relevant appointing  
11 authority shall make an appointment for a term of three years  
12 for a gubernatorial appointee and two years for a legislative  
13 appointee to succeed the member whose term has expired or is  
14 about to expire. All members appointed to the board shall  
15 possess qualifications and skills related to the operation of a  
16 transit authority.

17     (c) Members shall hold office until their successors have  
18 been appointed, and may succeed themselves. A legislative member  
19 shall not serve more than two consecutive full terms. A member  
20 shall receive such compensation for his services as the county  
21 executive shall determine and shall be entitled to the necessary  
22 expenses, including traveling expenses incurred in the  
23 performance of his duties.

24     (d) Within ninety days after the creation of the authority,  
25 the board shall meet and organize by electing from their number  
26 a chairman, a vice chairman, and such other officers as the  
27 board may determine. The board may employ a secretary, an  
28 executive director, its own counsel and legal staff and such  
29 technical experts and other agents and employes, permanent or  
30 temporary, as it may require, and may determine the

1 qualifications and fix the compensation of such persons. Six  
2 members of the board shall constitute a quorum for its meetings.  
3 Members of the board shall not be liable personally on the bonds  
4 or other obligations of the authority, and the rights of  
5 creditors shall be solely against such authority. The board may  
6 delegate to one or more of its agents or employees such of its  
7 powers as it shall deem necessary to carry out the purposes of  
8 this act, subject always to the supervision and control of the  
9 board. The board shall have full authority to manage and operate  
10 the business of the authority and to prescribe, amend and repeal  
11 by-laws, rules and regulations governing the manner in which the  
12 business of the authority may be conducted and the powers  
13 granted to it may be exercised and embodied. Copies of such by-  
14 laws, rules and regulations shall be filed with the county  
15 council of the county incorporating the authority. A member may  
16 be removed for cause by the court of common pleas of the county  
17 in which the authority is located after having been provided  
18 with a copy of the charges against the member for at least ten  
19 days and a full hearing by the court.

20 If a vacancy occurs by reason of the death, resignation or  
21 removal of a member, the [county executive] relevant appointing  
22 authority shall appoint a successor to fill the unexpired term.

23 Section 2. This act shall take effect immediately.