

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 926 Session of 2011

INTRODUCED BY FONTANA, COSTA, FERLO AND BREWSTER, APRIL 25, 2011

REFERRED TO TRANSPORTATION, APRIL 25, 2011

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 board composition.

32 The General Assembly of the Commonwealth of Pennsylvania
 33 hereby enacts as follows:

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

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

24 (1) One member shall be a member of the county council.

25 (2) One member shall represent labor.

26 (3) One member shall be a member of the transit council.

27 (4) One member shall be a member of the Senate and one shall
28 be a member of the House of Representatives. The appointments
29 shall be made from recommendations provided to the county
30 executive by the President pro tempore of the Senate and the

1 Speaker of the House of Representatives.
2 Members shall be residents of the county and citizens of the
3 United States and shall possess knowledge, ability and skills
4 related to the operation of a transit authority. To the extent
5 possible, the members shall reflect the racial, ethnic, gender
6 and geographic diversity of the county.

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

1 granted to it may be exercised and embodied. Copies of such by-
2 laws, rules and regulations shall be filed with the county
3 council of the county incorporating the authority. A member may
4 be removed for cause by the court of common pleas of the county
5 in which the authority is located after having been provided
6 with a copy of the charges against the member for at least ten
7 days and a full hearing by the court.

8 If a vacancy occurs by reason of the death, resignation or
9 removal of a member, the county executive shall appoint a
10 successor to fill the unexpired term.

11 Section 2. This act shall take effect in 60 days.