

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 926**      Session of  
2011

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

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SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, JUNE 21, 2011

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## 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. THE TERMS OF MEMBERS ←  
7 SHALL NOT EXCEED FIVE YEARS. WHENEVER A VACANCY HAS OCCURRED OR  
8 IS ABOUT TO OCCUR BY REASON OF THE EXPIRATION OF THE TERM OF ANY  
9 MEMBER, THE COUNTY EXECUTIVE SHALL APPOINT A MEMBER FOR A TERM  
10 OF FIVE YEARS TO SUCCEED THE MEMBER WHOSE TERM HAS EXPIRED OR IS  
11 ABOUT TO EXPIRE.

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

1 this act, subject always to the supervision and control of the  
2 board. The board shall have full authority to manage and operate  
3 the business of the authority and to prescribe, amend and repeal  
4 by-laws, rules and regulations governing the manner in which the  
5 business of the authority may be conducted and the powers  
6 granted to it may be exercised and embodied. Copies of such by-  
7 laws, rules and regulations shall be filed with the county  
8 council of the county incorporating the authority. A member may  
9 be removed for cause by the court of common pleas of the county  
10 in which the authority is located after having been provided  
11 with a copy of the charges against the member for at least ten  
12 days and a full hearing by the court.

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

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