

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 700 Session of 2013

INTRODUCED BY SCARNATI, VULAKOVICH, RAFFERTY, FERLO, WARD,
WHITE, HUTCHINSON, ALLOWAY, VANCE AND BROWNE, JUNE 3, 2013

REFERRED TO TRANSPORTATION, JUNE 3, 2013

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 right to engage in the business of owning, operating, and
19 maintaining a transportation system for the transportation of
20 persons in counties of the second class, providing, when
21 necessary, for extension of transportation systems into
22 adjoining counties and outside of said counties as provided
23 in the act; limiting the jurisdiction of the Public Utility
24 Commission over Port Authorities; authorizing municipalities
25 to make loans and grants and to transfer existing facilities;
26 authorizing Port Authorities to enter into contracts with and
27 to accept grants from State and local governments or agencies
28 thereof; exempting the property and facilities of such Port
29 Authorities from taxation and limiting the time to commence
30 civil action against said Authorities," further providing for
31 membership of the authority; and providing for Department of
32 Transportation Regionalization and Privatization Study.

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

3 Section 1. Section 6 of the act of April 6, 1956 (1955
4 P.L.1414, No.465), known as the Second Class County Port
5 Authority Act, amended June 13, 2012, (P.L.629, No.61), is
6 amended to read:

7 Section 6. (a) Subject to the provisions of section 6.1,
8 the powers of an authority shall be exercised by a board,
9 composed of [the number of members, not more than nine, as shall
10 be fixed by the county council of the county where the authority
11 is located. The county executive of that county shall appoint
12 the members of the board, one of whom shall at all times be a
13 member of the county council, all of whom shall be residents of
14 such county and citizens of the United States, whose terms of
15 office shall commence on the date of appointment, one member
16 shall serve for one year, one for two years, one for three
17 years, and one for four years, and one for five years, from the
18 first day of January next succeeding the date of approval of
19 this act, and terms of other members shall be staggered in a
20 similar manner but in no instance shall exceed five years.

21 Thereafter, whenever a vacancy has occurred or is about to occur
22 by reason of the expiration of the term of any member, the
23 county executive shall appoint a member for a term of five years
24 to succeed the member whose term has expired or is about to
25 expire. Members shall hold office until their successors have
26 been appointed, and may succeed themselves.] eleven members.

27 (b) The terms of members serving on the board on the
28 effective date of this subsection shall expire in 60 days.
29 Nothing in this subsection shall be construed to prohibit a
30 current member from being reappointed by an appointing authority

1 under this act.

2 (c) The board shall be composed of the following members:

3 (1) One member appointed by the Governor under subsection
4 (d).

5 (2) Four members appointed by officers of the General
6 Assembly under subsection (e).

7 (3) One member appointed by the county executive of the
8 county where the authority is located under subsection (f).

9 (4) Four members appointed by the at-large county council
10 members of the county under subsection (g).

11 (5) One member appointed by the mayor of a second class city
12 located in the county under subsection (h).

13 (d) A member appointed by the Governor under subsection
14 (c) (1) shall serve a four-year term.

15 (e) (1) Appointments by officers of the General Assembly
16 under subsection (c) (2) shall be made as follows:

17 (i) One individual shall be appointed by the President pro
18 tempore of the Senate.

19 (ii) One individual shall be appointed by the Minority
20 Leader of the Senate.

21 (iii) One individual shall be appointed by the Speaker of
22 the House of Representatives.

23 (iv) One individual shall be appointed by the Minority
24 Leader of the House of Representatives.

25 (2) Members appointed by the President pro tempore of the
26 Senate and the Minority Leader of the Senate under subsection
27 (c) (2) shall serve a four-year term.

28 (3) Members appointed by the Speaker of the House of
29 Representatives and the Minority Leader of the House of
30 Representatives shall serve an initial three-year term

1 immediately following the effective date of this subsection, to
2 be followed thereafter by a four-year term.

3 (f) A member appointed by the county executive under
4 subsection (c)(3) shall serve an initial two-year term
5 immediately following the effective date of this subsection, to
6 be followed thereafter by a four-year term.

7 (g) (1) Two members appointed by the at-large county
8 council members of the county under subsection (c)(4) shall
9 serve an initial one-year term immediately following the
10 effective date of this subsection, to be followed thereafter by
11 a four-year term.

12 (2) Two members appointed by the at-large county council
13 members of the county under subsection (c)(4) shall serve an
14 initial two-year term immediately following the effective date
15 of this subsection, to be followed thereafter by a four-year
16 term.

17 (3) One appointment shall be made from recommendations
18 provided to the at-large county council members by the Allegheny
19 County Council of Governments.

20 (4) One appointment shall be made from recommendations
21 provided to the at-large county council members by ACHIEVA.

22 (5) One appointment shall be made from recommendations
23 provided to the at-large county council members by the
24 Southwestern Pennsylvania Commission.

25 (6) One appointment shall be made from recommendations
26 provided to the at-large county council members by the Allegheny
27 Conference on Community Development.

28 (h) A member appointed by the mayor of a second class city
29 located in the county under subsection (c)(5) shall serve an
30 initial three-year term immediately following the effective date

1 of this subsection, to be followed thereafter by a four-year
2 term.

3 (i) Appointees must be residents of this Commonwealth and
4 have expertise or substantial experience in budgeting, finance,
5 economic development, transportation or mass transit operations.

6 (j) Appointing authorities shall appoint initial board
7 members within sixty days of the effective date of this
8 subsection.

9 (k) Members' initial terms shall commence sixty days
10 following the effective date of this subsection.

11 (l) No member shall serve more than three consecutive terms
12 including initial terms.

13 (m) (1) A member shall receive such compensation for his
14 services as the county executive shall determine and shall be
15 entitled to the necessary expenses, including traveling expenses
16 incurred in the performance of his duties.

17 (2) Within ninety days after the [creation of the authority]
18 effective date of this paragraph, the board shall meet and
19 organize by electing from their number a chairman, a vice
20 chairman, and such other officers as the board may determine.

21 (3) The board may employ a secretary, an executive
22 director, its own counsel and legal staff and such technical
23 experts and other agents and employes, permanent or temporary,
24 as it may require, and may determine the qualifications and fix
25 the compensation of such persons.

26 (4) Six members of the board shall constitute a quorum for
27 its meetings.

28 (5) Members of the board shall not be liable personally on
29 the bonds or other obligations of the authority, and the rights
30 of creditors shall be solely against the authority.

1 (6) The board may delegate to one or more of its agents or
2 employes such of its powers as it shall deem necessary to carry
3 out the purposes of this act, subject always to the supervision
4 and control of the board.

5 (7) The board shall have full authority to manage and
6 operate the business of the authority and to prescribe, amend
7 and repeal by-laws, rules and regulations governing the manner
8 in which the business of the authority may be conducted and the
9 powers granted to it may be exercised and embodied.

10 (8) Copies of such by-laws, rules and regulations shall be
11 filed with the county council of the county.

12 (9) A member may be removed for cause by the court of common
13 pleas of the county in which the authority is located after
14 having been provided with a copy of the charges against the
15 member for at least ten days and a full hearing by the court.

16 (n) If a vacancy occurs by reason of the death, resignation
17 or removal of a member, the [county executive] designated
18 appointing authority shall appoint a successor to fill the
19 unexpired term within sixty days.

20 Section 2. The act is amended by adding a section to read:

21 Section 15. (a) The department shall study the
22 consolidation of the authority with other local transportation
23 organizations within geographical proximity as a means of
24 reducing annual expenses or increasing annual revenues. The
25 study shall examine the creation of service regions to determine
26 whether consolidation would reduce annual expenses or increase
27 annual revenues.

28 (b) The department shall study the potential privatization
29 of authority services as a means of reducing annual expenses or
30 increasing annual revenues.

1 (c) The department shall submit a report on its findings and
2 recommendations to the Governor, the General Assembly and the
3 authority within one hundred eighty days of the effective date
4 of this section.

5 Section 3. This act shall take effect immediately.