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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **240** Session of  
1961

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INTRODUCED BY MR. BELL, FEBRUARY 20, 1961.

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REFERRED TO COMMITTEE ON STATE GOVERNMENT,  
FEBRUARY 20, 1961.

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## AN ACT

To promote the welfare of the people of this Commonwealth creating

The Port of Chester Authority as a body corporate and politic  
with power to acquire construct maintain and operate projects  
for the improvement and development of the port district and  
to collect tolls fares fees rentals and charges for the use thereof  
defining its powers and duties authorizing the issuance of bonds  
for said authority defining the port district and granting the  
right of eminent domain within the port district

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.  
Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows

1 Section 1 As used in this act

2 (1) "Port district" means all the territory within the city limits  
3 of Chester

4 (2) "Authority" means The Port of Chester Authority and when  
5 required by the context the board constituting the governing body  
6 thereof in charge of its property and affairs

7 (3) "Member" means a member of the governing body of The  
8 Port of Chester Authority

9 (4) "Terminal" includes any marine motor truck railroad and air  
10 terminal also any coal grain and lumber terminal and any union freight  
11 and other terminals used or to be used in connection with the trans-  
12 portation of passengers and freight and equipment materials and sup-  
13 plies therefor

14 (5) "Transportation facility" and "facilities for transportation of  
15 passengers" include railroads operated by steam electricity or other  
16 power rapid transit lines motor trucks tunnels bridges airports boats  
17 ferries carfloats lighters tugs floating elevators barges scows or harbor

1 craft of any kind and aircraft and equipment materials and supplies  
2 therefor

3 (8) "Terminal facility" includes wharves piers slips ferries docks  
4 drydocks ship repair yards bulkheads dock walls basins carfloats float-  
5 bridges dredging equipment radio receiving and sending stations grain  
6 or other storage elevators warehouses cold storage tracks yards sheds  
7 switches connections overhead appliances bunker coal oil and fresh  
8 water stations markets and every kind of terminal storage or supply  
9 facility now in use or hereafter designed for use to facilitate passenger  
10 transportation and for the handling storage loading or unloading of  
11 freight at terminals and equipment materials and supplies therefor

12 (7) "Transportation of passengers" and "passenger transportation"  
13 means the transportation of passengers by railroad or other facilities

14 (8) "Rapid transit system" means a transit system for the trans-  
15 portation of passengers express mail and baggage by railroad or other  
16 facilities and equipment materials and supplies therefor

17 (9) "Project" means any improvement betterment facility or struc-  
18 ture authorized by or undertaken pursuant to this act to be constructed  
19 erected acquired owned or controlled or otherwise undertaken by the

1 authority "Project" shall not include undertakings for purposes de-  
2 scribed in subsections (2) (3) (4) (5) and (6) of section 2 of this act

3 (10) "Railroad" means railways extensions thereof tunnels sub-  
4 ways bridges elevated structures tracks poles wires conduits power-  
5 houses substations lines for the transmission of power car barns shops  
6 yards sidings turnouts switches station and approaches thereto cars and  
7 motive equipment

8 (11) "Bridge" and "tunnel" includes such approach highways and  
9 interests in real property necessary therefor as may be determined by  
10 the authority to be necessary to facilitate the flow of traffic in the  
11 vicinity of a bridge or tunnel or to connect a bridge or tunnel with  
12 the highway system or other traffic facilities in the Commonwealth

13 Provided that the power and authority herein granted to the authority  
14 to construct new or additional approach highways shall not be exer-  
15 cised unless and until the Department of Highways of the Common-  
16 wealth of Pennsylvania shall have filed with the authority its written  
17 approval as to approach highways to be located in said Commonwealth

18 (12) "Facility" includes all works buildings structures property  
19 appliances and equipment together with appurtenances necessary and

1 convenient for the property construction equipment maintenance and  
2 operation of a facility or facilities or any one or more of them

3 (13) "Personal property" includes choses in action and all other  
4 property now commonly or legally defined as personal property or  
5 which may hereafter be so defined

6 (14) "Lease" includes rent or hire

7 Section 2 There is hereby created a body corporate and politic  
8 to be known as The Port of Chester Authority (hereinafter called the  
9 "authority") which shall constitute a public corporation instrumen-  
10 tality in the Commonwealth of Pennsylvania for the following public  
11 purposes and which shall be deemed to be exercising an essential gov-  
12 ernmental function in effectuating such purposes to wit

13 (1) The improvement and development of the port district for port  
14 purposes by or through the acquisition construction maintenance or  
15 operation of any and all projects for the improvement and development  
16 of the port district for port purposes or directly related thereto either  
17 directly by purchase lease or contract or by lease or agreement with  
18 any other public or private body or corporation or in any other manner

19 (2) Cooperation with all other bodies interested or concerned with  
20 or affected by the promotion development or use of the port district

1           (3) The procurement from the government of the United States  
2 of any consents which may be requisite to enable any project within  
3 its powers to be carried forward

4           (4) The promotion of increased passenger and freight commerce  
5 and for such purpose the publication of literature and the adoption of  
6 any other means as may be deemed appropriate

7           (5) To study and make recommendations to the proper authorities  
8 for the improvement of terminal lighterage wharfage warehouse and  
9 other facilities necessary for the promotion of commerce from and to  
10 the Port of Chester

11           (6) Institution through its counsel or such other counsel as it shall  
12 designate or intervention in any litigation involving rates preferences  
13 rebates or other matters vital to the interests of the Port of Chester

14           (7) Any other functions which may be of benefit to the Common-  
15 wealth of Pennsylvania in so far as concerns the promotion and develop-  
16 ment of the Port of Chester and the use by commercial vessels of its  
17 facilities Notice of any institution of or intervention in litigation shall  
18 be given promptly to the Attorney General of the Commonwealth of  
19 Pennsylvania and provision for such notice shall be made in a resolu-

1 tion authorizing any such intervention or litigation and shall be incor-  
2 porated in the minutes of the authority

3       Section 3 The authority shall consist of eleven members who shall  
4 be citizens of the Commonwealth of Pennsylvania and who shall serve  
5 without compensation Three of the members shall be appointed by the  
6 Mayor of the City of Chester for the terms of five years from citizens  
7 residing in the City of Chester Three of the members shall be appointed  
8 by the Chairman of the County Commissioners of the County of Dela-  
9 ware for the terms of five years from citizens residing in the County  
10 of Delaware Three other members shall be appointed by the Governor  
11 of Pennsylvania for the terms of five years from citizens residing in  
12 the County of Delaware

13       The Auditor General and the State Treasurer of the Common-  
14 wealth shall ex-officio be members of the authority each having the  
15 privilege of appointing a representative who shall be a citizen residing  
16 in the County of Delaware to serve in his place at any meeting which  
17 he does not attend personally

18       All members shall continue to hold office after the expiration of  
19 the terms for which they are appointed or elected until their respective  
20 successors are appointed and qualify but no period during which any

1 member shall hold over shall be deemed to be an extension of his term  
2 of office for the purpose of computing the date on which his succe-  
3 sor's term expires

4 Section 4 (a) For the effectuation of its authorized purposes the  
5 authority is hereby granted the following powers

6 (1) To have perpetual succession

7 (2) To sue and be sued

8 (3) To adopt and use an official seal

9 (4) To elect a chairman vice-chairman secretary and treasurer and  
10 to adopt suitable by-laws for the management of its affairs The secre-  
11 tary and treasurer need not be members of the authority

12 (5) To appoint hire or employ counsel and such other officers and  
13 such agents and employes as it may require for the performance of  
14 its duties by contract or otherwise and fix and determine their quali-  
15 fications duties and compensation

16 (6) To enter into contracts

17 (7) To acquire own hire use operate and dispose of personal prop-  
18 erty

1           (8) To acquire own use lease operate mortgage and dispose of  
2 real property and interests in real property and to make improvements  
3 thereon

4           (9) To grant by franchise lease or otherwise the use of any prop-  
5 erty or facility owned or controlled by the authority and to make  
6 charges therefor

7           (10) To borrow money upon its bonds or other obligations either  
8 with or without security and to make enter into and perform any and  
9 all such covenants and agreements with the holders of such bonds or  
10 other obligations as the authority may determine to be necessary or  
11 desirable for the security and payment thereof including without limi-  
12 tation of the foregoing covenants and agreements as to the manage-  
13 ment and operation of any property or facility owned or controlled by  
14 it the tolls rents rates or other charges to be established levied made  
15 and collected for any use of any such property or facility or the appli-

1 cation use and disposition of the proceeds of any bonds or other obli-  
2 gations of the authority or the proceeds of any such tolls rents rates  
3 or other charges or any other revenues or moneys of the authority

4 (11) To exercise the right of eminent domain within the port  
5 district

6 (12) To determine the exact location system and character of and  
7 all other matters in connection with any and all improvements or fa-  
8 cilities which it may be authorized to own construct establish effectuate  
9 operate or control

10 (13) To exercise all other powers not inconsistent with the Con-  
11 stitution of Pennsylvania or of the United States which may be reason-  
12 ably necessary or incidental to the effectuation of its authorized pur-  
13 poses or to the exercise of any of the foregoing powers except the pow-  
14 er to levy taxes or assessments and generally to exercise in connection  
15 with its property and affairs and in connection with property within  
16 its control any and all powers which might be exercised by a natural  
17 person or a private corporation in connection with similar property  
18 and affairs

19 (14) To acquire purchase construct lease operate maintain and  
20 undertake any project including any terminal terminal facility trans-

1 portation facility or any other facility of commerce and to make  
2 charges for the use thereof

3 (15) To make expenditures anywhere in the United States and  
4 foreign countries to pay commissions and hire or contract with experts  
5 and consultants and otherwise to do indirectly anything which the au-  
6 thority may do directly

7 (b) The authority shall also have such additional powers as may  
8 hereafter be delegated to or imposed upon it from time to time by  
9 act of Legislature

10 Section 5 It is the policy and intent of the Legislature of the Com-  
11 monwealth of Pennsylvania that the powers granted by this act shall  
12 be so exercised that the American system of free competitive private  
13 enterprise is given full consideration and is maintained and furthered  
14 In making its reports and recommendations to the Legislature of the  
15 Commonwealth of Pennsylvania on the need for any facility or project  
16 which the authority believes should be undertaken for the promotion  
17 and development of the port district the authority shall include therein  
18 its findings which fully set forth that the facility or facilities operated  
19 by private enterprise with the port district and which it is intended  
20 shall be supplanted or added to are not adequate

1 Section 6 The effectuation of its authorized purposes by the au-  
2 thority is and will be in all respects for the benefit of the people of  
3 the Commonwealth of Pennsylvania for the increase of their commerce  
4 and prosperity and for the improvement of their health and living con-  
5 ditions and since the authority will be performing essential governmental  
6 functions in effectuating said purposes the authority shall not be re-  
7 quired to pay any taxes or assessments upon any property acquired or  
8 used by it for such purposes and the bonds or other securities or obli-  
9 gations issued by the authority their transfer and the income therefrom  
10 (including any profits made on the sale thereof) shall at all times be  
11 free from taxation within the Commonwealth of Pennsylvania

12 Section 7 To the end that the City of Chester may not suffer  
13 undue loss of tax revenue by reason of the acquisition and ownership  
14 of property therein by the authority the authority is hereby authorized  
15 and empowered in its discretion to enter into a voluntary agreement  
16 or agreements with the City of Chester whereby it will undertake to  
17 pay a fair and reasonable sum or sums to compensate the City of Ches-  
18 ter for any loss of tax revenue in connection with any property ac-  
19 quired by the authority other than property acquired for bridge tunnel  
20 or passenger transportation purposes Any such payment or payments

1 which the authority is hereby authorized and empowered to make may be  
2 made on an annual basis in which case the payment or payments shall  
3 not be in excess of the amount of the taxes upon the property when last  
4 assessed prior to the time of its acquisition by the authority or such  
5 payment or payments may be made in a lump sum or sums or over a  
6 stated period of years as shall be agreed upon by and between the auth-  
7 ority and the City of Chester. The City of Chester is authorized and  
8 empowered to enter into such agreement or agreements with the auth-  
9 ority to accept the payment or payments which the authority is herein  
10 authorized and empowered to make.

11 Section 8 The authority shall make annual reports to the Governor  
12 and Legislature of the Commonwealth of Pennsylvania setting forth in  
13 detail its operations and transactions and may make such additional  
14 reports from time to time to the Governor and Legislature as it may  
15 deem desirable Copies thereof shall be available for public information  
16 and use

17 Section 9 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1861.

.....  
Governor