

the body, if buried, was finally laid to rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person or by a friend, provided in the latter case there is no objection by the nearest relative and the application is approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged. The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county and whether or not he or she was buried in the county: Provided, however, That the expense shall not exceed the sum of [seventy-five dollars (\$75)] one hundred dollars (\$100) for each headstone or concrete base or lettering or bronze memorial tablet, and the county commissioners of each such county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet: Provided, however, That in cases of dispute concerning the legal residence of a deceased service person the county in which a deceased service person is buried shall perform the duties hereinbefore set forth. No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners.

Section 2. This act shall take effect immediately.

APPROVED—The 22d day of July, A. D. 1965.

WILLIAM W. SCRANTON

No. 124

AN ACT

SB 649

Amending the act of June 5, 1947 (P. L. 458), entitled, as amended, "An act creating as bodies corporate and politic 'Parking Authorities' in cities of the first, second, second A and third classes, boroughs, and townships of the first class; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and confer-

ring exclusive jurisdiction on certain courts over rates," providing for parking terminal facilities and further prescribing powers and duties of the authority.

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

Section 1. Section 2, act of June 5, 1947 (P. L. 458), known as the "Parking Authority Law," amended May 10, 1951 (P. L. 291), is amended to read:

Section 2. Findings and Declaration of Policy.—

It is hereby determined and declared as a matter of Legislative finding:

(a) That residential decentralization in cities of the first, second, second A and third classes, boroughs, and townships of the first class has been accompanied by an ever increasing trend in the number of persons entering the business sections by private automobile [as compared with other modes of transportation] and other types of motor vehicles;

(b) That the free circulation of traffic of all kinds through the streets of cities of the first, second, second A and third classes, boroughs, and townships of the first class is necessary to the health, safety and general welfare of the public whether residing in the city, borough, or township of the first class, or traveling to, through or from the city, borough, or township of the first class in the course of lawful pursuits;

(c) That the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the streets of cities of the first, second, second A and third classes, boroughs, and townships of the first class;

(d) That the parking or standing of motor vehicles of all kinds on the streets has contributed to this congestion to such an extent as to interfere seriously with the primary use of such streets for the movement of traffic;

(e) That such parking or standing prevents the free circulation of traffic in, through, and from the city, borough, or township of the first class, impedes rapid and effective fighting of fires and the disposition of police forces in the district and endangers the health, safety and welfare of the general public;

(f) That such parking or standing threatens irreparable loss in valuations of property in the city, borough, or township of the first class which can no longer be readily reached by vehicular traffic;

(g) That this parking crisis, which threatens the welfare of the com-

munity, can be reduced by providing sufficient off-street parking or parking terminal facilities, or both properly located in the several residential, commercial and industrial areas of the city, borough, or township of the first class;

(h) That the establishment of a parking authority will promote the public safety, convenience and welfare;

(i) That it is intended that the Authority cooperate with all existing parking or parking terminal facilities, or both so that private enterprise and government may mutually provide adequate parking services for the convenience of the public;

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation in first, second, second A and third class cities, boroughs, and townships of the first class of bodies corporate and politic to be known as "Parking Authorities" which shall exist and operate for the purposes contained in this act. Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

Section 2. Subsection (a) of section 5 of the act, amended September 2, 1961 (P. L. 1229), is amended to read:

Section 5. Purposes and Powers; General.—

(a) The Authority, incorporated under this act, shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be known as the Parking Authority of the city, borough, or township of the first class, but shall in no way be deemed to be an instrumentality of the city, borough, or township of the first class or engage in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking or parking terminal facilities, or both for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking or parking terminal facilities, or both planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind: Provided, however, That the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service, or any other

garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have the power to lease portions of the street level or [lower] other floors of the parking facilities for commercial use, including emergency automobile repair service, and the sale, by the lessee, of any commodity of trade or commerce or any service, except the sale of gasoline or the sale of automobile accessories, where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such leases shall be granted on a fair competitive basis.

Nothing herein contained shall be construed to prohibit the sale or leasing by the Authority of the right to occupy and use the space above any parking facility for commercial uses other than parking (except the sale of gasoline or the sale of automobile accessories), together with the right to use and occupy such space within the parking facility as may be necessary for the purposes of access to and support of structures occupying the space above such parking facility.

* * *

Section 3. Clause (14) of subsection (b) of section 5 of the act is amended to read:

Section 5. Purposes and Powers; General.—

* * *

(b) Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including, but without limiting the generality of the foregoing, the following rights or powers:

* * *

(14) To do all acts and things necessary for the accomplishment of its purposes, the promotion of its business and the general welfare of the Authority to carry out the powers granted to it by this act or any other acts.

* * *

APPROVED—The 22d day of July, A. D. 1965.

WILLIAM W. SCRANTON