

## No. 300

## AN ACT

SB 718

Amending the act of April 6, 1956 (P.L.1414), entitled, as amended, "An act to promote the welfare of the people of this Commonwealth; creating Port Authorities to function in counties of the second class as bodies corporate and politic, with power to plan, acquire, construct, maintain and operate facilities and projects for the improvement and development of the port district 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 the authorities; authorizing the authorities to enter into contracts with and to accept grants from the Federal government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates and services; and authorizing the authorities to collect tolls, fares, fees, rentals and charges for the use of facilities; defining the authorities' powers and duties, and defining the port district; granting Port Authorities the exclusive right to engage in the business of owning, operating and maintaining a transportation system for the transportation of persons in counties of the second class, providing, when necessary for extension of transportation systems into adjoining counties and outside of said counties as provided in the act; limiting the jurisdiction of the Public Utility Commission over Port Authorities; authorizing municipalities to make loans and grants and to transfer existing facilities; authorizing Port Authorities to enter into contracts with and to accept grants from State and local governments or agencies thereof; exempting the property and facilities of such Port Authorities from taxation and limiting the time to commence civil action against said Authorities," modifying the name requirement of authorities; providing for the expansion or change of the service area of an authority; enlarging the purpose of an authority as regards a transportation system; authorizing the exercise of additional powers by an authority in carrying out its purpose; further providing for the awarding of contracts and making of purchases; authorizing counties served by the transportation system of an authority to provide financial support for the transportation system; and *defining the jurisdiction of an authority and of the P.U.C. within the service area of an authority.*

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

Section 1. The last paragraph of section 1, act of April 6, 1956 (P.L.1414), known as the "Second Class County Port Authority Act," amended October 7, 1959 (P.L.1266), is amended to read:

Section 1. \* \* \*

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 of a body corporate and politic for each second class county, to be known as The Port **[of (insert name county)] Authority of (insert name of county)**, 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. Clause (17) of section 2 of the act, added October 7, 1959 (P.L.1266), is amended to read:

Section 2. As used in this act:

\* \* \*

(17) The term "service area" shall mean the entire county incorporating the authority and those portions of adjacent counties necessary to permit the authority (i) to acquire existing transportation systems, eighty per centum of whose revenue vehicle miles for the preceding calendar year are operated within the incorporating county; (ii) *to acquire by purchase only and not by exercise of the right of eminent domain other existing transportation systems or parts thereof which, in the authority's sole discretion, are required for the establishment of an integrated system;* (iii) *to establish transit service between points in the county incorporating the authority and points in the adjacent counties where no such service is at the time being rendered and which service the authority, in its sole discretion, has determined to be required; Provided, however, That no such service shall be established without the consent of the affected adjacent county nor without participation of such county in the payment of the cost of establishing and maintaining such service; and (iv) to establish rapid transit facilities over jointly used or exclusive fixed rights of way.*

\* \* \*

Section 3. Subsection (a) of section 3 of the act, amended September 16, 1961 (P.L.1361), is amended to read:

Section 3. (a) There are hereby created bodies corporate and politic in counties of the second class, to be known as Port [of (Name of County)] Authority of *(insert name of county)*, which shall constitute public bodies corporate and politic; exercising the public powers of the Commonwealth as an agency thereof. Each authority shall be for the purpose of planning, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either as lessor or lessee, port facilities within the port district, and a transportation system in the county by which it is incorporated and outside of the county to the extent necessary for (i) *the establishment of an integrated system [, and to the extent necessary to provide] ; (ii) the establishment of additional transit service where none at the time is being otherwise rendered; (iii) the establishment of rapid transit facilities over jointly used or exclusive fixed rights of way and (iv) the rendering of* all group and party services which can be provided by transportation systems subject to acquisition under this act pursuant to certificates of public convenience issued them by the Pennsylvania Public Utility Commission.

\* \* \*

Section 4. Clause (8) of subsection (b) of section 3 of the act, is amended to read:

Section 3. \* \* \*

(b) Each 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:

\* \* \*

(8) To appoint officers, agents, employes and servants, *to serve at the pleasure of the board (except as may otherwise be provided in collective bargaining agreements) and to prescribe their duties and fix their compensation: Provided, however, That the authority may bind itself by contract to employ an executive director, a general manager or a combined executive director and general manager and not more than five other senior executive personnel but no such contract shall be for a period of more than five years.*

\* \* \*

Section 5. Subsection (b) of section 3 of the act, is amended by adding at the end thereof, four new clauses to read:

Section 3. \* \* \*

(b) Each 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:

\* \* \*

(23) *To lease property or contract for service, including managerial and operating service, whenever it can more efficiently and effectively serve the public by so doing, rather than conducting its own operations with its own property.*

(24) *To form plans for the improvement of mass transportation in order to promote the economic development of the service area in which the authority operates; to make recommendations concerning mass transportation facilities which the authority does not own or operate; to make recommendations concerning throughways and arterial highway connections to the Department of Highways and to other appropriate governmental bodies; and otherwise to cooperate with all such governmental bodies.*

(25) *To enter into agreements with any public utility operating a railroad or any other transportation facility wholly or partially within the service area for the joint or exclusive use of any property of the authority or the public utility or the establishment of through routes over the rights of way of the public utility or the authority or the establishment of joint fares and transfer of passengers.*

(26) *To develop programs designed solely to advertise, promote and stimulate the development and use of its port facility and transportation system and to join and to authorize its agents, employes and servants to join national and local trade and professional organizations organized for the purpose of promoting the betterment of port facilities and transportation systems and the improvement of the efficiency of persons connected with or employed by port facilities and transportation systems.*

Section 6. Subsection (a) and the first paragraph of subsection (d) of section 9.1 of the act, added October 7, 1959 (P.L.1266), are amended to read:

Section 9.1. (a) All contracts or purchases in excess of [**one thousand dollars (\$1000)**] *one thousand five hundred dollars (\$1500)* shall be in writing and, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder meeting specifications, after due notice in at least one newspaper of general circulation, published or circulating in the county at least three (3) times, at intervals of not less than three (3) days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed, then the notice shall be published once a week for two (2) successive weeks. The first advertisement shall be published not less than ten (10) days prior to the date fixed for the opening of bids.

*All contracts or purchases under one thousand five hundred dollars (\$1500) may be negotiated with or without competitive bidding under sound procurement procedures as promulgated and established by the board.*

\* \* \*

(d) The contracts or purchases made by the board [**involving an expenditure of over one thousand dollars (\$1000),**] which shall not require advertising or bidding as hereinbefore provided, are as follows:

\* \* \*

Section 7. Section 13 of the act, amended March 20, 1963 (P.L.5), is amended by adding at the end thereof, a new paragraph to read:

Section 13. \* \* \*

*Any county wherein any part of a transportation system as established under this act is operating or is proposed to operate is hereby empowered (i) to issue general obligation bonds for the purpose of providing funds for the acquisition, construction or improvement of the transportation system; (ii) to make grants or loans from current revenues or the proceeds of general obligation bonds to the authority to assist in defraying the cost of any demonstration test or experimental projects and the cost of studies in preparation of a plan of integrated operation and the improvement of the transportation system and for the operation, maintenance and debt service of the transportation system and to enter into long term agreements with the authority and with one or more other counties served by the transportation system providing for the payment of such grants.*

Section 8. The second paragraph of section 13.1 of the act, amended March 20, 1963 (P.L.5), is amended to read:

Section 13.1. \* \* \*

The referendum on this question shall be governed in all respects by the election laws of the Commonwealth in so far as they are applicable. Upon

final approval by the board of county commissioners, the original or revised plan of integrated operation shall be recorded in the office of the recorder of deeds of the county or counties affected thereby and a copy of said plan of integrated operation shall also be filed with the Pennsylvania Public Utility Commission. The authority shall, thereafter, have the right to make such changes in the pattern of its integrated system *and its service area* as it may deem proper, subject to appeal to the court of common pleas in the same manner as provided for in clause (9) of subsection (b) of section 3 of this act, by adopting an amendment to the plan of integrated operation *or service area* and filing and recording the same in the office of the recorder of deeds and with the Pennsylvania Public Utility Commission as above provided. The authority shall not have power to acquire by purchase, condemnation or otherwise, any existing transportation systems, or engage in the operation of a transportation system as provided under this act, until it has met the requirements for recording and filing of the plan of integrated operation as provided herein: Provided, however, That the authority may enter into option agreements with any existing transportation systems for the purchase, lease or operation thereof, subject to the final approval of the plan of integrated operation by the board of county commissioners: Provided further, That nothing in this section, including the foregoing proviso clause, shall prevent, limit, restrict or interfere with in any way an undertaking or joining by the authority of any demonstration, test or experimental project relevant to, and necessary for, the establishment of an integrated transportation system or of any demonstration, test or experimental project that may be required, or advisable, to establish the feasibility of an integrated transportation system.

\* \* \*

Section 9. The third paragraph of section 13.1 and section 13.4 of the act, added October 7, 1959 (P.L.1266), are amended to read:

Section 13.1. \* \* \*

Upon the recording of the plan of integrated operation, any law to the contrary notwithstanding, the authority shall have exclusive jurisdiction with respect to all matters regarding [a] *its* transportation system within the service area as set forth in the plan of operation *or as from time to time changed as in this section provided*. The Public Utility Commission shall have no authority to grant certificates of public convenience for a transportation system [or otherwise regulate in any respect within the said service area.] *within the service area of the authority or for the establishment of group and party rights to operate wholly within such service area. The Public Utility Commission shall continue to have jurisdiction, except as otherwise provided in this section, with respect to all matters regarding those transportation systems and group and party rights to operate into or out of said service area.*

\* \* \*

Section 13.4. No civil action shall be commenced in any court against the authority by any person for any injury to his person unless it is commenced within two years from the date that the injury was received or the cause [or] of action accrued. [within] *Within* six months from the date that the injury was received or within six months from the date the cause of action accrued [ . Any ] , *any* person claiming damages from the authority shall file, in the office of the secretary of the authority, either by himself or his agent or attorney, a notice in writing of the claim against the authority stating briefly the facts upon which the claim is based. No cause of action may be validly entered of record where there was a failure to file such notice within the time required herein, except leave of court to enter such action upon a showing of a reasonable excuse for such failure to file said notice shall first have been secured.

Section 10. This act shall take effect immediately.

APPROVED—The 30th day of December, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 300.



*Joseph R. Kelly*  
Secretary of the Commonwealth.