

No. 199

AN ACT

Amending the act of July twenty-nine, one thousand nine hundred fifty-three (Pamphlet Laws 1050), entitled "An act providing for the acquisition, construction, improvement, operation and maintenance of tunnels for certain highway purposes within the Commonwealth; authorizing the issuance of tunnel revenue bonds, free from taxation and payable solely from tunnel earnings, to pay the cost of such tunnels and improvements thereof; providing for the collection of tunnel tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the tunnels; constituting such bonds legal investments in certain instances; prescribing conditions upon which such tunnels shall become free tunnels; conferring powers and imposing duties on the Pennsylvania Tunnel Commission created hereby; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," changing the method of procedure by the commission; authorizing the Department of Highways to acquire land and interests therein for the commission and to grant the right to use the same; and validating prior grants.

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

Section 1. Section three, act of July twenty-nine, one thousand nine hundred fifty-three (Pamphlet Laws 1050), known as "The Intra-State Tunnel Revenue Bond Act," is amended to read:

Section 3. *Pennsylvania Tunnel Commission.*—(a) There is hereby created a commission to be known as the "Pennsylvania Tunnel Commission," and by that name the commission may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The commission is hereby constituted an instrumentality of the Commonwealth, and the exercise by the commission of the powers conferred by this act in the construction, operation and maintenance of tunnels shall be deemed and held to be an essential governmental function of the Commonwealth. The commission shall consist of three members, and the Secretary of Highways shall be a member ex officio. The two remaining members shall be appointed by the Governor, by and with the advice and consent of two-thirds of the members of the Senate, and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification, and shall also, at such time, have been qualified electors therein for a period of at least one year next preceding their appointment. The appointed members of the commission shall continue in office for terms of four years from the dates of their appointment and until their respective successors shall

"The Intra-State
Tunnel Revenue
Bond Act."

Section 3, act of
July 29, 1953,
P. L. 1050,
amended.

Pennsylvania
Tunnel
Commission.

be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment, and any member of the commission shall be eligible for reappointment.

(b) Immediately after such appointments, the members of the commission shall enter upon their duties. Each appointed member of the commission, before entering upon his duties, shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth. The commission shall elect one of the appointed members as chairman of the commission, and shall also elect a secretary and treasurer who may not be a member of the commission. [Three members of the commission shall constitute a quorum who for all purposes must act unanimously.] *All action by the commission shall be taken only by the affirmative vote or written consent, with or without a meeting, of all the members of the commission. Two members of the commission shall constitute a quorum for any meeting: Provided, That no action at any such meeting shall be effective unless the absent member of the commission shall consent to such action in writing.* The commission shall make necessary rules and regulations for its own government, and shall have power and authority to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property, and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, traffic, architectural and construction experts and inspectors and attorneys and such other employes as may be necessary, in its judgement, and fix their compensation: Provided, however, That all contracts and agreements relating to the construction of tunnels shall be approved by the Department of Highways, and the tunnels shall be constructed under the supervision of the Department of Highways. Each appointed member of the commission shall serve without compensation, but each member of the commission shall be reimbursed for necessary expenses incurred in the performance of his duties. All such compensation and salaries and all expenses incurred in the carrying out of the provisions of this act shall be paid solely from funds provided under the authority of this act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

Section 3.1. Assistance by Department of Highways.
—(a) The commission is hereby authorized to enter into agreements with the Department of Highways of the

Commonwealth for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering services and other preliminary expenses necessary in connection therewith, and the obligation or obligations of the commission under the terms of such agreements shall be considered and deemed to be a part of the cost of the tunnel or tunnels to which such agreement relates and shall be reimbursed to the Department of Highways out of the proceeds of tunnel revenue bonds authorized by this act.

(b) Whenever lands or interest in lands are required by the commission for promoting its proper purposes, the Department of Highways, with the approval of the Governor, shall have power and authority to acquire such lands or interests therein by purchase or condemnation, in the name of the Commonwealth. The procedure for acquiring such lands or interests in lands and for the payment of the resultant damages by the department for the taking by condemnation shall be in accordance with the provisions of the State Highway Law in such case made and provided. The power hereby conferred upon the department shall not limit or restrict the power of the commission itself to acquire lands or interests in lands as otherwise provided in this act.

(c) For the purpose of aiding the commission in the accomplishment of its purposes, the Department of Highways of the Commonwealth shall have power and authority, with or without consideration, upon such terms as may be determined by the department to be appropriate, to grant, convey, transfer or assign to the commission, and the commission shall have power and authority to so acquire from the department, the right to use for any proper purpose of the commission any lands, easements or rights in land, and any buildings or improvements thereon heretofore or hereafter constructed, made or acquired by the department, whether by purchase, condemnation or otherwise. Any and all such grants, conveyances, transfers or assignments heretofore made by the department to the commission are hereby ratified, approved and confirmed. Any amount paid or payable by the commission to the department for any such grant, conveyance, transfer or assignment shall be considered and deemed to be a part of the cost of the tunnel or tunnels in respect of which acquired and shall be reimbursed to the department out of the proceeds of tunnel revenue bonds authorized by this act.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 21st day of October, A. D. 1955.

GEORGE M. LEADER