

No. 1978-192

AN ACT

SB 480

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for membership on the State Transportation Commission and limiting the time during which certain actions relating to transportation programs may be brought.

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

Section 1. Subsections (a) and (b) of section 468, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended May 6, 1970 (P.L.356, No.120), are amended to read:

Section 468. State Transportation Commission.—(a) There is hereby created a State Transportation Commission which shall consist of **[thirteen] fifteen** members, one of whom shall be the Secretary of Transportation, ex officio, who shall be the chairman of the commission. The chairman of the Committee on Highways of the Senate and the chairman of the Committee on Transportation of the House of Representatives, respectively, shall be ex officio members of the commission.

(b) The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate, appoint **[eight] ten** of the remaining members of the commission, not more than **[four] five** of whom shall be members of the same political party, for terms of six years: Provided, That one of the two members who is to be appointed by virtue of his membership on the board of directors of a transportation authority shall be appointed for an initial term of four years. Not more nor less than one appointed member of the commission shall be a resident of the counties of Philadelphia and Allegheny, respectively. ***At least one of the members of the commission shall hold at least a private pilot's license and derive part of his or her livelihood from aviation related activities or be otherwise actively***

involved in aviation. Effective with the first two appointments after the adoption of this act at least two of the appointees of the Governor shall be members of the board of directors of a transportation authority at the time of their appointment: Provided, That said authority appointees shall not be considered residents of either Philadelphia or Allegheny County for the purpose of the preceding sentence. The present members of the commission shall be entitled to complete their present terms and may be reappointed at the completion thereof.

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Section 2. Section 2002 of the act is amended by adding a subsection to read:

Section 2002. Powers and Duties of the Department.—* * *

(e) Any person aggrieved by findings made or actions taken under clause (15) of subsection (a) or subsection (b) shall within ninety days after publication of the findings required in subsection (b) have the right to appeal to the Commonwealth Court. This appeal shall be the sole and exclusive judicial remedy available to contest any such findings or actions.

Section 3. This act shall take effect February 1, 1979.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP