

No. 1999-11

AN ACT

SB 646

Amending the act of April 6, 1956 (1955 P.L.1414, No.465), 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 districts; 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," further providing for membership on the authority board, for removal of authority board members, for a quorum for board meetings and for eating and drinking in certain transit stations.

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

Section 1. Section 6 of the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, amended July 2, 1986 (P.L.309, No.76), is amended to read:

Section 6. Subject to the provisions of section 6.1, the powers of the authority shall be exercised by a board, composed of the number of members, not more than nine, *one of whom shall at all times be a member of the county council appointed by the county executive*, as shall be fixed by the county [commissioners] *council* of each county of the second class. The county [commissioners] *executive* of each county of the second class shall appoint the members of the board, all of whom shall be residents of such county and citizens of the United States, whose terms of office shall commence on the date of appointment, one member shall serve for one year, one for two years, one for three years, and one for four years, and one for five years, from the first day of January next succeeding the date of approval of this act, and terms of other members shall be staggered in a similar

manner but in no instance shall exceed five years. Thereafter, whenever a vacancy has occurred or is about to occur by reason of the expiration of the term of any member, the county [**commissioners**] *executive* shall appoint a member for a term of five years to succeed the member whose term has expired or is about to expire. Members shall hold office until their successors have been appointed, and may succeed themselves. A member shall receive such compensation for his services as the county [**commissioners**] *executive* shall determine and shall be entitled to the necessary expenses, including traveling expenses incurred in the performance of his duties. Within ninety days after the creation of the authority, the board shall meet and organize by electing from their number a chairman, a vice chairman, and such other officers as the board may determine. The board may employ a secretary, an executive director, its own counsel and legal staff and such technical experts and other agents and employes, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. [**Five**] *Six* members of the board shall constitute a quorum for its meetings. Members of the board shall not be liable personally on the bonds or other obligations of the authority, and the rights of creditors shall be solely against such authority. The board may delegate to one or more of its agents or employes such of its powers as it shall deem necessary to carry out the purposes of this act, subject always to the supervision and control of the board. The board shall have full authority to manage and operate the business of the authority and to prescribe, amend and repeal by-laws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied. Copies of such by-laws, rules and regulations shall be filed with the county [**commissioners**] *council* of the county incorporating the authority. [**Members**] *A member* may be removed [**at the will of the appointing power**] *for cause by the court of common pleas of the county in which the authority is located after having been provided with a copy of the charges against the member for at least ten days and a full hearing by the court.*

If a vacancy occurs by reason of the death, resignation or removal of a member, the [**board of county commissioners**] *county executive* shall appoint a successor to fill [**his**] *the* unexpired term.

Section 2. Section 10.1 of the act, added July 9, 1992 (P.L.700, No.104), is amended to read:

Section 10.1. (a) Except as otherwise provided in subsection (b), it shall be unlawful for any person to smoke a cigar, pipe, cigarette or other device used to smoke or to eat or drink anything on a public conveyance owned or operated by the authority, including, but not limited to, a bus, street railway car, light rail vehicle, a commuter rail train or incline.

(b) Subsection (a) shall not apply to: (i) passengers on a commuter rail car which comprises part of a commuter rail train and which car is specifically designated as an area on the train where smoking, eating or drinking is permitted; [**or**] (ii) passengers on a bus, street railway car or light

rail vehicle which is being used to transport groups or parties of persons, the charge for which is based upon the transportation of a group and not upon the number of persons carried and for which payment is made by a single person or organization and not by the passengers as individuals; *or (iii) eating or drinking in the transit stations used by public conveyances owned or operated by the authority.*

(c) The authority shall post a notice of any prohibitions or restrictions against smoking, eating and drinking and the penalty imposed by this section on the inside front of all public conveyances referred to in subsection (a).

(d) A person who violates the provisions of subsection (a) shall, upon conviction in a summary proceeding, be sentenced to pay a fine of fifty dollars and the costs of prosecution and, in default of the payment of the fine and costs, shall be sentenced to imprisonment for a period of not more than ten days.

Section 3. This act shall take effect as follows:

(1) The amendment of section 6 of the act relating to the appointment of a member of the county council to the board of the authority shall take effect February 1, 2000, and be applicable to the first vacancy occurring on or after February 1, 2000.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 18th day of June, A.D. 1999.

THOMAS J. RIDGE