



Senate Box 203078
Main Capitol Building
Harrisburg, PA 17120-3078
(717) 787-7680
Fax (717) 772-4524

**LOCAL GOVERNMENT
COMMISSION**
Created in 1935

EXECUTIVE DIRECTOR
Virgil F. Puskarich

ASSISTANT DIRECTOR
Michael P. Gasbarre

MEMBERS

Senator Robert D. Robbins
Senator J. Doyle Corman
Senator Robert J. Thompson

Senator J. Barry Stout
Senator Roy C. Afflerbach

Representative Ellen M. Bard
Representative Lynn B. Herman
Representative Chris Ross

Representative Victor J. Lescovitz
Representative Jeffrey W. Coy

MUNICIPAL AUTHORITY POLICE AND PORT AUTHORITY POLICE

Municipal Authorities:

The act of May 2, 1945 (P.L. 882, No. 164), known as the Municipality Authorities Act of 1945, was amended by the act of January 2, 1973 (P.L. 1740, No. 375), to add a new subsection to Section 4 B, granting an additional power to municipal authorities as follows:

“(v) To appoint police officers who shall have the same rights as other peace officers in the Commonwealth with respect to the property of the Authority.”

(Emphasis supplied.)

In the March 1974 edition of the “Pennsylvanian” magazine, in an article by William Markus, Esq., entitled “Policemen Appointed By Municipal Authorities” (reprinted by the Pennsylvania Municipal Authorities Association in the 1987 Revised Edition of The Best of Markus, p. 123), the author makes several comments about municipal authority police:

[A]uthority police, in the opinion of the writer, differ from municipal police officers and are more limited in their powers.

* * *

[T]he only specification regarding the [authority] police officer is that he shall have the same rights as other peace officers. These rights are only with respect to the property of the authority.

* * *

This makes the authority of the policeman for a municipality [sic] authority limited. It would require a breach of the peace of some nature in relationship to the property of the authority before appointed [authority] policeman could take any action. He

can make arrest for violations of the law of the state or municipality in relation to authority property. Any violation which he witnesses could be the grounds for immediate arrest.

A 1982 amendment included municipal authority policemen within the definition of “privately employed agents,” as set forth in the Lethal Weapons Training Act (Act 235 of 1974). The statutory definition of "Privately employed agents" includes “any person employed for the purpose of providing watch guard, protective patrol, detective or criminal investigative services either for another for a fee or for his employer. Privately employed agents do not include local, State or Federal Government employees or those police officers commissioned by the Governor under the act of February 27, 1865 (P.L.225, No.228) [repealed and now set forth in 22 Pa.C.S. § 3301 (relating to railroad and street railway police)]. The term shall include a police officer of a municipal authority.” (Emphasis supplied.)

Besides the Lethal Weapons Training Act, other statutory provisions addressing “private police” also may be useful in categorizing or distinguishing municipal authority police. For example, in 22 Pa.C.S. § 501, nonprofit corporations that maintain buildings and grounds open to the public are authorized to appoint, with court approval, individuals who, like municipal authority police, “possess and exercise all the powers of a police officer in this Commonwealth, in and upon, and in the immediate and adjacent vicinity of, the property of the corporation.” Also, another category of “private police” which may be analogous to municipal authority police is that of “industrial police.” Act 221 of 1937 defines “industrial police” as including “a police officer, or a person employed in any such capacity, for the protection of its property by the owner or operator of any colliery, furnace, rolling mill, water company, water supply company, water power company, electric light company, electric power company, electric transmission company, mineral, mining or quarrying company, or express company.” This definition limits the purpose of industrial police to the protection of specific property, and, in this regard, they would be similar to police appointed by a municipal authority. It is unclear, however, whether industrial police have the same rights as other peace officers in the Commonwealth with respect to protecting the property of their employer as do police appointed by a municipal authority.

Municipal authority police may be compared not only with the foregoing “private police” but also with housing authority police. This housing authority analogy seems particularly apt with regard to the stated powers of the various police. As mentioned, municipal authority police are given “the same rights as other peace officers in the Commonwealth with respect to the property of the Authority.” Similarly, the “Housing Authority Law” (Act 265 of 1937), section 10(ee),(ff), provides, with regard to “police officers” of a housing authority in a second class city, that they “...shall have the same rights, powers and duties as other peace officers in the Commonwealth with respect to the property and enforcing order on and adjacent to the grounds and buildings of the Authority...,” and with regard to “security officers” of a housing authority in a first class city, that they “shall have the same rights, powers and duties as police officers in the Commonwealth in and upon the grounds and

buildings of the Authority and in instances of hot pursuit within the boundaries of the city of the first class and...shall be authorized to arrest persons for the commission of any offense....”

It should be noted that police officers appointed by a municipal authority are not included in the definition of “police officer” contained in 53 Pa.C.S. § 2162, referencing those who are required to undergo the training as specified by the Municipal Police Education and Training Board, in accordance with 53 Pa.C.S. § 2167. In this regard, municipal authority police can be distinguished from the housing authority police. The law regarding municipal police training specifically includes a security officer in a first class city housing authority within the definition of police officer. 53 Pa.C.S. § 2162. Moreover, the requirement for municipal police training is also set forth in the “Housing Authority Law” (Act 265 of 1937), section 10(ee),(ff), as being applicable both to “police officers” of a housing authority in a second class city as well as to “security officers” of a housing authority in a first class city.

Municipal authority police are granted the same powers as police officers generally, but only to the extent that exercise of this authority relates to property of the authority. Thus, not only is their power limited by the purpose which it is to serve, i.e., the protection of authority property, it also can be argued that the jurisdiction of municipal authority police is to be limited or restricted to the location of the authority’s property. Please note, however, that, as discussed below, port authority police in a county of the second class, as well as transit police, appear to have broad geographical jurisdiction when needed. See 22 Pa.C.S. §3303(a).

Port Authorities:

Among other types of restricted jurisdiction police are those of port authorities. For, example, the law regarding the Delaware River Port Authority (created pursuant to an interstate compact) is very explicit as to its police. It authorizes the appointment by the Authority of police officers “to keep in safety and preserve order upon the bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or such subsidiary corporations does or may hereafter own, lease or operate.” 36 P.S. § 3504.1. This same provision provides that “[t]he police officers so appointed shall have the power and authority to make arrests for any crimes, misdemeanors, and offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania upon the bridges or within the tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations, for disorder or breach of the peace, or for violations of any lawful regulation which may be adopted by the Delaware River Port Authority, or such subsidiary corporations.” Additional enumerated powers include the power “to make arrests or issue citations for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of such bridge, tunnel, rapid transit system, or ferry, facility or other property owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations.” Moreover, “while acting within any

other areas of the port district, police officers appointed by the Delaware River Port Authority or such subsidiary corporations shall have all of the powers, including the right to carry firearms while on duty, and all of the immunities conferred by law on police officers or municipal police officers in the enforcement of the laws of the State of New Jersey and the Commonwealth of Pennsylvania....” Also, there are special training and requalification requirements for police officers of the Delaware River Port Authority, as set forth in 36 P.S. § 3504.1a.

The Second Class County Port Authority Act (Act 465 of 1955) and other laws relating to intrastate ports, such as the Philadelphia Regional Port Authority Act (Act 50 of 1989), the Port of Pittsburgh Commission Act (Act 133 of 1992), and the Third Class City Port Authority Act (Act 298 of 1972), contain no specific authority for appointing port authority police. Nevertheless, in the provisions of law relating to railroad and street railway police, there is clear authority for a second class county port authority to apply for the appointment of police:

A corporation owning or operating a railroad or street passenger railway in this Commonwealth, including also an authority existing pursuant to Article III of the act of January 22, 1968 (P.L.42, No.8), known as the "Pennsylvania Urban Mass Transportation Law," for its entire transportation system, and including an authority existing pursuant to the act of April 6, 1956 (1955 P.L.1414, No.465), known as the "Second Class County Port Authority Act," may apply to the Commissioner of the Pennsylvania State Police upon such forms as he shall prescribe for the appointment of specific persons as the applicant may designate to act as railroad or street railway policemen for it. The commissioner, after such investigation as he shall deem necessary, shall recommend to the Governor the commissioning of such persons as railroad or street railway policemen or advise the applicant of their adverse recommendations and the reasons therefor. The Governor, upon such application and recommendation, may appoint such persons to be railroad or street railway policemen, and shall issue to such persons so appointed a commission to act as such policemen.

22 Pa.C.S. § 3301. (Emphasis supplied.)

The power of second class county port authority police, like transit and railroad police, although apparently limited to the business of the authority, is jurisdictionally broad. By statute, they are to “possess and exercise all the powers of a police officer in the City of Philadelphia, in and upon, and in the immediate and adjacent vicinity of, the property of the corporate authority or elsewhere within this Commonwealth while engaged in the discharge of their duties in pursuit of railroad, street railway or transportation system business.” 22 Pa.C.S. § 3303(a). (Emphasis supplied.) With regard to training, they are similar to municipal police officers. A second class county port authority police officer, as a railroad and street railway police officer, must “successfully complete the same course of instruction required for municipal police officers by the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.” 22 Pa.C.S. § 3303(d).