

AGENCY:

CAMPUS POLICE (See Enclosure 1)

- 71 P.S. §646.1 Campus Police Powers and Duties
- 53 Pa. C.S.A. §2162 Certification of Campus Police
- 37 Pa. C.S.A. §203 Police Officers' Certification Requirements
- 42 Pa. C.S.A. §8957 (Defines Jurisdiction)
- 75 Pa. C.S.A. §6109 Enumeration of Police Powers (Vehicle Code)
- 75 Pa. C.S.A. §6304 Authority to Arrest Without Warrant

ALLEGHENY COUNTY POLICE (See Enclosure 5)

- 16 Pa. C.S.A. §4501 (Police Powers and Duties)
- 53 Pa. C.S.A. §2162 Certification of Police
- 37 Pa. C.S.A. §203 Police Officers' Certification Requirements
- 42 Pa. C.S.A. §8957 (Defines Jurisdiction)
- 75 Pa. C.S.A. §6109 Enumeration of Police Powers (Vehicle Code)
- 75 Pa. C.S.A. §6304 Authority to Arrest Without Warrant

AIRPORT AUTHORITY (See Enclosure 4)

- 74 Pa. C.S.A. §5903 Airport Powers Enumerated
- 53 Pa. C.S.A. §2162 Training Requirements

ALLEGHENY PORT AUTHORITIES (See Enclosure 3)

- 55 Pa. P.S. §553 Creation of Port Authorities
- 22 Pa. C.S.A. §3303 Powers and Duties
- 53 Pa. C.S.A. §2162 Training Requirements
- Commonwealth v. Mundorf, 699 A. 2nd 1299 (1997). Decision Authorizing Vehicle Code Arrest Powers Similar to City of Philadelphia.

DELAWARE RIVER PORT AUTHORITY (See Enclosure 3)

- 22 Pa. C.S.A. §3303 Powers and Duties
- 53 Pa. C.S.A. §2162 Training Requirements
- 55 P.S. §557 Creation of Port Authorities
- 36 P.S. §3504 Policemen's Rules, Regulations, and Training Requirements

SEPTA (See Enclosure 3)

22 Pa. C.S.A. §3303 Powers and Duties
53 Pa. C.S.A. §2162 Training Requirements

HOUSING AUTHORITY (See Enclosure 8)

35 P.S. §1550 Powers and Authority
53 Pa. C.S.A. §2162 Training Requirements

COUNTY PARK POLICE (See Enclosure 5)

53 P.S. §637
16 P.S. §6033 Authorization to Appoint
16 P.S. §6034 Duties of Police (May Arrest Only for Violations to Rules and Regulations)
53 Pa. C.S.A. §2162 Training (Does Not Lead to Certification)

MUNICIPAL POLICE (See Enclosures 6 & 7)

42 Pa. C.S.A. §8951 Municipal Police Jurisdiction
42 Pa. C.S.A. §8953 Jurisdiction Defined
53 Pa. C.S.A. §2162 Training Requirements

PENNSYLVANIA STATE POLICE (See Enclosure 2)

71 P.S. §65.1 Establishes Pennsylvania State Police
71 P.S. 1193 Qualifications of Pennsylvania State Police
75 Pa. C.S.A. §6109 Administration and Enforcement of Vehicle Code.
75 Pa. C.S.A. §6304 Authority to Arrest Without Warrant

Additional Legislative Mandates for Pennsylvania State Police:

- Act 14 of 1995 - DNA Detection of Sexual and Violent Offenders Act. Requires Pennsylvania State Police to establish an FBI-compatible DNA database.
- Act 17 of 1995 - Pennsylvania Uniform Firearms Act. Requires Pennsylvania State Police to establish an instant background check system for gun purchasers.
- Act 20 of 1995 - Assistance Recipient Identification Act. Requires fingerprinting of welfare recipients and facilitate access by the Department of Public Welfare to Pennsylvania State Police Criminal History Record Information.

- Act 26 of 1995 - Safe School Act. Requires police departments to execute Memoranda of Understanding with school entities regarding reporting and response to acts of violence or possession of weapons on school property.
- Act 85 of 1994 - Protection From Abuse Act. Requires the Pennsylvania State Police to establish and maintain a statewide registry of Protection From Abuse orders.
- Act 24 of 1995 - Megan's Law. Requires the Pennsylvania State Police to establish and maintain a registry of the identity and address of persons convicted of certain offenses. Requires notification of local law enforcement and other entities, and/or neighboring residents.
- Act 154 of 1994 - Pennsylvania Police Pursuit Reporting Act. Requires the Pennsylvania State Police to collect and compile data on all police vehicular pursuits.
- Act 169 of 1996 - Elder Care Employment Background Checks. Requires applicants for employment in elder care to request a Criminal History Record Information check.

Citation
PA ST 71 P.S. s 646
71 P.S. § 646

1 of 1

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 71. STATE GOVERNMENT
I. THE ADMINISTRATIVE CODES AND RELATED PROVISIONS
CHAPTER 2. THE ADMINISTRATIVE CODE OF 1929
ARTICLE XXIV. POWERS AND DUTIES OF THE DEPARTMENT OF GENERAL SERVICES AND
ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND COMMISSIONS

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 646. (Adm. Code § 2416). Capitol Police, Commonwealth Property Police and Campus Police

The Capitol Police, Commonwealth Property Police and the Security or Campus Police of all State colleges and universities, State aided or related colleges and universities and community colleges shall have the power, and their duty shall be:

(a) To enforce good order in State buildings and on State grounds in Dauphin County, in the Pittsburgh State Office Building and the grounds, in the Philadelphia State Office Building and the grounds and in the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges;

(b) To protect the property of the Commonwealth in State grounds and buildings in Dauphin County, in the Pittsburgh State Office Building and grounds, in the Philadelphia State Office Building and grounds and in the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges;

(c) To exclude all disorderly persons from the premises of the State Capitol, State buildings in Dauphin County, the Pittsburgh State Office Building and the Philadelphia State Office Building and from the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges;

(d) In the performance of their duties to adopt whatever means may be necessary;

(e) To exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the cities of Harrisburg, Pittsburgh and Philadelphia, municipalities in Dauphin County wherein State buildings are located and in municipalities wherein said colleges, universities and community colleges are located:

(f) Deleted by amendment. 1965, Sept. 28, P.L. 553, § 4.

(g) To order off said grounds and out of said buildings all vagrants, loafers, trespassers, and persons under the influence of liquor, and, if necessary, remove them by force, and, in case of resistance, carry such offenders before an alderman, justice of the peace or magistrate and

(h) To arrest any person who shall damage, mutilate or destroy the trees, plants, shrubbery, turf, grass-plots, benches, buildings or structures, or commit any other offense within State buildings on State grounds in Dauphin County, the Pittsburgh State Office Building and grounds, and the Philadelphia State Office Building and grounds, the Executive Mansion, and the grounds and buildings of all State colleges and universities, State aided or related colleges and universities and community colleges, and carry the offender before the proper alderman, justice of

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

the peace or magistrate and prefer charges against him under the laws of the Commonwealth.

Security and Campus Police shall exercise their powers and perform their duties only on the premises of the State colleges and universities, State aided or related colleges and universities and community colleges by or for which they are employed and only and after they have completed a course of training including crisis intervention training and riot control as approved by the Department of Education except, that Campus Police employed by State owned colleges and universities located in any municipalities, other than cities of the first class or second class, are authorized, in emergency situations occurring within the municipality, upon the request of the mayor or other executive authority and under the direction of the local law enforcement authorities, to exercise those powers and perform those duties conferred pursuant to this section within the municipality for the limited purpose of aiding local authorities in emergency situations. When so acting, the Campus Police shall be acting within the scope of the authority of this act and are, at all times, State employes of this Commonwealth and entitled to all the rights and benefits accruing therefrom.

CREDIT(S)

1990 Main Volume

1929, April 9, P.L. 177, art. XXIV, § 2416. As amended 1961, March 28, P.L. 66, § 2; 1965, Sept. 28, P.L. 553, § 4; 1968, July 7, P.L. 297, No. 149, § 1; 1975, July 30, P.L. 149, No. 75, § 1, imd. effective; 1978, Sept. 27, P.L. 777, No. 149, § 4, imd. effective.

<General Materials (GM) - References, Annotations, or Tables >

REPEALED IN PART

<Section 15(b) of Act 1997, Nov. 26, P.L. 530, repealed this section insofar as it is inconsistent with 71 P.S. § 646.1. >

DISTRICT JUSTICES

<Section 3(d) of Act 1978, April 28, P.L. 202, No. 53 (the Judiciary Act Repealer Act) [42 P.S. § 20003(d)], provides: >

<"An express reference in any statute or other law to a justice of the peace or to the office of justice of the peace shall hereafter be deemed a reference to a district justice or to the office of district justice. Any person appointed or elected to judicial office in a magisterial district shall be known as and hereafter shall be commissioned as the 'district justice' in and for the appropriate magisterial district." >

HISTORICAL AND STATUTORY NOTES

1990 Main Volume

Similar provisions were contained in the Administrative Code of 1923, June 7, P.L. 498, § 2110, repealed by § 731 of this title.

The 1961 amendment brought the Commonwealth Property Police, the powers exercised by the police of Pittsburg and Philadelphia, and the Pittsburg and Philadelphia State Office Buildings and their grounds, within the provisions of this section.

The 1965 amendment inserted and/or substituted references to State buildings or State grounds for references to capitol buildings or capitol grounds; inserted references to buildings or grounds in Dauphin county; inserted references to "justices of the peace or magistrate"; and deleted clause (f), which had authorized the shooting of

cats or dogs wandering free in specified public buildings."

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 71. STATE GOVERNMENT
I. THE ADMINISTRATIVE CODES AND RELATED PROVISIONS
CHAPTER 2. THE ADMINISTRATIVE CODE OF 1929
ARTICLE XXIV. POWERS AND DUTIES OF THE DEPARTMENT OF GENERAL SERVICES AND
ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS AND COMMISSIONS

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 646.1. (Adm. Code § 2416.1). Campus police powers and duties

(a) Campus police shall have the power and their duty shall be:

- (1) to enforce good order on the grounds and in the buildings of the college or university;
 - (2) to protect the grounds and buildings of the college or university;
 - (3) to exclude all disorderly persons from the grounds and buildings of the college or university;
 - (4) to adopt whatever means may be necessary for the performance of their duties;
 - (5) to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipalities wherein the college or university is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction);
 - (6) to prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, magistrate or bail commissioner and prefer charges against him under the laws of this Commonwealth. Except when acting pursuant to 42 Pa.C.S. Ch. 89 Subch. D, campus police shall exercise these powers and perform these duties only on the grounds or within 500 yards of the grounds of the college or university. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D, the grounds and within 500 yards of the grounds of the college or university shall constitute the primary jurisdiction of the campus police;
 - (7) to order off the grounds and out of the buildings of the college or university all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, carry such offenders before an alderman, justice of the peace, bail commissioner or magistrate; and
 - (8) to arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings of the college or university and carry the offender before the proper alderman, justice of the peace, bail commissioner or magistrate and prefer charges against him under the laws of this Commonwealth.
- (b) Campus police and municipalities are authorized to enter into an agreement with the municipality wherein the college or university is located to exercise concurrently those powers and to perform those duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the campus police of the college or university shall have the same powers, immunities and benefits granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D.

(c) When acting within the scope of the authority of this section, campus police are at all times employees of the college or university and shall be entitled to all of the rights and benefits accruing therefrom.

(d) As used in this section:

"Campus police" means all law enforcement personnel employed by a State-aided or State-related college or university who have successfully completed a campus police course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"College" or "university" means all State-aided or State-related colleges and universities.

"Grounds" means all lands and buildings owned, controlled, leased or managed by a college or university.

CREDIT(S)

1999 Electronic Update

1929, April 9, P.L. 177, No. 175, § 2416.1, added 1997, Nov. 26, P.L. 530, No. 57, § 13, imd. effective.

<General Materials (GM) - References, Annotations, or Tables >

71 P.S. § 646.1

PA ST 71 P.S. § 646.1

END OF DOCUMENT

Citation
PA ST 75 Pa.C.S.A. s 6304
75 Pa.C.S.A. § 6304

Search Result

Rank 315 of 336

Database
PA-ST-ANN

**PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 75. VEHICLES
PART V. ADMINISTRATION AND ENFORCEMENT
CHAPTER 63. ENFORCEMENT
SUBCHAPTER A. GENERAL PROVISIONS**

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 6304. Authority to arrest without warrant

(a) Pennsylvania State Police.--A member of the Pennsylvania State Police who is in uniform may arrest without a warrant any person who violates any provision of this title in the presence of the police officer making the arrest.

(b) Other police officers.--Any police officer who is in uniform may arrest without a warrant any nonresident who violates any provision of this title in the presence of the police officer in making the arrest.

(c) Other powers preserved.--The powers of arrest conferred by this section are in addition to any other powers of arrest conferred by law.

CREDIT(S)

1996 Main Volume

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977.

<General Materials (GM) - References, Annotations, or Tables >

Citation
PA ST 71 P.S. s 65
71 P.S. § 65

Search Result

Rank 210 of 336

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 71. STATE GOVERNMENT
I. THE ADMINISTRATIVE CODES AND RELATED PROVISIONS
CHAPTER 2. THE ADMINISTRATIVE CODE OF 1929
ARTICLE II. ADMINISTRATIVE ORGANIZATION

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 65. (Adm. Code § 205). Pennsylvania State Police

(a) The Pennsylvania State Police shall consist of a Commissioner, a Deputy Commissioner, the State Police Force, and the State Highway Patrol, as now authorized by law, which are hereby consolidated into one force, to be known as the State Police Force, and such chiefs, statisticians, clerks, experts and other assistants, as the commissioner, with the approval of the Governor, shall deem necessary for the work of the force.

(b) The State Police Force shall consist of such number of officers and men, and shall be organized in such manner, as the Commissioner of Pennsylvania State Police, with the approval of the Governor, shall from time to time determine: Provided, however, That the number of officers and men shall not exceed in the aggregate at any time three thousand nine hundred and forty persons. State policemen, both officers and men, assigned to duty with the Pennsylvania Turnpike Commission or assigned to duty as resident State troopers, shall not be counted in determining the total number of officers and men in the State Police Force.

CR01

(c) The members of the State Police Force and the chiefs, statisticians, clerks, experts, and other assistants, engaged in the work of the Pennsylvania State Police shall be appointed by the Commissioner, and shall receive such compensation as shall be fixed by the Commissioner, with the approval of the Governor, which compensation shall, however, conform to the standards established by the Executive Board.

(d) Any member of the Pennsylvania State Police, except the Commissioner and Deputy Commissioner, regardless of rank, who has attained or who shall attain the age of sixty years, shall resign from membership in the said police force: Provided, however, That the provision of this paragraph shall not apply to members of the State Police Force who upon attaining the age of sixty years shall have less than twenty years of service. Upon completion of twenty years of service, the provision of this paragraph shall become applicable to such persons.

(e) No enlisted member of the Pennsylvania State Police shall be dismissed from service or reduced in rank except by action of a court martial board held upon the recommendation of the Commissioner of the Pennsylvania State Police and the Governor.

(f) All new cadets and troopers shall serve a probationary period of eighteen months from date of original enlistment, during which time they may be dismissed by the Commissioner for violations of rules and regulations, incompetency, and inefficiency without action of a court martial board or the right of appeal to a civil court.

(g) The Pennsylvania State Police force shall include, but not be limited to, two underwater search teams, one of which shall be in eastern Pennsylvania and one of which shall be in western Pennsylvania.

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

CR02

CREDIT(S)

1990 Main Volume

1929, April 9, P.L. 177, art. II, § 205. As amended 1937, June 29, P.L. 2436, § 1; 1943, April 28, P.L. 94, § 2; 1949, April 28, P.L. 776, § 1; 1949, May 18, P.L. 1438, § 1; 1952, Jan. 18, P.L. (1951) 2150, § 1; 1953, July 29, P.L. 1006, § 1; 1955, Dec. 15, P.L. 866, § 1; 1957, July 10, P.L. 682, § 1; 1961, Aug. 18, P.L. 995, § 1; 1963, July 25, P.L. 278, § 1; 1966, Sp.Sess. No. 1, Aug. 31, P.L. 54, § 1; 1967, July 12, P.L. 172, § 1, effective July 1, 1967; 1967, Dec. 5, P.L. 673, § 1; 1971, Dec. 15, P.L. 608, No. 163, § 1; 1972, Dec. 28, P.L. 1649, No. 349, § 1, imd. effective.

1999 Electronic Update

CR01 Amended 1991, July 11, P.L. 73, No. 12, § 1, imd. effective.

CR02 Added 1991, July 11, P.L. 73, No. 12, § 1, imd. effective.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1999 Electronic Update

1991 Legislation

The 1991 amendment, in subsec. (b), deleted references to fiscal year 1971-72 and, following "Pennsylvania Turnpike Commission", inserted "or assigned to duty as resident State troopers", and added subsec. (g).

1990 Main Volume

The Department of State Police was created by Act 1905, May 2, P.L. 361, and reorganized by Act 1919, June 3, P.L. 366. The name of the Department of State Police was changed to Pennsylvania State Police by the Administrative Code of 1923, § 11 of this title.

The act of 1905 was repealed by Act 1929, April 4, P.L. 151, entitled "An act repealing certain obsolete acts fixing and relating to the salaries of officers and employees of the executive branch of the State Government."

The act of 1905, amended 1911, June 1, P.L. 551, related not only to salaries but also to the organization of the department and the powers and duties of the officers and men. The act seems to be entirely supplied and repealed in so far as its provisions do not fall within the title of the repealing act of 1929, April 4.

Section 1 of the act of 1919, which supplied in part § 1 of act of 1905, seems to be supplied by this section. Said § 1 read as follows: "A Department of State Police is hereby created, the head of which shall be a superintendent."

As to §§ 6 to 8, 15, of the act of 1919, see §§ 1191 to 1194 of this title.

The remainder of the act of 1919, was repealed by the Administrative Code of 1923 § 31 of this title.

As enacted by Act 1929, April 9, P.L. 177, art. II, § 205, this section read: "The Pennsylvania State Police shall consist of a superintendent, the State police force, as now or hereafter authorized by law, and such deputies,

chiefs, statisticians, clerks, experts and other assistants, as the superintendent, with the approval of the Governor, shall deem necessary for the work of the force.

"The superintendent of the Pennsylvania State Police shall receive a salary at the rate of seven thousand five hundred dollars per annum.

"The State police force shall receive such compensation as is now or may hereafter be fixed by law.

"The deputies, chiefs, statisticians, clerks, experts, and other assistants, engaged in the work of the Pennsylvania State Police, shall be appointed by the superintendent, and shall receive such compensation as shall be fixed by the superintendent, with the approval of the Governor, which compensation shall, however, conform to the standards established by the Executive Board.

"The members of the State police force shall be appointed by the superintendent."

By the subsequent amendatory acts, the name, at one time called the Pennsylvania Motor Police, the salary and number of officers, and other provisions have been changed, and the last paragraph added.

The 1961 amendment deleted provisions relating to the salary of the commissioner, and appointment and salary of the Deputy Commissioner.

The 1963 amendment added subsec. (e).

The 1966 amendment, in subsec. (b), deleted "Provided, however, That during the fiscal year 1961-1962, the number of officers and men shall not exceed in the aggregate at any time two thousand persons and during the fiscal year 1962- 1963 and thereafter, the number of officers and men shall not exceed in the aggregate at any time two thousand, one hundred persons: And provided further, That" following "time to time determine" in the first sentence, and inserted the second sentence.

Act 1967, July 12, P.L. 172, § 1, in subsec. (b) deleted the second sentence, which provided "However, the minimum complement of officers and men shall be two thousand one hundred officers and men and the maximum complement of officers and men shall not exceed two thousand three hundred fifty officers and men."

and inserted a new second sentence.

Act 1967, Dec. 5, P.L. 673, § 1, added subsec. (f).

The 1971 amendment, in the proviso in subsec. (b), deleted "and thereafter" following "fiscal year 1970-1971" and inserted "and during the fiscal year 1971-1972 and thereafter, the number of officers and men shall not exceed in the aggregate at any time, three thousand seven hundred ninety persons".

The 1972 amendment in the first sentence of subsec. (b) deleted provisions relating to fiscal years 1967-1968 to 1970-1971, and inserted "and during the fiscal year 1972-1973 and thereafter, the number of officers and men shall not exceed in the aggregate at any time three thousand nine hundred and forty persons".

CROSS REFERENCES

Commissioner, powers and duties, see 71 P.S. § 251.

Composition of State Police Force, see 71 P.S. § 1191.

Incompatible offices, see 65 P.S. § 1 et seq.

Lethal weapons training act, see 22 P.S. § 41 et seq.

Powers and duties, see 71 P.S. §§ 250, 252.

Qualifications, see 71 P.S. § 1193.

State police academy, see 71 P.S. § 1195 et seq.

Vacations and rest periods, see 71 P.S. § 254.

Vehicle Code violations, powers and duties, see 75 Pa.C.S.A. § 6304.

LIBRARY REFERENCES

1990 Main Volume

Highways
WESTLAW Topic No. 200.
C.J.S. Highways § 157 et seq.

Citation
PA ST 71 P.S. s 1193
71 P.S. § 1193

Search Result

Rank 248 of 336

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 71. STATE GOVERNMENT
I. THE ADMINISTRATIVE CODES AND RELATED PROVISIONS
CHAPTER 6. PROVISIONS SIMILAR OR CLOSELY RELATED TO PROVISIONS OF THE
ADMINISTRATIVE CODE
STATE POLICE

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 1193. Qualifications of force

(a) No applicant shall be appointed to the Pennsylvania State Police Force until he has satisfactorily passed a physical and mental examination, based upon the standard provided by the rules and regulations of the police force of the cities of the first class, in addition to which each applicant must be a citizen of the United States, and of sound constitution, able to ride, of good moral character, and between the ages of twenty-one and forty years.

(b) When any person who has been honorably discharged from service in the armed forces of the United States during any war or armed conflict in which the United States was engaged, and has successfully passed the examinations as required by this section, and shall thus establish he possesses the qualifications required by law for appointment to the Pennsylvania State Police Force, such person's examination shall be marked or graded an additional ten points above the mark or grade credited for the examination, and the total mark or grade thus obtained shall represent the final mark or grade of such person, and shall determine his standing on any eligible list.

(c) When any person who is the child of any State trooper killed in the line of duty has successfully passed the examinations as required by this section, and shall thus establish that he possesses the qualifications required by law for appointment to the Pennsylvania State Police Force, such person's examination shall be marked or graded an additional ten points above the mark or grade credited for the examination, and the total mark or grade thus obtained shall represent the final mark or grade of such person, and shall determine his standing on any eligible list. The preference granted by this subsection shall be available only to persons who are ineligible for the veterans' preference permitted by subsection (b).

CREDIT(S)

1990 Main Volume

1919, June 3, P.L. 366, § 8. As amended 1945, May 16, P.L. 583, § 1; 1955, Aug. 9, P.L. 321, § 1; 1976, July 9, P.L. 918, No. 169, § 1, effective in 60 days.

<General Materials (GM) - References, Annotations, or Tables>

Citation
PA ST 55 P.S. s 553
55 P.S. § 553

Search Result

Rank 1 of 4

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 55. NAVIGATION
CHAPTER 17. PORT AUTHORITIES IN COUNTIES OF SECOND CLASS

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 553. Creation of port authorities; rights or powers

(a) There are hereby created bodies corporate and politic in counties of the second class, to be known as Port 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; (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.

(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:

- (1) To have perpetual existence.
- (2) To sue and be sued, implead and be impleaded, complain and defend in all courts, to petition the Interstate Commerce Commission (or like body) or join in any proceeding before any such bodies or courts in any matter affecting the operation of any project of the authority.
- (3) To adopt and use and alter at will a corporate seal.
- (4) To establish a principal office and such other office or offices as may be necessary for the carrying on of its duties.
- (5) To acquire, purchase, hold, lease, as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer and dispose of any property, or interest therein, at any time, required by it. In exercising the power granted by this subsection, the authority shall consider the same value factors as provided in section 7 of this act [FN1] in determining compensation under the exercise of eminent domain.
- (6) To acquire by purchase, lease, or otherwise, and to construct, improve, maintain, repair and operate facilities.
- (6.1) To construct, improve, maintain, repair and operate high-occupancy vehicle lanes that are incorporated into and are made part of an authority facility.

- (7) To make by-laws for the management and regulation of its affairs.
- (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.
- (9) To fix, alter, charge and collect fares, rates, rentals and other charges for its facilities by zones or otherwise at reasonable rates to be determined exclusively by it, subject to appeal, as hereinafter provided, for the purpose of providing for the payment of the expenses of the authority, the acquisition, construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal and interest on its obligations, and to comply fully with the terms and provisions of any agreements made with the purchasers or holders of any such obligations. The authority shall determine by itself exclusively, the facilities to be operated by it and the services to be available to the public. Any person questioning the reasonableness of any rate or services fixed by an authority may bring suit against the authority in the court of common pleas of the county incorporating the authority. The court of common pleas shall have exclusive jurisdiction to determine the reasonableness of fares, rates and other charges or services fixed, altered, charged or collected by an authority. The court shall make such order as to fares, rates and other charges or services as to it shall be just and proper. No suit or appeal shall act as a supersedeas. The court shall give priority to all such suits or appeals and no bond shall be required of any party instituting such action or appeal under the provisions of this section.
- (10) To borrow money, make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations of the authority, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued as the authority shall deem advisable and in general, to provide for the security for said bonds and the rights of the holders thereof.
- (11) To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business. Without limiting the generality of the foregoing, the authority is authorized to enter into contracts for the purchase, lease, operation or management of facilities subject to the jurisdiction of the Interstate Commerce Commission.
- (12) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases or other transactions with any Federal agency, Commonwealth of Pennsylvania, municipality or corporation.
- (13) To have the power of eminent domain.
- (14) To pledge, hypothecate, or otherwise encumber, all or any of the revenues or receipts of the authority as security for all or any of the obligations of the authority.
- (15) To do all acts and things necessary for the promotion of its business, and the general welfare of the authority to carry out the powers granted to it by this act or any other acts.
- (16) To enter into contracts with the Commonwealth of Pennsylvania, municipalities or corporations, on such terms as the authority shall deem proper for the use of any facility of the authority, and fixing the amount to be paid therefor.
- (17) To enter into contracts of group insurance for the benefit of its employes, or to continue in existence any existing insurance and/or pension or retirement system and/or any other employe benefit arrangement covering employes of an acquired existing transportation system, and/or to set up a retirement or pension fund or any other

employe benefit arrangement for such employes.

(18) An authority shall have no power, at any time or in any manner, to pledge the credit or taxing power of the Commonwealth of Pennsylvania or any political subdivision, nor shall any of its obligations be deemed to be obligations of the Commonwealth of Pennsylvania or of any of its political subdivisions, nor shall the Commonwealth of Pennsylvania or any political subdivision thereof be liable for the payment of principal or interest on such obligations.

(19) Private rights and property in the beds of existing public highways vacated in order to facilitate the purposes of the authority shall not be deemed destroyed or ousted by reason of such vacation, but shall be acquired or relocated by the authority in the same manner as other property.

(20) To have the right to use any public road, street, way, highway, bridge or tunnel for the operation of a transportation system within the service area of its integrated system as set forth in the authority's plan of integrated operation as provided in section 13.1 hereof: [FN2] Provided, That in the case of street railway or trolley coach facilities or pole and wire facilities or overhead structures, such right shall not be exercised within the limits of any county, city, borough or township, without the consent of the local authorities thereof and/or the State Highway Department, which consent shall not be unreasonably withheld and cannot be conditioned upon the payment of any bridge tolls or license fees, notwithstanding any existing agreements with the predecessor company or individual; and to enter into agreements with and accept franchises and licenses from such cities, boroughs and townships for such use.

(21) To establish such carrier routes as it deems necessary for the efficient operation of the transportation system owned or otherwise acquired by it under the terms of this act, subject to any limitations herein provided for; and to alter and vary and discontinue such carrier routes at its discretion.

(22) To self insure or otherwise provide for the insurance of any property or operations of the authority against any risks or hazards.

(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.

(27) Notwithstanding any other provision of law, to contract with any third party for the allocation of liability for any and all claims, actions, suits or damages, whether for compensatory or punitive damages, arising against a third party or the authority in connection with any accident or incident related to the operations conducted by or

on behalf of or authorized by the authority or a third party, on property owned by the authority or on property owned by a third party and adjacent to the authority's property. If a third party asserts against the authority any claim relating to liability that the authority, pursuant to contract, has assumed, such claim may, to the extent provided in this clause, result in the imposition of liability on the authority, and the defense of sovereign immunity as provided in 42 Pa.C.S. Ch. 85 Subch. B [FN3] (relating to actions against Commonwealth parties) shall not be raised by the authority in connection therewith. The aggregate of liability for all claims, actions, suits or damages, whether for compensatory or punitive damages, that may be asserted against and imposed upon such third party and which the authority, pursuant to such contract, has assumed shall not exceed the limits of the liability insurance coverage maintained by the authority in connection with such assumed obligations, which insurance coverage shall not be less than ten million dollars. The authority shall be entitled to obtain and maintain insurance coverage in amounts deemed by the authority to be necessary or desirable and to name such third party as an additional named insured on any insurance policies relating thereto.

CREDIT(S)

1996 Main Volume

1956, April 6, P.L. (1955) 1414, § 3. Amended 1959, Oct. 7, P.L. 1266, §§ 3, 4; 1961, Sept. 16, P.L. 1361, § 1; 1970, Dec. 30, P.L. 953, No. 300, §§ 3 to 5; 1971, June 3, P.L. 144, No. 6, § 1 (§ 509(a)(160)); 1992, July 9, P.L. 700, No. 104, § 1, imd. effective.

[FN1] 55 P.S. § 557 (repealed).

[FN2] 55 P.S. § 563.1.

Citation
PA ST 36 P.S. s 3504.1
36 P.S. § 3504.1

Search Result

Rank 7 of 37

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 36. HIGHWAYS AND BRIDGES
CHAPTER 6. BRIDGES
DELAWARE RIVER BRIDGES
JOINT COMPACT WITH NEW JERSEY

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 3504.1. Policemen; rules and regulations

The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes, shall have the power and authority to appoint the number of police officers as is found necessary 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; to administer to such police officers an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of such police officers from the tolls, fares, charges and other revenue of the Delaware River Port Authority or such subsidiary corporations. The 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. The police officers shall be authorized and empowered 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. In addition, 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, provided that no police officer shall be so empowered unless the officer has satisfied all the training and requalification requirements of section 1.1. [FN1]

To pass over any part of the bridges or through the tunnels and approaches thereto in any vehicle for which tolls are collectible, or for any person or vehicle to use the rapid transit systems or ferries or other facilities or property without passing through the toll gates or paying the necessary tolls, fares or charges constitutes an evasion and shall subject the person so evading or attempting to evade the payment of tolls, fares or charges to arrest or receipt of a citation. Upon the apprehension or arrest of any person or persons for any of the foregoing reasons, the offender may be taken before any proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey without respect to the portion of the bridge, tunnel, ferry facility, rapid transit system, facilities or other property upon or within which such offense may have been committed or attempted or such offender arrested, and thereupon such judicial officer shall have power and authority to punish the offender as hereinafter provided. The Delaware River Port Authority, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes shall have the power to adopt such rules and regulations as they

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

may respectively deem expedient for the proper government of the bridges, tunnels, approaches thereto, rapid transit systems, ferries, facilities or other property and for the preservation of good order, safe traffic, and proper conduct thereon or therein.

Any person violating any of the provisions of this act, or of any rule or regulation adopted by the Delaware River Port Authority, or its said subsidiary corporations, or who evades or attempts to evade payment of tolls, fares or charges shall, upon summary conviction before a proper judicial officer of this Commonwealth, or of a proper judicial officer of the State of New Jersey, be sentenced to pay a fine of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25), and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not less than ten days nor more than thirty days, and upon conviction of any subsequent offense, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50), and costs of prosecution, or to undergo imprisonment for not less than thirty days nor more than sixty days.

CREDIT(S)

1961 Main Volume

1957, April 12, P.L. 61, § 1.

1999 Electronic Update

As amended 1970, Nov. 25, P.L. 735, No. 238, § 1; 1984, Dec. 18, P.L. 1081, No. 215, § 1, imd. effective; 1994, Dec. 7, P.L. 792, No. 110, § 1, imd. effective.

[FN1] 36 P.S. § 3504.1a.

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 36. HIGHWAYS AND BRIDGES
CHAPTER 6. BRIDGES
DELAWARE RIVER BRIDGES
JOINT COMPACT WITH NEW JERSEY

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 3504.1a. Police training requirements; firearms qualifications standards

The Delaware River Port Authority and such subsidiary corporations shall require a police officer appointed under section 1 to successfully complete a police training course jointly agreed to by the Attorney General of the State of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania and shall further require that the police officer shall fully comply with the annual firearms qualifications standards as approved by the Attorney General of the Commonwealth of Pennsylvania.

A police officer may be exempted from the police training requirements of this section if he demonstrates that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are determined by the Attorney General of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania to be substantially equivalent to the police training course requirements of this section, but, notwithstanding such exemption, the police officer shall fully comply with the annual firearms qualification standards set forth in this section.

The cost of the police training described in this section shall be borne by the Delaware River Port Authority.

CREDIT(S)

1999 Electronic Update

1957, April 12, P.L. 61, No. 34, § 1.1, added 1994, Dec. 7, P.L. 792, No. 110, § 2, imd. effective.

36 P.S. § 3504.1a

PA ST 36 P.S. § 3504.1a

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 22. DETECTIVES AND PRIVATE POLICE
CHAPTER 33. RAILROAD AND STREET RAILWAY POLICE

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 3303. Powers and duties

(a) **General powers.**--Railroad and street railway policemen shall severally 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.

(b) **Detention of arrested persons.**--The keepers of jails and other places of detention in any county of this Commonwealth shall receive all persons arrested by railroad or street railway policemen for purposes of detention until they are dealt with according to law.

(c) **Badge.**--Railroad and street railway policemen when on duty shall wear or carry a metallic shield containing the words "railroad police" or "railway police" and the name of the authority.

(d) **Course of instruction.**--Every railroad and street railway police officer shall 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. [FN1]

CREDIT(S)

1999 Electronic Update

1982, Nov. 23, P.L. 686, No. 196, § 1, effective in 30 days.

[FN1] 53 P.S. §§ 740 to 749.

<General Materials (GM) - References, Annotations, or Tables >

HISTORICAL AND STATUTORY NOTES

1999 Electronic Update

Section 3 of Act 1982, Nov. 23, P.L. 686, No. 196, provides as follows:

"Nothing contained in this act shall affect the validity of any commissions which are presently valid and issued pursuant to the acts repealed herein."

LAW REVIEW AND JOURNAL COMMENTARIES

Arrest and search powers of special police in Pennsylvania: Do your constitutional rights change depending on the officer's uniform? 59 Temp.L.Q. 497 (1986).

NOTES OF DECISIONS

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

Arrest powers I

1. Arrest powers

Port Authority Transit (PAT) officer was discharging his duties in pursuit of PAT business when he stopped defendant for driving in bus lane and arrested him for driving under influence of alcohol (DUI), and thus arrest was legal, where officer was on routine patrol driving PAT vehicle from one PAT property to another, both his vehicle and defendant's vehicle were in bus lane, and he testified without contradiction that his normal duties included stopping vehicles which are driving in bus lane and issuing citations. *Com. v. Mundorf*, 699 A.2d 1299, Super.1997.

Arrest by Port Authority Transit (PAT) officer away from PAT property is legal only where officer is on routine patrol and acts to prevent immediate threat to welfare of PAT passengers or property. *Com. v. Mundorf*, 699 A.2d 1299, Super.1997.

Port Authority Transit (PAT) officers do not possess arrest powers in excess of those set forth in Railroad and Street Railway Police Act. *Com. v. Mundorf*, 699 A.2d 1299, Super.1997.

22 Pa.C.S.A. § 3303

PA ST 22 Pa.C.S.A. § 3303

END OF DOCUMENT

Citation
PA ST 35 P.S. s 1550
35 P.S. § 1550

Search Result

Rank 4 of 13

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 35. HEALTH AND SAFETY
CHAPTER 18. HOUSING
HOUSING AUTHORITIES

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 1550. Powers of an Authority

An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purpose and provisions of this act, including the following powers, in addition to others herein granted:

- (a) To investigate into living, dwelling, and housing conditions, and into the means and methods of improving such conditions.
- (b) To determine where unsafe or unsanitary dwelling or housing conditions exist, or where there is a shortage of safe and sanitary dwelling accommodations for persons of low income.
- (c) To study and make recommendations concerning the plan of any city or municipality located within the field of operation of the Authority in relation to the problem of clearing, replanning, and reconstructing areas in which unsafe or unsanitary dwelling or housing conditions exist, and the problem of providing dwelling accommodations for persons of low income.
- (d) To cooperate with any city, county, regional, Federal or other agency.
- (e) To prepare, carry out, acquire, lease, and operate housing projects, to provide for the construction, reconstruction, improvement, alteration or repair of any housing project, or any part thereof.
- (f) To take over by purchase, lease, or otherwise, any housing project located within its field of operation undertaken by any government.
- (g) To cooperate with and act as agent of the Federal Government for the public purposes set out in this act in connection with the acquisition, construction, operation or management of any housing project, or part thereof.
- (h) To arrange with any city or other municipality located, in whole or in part, within the authority's field of operation, or with the Federal or State Government for the furnishing, planning, replanning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities, or for the acquisition by such city, municipality or the Federal or State Government of property options or property rights, or for the furnishing of property or services in connection with a project.
- (i) To clear areas of unsafe or unsanitary housing, and to provide for the use of cleared sites for community facilities and for any other public purpose authorized by this act.
- (j) To arrange with the Commonwealth, its subdivisions and agencies, and any county, city or other municipality

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

of the State, to the extent that it is within the scope of each of their respective functions--(1) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority, or the occupants of any housing projects of the Authority; and (2) to provide and maintain parks, recreational centers, schools, sewerage, transportation, water, and other municipal facilities adjacent to, or in connection with, housing projects; and (3) to plan, replan, zone or rezone any part of the municipality in connection with any housing project of the Authority.

(k) To lease or rent any of the dwellings or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project, and (subject to the limitations contained in this act) to establish and revise the rents or charges therefor.

(l) To enter upon any building or property in order to make surveys or soundings.

(m) To purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any interest therein, from any person, firm, corporation, municipality or government.

(n) To acquire by eminent domain any real property, including improvements and fixtures, for the public purposes set forth in this act, in the manner hereinafter provided.

(o) To sell, exchange, transfer or assign any real or personal property, or interest therein, to any person, firm, corporation, public or private, when the Authority determines that such property is not needed for the purposes of this act.

(p) To own, hold clear, and improve real property.

(q) To insure or provide for the insurance of any property or operations of the Authority against any risks or hazards.

(r) To procure or agree to the procural of insurance or guarantees from the Federal Government of the payment of any debts, or parts thereof, incurred by said Authority, and to pay premiums in connection therewith.

(s) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement in such investments as may be lawful for executors, administrators, guardians, trustees, and other fiduciaries under any law of this Commonwealth.

(t) To sue and be sued.

(u) To adopt a seal and to alter the same at pleasure.

(v) To have perpetual succession.

(w) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority.

(x) To make and from time to time to amend and repeal resolutions, rules, and regulations, not inconsistent with this act, in order better to carry into effect the powers of the Authority.

(y) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter material for its information.

(z) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before such Authority, or before one or more members of the Authority appointed by it to conduct such hearing.

(aa) To apply to any court, having territorial jurisdiction of the offense, to have punished for contempt any witness who refuses to obey a subpoena, or who refuses to be sworn or affirmed or to testify, or who is guilty of any contempt after summons to appear.

(bb) To authorize any member or members of such Authority to conduct hearings and to administer oaths, take affidavits, and issue subpoenas.

(cc) To make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or unsanitary structures within the field of operation of such Authority, its findings and recommendations with regard to any building or property where there exist conditions dangerous to the public health, morals, safety or welfare.

(dd) To sell any dwelling unit to any member of a tenant family if the dwelling to be sold is sufficiently separable from other property retained by the public housing authority to make it suitable for sale.

(ee) In a city of the second class, to appoint police officers who 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: Provided, That said police officers complete the same course of instruction as is 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. [FN1]

(ff) In the city of the first class, to appoint security officers who 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 who shall be authorized to arrest persons for the commission of any offense and the keepers of the jails and other places of detention in the city of the first class shall receive all persons arrested by such security officers for purposes of detention until they are dealt with according to law: Provided, however, That such security officers successfully complete the course of instruction provided under the act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law. The Authority shall, to the maximum extent practicable, give preference in hiring security officers first to any person living in public housing and receiving any form of State or Federal public assistance, and second, to any other person living in public housing.

CREDIT(S)

1993 Main Volume

1937, May 28, P.L. 955, § 10. Amended 1969, July 18, P.L. 168, § 1; 1978, Oct. 4, P.L. 1008, No. 215, § 1; 1980, Oct. 5, P.L. 690, No. 140, § 1, imd. effective.

[FN1] 53 P.S. § 740 et seq.

< General Materials (GM) - References, Annotations, or Tables >

Citation
PA ST 36 P.S. s 3503
36 P.S. § 3503

Search Result

Rank 4 of 37

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 36. HIGHWAYS AND BRIDGES
CHAPTER 6. BRIDGES
DELAWARE RIVER BRIDGES
JOINT COMPACT WITH NEW JERSEY

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 3503. Form of agreement

The Governor is hereby authorized to enter into a compact or agreement on behalf of the Commonwealth of Pennsylvania with the State of New Jersey in substantially the following form, that is to say:

AGREEMENT

BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

**CREATING THE DELAWARE RIVER JOINT COMMISSION AS A BODY CORPORATE AND POLITIC
AND DEFINING ITS POWERS AND DUTIES**

Whereas, The Commonwealth of Pennsylvania and the State of New Jersey are the owners of a certain bridge across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey; and

Whereas, The Pennsylvania Commission, existing by virtue of Act Number Three hundred thirty-eight of the Commonwealth of Pennsylvania, approved July ninth, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred fourteen), [FN1] and acts amendatory thereof and supplementary thereto, and the New Jersey Interstate Bridge Commission, existing by virtue of Chapter Two hundred seventy-one of the Laws of New Jersey of one thousand nine hundred and twenty-nine, [FN2] and acts amendatory thereof and supplementary thereto, are acting jointly under the name of the Delaware River Bridge Joint Commission in connection with the operation and maintenance of said bridge; and

Whereas, The interests of the people of the two States will be best served by consolidating the two commissions in corporate form, and granting additional powers and authority thereto with reference to the said bridge, and to other and further means of communication between the two States in the vicinity of Philadelphia and Camden; and

Whereas, Additional transportation facilities between the two States in the vicinity of Philadelphia and that part of New Jersey opposite thereto will be required in the future for the accommodation of the public and the development of both States; and

Whereas, Both States have mutual interests in the development of the Delaware River from Philadelphia and Camden to the sea, and particularly in developing the facilities and promoting the more extensive use of the ports of Philadelphia and Camden by coastwise, intercoastal and foreign vessels; and

Whereas, It is highly desirable that there be a single agency of both States empowered to further the aforesaid

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

interests of both States;

Now Therefore, The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree each with the other, as follows:

ARTICLE I

The body corporate and politic, heretofore created and known as The Delaware River Joint Commission, hereby is continued under the name of The Delaware River Port Authority (hereinafter in this agreement called the 'commission'), which shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and which shall be deemed to be exercising an essential governmental function in effectuating such purposes, to wit:

(a) The operation and maintenance of the bridge, owned jointly by the two States, across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, including its approaches, and the making of additions and improvements thereto.

(b) The effectuation, establishment, construction, acquisition, operation and maintenance of railroad or other facilities for the transportation of passengers across any bridge or tunnel owned or controlled by the commission, including extensions of such railroad or other facilities necessary for efficient operation in the Port District.

(c) The improvement and development of the Port District for port purposes by or through the acquisition, construction, maintenance or operation of any and all projects for the improvement and development of the Port District for port purposes, or directly related thereto, either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.

(d) Cooperation with all other bodies interested or concerned with, or affected by the promotion, development or use of the Delaware River and the Port District.

(e) The procurement from the Government of the United States of any consents which may be requisite to enable any project within its powers to be carried forward.

(f) The construction, acquisition, operation and maintenance of other bridges and tunnels across or under the Delaware River, between the City of Philadelphia or the County of Delaware in the Commonwealth of Pennsylvania, and the State of New Jersey, including approaches, and the making of additions and improvements thereto.

(g) The promotion as a highway of commerce of the Delaware River, and the promotion of increased passenger and freight commerce on the Delaware River and for such purpose the publication of literature and the adoption of any other means as may be deemed appropriate.

(h) To study and make recommendations to the proper authorities for the improvement of terminal, lighterage, wharfage, warehouse and other facilities necessary for the promotion of commerce on the Delaware River.

(i) Institution through its counsel, or such other counsel as it shall designate, or intervention in, any litigation involving rates, preferences, rebates or other matters vital to the interest of the Port District: Provided, That notice of any such institution of or intervention in litigation shall be given promptly to the Attorney General of the Commonwealth of Pennsylvania and to the Attorney General of the State of New Jersey, and provision for such notices shall be made in a resolution authorizing any such intervention or litigation and shall be incorporated in the minutes of the commission.

(j) The establishment, maintenance, rehabilitation, construction and operation of a rapid transit system for the transportation of passengers, express, mail, and baggage, or any of them, between points in New Jersey within the

Port District and points in Pennsylvania within the Port District, and intermediate points. Such system may be established either by utilizing existing rapid transit systems, railroad facilities, highways and bridges within the territory involved or by the construction or provision of new facilities where deemed necessary, and may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner.

(k) The performance of such other functions which may be of mutual benefit to the Commonwealth of Pennsylvania and the State of New Jersey insofar as concerns the promotion and development of the Port District for port purposes and the use of its facilities by commercial vessels.

(l) The performance or effectuation of such additional bridge, tunnel, railroad, rapid transit, transportation, transportation facility, terminal, terminal facility, and port improvement and development purposes within the Port District as may hereafter be delegated to or imposed upon it by the action of either State concurred in by legislation of the other.

(m) The unification of the ports of the Delaware River through (i) the acquisition or taking control of any terminal, terminal facility, transportation facility or marine terminal or port facility or associated property within the Port District through purchase, lease or otherwise, or by the acquisition, merger, becoming the successor to or entering into contracts, agreements or partnerships with any other port corporation, port authority or port-related entity which is located within the Port District, all in accordance with the applicable laws of the State in which the facility corporation or authority is located; (ii) the exercise of the other powers granted by this compact; or (iii) the establishment (whether solely or jointly with any other entity or entities) of such subsidiary corporation or corporations or maritime or port advisory committees as may be necessary or desirable to effectuate this purpose.

(n) The planning, financing, development, acquisition, construction, purchase, lease, maintenance, marketing, improvement and operation of any project, including, but not limited to, any terminal, terminal facility, transportation facility or any other facility of commerce or economic development activity, from funds available after appropriate allocation for maintenance of bridge and other capital facilities.

CR01

ARTICLE II

The commission shall consist of sixteen commissioners, eight resident voters of the Commonwealth of Pennsylvania, and eight resident voters of the State of New Jersey, who shall serve without compensation.

The commissioners for the State of New Jersey shall be appointed by the Governor of New Jersey with the advice and consent of the Senate of New Jersey, for terms of five years, and in case of a vacancy occurring in the office of commissioner during a recess of the Legislature, it may be filled by the Governor by an ad interim appointment, which shall expire at the end of the next regular session of the Senate unless a successor shall be sooner appointed and qualify and, after the end of the session, no ad interim appointment to the same vacancy shall be made unless the Governor shall have submitted to the Senate a nomination to the office during the session and the Senate shall have adjourned without confirming or rejecting it; and no person nominated for any such vacancy shall be eligible for an ad interim appointment to such office if the nomination shall have failed of confirmation by the Senate.

Six of the eight commissioners for the Commonwealth of Pennsylvania shall be appointed by the Governor of Pennsylvania for terms of five years. The Auditor General and the State Treasurer of said Commonwealth shall, ex-officio, be commissioners for said Commonwealth, each having the privilege of appointing a representative to serve in his place at any meeting of the commission which he does not attend personally.

Any commissioner who is an elected public official shall have the privilege of appointing a representative to serve and act in his place at any meeting of the commission which he does not attend personally.

All commissioners shall continue to hold office after the expiration of the terms for which they are appointed or elected until their respective successors are appointed and qualify, but no period during which any commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires.

CR02

ARTICLE III

The commissioners shall have charge of the commission's property and affairs, and shall, for the purpose of doing business, constitute a board, but no action of the commissioners shall be binding unless a majority of the members of the commission from Pennsylvania and a majority of the members of the commission from New Jersey shall vote in favor thereof.

Notwithstanding the above, each State reserves the right to provide by law for the exercise of a veto power by the Governor of that State over any action of any commissioner from that State at any time within ten days (Saturdays, Sundays and public holidays in the particular state except) after receipt at the Governor's office of a certified copy of the minutes of the meeting at which such vote was taken. Each State may provide by law for the manner of delivery of such minutes and for notification of the action thereon.

CR03

ARTICLE IV

For the effectuation of its authorized purposes, the commission is hereby granted the following powers:

- (a) To have perpetual succession;
- (b) To sue and be sued;
- (c) To adopt and use an official seal;
- (d) To elect a chairman, vice-chairman, secretary and treasurer, and to adopt suitable by-laws for the management of its affairs. The secretary and treasurer need not be members of the commission.
- (e) To appoint, hire or employ counsel and such other officers, and such agents and employes, as it may require for the performance of its duties, by contract or otherwise, and fix and determine their qualifications, duties and compensation;
- (f) To enter into contracts;
- (g) To acquire, own, hire, use, operate and dispose of personal property;
- (h) To acquire, own, use, lease, operate, mortgage and dispose of real property and interests in real property, and to make improvements thereon;
- (h.1) At its option, it may authorize the Department of Property and Supplies to prescribe standards and specifications and make contracts and purchases of various materials and services for the commission, pursuant to the provisions of sections 2403, 2403.1 and 2409 of the act of April 9, 1929 (P.L. 177), known as "The Administrative Code of 1929." [FN3]
- (i) To grant by franchise, lease or otherwise, the use of any property or facility owned or controlled by the commission and to make charges therefor;

(j) To borrow money upon its bonds or other obligations, either with or without security, and to make, enter into and perform any and all such covenants and agreements with the holders of such bonds or other obligations as the commission may determine to be necessary or desirable for the security and payment thereof, including, without limitation of the foregoing, covenants and agreements as to the management and operation of any property or facility owned or controlled by it, the tolls, rents, rates or other charges to be established, levied, made and collected for any use of any such property or facility, or the application, use and disposition of the proceeds of any bonds or other obligations of the commission, or the proceeds of any such tolls, rents, rates or other charges or any other revenues or moneys of the commission;

(k) To exercise the right of eminent domain within the Port District;

(l) To determine the exact location, system and character of, and all other matters in connection with, any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, operate or control;

(m) In addition to the foregoing, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid The Delaware River Joint Commission by the Commonwealth of Pennsylvania or the State of New Jersey, or both of the said two States;

(n) To exercise all other powers, not inconsistent with the constitutions of the two States or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments; and generally to exercise, in connection with its property and affairs and in connection with property within its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs;

(o) To acquire, purchase, construct, lease, operate, maintain and undertake any project, including any terminal, terminal facility, transportation facility, or any other facility of commerce, and to make charges for the use thereof;

(p) To make expenditures anywhere in the United States and foreign countries, to pay commissions, and hire or contract with experts or consultants, and otherwise to do indirectly anything which the commission may do directly.

(q) To establish one or more operating divisions as deemed necessary to exercise the power and effectuate the purposes of this agreement.

The commission shall also have such additional powers as may hereafter be delegated to or imposed upon it from time to time by the action of either State concurred in by legislation of the other.

It is the policy and intent of the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey that the powers granted by this Article shall be so exercised that the American system of free competitive private enterprise is given full consideration and is maintained and furthered. In making its reports and recommendations to the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey on the need for any facility or project which the commission believes should be undertaken for the promotion and development of the Port District, the commission shall include therein its findings which fully set forth that the facility or facilities operated by private enterprise within the Port District and which it is intended shall be supplanted or added to are not adequate.

CR04

ARTICLE V

If for any of its authorized purposes (including temporary construction purposes), the commission shall find it

necessary or convenient to acquire any real property in the Commonwealth of Pennsylvania or the State of New Jersey, whether for immediate or future use, the commission may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for public use, and, upon such determination, the said property shall be deemed to be required for a public use until otherwise determined by the commission, and, with the exceptions hereinafter specifically noted, the said determination shall not be affected by the fact that such property has theretofore been taken for or is then devoted to a public use, but the public use in the hands or under the control of the commission shall be deemed superior to the public use in the hands or under the control of any other person, association or corporation.

If the commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the Commonwealth of Pennsylvania for any reason whatsoever, then the commission may acquire such real property in the manner provided by Act Number Three hundred and thirty-eight of the Commonwealth of Pennsylvania, approved July ninth, one thousand nine hundred and nineteen, [FN4] and acts amendatory thereof and supplementary thereto, for the acquisition of real property by the aforesaid Pennsylvania Commission.

If the commission is unable to agree with the owner or owners thereof upon terms for the acquisition of any such real property in the State of New Jersey for any reason whatsoever, then the commission may acquire and is hereby authorized to acquire such property, whether a fee simple absolute or a lesser interest, by condemnation or the exercise of the right of eminent domain, either under and pursuant to the provisions of the act of the State of New Jersey, entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use." (Revision of one thousand nine hundred, approved March twentieth, one thousand nine hundred) and acts amendatory thereof and supplementary thereto, [FN5] or under and pursuant to the provisions of an act, entitled "An act concerning and regulating acquisition and taking of lands by the State of New Jersey, or any agency thereof; providing a procedure therefor, and the manner of making compensation for lands so taken," approved April twenty-first, one thousand nine hundred and twenty, and the various acts amendatory thereof and supplementary thereto. [FN6]

The power of the commission to acquire real property by condemnation or the exercise of the power of eminent domain in the Commonwealth of Pennsylvania and the State of New Jersey shall be a continuing power and no exercise thereof shall be deemed to exhaust it.

The commission and its duly authorized agents and employes may enter upon any land in the Commonwealth of Pennsylvania or the State of New Jersey, for the purpose of making such surveys, maps or other examinations thereof, as it may deem necessary or convenient for its authorized purposes.

However, anything to the contrary contained in this compact notwithstanding, no property now or hereafter vested in or held by any county, city, borough, village, township or other municipality or port district shall be taken by the commission without the consent of such municipality or port district unless expressly authorized so to do by the Commonwealth or State in which such municipality or port district is located. All counties, cities, boroughs, villages, townships and other municipalities, and all public agencies and commissions of the Commonwealth of Pennsylvania and the State of New Jersey, notwithstanding any contrary provision of law, are hereby authorized and empowered to grant and convey to the commission upon its request, but not otherwise, upon reasonable terms and conditions, any real property which may be necessary or convenient to the effectuation of its authorized purposes, including real property already devoted to public use.

The Commonwealth of Pennsylvania and the State of New Jersey hereby consent to the use and occupation by the commission of any real property of the said two States, or of either of them, which may be or become necessary or convenient to the effectuation of the authorized purposes of the commission, including lands lying under water and lands already devoted to public use.

The term "real property," as used in this compact, includes lands, structures, franchises, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests such as easements, rights of

way, uses, leases, licenses and all other incorporeal hereditaments, and every estate, interest or right, legal or equitable, including terms of years and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate.

CR05

ARTICLE VI

The control, operation, tolls and other revenues of the aforesaid existing bridge across the Delaware River between the City of Philadelphia and the City of Camden, and of all real and personal property appurtenant thereto or used in connection therewith, shall vest in the commission on the first day of July, one thousand nine hundred and thirty-one, and the terms of the members of the aforesaid Pennsylvania Commission and the aforesaid New Jersey Interstate Bridge Commission shall cease and terminate on that date.

On or before the thirtieth day of June, one thousand nine hundred and thirty-two, or as soon thereafter as practicable, the commission shall pay to the Commonwealth of Pennsylvania, the State of New Jersey, and the City of Philadelphia the following sums out of moneys, raised by said commission on its bonds or other obligations:

(a) An amount equal to the moneys contributed by the Commonwealth of Pennsylvania toward the cost of acquiring property for and constructing said bridge and the approaches thereto, and expenditures incident thereto, with interest at the rate of four per centum per annum, such interest to be computed from the dates on which installments of such funds were paid to the Delaware River Bridge Joint Commission by the said Commonwealth of Pennsylvania, as shown by the records of its State Treasurer, less, however, the amount returned to the Commonwealth of Pennsylvania from the net revenues of the bridge between July first, one thousand nine hundred and twenty-six, and June thirtieth, one thousand nine hundred and thirty-one, and less interest, at the rate of four per centum per annum, upon such amount computed from the dates of repayment to the Commonwealth of Pennsylvania;

(b) An amount equal to the moneys contributed by the State of New Jersey toward the cost of acquiring property for and constructing said bridge and the approaches thereto, and expenditures incident thereto, with interest theretofore actually paid by the State of New Jersey or accrued upon the bonds issued by said State to borrow money to pay its share of the cost of acquiring property for and construction of said bridge and approaches thereto, and all expenditures incident thereto, less, however, the amount returned to the State of New Jersey from the net revenues of the bridge between July first, one thousand nine hundred and twenty-six, and June thirtieth, one thousand nine hundred and thirty-one, and less interest, at the rate of four and one-fourth per centum per annum, upon such amount computed from the dates of repayment to the State of New Jersey;

(c) An amount equal to the moneys contributed by the City of Philadelphia toward the cost of acquiring property for and constructing said bridge and the approaches thereto, and expenditures incident thereto, with interest theretofore actually paid by the City of Philadelphia or accrued upon the bonds issued by said city to borrow money to pay its share of the cost of acquiring property for and construction of said bridge and approaches thereto, and all expenditures incident thereto, less, however, the amount returned to the City of Philadelphia from the net revenues of the bridge between July first, one thousand nine hundred and twenty-six, and June thirtieth, one thousand nine hundred and thirty-one, and less interest, at the rate of four and one-fourth per centum per annum, upon such amount computed from the dates of repayment to the City of Philadelphia;

(d) As soon as is practicable subsequently to July first, one thousand nine hundred and thirty-one, the commission shall determine with the Commonwealth of Pennsylvania, the State of New Jersey, and the City of Philadelphia the net amounts due to each, respectively, as of the first day of July, one thousand nine hundred and thirty-one, and from that date until the date of payment, interest shall be paid by the commission to the Commonwealth of Pennsylvania at the rate of four per centum per annum and the State of New Jersey and the City of Philadelphia at the rate of four and one-fourth per centum per annum.

(e) The amount payable by the commission to the Commonwealth of Pennsylvania, as aforesaid, shall be paid to the State Treasurer of the Commonwealth of Pennsylvania upon a voucher signed and audited by said State Treasurer, who is hereby authorized to consummate the said transaction. The amount payable to the State of New Jersey shall be paid to the Comptroller of said State upon a voucher signed and audited by said Comptroller, who is hereby authorized to consummate the said transaction. The amount payable to the City of Philadelphia shall be paid to the treasurer of the said city upon a voucher signed and audited by said treasurer, who is hereby authorized to consummate the said transaction. Upon the receipt of the proper payment, each of said officials shall certify to The Delaware River Joint Commission that all moneys payable by The Delaware River Joint Commission to the Commonwealth, State or city, as the case may be, have been duly paid;

(f) Nothing herein contained shall be construed to affect, diminish or impair the rights and obligations created by, or to repeal any of the provisions of, Chapter Three hundred and fifty-two of the Laws of New Jersey of one thousand nine hundred and twenty, [FN7] and Chapter Two hundred and sixty-two of the Laws of New Jersey of one thousand nine hundred and twenty-four, [FN8] and Chapter Three hundred and thirty-six of the Laws of New Jersey of one thousand nine hundred and twenty-six, [FN9] and Chapter Thirty-three of the Laws of New Jersey of one thousand nine hundred and twenty-seven, [FN10] and Chapter Sixty-four of the Laws of New Jersey of one thousand nine hundred and twenty-eight. [FN11]

(g) Of the money paid to the State of New Jersey under the provisions of this agreement, there shall be paid to the Sinking Fund Commission, created by the provisions of the foregoing statutes, such sum or sums as said Sinking Fund Commission may deem necessary to meet the then existing indebtedness and obligations set forth in said statutes, together with such interest and other charges as may be due or may grow due. The amount thus to be paid to the Sinking Fund Commission shall be arrived at and determined by said Sinking Fund Commission within ninety days after payment is made to the State of New Jersey pursuant to the provisions of this agreement. The moneys to be paid to and received by said Sinking Fund Commission are hereby appropriated by the State of New Jersey and are to be used for sinking fund purposes according to law.

(h) No failure on the part of the commission to make the aforesaid payments to the Commonwealth of Pennsylvania, to the State of New Jersey, or to the city of Philadelphia, shall affect, diminish or impair the rights of the holders of any bonds or other securities or obligations of said commission, as security for which the tolls and other revenues of the said bridge may be pledged.

ARTICLE VII

Notwithstanding any provision of this agreement, the commission shall have no power to pledge the credit of the Commonwealth of Pennsylvania, or the credit of the State of New Jersey, or the credit of any county, city, borough, village, township or other municipality of said Commonwealth or of said State, or to create any debt of said Commonwealth or of said State or of such municipality.

ARTICLE VIII

The commission is hereby authorized to make and enforce such rules and regulations, and to establish, levy and collect (or to authorize by contract, franchise, lease or otherwise, the establishment, levying and collection of) such tolls, rents, rates, and other charges in connection with the aforesaid existing bridge across the Delaware River and any other properties which it may hereafter construct, erect, acquire, own, operate or control, as it may deem necessary, proper, desirable and reasonable, which said tolls, rents, rates, and other charges shall be at least sufficient to meet the expenses thereof, including interest and sinking fund charges; and the commission is hereby authorized and empowered to pledge such tolls, rates, rents, and other revenues, or any part thereof, either presently received or to be received in the future, or both, as security of the repayment, with interest, of any moneys, borrowed by it or advanced to it for any of its authorized purposes and as security for the satisfaction of any other obligation assumed by it in connection with such loans or advances.

ARTICLE IX

The Commonwealth of Pennsylvania and the State of New Jersey hereby covenant and agree with each other and with the holders of any bonds or other securities or obligations of the commission for which there may or shall be pledged the tolls, rents, rates, or other revenues, or any part thereof, of any property or facility owned, operated or controlled by the commission (including the said bridge across the Delaware River and the facilities for the transportation of passengers across the said bridge), that (so long as any of said bonds or other securities or obligations remain outstanding and unpaid, and unless and until adequate provision is made by law for the protection of those advancing money upon such obligations) the Commonwealth and the said State will not diminish or impair the power of the commission to own, operate or control said properties and facilities, or to establish, levy and collect tolls, rents, rates and other charges in connection with such properties or facilities.

The Commonwealth of Pennsylvania and the State of New Jersey hereby covenant and agree with each other and with the holders of any bonds or other securities or obligations of the commission for which the tolls, rents, rates or other revenues, or any part thereof, of the aforesaid existing bridge across the Delaware River shall have been pledged, that the said Commonwealth and the said State will not authorize, or permit the authorization of, the construction, operation or maintenance of any additional vehicular bridge or tunnel or any additional bridge or tunnel having railroad or other facilities for the transportation of passengers between the said Commonwealth and the said State over or under the Delaware River by any other person or body, than the commission, within a distance of ten miles in either direction from the said bridge measured along the boundary line between the said Commonwealth and the said State.

ARTICLE X

The bonds or other securities or obligations which may be issued by the commission for any of its authorized purposes, and as security for which there may be pledged the tolls, rents, rates and other revenues, or any part thereof, of any properties or facilities owned, operated or controlled by the commission (including the aforesaid existing bridge across the Delaware River and the aforesaid facilities for the transportation of passengers across the said bridge), are hereby made securities in which all state and municipal officers and bodies of the Commonwealth of Pennsylvania and State of New Jersey, all banks, bankers, trust companies, savings banks, saving and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth of Pennsylvania or of the State of New Jersey, may properly and legally invest any funds, including capital belonging to them or within their control, and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or agency of the Commonwealth of Pennsylvania or the State of New Jersey for any purpose for which the deposit of bonds or other obligations, either of the Commonwealth or of the State, is now or may hereafter be authorized.

ARTICLE XI

The effectuation of its authorized purposes by the commission is and will be in all respects for the benefit of the people of the Commonwealth of Pennsylvania and the State of New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and since the commission will be performing essential governmental functions in effectuating said purposes, the commission shall not be required to pay any taxes or assessments upon any property acquired or used by it for such purposes; and the bonds or other securities or obligations issued by the commission, their transfer and the income therefrom (including any profits made on the sale thereof), shall, at all times, be free from taxation within the Commonwealth of Pennsylvania and the State of New Jersey.

To the end that municipalities may not suffer undue loss of tax revenue by reason of the acquisition and ownership of property therein by the commission, the commission is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any municipality, whereby it will undertake to pay a fair and reasonable sum or sums to compensate the said municipality for any loss of tax revenue in

connection with any property acquired by the commission after 1950, other than property acquired for bridge, tunnel or passenger transportation purposes. Any such payment or payments which the commission is hereby authorized and empowered to make may be made on an annual basis, in which case the payment or payments shall not be in excess of the amount of the taxes upon the property when last assessed prior to the time of its acquisition by the commission, or such payment or payments may be made in a lump sum or sums, or over a stated period of years, as shall be agreed upon by and between the commission and such municipality. Every municipality wherein the property shall be acquired by the commission is authorized and empowered to enter into such agreement or agreements with the commission to accept the payment or payments which the commission is herein authorized and empowered to make.

ARTICLE XII

The commission shall, within ninety days after the end of each fiscal year, submit to the Governors and Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey a complete and detailed report of the following:

- (1) its operations and accomplishments during the completed fiscal year;
- (2) its receipts and disbursements or revenues and expenses during that year in accordance with the categories and classifications established by the commission for its own operating and capital outlay purposes;
- (3) its assets and liabilities at the end of the fiscal year, including the status or reserve, depreciation, special or other funds, including debits and credits of these funds;
- (4) a schedule of bonds and notes outstanding at the end of the fiscal year;
- (5) a list of all contracts exceeding \$100,000 entered into during the fiscal year;
- (6) a business or strategic plan for the commission and for each of its operating divisions; and
- (7) a five-year capital plan.

Not less than once every five years the commission shall cause a management audit of its operational effectiveness and efficiency to be conducted by an independent consulting firm selected by the commission. The first management audit to be conducted shall commence within three years of the date of coming into force of the supplemental compact or agreement authorized by this 1992 amendatory act. This audit is in addition to any other audit which the commission determines to conduct from time to time.

The commission shall, not later than two years after the date of the coming into force of the supplemental compact or agreement authorized by this 1992 amendatory act, prepare a comprehensive master plan for the development of the Port District. The plan shall include, but not be limited to, plans for the construction, financing, development, reconstruction, purchase, lease, improvement and operation of any terminal, terminal facility, transportation facility or any other facility of commerce or economic development activity. The master plan shall include the general location of such projects and facilities as may be included in the master plan and shall to the maximum extent practicable include, but not be limited to, a general description of each such projects and facilities, the land use requirements necessary therefor and estimates of project costs and of a schedule for commencement of each such project. Prior to adopting such master plan, the commission shall give written notice to, afford a reasonable opportunity for comment, consult with and consider any recommendations from State, county and municipal government, as well as commissions, public corporations and authorities and the private sector. The commission may modify or change any part of the plan in the same form and manner as provided for the adoption of the original plan. At the time the commission authorizes any project or facility, the commission shall promptly provide to the Governor and Legislature of each state a detailed report on the project, including its status within the master plan. The commission shall include within the authorization a status of the project or

facility in the master plan and any amendment thereof, and no project shall be authorized if not included in the master plan or amendment thereof. Any project which has been commenced and approved by the commission prior to the adoption of the master plan shall be included, for informational purposes only, in the master plan. The commission shall provide notice of such ongoing projects to those State, county and municipal governments, as well as entities in the private sector who would be entitled to such notice had the project not been commenced in anticipation of adopting the master plan, but there shall be no requirement that the project be delayed or deferred due to those provisions.

In addition to other powers conferred upon it, and not in limitation thereof, the commission may acquire all right, title and interest in and to the Tacony- Palmyra Bridge, across the Delaware River at Palmyra, New Jersey, together with any approaches and interests in real property necessary thereto. The acquisition of such bridge, approaches and interests by the commission shall be by purchase or by condemnation in accordance with the provisions of the Federal law consenting to or authorizing the construction of such bridge or approaches, or the acquisition of such bridge, approaches or interests by the commission shall be pursuant to and in accordance with the provisions of sections 48:5-22 and 48:5-23 of the Revised Statutes of New Jersey, and for all the purposes of said provisions and sections the commission is hereby appointed as the agency of the State of New Jersey and the Commonwealth of Pennsylvania exercising the rights and powers granted or reserved by said Federal law or sections to the State of New Jersey and Commonwealth of Pennsylvania jointly or to the State of New Jersey acting in conjunction with the Commonwealth of Pennsylvania. The commission shall have authority to so acquire such bridge, approaches and interests, whether the same be owned, held, operated or maintained by any private person, firm, partnership, company, association or corporation or by any instrumentality, public body, commission, public agency or political subdivision (including any county or municipality) of, or created by or in, the State of New Jersey or the Commonwealth of Pennsylvania, or by any instrumentality, public body, commission or public agency of, or created by or in, a political subdivision (including any county or municipality) of the State of New Jersey or the Commonwealth of Pennsylvania. None of the provisions of the preceding paragraph shall be applicable with respect to the acquisition by the commission, pursuant to this paragraph, of said Tacony-Palmyra Bridge, approaches and interests. The power and authority herein granted to the commission to acquire said Tacony-Palmyra Bridge, approaches and interests shall not be exercised unless and until the Governor of the State of New Jersey and the Governor of the Commonwealth of Pennsylvania have filed with the commission their written consents to such acquisition.

Notwithstanding any provision of this agreement, nothing herein contained shall be construed to limit or impair any right or power granted or to be granted to the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority, to finance, construct, operate and maintain the Pennsylvania Turnpike System or any turnpike project of the New Jersey Turnpike Authority, respectively, throughout the Port District, including the right and power, acting alone or in conjunction with each other, to provide for the financing, construction, operation and maintenance of one bridge across the Delaware River south of the City of Trenton in the State of New Jersey: Provided, That such bridge shall not be constructed within a distance of ten miles, measured along the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey, from the existing bridge, operated and maintained by the commission, across the Delaware River between the City of Philadelphia in the Commonwealth of Pennsylvania and the City of Camden in the State of New Jersey, so long as there are any outstanding bonds or other securities or obligations of the commission for which the tolls, rents, rates, or other revenues, or any part thereof, of said existing bridge shall have been pledged. Nothing contained in this agreement shall be construed to authorize the commission to condemn any such bridge.

Anything herein contained to the contrary notwithstanding, no bridge or tunnel shall be constructed, acquired, operated or maintained by the commission across or under the Delaware River north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river, and any new bridge or tunnel authorized by or pursuant to this compact or agreement to be constructed or erected by the commission may be constructed or erected at any location south of said boundary line notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey. Except as may hereafter be otherwise provided in conformity with Article IX hereof with respect to specific properties designated by action of the Legislatures of

both of the signatory States, no property or facility owned or controlled by the commission shall be acquired from it by any exercise of powers of condemnation or eminent domain.

CR06

ARTICLE XII-A

(1) In addition to other public purposes provided for it and other powers and duties conferred upon it and not in limitation thereof, and notwithstanding the provisions of any other Article hereof, The Delaware River Joint Commission, by whatever name said Commission may be designated, shall have among its authorized purposes and it shall have the power and duty to effectuate, the construction, operation and maintenance of a bridge for vehicular traffic across the Delaware River, between a point or points within a one mile radius of Morgan Street and Broadway in the City of Camden, New Jersey, and a point or points within a one mile radius of Oregon Avenue and Swanson Street in the City of Philadelphia, Pennsylvania, with such approaches thereto and highway connections as may be necessary or desirable, or, in lieu of such bridge, a tunnel or tunnels for vehicular traffic under the Delaware River, between a point or points within a one mile radius of Morgan Street and Broadway in the City of Camden, New Jersey, and a point or points within a one mile radius of Oregon Avenue and Swanson Street in the City of Philadelphia, Pennsylvania, with such approaches thereto and highway connections as may be necessary or desirable.

(2) For the effectuation of any of its purposes authorized by this Article, the Commission is hereby granted, in addition to any other powers heretofore or hereafter granted to it, power and authority to acquire, in its name, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land and other property which it may determine is reasonably necessary for the bridge or tunnel referred to in this Article or for the construction of such approaches thereto or highway connections as the Commission shall deem necessary, and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways or parkways, owned by or in which any county, city, borough, town, township, village or other political subdivision of the State of New Jersey or the Commonwealth of Pennsylvania has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in easements upon, or the benefit of restrictions upon, abutting property, to preserve and protect such bridge or tunnel, the approaches thereto or highway connections. Upon the exercise of the power of eminent domain under this paragraph, the compensation to be paid, with regard to property located in the State of New Jersey, shall be ascertained and paid in the manner provided in chapter one of Title 20 of the Revised Statutes of New Jersey, in so far as the provisions thereof are applicable and not inconsistent with the provisions contained in this paragraph, and with regard to property located in the Commonwealth of Pennsylvania, shall be ascertained and paid in the manner provided by any applicable condemnation law in force in such Commonwealth. The Commission may join in separate subdivisions, in one petition or complaint, the descriptions of any number of tracts or parcels of land or property to be condemned, and the names of any number of owners and other parties who may have an interest therein, and all such land or property included in said petition or complaint may be condemned in a single proceeding: Provided, however, That separate awards shall be made for each tract or parcel of land or property: And provided further, That each of said tracts or parcels of land or property lies wholly in, or has a substantial part of its value lying wholly within, the same county.

(3) For the effectuation of any of its authorized purposes, the Commission is hereby granted the following powers, in addition to any other powers heretofore or hereafter granted to it:

(a) In connection with the borrowing of money upon its bonds or other obligations, to make, enter into and perform any and all such covenants and agreements with the holders of such bonds or other obligations, as the Commission may determine to be necessary or desirable for the security and payment thereof, including, without limitation of the foregoing covenants and agreements as to the management and operation of any property or facility owned or controlled by it, the tolls, rents, rates or other charges to be established, levied, made and collected for any use of any such property or facility, or the application, use and disposition of the proceeds of

any bonds or other obligations of the Commission, or the proceeds of any such tolls, rents, rates or other charges, or any other revenues or moneys of the Commission.

(b) To pledge, for the security or payment of any bonds or other obligations of the Commission, any moneys of the Commission, either presently received or in hand or to be received in the future, or both.

(c) To make expenditures, anywhere in the United States and foreign countries, to pay commission, and hire or contract with experts and consultants, and otherwise to do indirectly anything which the Commission may do directly.

(d) To have and exercise such additional powers as may hereafter be delegated to or imposed upon it from time to time by act of the Legislature of either signatory state, concurred in by act of the Legislature of the other.

(4) Notwithstanding any of the provisions of this Article, the Commission shall not, in connection with the bridge or tunnel referred to in this Article, construct any approach or highway connection in the Commonwealth of Pennsylvania, unless and until the Department of Highways of said Commonwealth shall have filed with the Commission its written consent to such construction, and the Commission shall not, in connection with said bridge or tunnel, construct any approach or highway connection in the State of New Jersey, unless and until the State Highway Department of said State shall have filed with the Commission its written consent to such construction. As used in this paragraph, the term "approach" or "highway connection" means and includes any highway, road or structure for passage of vehicles located inland of any of the established bulkhead lines of the Delaware Rivei, including any highway, road or structure for passage of vehicles necessary to create access to the bridge or tunnel referred to in this Article, or to connect such bridge or tunnel with a highway system or other traffic facilities, or necessary to facilitate the flow of traffic in the vicinity of such bridge or tunnel.

(5) Before commencing construction of the bridge or tunnel referred to in this Article, the Commission shall set aside, in a special reserve fund to be held by it, the sum of twenty-two million dollars (\$22,000,000), or such lesser sum as the Governors of the signatory states may, in writing, approve as sufficient for the purposes of this paragraph. The moneys in said special reserve fund may be expended and used by the Commission for the construction, maintenance and operation of approaches and highway connections, and no moneys in said fund shall be applied to any purpose except (1) such construction, maintenance or operation, (2) temporary investment pending some other authorized application, or (3) any other purpose authorized by the Commission and approved in writing by the Governors of the signatory states. The Governors for the time being of the signatory states are authorized from time to time to make and sign any and all approvals contemplated by this paragraph, and any such approvals so made and signed by both Governors shall be binding upon the signatory states and the said Governors and their successors, and shall not be revoked or amended except with the consent of the Commission.

(6) Any pledge of tolls, rates, rents or revenues, or any part thereof, or of any moneys of the Commission, made or created by the Commission pursuant to Article VIII or any other provision hereof, shall be valid and binding from the time when the pledge is made; the revenues or other moneys so pledged and thereafter received by the Commission shall immediately be subject to the lien of such pledge, without any physical delivery thereof or further act; the lien of any such pledge shall be valid and binding as against all parties having claims of any kind, in tort, contract or otherwise, against the Commission, irrespective of whether such parties have notice thereof, and neither the resolution nor any other instrument by which such a pledge is created need be filed or recorded, except in the records of the Commission.

(7) The effectuation of any of the purposes authorized by this Article, and the exercise or performance by the Commission of any of its powers or duties in connection with effectuation of such purpose, shall not be subject to any restrictions, limitations or provisions provided for or set forth in Article XII hereof. The bridge or tunnel referred to in this Article may be constructed or erected by the Commission, notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey. Except as may hereafter be otherwise provided in conformity with Article IX hereof, with respect to specific properties designated by action of the Legislatures of both of the signatory states, no property or facility owned or

controlled by the Commission shall be acquired from it by any exercise of powers of condemnation or eminent domain.

(8) The Commission shall not construct or erect the bridge or tunnel referred to in this Article, unless and until the Governor of the State of New Jersey and the Governor of the Commonwealth of Pennsylvania shall have filed with the Commission their written consents to such construction or erection.

ARTICLE XII-B

(1) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the construction, operation and maintenance of a bridge for vehicular traffic across the Delaware River, between a point or points in the Township of Logan, New Jersey, and a point or points in the City of Chester, Pennsylvania, including approaches thereto.

(2) In addition to other public purposes provided for it and other powers and duties conferred upon it, and not in limitation thereof, and notwithstanding the provisions of any other article hereof, the Commission shall have among its authorized purposes, and it shall have the power to effectuate, the establishment, rehabilitation, equipment, construction, maintenance and operation of ferries for passengers and vehicular traffic over and across the Delaware River within the Port District between the Commonwealth of Pennsylvania and the State of New Jersey. Such ferries may be established either directly by purchase, lease or contract, or by lease or agreement with any other public or private body or corporation, or in any other manner, and may be established by utilizing any existing ferries within the Port District across the Delaware River between said Commonwealth and said State and by the construction or provision of new facilities where deemed necessary. Any such ferry may include such approach highways and interests in land or other property necessary therefor, in the Commonwealth of Pennsylvania or the State of New Jersey, as may be determined by the Commission to be necessary to facilitate the flow of traffic in the vicinity of any such ferry, or to connect any such ferry with the highway system or other traffic facilities in said Commonwealth or said State.

(3)(a) For the effectuation of any of its purposes authorized by this article, the Commission is hereby granted, in addition to any other powers heretofore or hereafter granted to it, power and authority to acquire in its name by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any such land and other property which it may determine is reasonably necessary to acquire for any of its purposes authorized by this article, and any and all rights, title and interest in such land and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, owned by or in which any county, city, borough, town, township, village, or other political subdivision of the State of New Jersey or the Commonwealth of Pennsylvania has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect such land and other property. Upon the exercise of the power of eminent domain under this paragraph, the compensation to be paid with regard to property located in the State of New Jersey shall be ascertained and paid in the manner provided in Title 20 of the Revised Statutes of New Jersey insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this paragraph, and with regard to property located in the Commonwealth of Pennsylvania shall be ascertained and paid in the manner provided by the act approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws 814) and acts amendatory thereof and supplementary thereto, insofar as the provisions are applicable and not inconsistent with the provisions contained in this paragraph. The Commission may join in separate subdivisions in one petition or complaint the descriptions of any number of tracts or parcels of such land and other property to be condemned, and the names of any number of owners and other parties who may have an interest therein, and all such land and other property included in said petition or complaint may be condemned in a single proceeding: Provided, however, That separate awards shall be made for each tract or parcel of such land or other property: And provided further, That each of said tracts or parcels of such land or other property lies wholly in or has a substantial part of its value lying wholly

within the same county.

(b) Whenever the Commission acquires under this paragraph (3) the whole or any part of the right of way of a public utility located in the Commonwealth of Pennsylvania, the Commission shall, at its own expense, provide a substitute right of way on another and favorable location. Such public utility shall thereupon provide for the transfer to, or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public utility located upon, in, under or above said original right of way at the time the same is so acquired. The Commission is hereby authorized to enter into agreements with such public utility to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utility Commission which shall, after hearing thereon, make a finding of the amount to be paid to such public utility by the Commission. In case of failure of such public utility within a reasonable time, after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utility Commission shall have jurisdiction on petition of the Commission to order such transfer or reconstruction. Any party to such proceedings shall have the right of appeal from the ruling of the Pennsylvania Public Utility Commission. The Delaware River Port Authority is hereby authorized to acquire by purchase, or by the exercise of the power of eminent domain, any necessary land or right of way for the relocation of any such public utility right of way and facilities. The substitute right of way thus acquired shall be equal in estate to the original right of way acquired from the public utility, and the Commission shall deliver to the public utility a deed, duly executed and acknowledged, conveying to it an estate in the substitute right of way at least equal to that owned by the public utility in the original right of way, or if such substitute right of way is to be acquired by purchase, the Commission shall procure and deliver to the public utility a deed conveying such estate to it from the owner of the land on which such substitute right of way is located.

This sub-paragraph (b) shall have no application to the relocation of public utility facilities located in the beds of public streets, roads or highways.

(c) In addition to any other powers heretofore or hereafter granted to it, the Commission, in connection with construction or operation of any project for the effectuation of any of its purposes authorized by this article, shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances, (in this sub-paragraph (c) called "works") located in the State of New Jersey, of any public utility as defined in section 48:2-13 of the revised statutes of New Jersey in, on, along, over or under any such project. Whenever in connection with the construction or operation of any such project, the Commission shall determine that it is necessary that any such works, which now are, or hereafter may be, located in, on, along, over or under any such project, should be relocated in such project, or should be removed therefrom, the public utility owning or operating such works shall relocate or remove the same in accordance with the order of the Commission: Provided, however, That except in the case of the relocation or removal of such works located in, on, along, over or under public streets, roads or highways, the cost and expenses of such relocation or removal including the cost of installing such works in a new location or new locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal of such works, shall be paid by the Commission and shall be included in the cost of such project. In case of any such relocation or removal of works as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such works with the necessary appurtenances in the new location or new locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such works in their former location.

In case of any such relocation or removal of works as aforesaid, the Commission shall own and maintain, repair and renew structures within the rights of way of railroad companies carrying any such project over railroads and the Commission shall bear the cost of maintenance, repair and renewal of structures within the rights of way of railroad companies carrying railroads over any such project, but this provision shall not relieve any railroad company from responsibility for damage caused to any authority or railroad structure by the operation of its railroad. Such approaches, curbing, sidewalk, paving, guard rails on approaches and surface paving on such

projects, as shall be within the rights of way of a railroad company or companies, shall be owned and maintained, repaired and renewed by the Commission. Rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

(4) The power and authority granted in this article to the Commission to construct new or additional approach highways shall not be exercised unless and until the Department of Highways of the Commonwealth of Pennsylvania shall have filed with the Commission its written approval as to approach highways to be located in said Commonwealth, and the State Highway Department of the State of New Jersey shall have filed with the Commission its written approval as to approach highways to be located in said State.

(5) The effectuation of any of the purposes authorized by this article and the exercise or performance by the Commission of any of its powers or duties in connection with effectuation of any such purpose shall not be subject to any restrictions, limitations or provisions provided for or set forth in Article XII hereof. The bridge or ferries referred to in this article may be established, constructed or erected by the Commission notwithstanding the terms and provisions of any other agreement between the Commonwealth of Pennsylvania and the State of New Jersey.

(6) The Commission shall not construct or erect the bridge referred to in this article unless and until the Governor of the State of New Jersey and the Governor of the Commonwealth of Pennsylvania shall have filed with the Commission their written consents to such construction or erection.

(7) The Commission is hereby granted the following powers in addition to any other powers heretofore or hereafter granted to it:

(a) To abandon, close off, dismantle, sell or otherwise dispose of, any project or facility, or any part thereof, or any other property, which the Commission may determine to be no longer useful or necessary for public use.

(b) To effectuate any of its authorized purposes, either directly or indirectly, by or through wholly owned subsidiary corporations. Any such subsidiary corporation shall be a public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for such purposes and shall be deemed to be exercising an essential governmental function in effectuating such purposes. Any such subsidiary corporation and any of its property functions and activities shall have such of the privileges, immunities, tax and other exemptions of the Commission and of the Commission's property, functions and activities, and such of the rights, powers and duties of the Commission, as the Commission shall determine.

(8) The power of the Commission, which is hereby confirmed, to purchase, construct, lease, finance, operate, maintain and own a terminal facility consisting, in whole or in part of a parking area or place, garage, building, improvement, structure, or other accommodation for the parking or storage of motor or other vehicles including all real or personal property necessary or desirable in connection therewith, shall, notwithstanding any other provision of this agreement, be exercised only at such place in the vicinity of, and in connection with, or as a part of, any bridge, tunnel, ferry, railroad, rapid transit system, transportation or terminal facility as the Commission may determine to be necessary or desirable".

CR07

ARTICLE XIII

As used herein, unless a different meaning clearly appears from the context:

"Port District" shall mean all the territory within the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Pennsylvania, and all the territory within the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem in New Jersey.

"Commission" shall mean The Delaware River Port Authority and, when required by the context, the board

constituting the governing body thereof in charge of its property and affairs.

"Commissioner" shall mean a member of the governing body of The Delaware River Port Authority.

"Economic development activity" or "economic development" shall mean any structure of facility or any development within the Port District in connection with manufacturing, port-oriented development, foreign trade zone site development or research, commercial, industrial or recreational purposes, or for purposes of warehousing or consumer and supporting services directly relating to any of the foregoing or to any authority project or facility which are required for the sound economic development of the Port District.

"Terminal" shall include any marine, motor truck, motorbus, railroad and air terminal or garage, also any coal, grain and lumber terminal and any union freight and other terminals used or to be used in connection with the transportation of passengers and freight, and equipment, materials and supplies therefor.

"Transportation facility" and "facilities for transportation of passengers" shall include railroads operated by steam, electricity or other power, rapid transit lines, motor trucks, motorbuses, tunnels, bridges, airports, boats, ferries, carfloats, lighters, tugs, floating elevators, barges, scows, or harbor craft of any kind, and aircraft, and equipment, materials and supplies therefor.

"Terminal facility" shall include wharves, piers, slips, berths, ferries, docks, drydocks, ship repair yards, bulkheads, dock walls, basins, carfloats, floatbridges, dredging equipment, radio receiving and sending stations, grain or other storage elevators, warehouses, cold storage, tracks, yards, sheds, switches, connections, overhead appliances, bunker coal, oil and fresh water stations, markets, and every kind of terminal, storage or supply facility now in use, or hereafter designed for use to facilitate passenger transportation and for the handling, storage, loading or unloading of freight at terminals, and equipment, materials and supplies therefor.

"Transportation of passengers" and "passenger transportation" shall mean the transportation of passengers by railroad or other facilities.

"Rapid transit system" shall mean a transit system for the transportation of passengers, express, mail and baggage by railroad or other facilities, and equipment, materials and supplies therefor.

"Project" shall mean any improvement, betterment, facility or structure authorized by or pursuant to this compact or agreement to be constructed, erected, acquired, owned or controlled, or otherwise undertaken by the commission. "Project" shall not include undertakings for purposes described in Article I, subdivisions (d), (e), (g), (h) and (i).

"Railroad" shall include railways, extensions thereof, tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, powerhouses, substations, lines for the transmission of power, carbarns, shops, yards, sidings, turnouts, switches, stations and approaches thereto, cars and motive equipment.

"Bridge" and "tunnel" shall include such approach highways and interests in real property necessary therefor in the Commonwealth of Pennsylvania or the State of New Jersey as may be determined by the commission to be necessary to facilitate the flow of traffic in the vicinity of a bridge or tunnel or to connect a bridge or tunnel with the highway system or other traffic facilities in said Commonwealth or said State: Provided, however, That the power and authority herein granted to the commission to construct new or additional approach highways shall not be exercised unless and until the Department of Transportation of the Commonwealth of Pennsylvania shall have filed with the commission its written approval as to approach highways to be located in said Commonwealth and the State Highway Department of the State of New Jersey shall have filed with the commission its written approval as to approach highways to be located in said State.

"Facility" shall include all works, buildings, structures, property, appliances, and equipment, together with appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of a

facility or facilities or any one or more of them.

"Personal property" shall include choses in action and all other property now commonly, or legally, defined as personal property, or which may hereafter be so defined.

"Lease" shall include rent or hire.

"Municipality" shall include a county, city, borough, village, township, town, public agency, public authority or political subdivision.

Words importing the singular number include the plural number and vice versa.

Wherever legislation or action by the Legislature of either signatory State is herein referred to, it shall mean an act of the Legislature duly adopted in accordance with the provisions of the Constitution of such State."

CR08

CREDIT(S)

1961 Main Volume

1931, June 12, P.L. 575, § 1; 1951, July 18, P.L. 1010, § 1 (1-6); 1951, Aug. 10, P.L. 1206, § 1.

1999 Electronic Update

CR01 Amended 1963, June 11, P.L. 102, § 1(1); 1992, April 3, P.L. 57, No. 19, § 1, imd. effective.

Citation/Title

74 Pa.C.S.A. § 5903, Authority of department

*109617 74 Pa.C.S.A. § 5903

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 74. TRANSPORTATION
PART III. AVIATION
CHAPTER 59. AIRPORT OPERATION AND ZONING
SUBCHAPTER A. GENERAL PROVISIONS

Current through Act 1997-50

§ 5903. Authority of department

(a) Powers enumerated.--The department is authorized to:

- (1) Allocate so much of the property for use as airports as it determines to be necessary.
- (2) Operate and maintain the airports.
- (3) Grant leases, licenses, easements and rights-of-way over, under and upon the property, for any period under such terms and conditions and for such rent or other consideration as the department deems proper. With respect to leases or agreements relating to airports, the appropriate department, in negotiations with any person regarding such leases or agreements, shall insure that retention and creation of employment shall be the ultimate result of these negotiations. Further, such lease or agreement shall include provisions that require the lessee to adequately maintain access roads, runways and buildings and keep the airport operational. If the lessee fails to abide by the terms of the lease or agreement with regard to the above, the appropriate department, after giving reasonable notice, shall terminate the lease or agreement.
- (4) Sell and convey or exchange with the approval of the Governor and the General Assembly any of the property under such terms and conditions and for such consideration as the department deems proper.
- (5) Equip, alter, repair, maintain, renew, relocate or demolish all or any portion of the property including any building, structure or fixture.
- (6) Mark, build, rebuild, relocate, fix the width of, construct, repair and maintain roads over the property.
- (7) Purchase, contract for and maintain all equipment, machinery, materials, services and supplies necessary to construct, operate or maintain the airport or the property.
- (8) Maintain and operate utility services such as water, sewage, heat, electric power or other services and provide them to any tenant or other person occupying or using any of the property or facilities covered by this section, under such terms and conditions and for such rent or other consideration as the department deems proper; the department shall incur no monetary loss in the execution of these functions.
- *109618 (9) Provide fire protection for the property and facilities if required by Federal law or regulation.
- (10) Provide police protection in accordance with the act of May 21, 1943 (P.L. 469, No. 210), entitled "An act providing for commissioning as police officers certain employes of institutions maintained in whole or in part by the Commonwealth; conferring upon them the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups"; [FN1] and perform arrests and collect and retain all fines arising from infractions of the law including, but not limited to, vehicle parking violations.
- (11) Employ such officers, technicians, professional assistants and other persons as the department deems necessary to carry out this section.
- (12) Acquire additional lands with legislative approval.

74 Pa.C.S.A. § 5903, Authority of department

(13) Collect rents, fees and other moneys derived from any source pursuant to any provision of this section.

(14) Acquire easements, leases, licenses, permits or other rights or interests necessary for the proper accomplishment of the purposes of this section.

(b) Procedures.--The powers and duties granted by this act shall be exercised in accordance with the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, [FN2] where not inconsistent with this chapter.

CREDIT(S)

1993 Main Volume

1984, Oct. 10, P.L. 837, No. 164, § 1, imd. effective.

[FN1] 71 P.S. § 1791 et seq.

[FN2] 71 P.S. § 51 et seq.

HISTORICAL NOTES

OFFICIAL COMMENT--1984

1993 Main Volume

Section 4(5) of the source has been omitted because the power provided by that language is supplied in Section 5301(a).

ANNOTATIONS

NOTES OF DECISIONS

Actions and proceedings 1

1. Actions and proceedings

Subdivision (a)(3) of this section requiring Department of Transportation to ensure that retention and creation of employment is ultimate result of negotiations with airport lessees and granting Department power to terminate those leases after giving reasonable notice in event of lessee's failure to abide by terms of lease does not create independent right of action by lessee against Department. *Stambaugh's Air Service, Inc. v. Larson*, 509 A.2d 1377, 97 Pa.Cmwlth. 474, Cmwlth.1986, affirmed 524 A.2d 491, 514 Pa. 376.

Citation/Title
16 P.S. § 6033, Employes; police

*13325 16 P.S. § 6033

**PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 16. COUNTIES
CHAPTER 2. SECOND CLASS COUNTY CODE
ARTICLE XXX. RECREATION PLACES
(B) PARKS**

Current through Act 1997-50

§ 6033. Employes; police

For the purpose of performing all necessary duties relating to the establishing, making, enlarging, extending and maintaining public parks and for enforcing the rules and regulations ordained by the county commissioners for the conduct of the patrons thereof, the said county commissioners are hereby authorized to employ or appoint and equip proper persons to do all necessary and proper work connected therewith, including police duty, the compensation of all persons so employed to be fixed by the salary board of the county.

CREDIT(S)

1956 Main Volume

1953, July 28, P.L. 723, art. XXX, § 3033.

<<CHAPTER 2. SECOND CLASS COUNTY CODE>>

<<REPEALED IN PART>>

< Section 2104 of Act 1989, July 6, P.L. 169, No. 32 (35 P.S. § 6021.2104), a provision of the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101 to 6021.2104), repealed the Act of July 28, 1953, P.L. 723, No. 230, the Second Class County Code (16 P.S. § 3101 et seq.), insofar as it is inconsistent with the Storage Tank and Spill Prevention Act. However, section 2102 of Act 1989, July 6, P.L. 169, No. 32 (35 P.S. § 6021.2102) provides that the Act of July 28, 1953, P.L. 723, No. 230, is saved from repeal "to the extent that it provides authority for the regulation and prevention of fire or explosive hazards at above-ground or underground storage tanks." >

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

16 P.S. § 6033, Employees; police

1956 Main Volume

For similar provisions in The County Code, see § 2511 of this title.

Prior Laws:

1929, May 2, P.L. 1278, art. VIII, § 668.

Citation/Title
16 P.S. § 6034, Duty of police

*13326 16 P.S. § 6034

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 16. COUNTIES
CHAPTER 2. SECOND CLASS COUNTY CODE
ARTICLE XXX. RECREATION PLACES
(B) PARKS

Current through Act 1997-50

§ 6034. Duty of police

It shall be the duty of the police appointed to duty in said public parks, without warrant, forthwith to arrest any offender against the rules and regulations ordained by the county commissioners that they may detect in the commission of such offense, and to take the person so arrested forthwith before a magistrate, alderman or justice of the peace having competent jurisdiction.

CREDIT(S)

1956 Main Volume

1953, July 28, P.L. 723, art. XXX, § 3034.

<<CHAPTER 2. SECOND CLASS COUNTY CODE>>

<<REPEALED IN PART>>

< Section 2104 of Act 1989, July 6, P.L. 169, No. 32 (35 P.S. § 6021.2104), a provision of the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101 to 6021.2104), repealed the Act of July 28, 1953, P.L. 723, No. 230, the Second Class County Code (16 P.S. § 3101 et seq.), insofar as it is inconsistent with the Storage Tank and Spill Prevention Act. However, section 2102 of Act 1989, July 6, P.L. 169, No. 32 (35 P.S. § 6021.2102) provides that the Act of July 28, 1953, P.L. 723, No. 230, is saved from repeal "to the extent that it provides authority for the regulation and prevention of fire or explosive hazards at above-ground or underground storage tanks." >

<General Materials (GM) - References, Annotations, or Tables>

TEXT

DISTRICT JUSTICES

< Section 3(d) of Act 1978, April 28, P.L. 202, No. 53 (the Judiciary Act Repealer Act) [42 P.S. § 20003(d)], provides: >

Copyright (c) West Group 1998 No claim to original U.S. Govt. works

16 P.S. § 6034, Duty of police

, < "An express reference in any statute or other law to a justice of the peace or to the office of justice of the peace shall hereafter be deemed a reference to a district justice or to the office of district justice. Any person appointed or elected to judicial office in a magisterial district shall be known as and hereafter shall be commissioned as the 'district justice' in and for the appropriate magisterial district." >

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

1956 Main Volume

For similar provisions in The County Code, see § 2512 of this title.

Prior Laws:

1929, May 2, P.L. 1278, art. VIII, § 669.

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER B. POLICE OFFICER CERTIFICATION REQUIREMENTS
Current through Supp. 292 (March 1999)

§ 203.11. Qualifications.

Persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

- (1) Be 18 years of age or older.
- (2) Possess a high school diploma or GED Equivalency.
- (3) Be citizens of the United States.
- (4) Be free from convictions of disqualifying criminal offenses.
- (5) Be personally examined by a Pennsylvania licenced physician. The examination shall include the following:
 - (i) Applicants shall be free from the addictive or excessive use of either alcohol or drugs which shall be determined using current laboratory testing procedures.
 - (ii) Applicants shall be free from the use of illegal controlled substances which shall be determined using current laboratory testing procedures.
 - (iii) Applicants physical condition shall be such that applicants could reasonably be expected to withstand significant cardiovascular stress.
 - (iv) Applicants shall be free from any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions which may affect the applicants' ability to perform as police officers.
 - (v) Applicants shall have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality.

(Editor's Note : Subparagraph (v) is suspended pending resolution of a lawsuit filed against the Pennsylvania State Police (Wilson v. Pennsylvania State Police, et al. No. 94-6547 U. S. District Court--Eastern District of Pennsylvania. See 28 Pa.B. 2924 (June 27, 1998)).
- (vi) Applicants shall have audio acuity sufficient to distinguish a normal whisper at a distance of 15 feet. The test shall be independently conducted for each ear while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant may not use a hearing aid or other aid to perform the test. If the applicant fails this test, the applicant shall be required to take and pass a decibel audio test.
- (vii) Applicants may not be missing any extremities, including digits, which would prevent performance of required police duties or meeting minimum training requirements.

(viii) Applicants shall be free from any other significant physical limitations or disabilities which would, in the physician's opinion, impair the applicant's ability to perform the duties of a police officer or complete the required minimum training requirements.

(6) Be personally examined by a Pennsylvania licensed psychologist and found to be psychologically capable to exercise appropriate judgment or restraint in performing the duties of a police officer. The examination shall include the following elements:

(i) Interview and history . The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) Required psychological test . Applicants shall be administered a current standard form of the Minnesota Multiphasic Personality Inventory (MMPI).

(iii) Other testing methods. If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the duties of a police officer including the handling of a lethal weapon, the psychologist shall employ whatever other appropriate techniques to form a professional opinion of the applicant's ability. The use of these additional techniques requires a full and complete written explanation to the Commission on a form submitted by the psychologist to the Commission indicating what additional testing has been performed and the results of the tests.

(7) Certify whether they have taken a physical examination or psychological evaluation conducted in conjunction with an application for police employment within the previous year and the outcome of the examination or evaluation.

(8) Be subject to a thorough background investigation conducted by the applicant's employing police department. The investigation shall include the following:

(i) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

(v) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(9) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

(i) Successful completion of a basic police training course shall be determined by the training school, based upon Commission standards.

(ii) To qualify for this certification, an applicant shall:

(A) Achieve a minimum qualifying firearms score of 75%.

(B) Receive certification for First Aid and CPR from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(C) Comply with Commission and school rules and regulations.

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(E) Attend 100% of all classes.

(I) Excused absences shall be mutually agreed upon by the police officer's department head and school director. School directors shall determine excused absences for applicants not employed as police officers.

(II) Excused absentees shall include personal illness or injury, illness in the immediate family requiring the applicant's attention or death in the immediate family.

(F) Complete the basic training course approved by the Commission with a minimum grade as established by the Commission. The Commission will publish a notice in the Pennsylvania Bulletin and in the Commission newsletter whenever the minimum grade on each tested area of examination changes.

(I) Applicants not achieving the minimum grade in any tested area are permitted to take the examination in that tested area at another Commission-certified school. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to successfully retake and pass the entire basic police training course in order to qualify for certification.

(II) Applicants not achieving the minimum grade in two separate tested areas during one basic police training course shall be required to retake and pass the entire basic police training course in order to qualify for certification.

< General Materials (GM) - References, Annotations, or Tables >

CROSS REFERENCES

This section cited in 37 Pa. Code § 203.15 (relating to application packet submission).

37 PA ADC § 203.11
END OF DOCUMENT

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER B. POLICE OFFICER CERTIFICATION REQUIREMENTS
Current through Supp. 292 (March 1999)

§ 203.12. Waiver of training.

Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. An applicant for a waiver of training shall:

- (1) Be employed as a police officer.
- (2) Satisfy one of the following conditions:
 - (i) Successfully completed a Pennsylvania basic police training course approved by the Commission.
 - (ii) Previously was a Commission-certified police officer and left this position in good standing.
 - (iii) Previously was employed as a full-time police officer in this Commonwealth before June 18, 1974, who was not required to obtain certification from the Commission, and worked as a full-time police officer for at least 5 years.
 - (iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, as evidenced by documentation from the state agency responsible for establishing the standards.
- (3) Undergo proficiency testing in the following three areas. Documentary proof of each qualification shall accompany the waiver of training application.
 - (i) Firearms . Applicants shall qualify on a police firearms course conducted by a certified police firearms instructor with the weapons the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course in the Commission newsletter on an annual basis.
 - (ii) First Aid/CPR . Applicants shall have valid certification in first aid and adult, child and infant CPR, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.
 - (iii) Patrol vehicle operation . Applicants shall successfully pass the patrol vehicle operation test required in the basic police training course at a certified school or by a certified instructor.
- (4) Take a certification examination administered by the Commission at a location and time designated by the Commission. The schedule for the examinations may be obtained by writing the Commission office.
 - (i) The examination will be comprised of sections which shall coincide with each major topic in the basic training curriculum, but shall exclude those topics which can be proficiency tested only. See paragraph (3).
 - (ii) The minimum passing score for each tested section will be established by the Commission. The Commission will publish a notice in the Pennsylvania Bulletin and in the Commission newsletter whenever the minimum passing score for each tested section changes.

(A) An applicant for a waiver of training who does not achieve a passing score in a tested area shall take the basic police training course corresponding to the failed examination section at a school certified by the Commission, in order to be permitted to retake the certification examination.

(B) Applicants will not be certified without obtaining a passing score on the certification examination.

(iii) Examination results shall be valid for 2 years. For applicants obtaining a passing score, no further examinations will be administered within this period.

<General Materials (GM) - References, Annotations, or Tables >

CROSS REFERENCES

This section cited in 37 Pa. Code § 203.11 (relating to qualifications).
37 PA ADC § 203.12
END OF DOCUMENT

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER D. COURSE REQUIREMENTS

Current through Supp. 292 (March 1999)

§ 203.53. Nonmandatory in-service training courses.

(a) A political subdivision of the Commonwealth may apply for in-service training grants for the actual expenses of providing nonmandatory in-service training programs to police officers. A political subdivision may apply for a nonmandatory in-service training grant by filing an application and resolution with the Commission.

(1) A copy of the application and resolution may be obtained from the Commission.

(2) The Commission will only consider requests for nonmandatory in-service training grants that comply with the following:

(i) All sections of the application shall be completed.

(ii) The application shall be accompanied by a certified copy of the resolution. The resolution shall be adopted by the governing body and shall provide that the political subdivision will adhere to the standards for training established by the Commission while receiving any Commonwealth funds under the act and this subchapter.

(3) Applications and resolutions shall be filed with the Commission and received at least 45 days prior to the commencement of the proposed training program. The Commission, or its Executive Director, has the discretion to waive the 45-day filing limitation for good cause, but only if the grant request was submitted prior to the commencement of the proposed training program.

(b) Limitations for funding of nonmandatory in-service training programs are as follows:

(1) Only courses approved by the Commission will be eligible for nonmandatory in-service training grants.

(i) The Commission has the discretion to approve or disapprove any proposed course, based upon law enforcement requirements.

(ii) Approved courses will be published in the Commission newsletter.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. However, at the discretion of the Executive Director or by a majority vote of the In-Service Training Committee (Committee), a different minimum or maximum enrollment may be established for a specific course.

(3) Nonmandatory in-service training grant requests will not be approved unless the instructors for the course are approved by the Commission or the Committee.

(4) The Commission will not approve nonmandatory in-service training grant requests for the following:

(i) Firearms qualification.

(ii) Special Weapons and Tactics (SWAT type training).

(iii) First aid and CPR training.

(c) Nonmandatory in-service training grant requests in the amount of \$3,000 or less may be approved by the Commission's Committee. The Committee will be appointed by the Commission chairperson and consist of five Commission members including a designated chairperson of the Committee.

(1) The Committee chairperson has the authority to convene a Committee meeting for reviewing grant requests. The Committee may not act on any grant request unless at least three Committee members are present at the meeting.

(2) The Committee members will vote to either approve or deny each grant request based on the information presented and the standards established by this chapter. In the case of a tie vote by the Committee, the Commission will make the final determination on the grant request.

(3) The Committee chairperson will formally report actions taken by the Committee at the next regularly scheduled Commission meeting.

(d) Nonmandatory in-service grant requests in excess of \$3,000 may be approved only by the Commission. The In-Service Training Committee will review every request and make a recommendation to the Commission.

(1) The chairperson of the Committee will formally report the recommendation of the Committee, including any dissenting or minority statements, to the Commission prior to the Commission's final decision on the grant request.

(2) The Commission members will vote to either approve or deny each grant request based on the Committee's recommendations, the information presented and the standards established by this chapter.

(e) The Executive Director will notify the political subdivision in writing of the Commission's determination concerning the grant request. Notice will be forwarded to the requesting political subdivision by certified mail, return receipt requested.

<General Materials (GM) - References, Annotations, or Tables >

37 PA ADC § 203.53
END OF DOCUMENT

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER D. COURSE REQUIREMENTS

Current through Supp. 292 (March 1999)

§ 203.51. Basic police training course curriculum.

(a) The Commission will set the number of hours required in the basic police training course. The Commission will publish a notice in the Pennsylvania Bulletin and in the Commission newsletter whenever the number of hours required in the basic police training course changes.

(b) The Commission reserves the right to determine the course content of each area as needed. The basic police training course curriculum shall include instruction in at least the following areas:

- (1) Pennsylvania criminal law.
- (2) Pennsylvania Rules of Criminal Procedure.
- (3) Pennsylvania Vehicle Code.
- (4) Antisocial behavior.
- (5) Professional relations.
- (6) Physical conditioning.
- (7) Human relations skills.
- (8) Application of force.
- (9) Firearms training.
- (10) Patrol procedures and operations.
- (11) Investigations.
- (12) Communications.
- (13) Handling violent and dangerous people.
- (14) Custody.
- (15) First aid and CPR.
- (16) Operation of patrol vehicle.
- (17) Other subjects the Commission deems necessary.

< General Materials (GM) - References, Annotations, or Tables >

NOTES OF DECISIONS

Course Curriculum

Through Waterways Conservation Officers (WCOs) are authorized by statute to stop and arrest for any violation of law classified as a felony or misdemeanor, WCOs may not conduct stops for violations of the Motor Vehicle Code unless they have completed the entire course of instruction specified in this section. Commonwealth v. Himes , 715 A.2d 1208 (Pa. Super. 1998).

37 PA ADC § 203.51
END OF DOCUMENT

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER D. COURSE REQUIREMENTS

Current through Supp. 292 (March 1999)

§ 203.52. Mandatory in-service training courses.

- (a) Mandatory in-service training is required of all police officers.
- (b) Mandatory in-service training shall consist of continuous in-service requirements and academic in-service requirements.
 - (1) Continuous in-service requirements shall consist of the following:
 - (i) Annual qualification on a police firearms course with any firearms, shotguns, or rifles authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon. A weapon may not be carried on duty for which an officer is not qualified.
 - (ii) Maintenance of a first aid and CPR certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.
 - (2) Academic in-service requirements shall consist of at least 12 hours of annual training as determined yearly by the Commission. The Commission will publish a notice in the Pennsylvania Bulletin and in the Commission newsletter regarding the course content and specific hours.
- (c) Mandatory in-service administration shall consist of the following:
 - (1) An applicant for instructor in the mandatory in-service training program shall meet the requirements of § 203.72(b) (relating to certification requirements).
 - (2) Each school shall submit a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Included in the calendar shall be: course title, dates of training, time of classes and location.
 - (3) Maximum class size for mandatory in-service courses shall be established by the Commission and based on course content.
 - (4) Mandatory in-service training courses are subject to inspection by a Commission inspector.
 - (i) Certification of instructors may be withdrawn after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings), for one or more of the following reasons:
 - (A) Failing to present the full program.
 - (B) Teaching improper or incorrect material or not presenting the Commission program.
 - (C) Cheating.
 - (D) Inadequate preparation for class.

(E) Being intoxicated in class.

(F) Using inappropriate language.

(ii) Withdrawal of mandatory in-service instructor certification by a Commission inspector shall be reviewed by the Commission and the instructor's certification may be subject to revocation by the Commission under § 203.73 (relating to revocation of instructor certification).

(iii) Classes may be suspended immediately during an inspection by a Commission inspector for cause. Costs for classes suspended during an inspection for cause will not be paid by the Commission.

(5) Acceptance into classes for which reimbursement is to be requested from the Commission shall be limited to currently employed police officers and county detectives. A fee may not be charged to these individuals for any program paid for by the Commission.

(6) Only examinations provided by the Commission shall be used to determine successful completion of academic requirements for these courses. Minimum passing scores shall be determined by the Commission for each examination. The Commission will publish a notice in the Pennsylvania Bulletin and in the Commission newsletter whenever the minimum passing scores required in the basic training course changes.

(7) An individual failing to pass the examination to be administered at the end of a course shall be given the opportunity for reexamination by the course instructor. The reexamination process shall consist of a review of course objectives, content and course summary, prior to an orally administered reexamination utilizing a different examination from the failed examination. If an individual fails the reexamination, a written notice of failure shall immediately be sent by certified mail, return receipt requested, to the employing municipality. An individual failing both the examination, and the reexamination for a course, shall be permitted to participate in another offering of the course, if the individual continues to be a currently employed police officer.

(8) The certified school, and the course instructors, will be held responsible by the Commission for proper administration of in-service training courses, including maintenance of proper examination security.

(9) Newly certified police officers may not be required to participate in the mandatory in-service training courses in the year they were certified.

(10) Municipalities may request extensions of time from the Commission for officers unable to complete in-service training enumerated within the time frame. The request shall be filed with the Commission and include justification for the extension.

< General Materials (GM) - References, Annotations, or Tables >

CROSS REFERENCES

This section cited in 37 Pa. Code § 203.13 (relating to certification as a municipal police officer); and 37 Pa. Code § 203.73 (relating to revocation of instructor certification).

37 PA ADC § 203.52
END OF DOCUMENT

PENNSYLVANIA ADMINISTRATIVE CODE
TITLE 37. LAW
PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
SUBPART A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
CHAPTER 203. ADMINISTRATION OF THE PROGRAM
SUBCHAPTER B. POLICE OFFICER CERTIFICATION REQUIREMENTS
Current through Supp. 292 (March 1999)

§ 203.13. Certification as a municipal police officer.

(a) General.

(1) The Commission will supply written verification to the applicant's employing police department upon the applicant's completion of the Commission's requirements for certification as a police officer.

(2) Verification shall be valid only in the department identified on the document provided by the applicant. Upon termination of employment in a department, certification for that department shall be void and shall be returned to the Commission by the department.

(3) If the certification document has been lost or destroyed, a notarized statement shall be provided to the Commission concerning the certification.

(b) Initial certification.

(1) Initial certification is valid for 2 years from the date of issuance. The document provided by the Commission shall contain the dates of issuance and expiration in addition to a certification number for identification purposes.

(2) Upon receipt of certification a police officer is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code) and moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and to carry a firearm.

(c) Renewal of certification.

(1) The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirements set forth under § 203.52 (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide written notice to the Commission of all police officers who have successfully completed the mandatory in-service training course.

(2) Certification shall be renewed every 2 years.

<General Materials (GM) - References, Annotations, or Tables>

37 PA ADC § 203.13
END OF DOCUMENT

This document has been amended. Use UPDATE.
See SCOPE for more information.

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2163. Commission members

(a) Selection.--The commission shall be composed of 20 members as follows:

(1) The following members shall serve by virtue of their office:

(i) The Commissioner of the Pennsylvania State Police who shall serve as chairman of the commission.

(ii) The Secretary of Community Affairs.

(iii) The Attorney General.

(iv) The police commissioner of a city of the first class or his designee.

(2) The following members shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives:

(i) A member of the Senate.

(ii) A member of the House of Representatives.

(3) The following members shall be appointed by the Governor.

(i) A borough official, a first class township official, a second class township official and a city official.

(ii) Four incumbent chiefs of police from the various municipalities of this Commonwealth, at least one to be a chief of a borough police department, at least one to be a chief of a township police department and at least one to be a chief of a city police department.

(iii) One Federal Bureau of Investigation special agent-in-charge.

(iv) One educator qualified in the field of law enforcement.

(v) One member representing the public at large.

(vi) Two noncommissioned police officers.

(vii) A director of one of the certified training schools.

(b) Terms of office.--All members of the commission appointed by the Governor shall serve for a period of three

years. Any member of the commission, immediately upon termination of holding the position by virtue of which the member was eligible for membership or appointed as a member of the commission, shall cease to be a member of the commission.

(c) Vacancies.--A member appointed to fill a vacancy not created by the expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(d) Compensation and expenses.--The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this subchapter.

(e) Removal from office.--Members of the commission may be removed by the Governor for cause after written notice from the Governor.

(f) Affiliation.--The designated public member may not at any time have been a police officer or have been affiliated with a police department or training school.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2163

PA ST 53 Pa.C.S.A. § 2163

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2164. Powers and duties of commission

The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of study for basic and in-service training for police officers and to revoke an officer's certification when an officer fails to comply with the basic and in-service training requirements or is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.

(2) To approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(3) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(4) To promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(5) To make an annual report to the Governor and to the General Assembly concerning the administration of the Municipal Police Officers' Education and Training Program and the activities of the commission, together with recommendations for executive or legislative action necessary for the improvement of law enforcement and the administration of justice.

(6) To require every police officer to attend a minimum number of hours of in-service training as provided for by regulation, unless the officer's employer files a show cause document with the commission requesting additional time for the officer to comply with the in-service training requirements. Approval of this request shall be made by the commission on a case-by-case basis.

(7) To require all police officers to undergo a background investigation to determine the individual's suitability for employment as a police officer. This investigation shall be completed prior to the employment of the officer and shall include a criminal history check, a credit check, personal interviews and any other applicable means of determining eligibility. An applicant who has been convicted of a felony or serious misdemeanor shall not be eligible for employment as a police officer.

(8) To require minimum standards for physical fitness, psychological evaluation and education as prerequisites to employment as a police officer.

(9) To appoint an executive director to administer the training program established by this subchapter. The position of executive director shall be filled by the commission which shall select the best qualified person from a list of three persons nominated by the chairman. The person who receives a simple majority of those members present and voting shall become the executive director. If the commission rejects all nominees, then the process shall be repeated until a person is selected. The executive director shall be directly responsible to the commission and may be dismissed only by two-thirds vote of the commission. The executive director shall employ a sufficient

staff, including professional, administrative and clerical personnel, to perform the tasks of the office, including the preparation of an annual budget.

(10) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for police officers.

(11) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with police training.

(12) To certify police officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to those police officers.

(13) To visit and inspect approved schools at least once a year.

(14) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers.

(15) To grant waivers of mandatory basic training to police officers who have successfully completed previous equivalent training or who have acceptable full-time police experience, or both.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2164

PA ST 53 Pa.C.S.A. § 2164

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2165. Meetings and quorum of commission

The commission shall meet at least four times each year. Special meetings may be called by the chairman of the commission or upon written request of five members. A quorum shall consist of 11 members.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2165

PA ST 53 Pa.C.S.A. § 2165

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2166. Applicability to civil service laws

This subchapter shall not be construed to exempt any police officer or other officer or employee from the provisions of the existing civil service or tenure laws.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2166

PA ST 53 Pa.C.S.A. § 2166

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2167. Police training

(a) General rule.-- All municipalities of this Commonwealth or groups of municipalities acting in concert and all colleges and universities shall be required to train all members of their police departments pursuant to this subchapter prior to their enforcing criminal laws, enforcing moving traffic violations under Title 75 (relating to vehicles) or being authorized to carry a firearm.

(b) Ineligibility for compensation.-- Any person hired as a police officer by any municipality or group of municipalities acting in concert or by any college or university shall be ineligible to receive any salary, compensation or other consideration for the performance of duties as a police officer unless the person has met all of the requirements as established by the commission and has been duly certified as having met those requirements by the commission.

(c) Penalty.-- Any official of any municipality or of any college or university who orders, authorizes or pays as salary to a person in violation of the provisions of this subchapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 or be imprisoned for a term not to exceed a period of 30 days. The commission may stop payment of all funds paid or payable to municipalities under this subchapter for any violation of this subchapter. It shall notify the State Treasurer to discontinue disbursement of any State funds until a municipality is in compliance with this subchapter.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2167

PA ST 53 Pa.C.S.A. § 2167

END OF DOCUMENT

This document has been amended. Use UPDATE.
See SCOPE for more information.

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2168. Automatic certification

(a) General rule.--All police officers, including deputy sheriffs in counties of the second class, hired prior to June 18, 1974, shall be automatically certified for basic training but shall be required to complete the in-service training as set forth in section 2164(7) (relating to powers and duties of commission).

(b) Campus or university police.-- Any campus or university police officer who, as of the effective date of this subsection, has successfully completed a basic training course similar to that required under this subchapter shall, after review by the commission, be certified as having met the basic training requirements of this subchapter. Any campus or university police officer who, as of the effective date of this subsection, has not successfully completed a basic training course similar to that required under this subchapter which qualifies the police officer for certification under this subsection shall be able to perform the duties of a campus or university police officer until certified by the commission, but no longer than one year from the effective date of this subsection.

(c) Deputy sheriffs in counties of the second class.-- Deputy sheriffs in counties of the second class who have successfully completed the basic training course under this subchapter prior to the effective date of this subsection shall be assigned a certification number under this subchapter.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2168

PA ST 53 Pa.C.S.A. § 2168

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2169. In-service training by existing personnel

The requirements of section 2164(7) (relating to powers and duties of commission) shall apply to every police officer.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2169

PA ST 53 Pa.C.S.A. § 2169

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2170. Reimbursement of expenses

(a) General rule.-- The commission shall provide for reimbursement to each municipality of the entire amount of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their police officers while attending certified municipal police basic training schools if the municipality adheres to the training standards established by the commission. The regular salary of police officers while attending approved schools shall be paid by the employing municipality. The commission shall reimburse the employing municipality for 60% of the regular salaries of police officers while attending schools approved under this subchapter. The commission shall require written documentation of all expenses incurred by municipalities relating to the training of municipal police officers for the purposes of reimbursement by the commission. All municipalities shall annually audit these funds as part of their annual audit and submit a copy of the audit to the commission. Failure to perform the audit and submit a copy of it to the commission shall render the municipality in violation of this subchapter.

(b) Grants for training other police.-- The commission may approve in-service training grants for actual expenses incurred by municipalities for the providing for nonmandatory training programs to police officers in accordance with this subchapter.

(c) Application for funding.-- All municipalities of this Commonwealth or groups of municipalities acting in concert may make application to the commission for funding pursuant to the provisions of this subchapter. The application shall be accompanied by a certified copy of a resolution adopted by its governing body. The resolution shall provide that, while receiving any State funds pursuant to this subchapter, the municipality agrees to adhere to the standards for training established by the commission. The application shall contain any information that the commission requests.

(d) Subsequent employment with another municipality.-- If a police officer, within two years following certification, terminates his employment with the municipality by which the officer was employed at the time he was certified as having met the commission's requirement and subsequently obtains employment as a police officer with another municipality, the municipality which employs the previously certified police officer shall reimburse the municipality which formerly employed the police officer for the nonreimbursable portion of the salary paid to the police officer while complying with the provisions of this subchapter.

(e) Payment of mandatory in-service training.-- The commission may pay for the cost of mandatory in-service training for all police officers to the extent determined by the commission. However, a college or university shall not be eligible for reimbursement of any expense under this section incurred during campus or university police officer training.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

PA ST 53 Pa.C.S.A. s 2170

Page 14

53 Pa.C.S.A. § 2170

PA ST 53 Pa.C.S.A. § 2170

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2171. Payment of certain county costs

Counties of the second class shall be liable for costs incurred for the certification of deputy sheriffs. The costs shall not exceed the sum per police officer assessed against municipalities.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

53 Pa.C.S.A. § 2171

PA ST 53 Pa.C.S.A. § 2171

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 53. MUNICIPALITIES GENERALLY
PART III. GOVERNMENT AND ADMINISTRATION
SUBPART C. EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES
CHAPTER 21. EMPLOYEES
SUBCHAPTER D. MUNICIPAL POLICE EDUCATION AND TRAINING
Current through Act 1998-48.

§ 2162. Definitions

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certification." The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of two years.

"College." A college which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L. 177, No. 175), [FN1] known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). The term does not include the State System of Higher Education and its members institutions.

"Commission." The Municipal Police Officers' Education and Training Commission.

"Commissioner." The Commissioner of the Pennsylvania State Police.

"Police department." Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws. This paragraph includes the sheriff's office in a county of the second class.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). This paragraph does not include a campus police or university police department of the State System of Higher Education and its member institutions.

"Police officer." Any full-time or part-time employee of a city, borough, town, township, campus police or university police or county police department assigned to criminal or traffic law enforcement duties; any deputy sheriff of a county of the second class; and, for the purpose of training only, security officers of a first class city housing authority. The term excludes persons employed to check parking meters or to perform only administrative duties and auxiliary and fire police.

"School." A training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility in this Commonwealth.

"University." A university which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102

(relating to definitions). The term does not include the State System of Higher Education and its members institutions.

CREDIT(S)

1997 Main Volume

1996, Dec. 19, P.L. 1158, No. 177, § 1, effective in 60 days.

[FN1] 71 P.S. § 646.

53 Pa.C.S.A. § 2162

PA ST 53 Pa.C.S.A. § 2162

END OF DOCUMENT

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE
PART VIII. CRIMINAL PROCEEDINGS
CHAPTER 89. COMMENCEMENT OF PROCEEDINGS
SUBCHAPTER D. MUNICIPAL POLICE JURISDICTION

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 8951. Definitions

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Chief law enforcement officer." The head of a duly constituted municipal law enforcement agency which regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the commanding officer of the Pennsylvania State Police installation which regularly provides primary police services to the political subdivision.

"Municipal police officer." Any natural person who is properly employed by a municipality, including a home rule municipality, as a regular full-time or part-time police officer.

"Primary jurisdiction." The geographical area within the territorial limits of a municipality or any lawful combination of municipalities which employs a municipal police officer.

"Training law." The act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law. [FN1]

CREDIT(S)

1998 Main Volume

1982, June 15, P.L. 512, No. 141, § 4, effective in 60 days.

[FN1] 53 P.S. § 740 et seq.

< General Materials (GM) - References, Annotations, or Tables >

LAW REVIEW AND JOURNAL COMMENTARIES

Arrest and search powers of special police in Pennsylvania: Do your constitutional rights change depending on the officer's uniform? 59 Temp.L.Q. 497 (1986).

Exclusionary rule as a remedy in Pennsylvania criminal prosecutions for non- constitutional rights and wrongs. Francis Barry McCarthy, 65 Temp.L.Rev. 865 (1992).

LIBRARY REFERENCES

1998 Main Volume

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

Citation
PA ST 42 Pa.C.S.A. s 8953
42 Pa.C.S.A. § 8953

Search Result

Rank 139 of 336

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE
PART VIII. CRIMINAL PROCEEDINGS
CHAPTER 89. COMMENCEMENT OF PROCEEDINGS
SUBCHAPTER D. MUNICIPAL POLICE JURISDICTION

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 8953. Statewide municipal police jurisdiction

(a) General rule.—Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:

(1) Where the officer is acting pursuant to an order issued by a court of record or an order issued by a district magistrate whose magisterial district is located within the judicial district wherein the officer's primary jurisdiction is situated, or where the officer is otherwise acting pursuant to the requirements of the Pennsylvania Rules of Criminal Procedure, except that the service of an arrest or search warrant shall require the consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which regularly provides primary police services in the municipality wherein the warrant is to be served.

(2) Where the officer is in hot pursuit of any person for any offense which was committed, or which he has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after the commission of the offense.

(3) Where the officer has been requested to aid or assist any local, State or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other officer is in need of aid or assistance.

(4) Where the officer has obtained the prior consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer's primary jurisdiction to enter the other jurisdiction for the purpose of conducting official duties which arise from official matters within his primary jurisdiction.

(5) Where the officer is on official business and views an offense, or has probable cause to believe that an offense has been committed, and makes a reasonable effort to identify himself as a police officer and which offense is a felony, misdemeanor, breach of the peace or other act which presents an immediate clear and present danger to persons or property.

(6) Where the officer views an offense which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and makes a reasonable effort to identify himself as a police officer.

(b) Limitation.—Nothing contained in subsection (a) shall be deemed to extend or otherwise enlarge a municipal police officer's power and authority to arrest any person for an offense unless specifically authorized by law.

(c) Relinquishing authority.—Whenever a municipal police officer exercises any power or authority over any

person or event pursuant to the provisions of subsection (a)(3), (4), (5) or (6), the officer shall relinquish authority and control over any such person or event upon the request of the chief law enforcement officer, or a person authorized by him to make the request, of the organized law enforcement agency which regularly provides primary police services in the municipality.

(d) Immunities and benefits preserved.--Any municipal police officer who exercises any power or authority granted under this section, and the employing municipality of the police officer, shall have the same immunities from liability as would be applicable if the actions were performed within the territorial boundaries of the officer's primary jurisdiction and the police officer shall be entitled to the same benefits of employment as the officer would possess if acting solely within his primary jurisdiction. However, when any municipal police officer is responding to a request for aid or assistance from a State law enforcement officer pursuant to subsection (a)(3) for purposes of workers' compensation and allocation of liability for any death, injury or damage he may cause in the performance of his requested duties, he shall be considered to be an employee of the Commonwealth. All costs incurred by any municipality in the defense of lawsuits arising from the performance of any requested duties shall be borne by the Commonwealth. The Commonwealth shall provide attorneys to defend any lawsuits arising under this section. For purposes of compensation, pension or indemnity fund rights and other rights and benefits to which he may be entitled, the municipal officer shall be considered to be performing his duties in his normal capacity as a municipal law enforcement officer. Nothing in this section shall be construed to restrict the authority of any municipality to limit the exercise of any power or authority conferred on its police by this section.

(e) Existing and future municipal police service agreements preserved.-- Nothing in this section shall be construed to restrict the authority of any municipality to maintain current or to enter into new cooperative police service agreements with another municipality or municipalities for purposes including, but not limited to, describing conditions of mutual aid, assigning liability and determining appropriate costs of these cooperative efforts.

CREDIT(S)

1998 Main Volume

1982, June 15, P.L. 512, No. 141, § 4, effective in 60 days. Amended 1987, July 1, P.L. 180, No. 21, § 4, imd. effective; 1989, Dec. 22, P.L. 730, No. 100, § 2, effective in 60 days.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1998 Main Volume

The 1987 amendment, in subsec. (a)(3) following "law enforcement officer," inserted "or park police officer".

The 1989 amendment, in subsec. (d), inserted the second through fifth sentences.

Prior Laws:

1976, July 9, P.L. 586, No. 142, § 2 (42 Pa.C.S.A. § 8901).

1973, Nov. 2, P.L. 330, No. 109, § 1.

1963, Aug. 6, P.L. 511, No. 267, § 1 (19 P.S. § 11).

Citation
PA ST 75 Pa.C.S.A. s 6109
75 Pa.C.S.A. § 6109

Search Result

Rank 313 of 336

Database
PA-ST-ANN

**This document has been amended. Use UPDATE.
See SCOPE for more information.**

**PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA CONSOLIDATED STATUTES ANNOTATED
TITLE 75. VEHICLES
PART V. ADMINISTRATION AND ENFORCEMENT
CHAPTER 61. POWERS OF DEPARTMENT AND LOCAL AUTHORITIES
SUBCHAPTER A. GENERAL PROVISIONS**

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 6109. Specific powers of department and local authorities

(a) Enumeration of police powers.--The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power:

- (1) Regulating or prohibiting stopping, standing or parking.
- (2) Regulating traffic by means of police officers or official traffic- control devices.
- (3) Regulating or prohibiting processions or assemblages on highways.
- (4) Designating particular highways or roadways for use by traffic moving in one direction as authorized in section 3308 (relating to one-way roadways and rotary traffic islands).
- (5) Establishing speed limits for vehicles in public parks.
- (6) Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction.
- (7) Prohibiting or restricting the use of highways at particular places or by particular classes of vehicles whenever the highway or portion of the highway may be seriously damaged by the use or the movement of the vehicles would constitute a safety hazard.
- (8) Regulating the operation of pedalcycles and requiring their registration and inspection, and the payment of a reasonable registration fee.
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles as authorized in section 3331 (relating to required position and method of turning).
- (10) Altering or establishing speed limits as authorized in Subchapter F of Chapter 33 (relating to speed restrictions). [FN1]
- (11) Enforcement of speed restrictions authorized under Subchapter F of Chapter 33, except that speed

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

restrictions may be enforced by local police on a limited access or divided highway only if it is patrolled by the local police force under the terms of an agreement with the Pennsylvania State Police.

- (12) Designating no-passing zones as authorized in section 3307 (relating to no-passing zones).
- (13) Prohibiting or regulating the use of designated streets by any class or kind of traffic.
- (14) Establishing minimum speed limits as authorized in section 3364 (relating to minimum speed regulation).
- (15) Regulating and temporarily prohibiting traffic on streets closed or restricted for construction, maintenance or special events.
- (16) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk.
- (17) Restricting pedestrian crossings at unmarked crosswalks.
- (18) Regulating persons propelling push carts.
- (19) Regulating persons upon skates, coasters, sleds and other toy vehicles.
- (20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
- (21) Regulating the operation of streetcars, the passing of streetcars by other vehicles and the driving upon streetcar tracks by other vehicles.
- (22) Providing for and establishing procedures governing the removal and impounding of any vehicle parked on the highways or public property of the local authority in violation of any local ordinance adopted pursuant to the authority of this title or of any of the provisions of this title.
- (23) Adopting such other traffic regulations as are specifically authorized by this title.

(b) Action by local authorities.--Action taken by local authorities under this section shall be:

- (1) by ordinance of the local governing body; or
- (2) by a commission or public official authorized to act on specified matters.

(c) When traffic-control devices required.--No regulation or ordinance enacted under subsection (a)(1), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14), (15), (16) or (21) shall be effective until official traffic-control devices giving notice of the traffic regulations or ordinances are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(d) Prior approval by department.--Notwithstanding the provisions of subsection (a), the department may require local authorities to obtain department approval in advance of regulating traffic on State-designated highways within their physical boundaries.

(e) Engineering and traffic investigation required.--Action by local authorities under this section shall be taken only after completing an engineering and traffic investigation when and in such manner as required by regulations promulgated by the department.

(f) Delegation of powers authorized.--Nothing contained in this section shall be deemed to prevent local

authorities by ordinance or resolution of the local governing body from delegating their powers under subsection (a)(1) or (22) to a parking authority established pursuant to the act of June 5, 1947 (P.L. 458, No. 208), known as the "Parking Authority Law." [FN2]

CREDIT(S)

1996 Main Volume

1976, June 17, P.L. 162, No. 81, § 1, effective July 1, 1977. Amended 1982, Dec. 7, P.L. 820, No. 229, § 1, imd. effective.

[FN1] 75 Pa.C.S.A. § 3361 et seq.

[FN2] 53 P.S. § 341 et seq.

<General Materials (GM) - References, Annotations, or Tables>

Citation
PA ST 24 P.S. s 13-1341
24 P.S. § 13-1341

Search Result

Rank 2 of 13

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 24. EDUCATION
CHAPTER 1. PUBLIC SCHOOL CODE OF 1949
ARTICLE XIII. PUPILS AND ATTENDANCE
(C) ATTENDANCE OFFICERS AND HOME AND SCHOOL VISITORS

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 13-1341. Duty to employ; power of arrest; certification

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

CREDIT(S)

1992 Main Volume

1949, March 10, P.L. 30, art. XIII, § 1341. Amended 1965, Oct. 21, P.L. 601, § 35.

1999 Electronic Update

Amended 1995, Nov. 17, P.L. 1110, No. 29 (Spec. Sess. No. 1), § 3, effective in 60 days.

<General Materials (GM) - References, Annotations, or Tables >

HISTORICAL AND STATUTORY NOTES

1999 Electronic Update

1995 Legislation

The 1995 amendment designated subsecs. (a) and (b) as such; in subsec. (a), substituted "Department of Education" for "Department of Public Instruction"; and added subsec. (c).

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

Citation
PA ST 24 P.S. s 13-1338
24 P.S. § 13-1338

Search Result

Rank 1 of 13

Database
PA-ST-ANN

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 24. EDUCATION
CHAPTER 1. PUBLIC SCHOOL CODE OF 1949
ARTICLE XIII. PUPILS AND ATTENDANCE
(B) ENFORCING ATTENDANCE

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 13-1338. Dependent children

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

CREDIT(S)

1992 Main Volume

1949, March 10, P.L. 30, art. XIII, § 1338. Amended 1949, May 9, P.L. 977, § 1; Amended 1970, Jan. 14, P.L. (1969) 468, § 48, effective July 1, 1970; 1970, May 4, P.L. 326, No. 103, § 1.

1999 Electronic Update

Amended 1995, Nov. 17, P.L. 1110, No. 29 (Spec. Sess. No. 1), § 1, effective in 60 days.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1999 Electronic Update

1995 Legislation

The 1995 amendment deleted "Delinquent" from the section heading, inserted "or State, municipal, port authority, transit authority or housing authority police officer", and deleted "delinquent" preceding "children" at the end of the section.

1992 Main Volume

Prior Laws:

1911, May 18, P.L. 309, § 1438 (24 P.S. § 1477).

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

Citation
PA ST 71 P.S. s 180-7.17
71 P.S. § 180-7.17

Search Result

Rank 215 of 336

Database
PA-ST-ANN

This document has been amended. Use UPDATE.
See SCOPE for more information.

PURDON'S PENNSYLVANIA STATUTES AND CONSOLIDATED STATUTES ANNOTATED
PURDON'S PENNSYLVANIA STATUTES ANNOTATED
TITLE 71. STATE GOVERNMENT
I. THE ADMINISTRATIVE CODES AND RELATED PROVISIONS
CHAPTER 2. THE ADMINISTRATIVE CODE OF 1929
ARTICLE IV. ORGANIZATION OF DEPARTMENTAL ADMINISTRATIVE BOARDS AND
COMMISSIONS AND OF ADVISORY BOARDS AND COMMISSIONS
CRIME VICTIM'S COMPENSATION BOARD

Copr. © West Group 1999. All rights reserved.

Current through Act 1998-48.

§ 180-7.17. (Adm. Code § 477.17). Responsibilities of local law enforcement agencies

(a) All State and local law enforcement agencies shall insure that all of its officers and employes are familiar with crime victim's compensation as provided for in sections 477 through 477.19 of this act. [FN1] Instruction concerning crime victim's compensation shall be made a part of the training curriculum for all trainee officers.

(b) All State and local law enforcement agencies shall within forty-eight hours of reporting give notice to the victim or, where appropriate, a member of the victim's family of the availability of crime victim's compensation. The term "victim" as used in this subsection shall be a victim as defined by this act. The notice required under this subsection shall be in writing and shall include the following paragraph:

"If you have sustained injury as a direct result of a crime, including drunk driving, or are legally dependent for support upon a person who has sustained physical injury or death as a direct result of a crime, or, in the event of a death caused by a crime, you have legally assumed or voluntarily paid the medical or burial expenses incurred as a direct result thereof, or if you have sustained a loss of a primary source of income, you may qualify for indemnification by the Commonwealth of Pennsylvania for the out-of-pocket wages, other out-of-pocket losses, and medical or burial expenses which you have incurred as a result of the crime. Claims must be filed with the Bureau of Victims' Services for the Commonwealth of Pennsylvania. For further information regarding this program, please contact:

(Name, business address and telephone number of the local law enforcement agency

or

Bureau of Victims' Services (at the address of the bureau as published from time to time in the Pennsylvania Bulletin) Harrisburg, Pennsylvania

Important: The statute provides that, absent certain extenuating circumstances, a claimant has one year from the date of the crime to file a claim with the Bureau of Victims' Services."

(c) The written notification provided for in subsection (b) shall be accompanied by one copy of the application form for crime victim's compensation. Application forms shall be supplied by the bureau to all State and local law enforcement agencies. A record of the date of notification shall be maintained by every State and local law

Copr. © West 1999 No Claim to Orig. U.S. Govt. Works

enforcement agency. The bureau shall maintain a mailing list of all police departments and provide departments and the Pennsylvania State Police with forms by which they can order additional claim forms. The bureau shall also provide updates to police on changes which affect their responsibilities under this act.

CREDIT(S)

1990 Main Volume

1929, April 9, P.L. 177, § 477.17, added 1979, Dec. 13, P.L. 519, No. 114, § 4, imd. effective. As amended 1984, June 30, P.L. 458, No. 96, § 6, imd. effective.

1999 Electronic Update

Amended 1995, Nov. 17, P.L. 1093, No. 27 (Spec. Sess. No. 1), § 11, effective Jan. 1, 1996.

[FN1] 71 P.S. §§ 180-7 to 180-7.19.

<General Materials (GM) - References, Annotations, or Tables>

Rev. 09/07/98

**COMPARISON OF TRAINING AND ARREST POWERS OF
SELECTED LAW ENFORCEMENT PERSONNEL**

Group Affiliation	Relevant Citation	Training Hours of Basic Training	Annual In-Service Training	ARREST POWERS (42 PACS, CHAPTER 89)	
				Vehicle Code	Crimes Code
Municipal Police	53 PaCS, Chapter 21 [formerly known as Act 120]	520 hours (will increase to 800 hours)	◆12 hours/yr. (classroom) ◆Additional firearms & CPR recertification also required	Yes	Yes
Deputy Sheriffs	1984 P.L. 3, No. 2 1976 P.L. 475, No. 121 42 PaCS §21115	160 hours (will increase pursuant to Act 10 of 1998)	16-20 hours every 2 years	Yes - if deputy sheriffs are trained under 53 PaCS, Chapter 21. See <u>Kline v. Dept. of Transp.</u> , 706 A.2d 909 (1998).	Yes - see for example <u>Cmwlth. v. Lyons</u> , 555 A.2d 920 (1989).
Game Enforcement Officers (WCOs) Full-Time	34 PaCS §901 et seq. 1976 P.L. 475, No. 121	1,520 hours (includes 478 hours of law enforcement training)	Minimum of 27 hours & attendance at district meetings.	Limited - if offense occurs within WCO's presence and the WCO is acting within scope of duties under Title 34. See <u>Cmwlth. v. Carlson</u> , 705 A.2d 468 (1998).	Limited - if offense occurs within WCO's presence and the WCO is acting within scope of duties under Title 34. See <u>Cmwlth. v. Carlson</u> , 705 A.2d 468 (1998).
Fish & Boat Enforcement Officers (Full-Time)	30 PaCS §902 et seq. 1976 P.L. 475, No. 121	1504 hours (includes municipal police training under 53 PaCS, Chapter 21)	Minimum of 40 hours	Limited - Waterways Conservation Officers are authorized when acting within the scope of their employment to pursue and arrest a person suspected of summary offenses, felonies and misdemeanors. May, however, enforce Vehicle Code on Fish & Boat Commission property. <u>American Federation of State, County & Municipal Employees v. PA Labor Relations Board</u> , 593 A.2d 4 (1991).	Limited - when acting within scope of employment, a waterways conservation officer may pursue and arrest a person suspected of violating the Crimes Code or another offense classified as a summary offense, misdemeanor or felony. <u>American Federation of State, County & Municipal Employees v. PA Labor Relations Board</u> , 593 A.2d 4 (1991).
Constables	1917 P.L. 1158, No. 401 As amended by 1994 P.L. 265, No. 44 1976 P.L. 475, No. 121	80 hours Mandated for processing judicial services	◆Maximum 40 hours ◆20 hours mandatory to maintain certification ◆20 additional hours for firearms recertification (optional)	No - see <u>Cmwlth. v. Roose</u> , No. 0058 WD Appeal Docket 1997. J-64-98.	Yes - if adequately trained. See <u>Cmwlth. v. Taylor</u> , 677 A.2d 846 (1996).

Group Affiliation	Relevant Citation	Training Hours of Basic Training	Annual In-Service Training	ARREST POWERS (42 PACS, CHAPTER 89)	
				Vehicle Code	Crimes Code
Probation & Parole Officers ♦State ♦County	1994 P.L. 861, No. 323 1963 P.L. 521, No. 277	Minimum 62 hours Minimum 42 hours	Mandatory 40 hours. (1st yr. - 40 additional hours of firearms training. There after 24 additional hours of firearms training to maintain qualification). To be implemented in: 1998 - annual qualification on firearms training; 1999 - classroom & firing range.	No - considered peace officer. Arrest powers limited to violation of parole. No - considered peace officer. Arrest powers limited to violation of parole.	No - considered peace officer. Arrest powers limited to violation of parole. No - considered peace officer. Arrest powers limited to violation of parole.
Campus Police ♦State Owned ♦State Related	1929 P.L. 177, No. 175 §2416 1929 P.L. 177, No. 175 §2416.1	Training as approved by Dept. of Education. Policy of SSHE & Dept. of Education is to have police trained under 53 PaCS, Chapter 21. If certified by Attorney General as a "Criminal justice agency," they are certified under 53 PaCS, Chapter 21.	See above for municipal police. See above for municipal police.	Yes - on campus and in limited cases of hot pursuit. Must be trained under 53 PaCS, Chapter 21. Yes - on campus and off campus if training completed under 53 PaCS, Chapter 21.	Yes - on campus and in limited cases of hot pursuit. Must be trained under 53 PaCS, Chapter 21. Yes - on campus and off campus if training completed under 53 PaCS, Chapter 21.
Office of Attorney General ♦Bureau of Criminal Investigation ♦Bureau of Narcotics Investigation & Drug Control	1980 P.L. 950, No. 164	Minimum hiring standards must be met initially: 7 weeks. Minimum hiring standards must be met initially: 7 weeks.	2 weeks & firearms requalification. 2 weeks & firearms requalification.	No - considered law enforcement officers--not police officers. See <u>Cmwlth. v. Galloway</u> , 574 A.2d 1045 (1990). No - see above.	No - considered law enforcement officers--not police officers. See <u>Cmwlth. v. Galloway</u> , 574 A.2d 1045 (1990). No - see above.
Allegheny County Police	1953 P.L. 723, No. 230 §§1501-1525	Trained under 53 PaCS, Chapter 21.	Meet requirements of 53 PaCS, Chapter 21.	Yes	Yes
County Park Police	1953 P.L. 723, No. 230 §§3033-3034 1955 P.L. 323, No. 130 §§2511-2512	Take courses under 53 PaCS, Chapter 21, but it does not lead to certification.	May take in-service training under 53 PaCS, Chapter 21.	No - appear only to enforce park rules.	No - appear only to enforce park rules.

Group Affiliation	Relevant Citation	Training Hours of Basic Training	Annual In-Service Training	ARREST POWERS (42 PACS, CHAPTER 89)	
				Vehicle Code	Crimes Code
Capitol Police	1929 P.L. 177, No. 175 §2416	Trained (but not certified) under 53 PaCS, Chapter 21.	<ul style="list-style-type: none"> ◆12 hours/yr. ◆First aid and CPR ◆Firearms recertification 	Yes	Yes
Conservation and Natural Resource Officers ◆Park Rangers ◆State Forest Officers	1995 P.L. 89, No. 18 §303(a)(7) 1995 P.L. 89, No. 18 §302(c)	Trained under 53 PaCS, Chapter 21. Trained under 53 PaCS, Chapter 21.	See above for municipal police. See above for municipal police.	Yes - limited to felonies or misdemeanors where the offense contributes to injury or death. May enforce provisions of Chapter 77 of 75 PaCS relating to snowmobiles and ATVs. May enforce provisions of Chapter 77 of 75 PaCS relating to snowmobiles and ATVs.	Yes Yes - to the extent that laws were enacted for the protection of state forests and timberlands.
District Attorney ◆County Detectives	1919 P.L. 369, No. 180 1953 P.L. 723, No. 230 §1441 1955 P.L. 323, No. 130 §1440	Trained under 53 PaCS, Chapter 21.	Meet requirements of 53 PaCS, Chapter 21.	Yes - also see <u>Cmwlth. v Frombach</u> , 617 A.2d 15 (1992).	Yes - also see <u>Cmwlth. v Dieterick</u> , 631 A.2d 1347 (1993).
Municipal Authority Police ◆Generally ◆Airport Police (other than Philadelphia and Allegheny Counties)	1945 P.L. 382, No. 164 §4B(v) 74 PaCS §§5903(a)(10), 5904	Lethal Weapons Training Trained under 53 PaCS, Chapter 21.	Meet requirements of 53 PaCS, Chapter 21.	No - considered "privately employed agents" on authority property. Yes - on airport property.	No - considered "privately employed agents" on authority property. Yes - on airport property.

				ARREST POWERS (42 PACS, CHAPTER 89)	
Group Affiliation	Relevant Citation	Training Hours of Basic Training	Annual In-Service Training	Vehicle Code	Crimes Code
Port Authority Police ◆ Delaware River Port Authority	1957 P.L. 61, No. 34, §1	Reciprocity of training - NJ residents take courses in PA law and vice versa. No certification granted under 53 PaCS, Chapter 21.	Must comply with annual firearms training qualifications under 53 PaCS, Chapter 21.	Limited - possess police powers on bridges or within tunnels of the Port Authority.	Limited - possess police powers on bridges or within tunnels of the Port Authority.
◆ Allegheny County Port Authority Police	22 PaCS §3303(a)	Trained under 53 PaCS, Chapter 21.	See above for municipal police.	Yes - possess same powers as a police officer of the City of Philadelphia. See <u>Cmwlth. v. Mundorf</u> , 699 A.2d 1299 (1997).	Yes - possess same powers as a police officer of the City of Philadelphia.
◆ Southeastern PA Transportation Authority	22 PaCS §3303(a)	Trained under 53 PaCS, Chapter 21.	See above for municipal police.	Yes - possess same powers as a police officer of the City of Philadelphia.	Yes - possess same powers as a police officer of the City of Philadelphia.
Housing Authority Police ◆ Pittsburgh	1937 P.L. 955, No. 265 §10(ee)	Trained under 53 PaCS, Chapter 21.	See above for municipal police.	Yes - with respect to property of the housing authority. See <u>Cmwlth. v. Brandt</u> , 691 A.2d 934 (1997).	Yes - with respect to property of the housing authority. See <u>Cmwlth. v. Brandt</u> , 691 A.2d 934 (1997).
◆ Philadelphia	1937 P.L. 955, No. 265 §10(ff)	Trained under 53 PaCS, Chapter 21.	See above for municipal police.	Yes - with respect to property of the housing authority and in limited cases of hot pursuit.	Yes - with respect to the property of the housing authority and in limited cases of hot pursuit.