

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1194

Session of
1983

INTRODUCED BY SHOWERS, COY, PHILLIPS AND MAIALE, JUNE 13, 1983

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 30, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 powers and duties of the Department of Transportation.

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

24 Section 1. Section 2002(c) of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added March 13, 1974 (P.L.194, No.37), and amended December 9,

1 1982 (P.L.1077, No.251), is amended to read:

2 Section 2002. Powers and Duties of the Department.--* * *

3 (c) Any other provision of law to the contrary
4 notwithstanding, the department may lease real property acquired
5 for any State designated highway or other transportation
6 facility as is not required for the free movement of traffic,
7 upon the following terms and conditions in each case:

8 (1) The opportunity to lease any parcel of real property
9 shall first be offered to interested public agencies; however,
10 if there be no such agency desiring to lease, then the
11 department may lease to one or more private entities: Provided,
12 That [all private entities] the department shall make payments
13 in lieu of taxes to the political subdivisions in which such
14 leased property is located in an amount equal to the annual
15 taxes that would normally be due on such property, if taxable
16 AND PROVIDED FURTHER THAT SUCH LEASE ARRANGEMENTS REFLECT THE <—
17 COST OF MAKING SUCH PAYMENTS IN LIEU OF TAXES. Prior to

18 requiring a payment in lieu of taxes, the political subdivision
19 shall have the leased property reassessed to reflect any change
20 in value caused by the construction of the highway or other
21 transportation facility: And provided, further, That the
22 department may lease to a private entity during the interim
23 period between property acquisition and construction without
24 first offering public agencies opportunity to lease the parcel.

25 (2) The lessee or sublessee shall pay all costs incident to:

26 (i) alteration or construction for its own use of the leased
27 area;

28 (ii) any change in the highway or other transportation
29 facility occasioned by such use;

30 (iii) relocation or replacement of public utility

1 facilities, not exceeding the capacity of those occupying the
2 leased area at the time of lease, occasioned by such use;

3 (iv) relocation or replacement of the related facilities of
4 a consumer of public utility services occasioned by any required
5 relocation of the facilities of the serving utility; and

6 (v) relocation or replacement of the facilities of an
7 occupant of property abutting the highway or other
8 transportation facility occasioned by any alteration,
9 construction, change, relocation or replacement described in the
10 foregoing subclauses (i), (ii) and (iii).

11 Revenue derived from any lease of land originally acquired
12 for highway purposes shall be deposited in the Motor License
13 Fund.

14 * * *

15 Section 2. This act shall take effect in 60 days.