

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 560 Session of
1989

INTRODUCED BY PETRONE, FEE, DeLUCA, HALUSKA, TRELLO, BELFANTI,
VEON, PISTELLA, McCALL, NOYE, DISTLER, GIGLIOTTI, HERMAN,
CAWLEY, HESS, VAN HORNE, CORRIGAN, COLAIZZO, FARGO,
J. L. WRIGHT, DALEY, WOZNIAK, GRUPPO, PETRARCA AND HOWLETT,
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 15, 1989

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing an opportunity for
3 municipalities to purchase real property being disposed of by
4 public utilities engaged in a railroad business.

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

7 Section 1. Title 66 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2709. Disposition of real property by public utility engaged
10 in railroad business.

11 (a) Notice.--Before a public utility engaged in a railroad
12 business disposes of real property previously used as a roadbed
13 right-of-way, it must notify the city, borough, incorporated
14 town or township in which the real property is located; and it
15 must notify the Pennsylvania Game Commission, the Pennsylvania
16 Fish Commission and the Department of Environmental Resources.
17 Notifications shall be in writing.

1 (b) Procedure after notice.--

2 (1) If a municipality makes an offer to purchase the
3 real property within 60 days of receiving notice under
4 subsection (a), the public utility shall accept or reject the
5 offer.

6 (2) If a municipality does not make an offer to purchase
7 the real property within 60 days of receiving notice under
8 subsection (a) or if the public utility rejects the offer of
9 a municipality, the administrative agencies specified in
10 subsection (a) have 60 days to decide on making an offer for
11 the real property. If an administrative agency makes an offer
12 under this paragraph, the public utility shall consider the
13 offer and make a decision on the offer before making other
14 disposition of the property.

15 (c) Violation.--If a public utility engaged in a railroad
16 business disposes of real property previously used as a roadbed
17 right-of-way without complying with this section, the
18 disposition is voidable.

19 (d) Compliance.--The notification requirements of this
20 section shall be deemed to have been complied with if the
21 executed, notarized and recorded deed conveying the property
22 contains a recital affirming that the notifications required
23 under this section were made. A copy of each notice shall be
24 appended to the deed when it is recorded.

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