
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 29

Session of
1999

INTRODUCED BY HOLL, JANUARY 7, 1999

REFERRED TO TRANSPORTATION, JANUARY 7, 1999

AN ACT

1 Amending the act of July 5, 1984 (P.L.587, No.119), entitled "An
2 act empowering the Department of Transportation to preserve
3 and improve rail freight service in the Commonwealth by
4 making grants, loans or other assistance available to
5 qualified applicants; authorizing a comprehensive rail study;
6 making an appropriation; and making repeals," further
7 providing for the disposition of certain property.

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

10 Section 1. Section 7(a) of the act of July 5, 1984 (P.L.587,
11 No.119), known as the Rail Freight Preservation and Improvement
12 Act, is amended to read:

13 Section 7. Contracts; procurement and sale of property;
14 competition in award of contracts.

15 (a) Contractual authority.--

16 (1) The department shall have the power and authority to
17 enter into contracts and to make joint contracts of purchase
18 with any railroad company, transportation organization or
19 municipality in any manner complying with the law applicable
20 to the entity. The department shall have power and authority

1 to make contracts for the improvement of any rights-of-way,
2 roadbeds or rolling stock, electrification systems, other
3 transportation systems, or any parts thereof, constituting a
4 project without advertisement for competitive bids, where
5 such work is to be done at cost by the personnel and with the
6 facilities of the railroad company, local transportation
7 organization or municipality on whose system the property is
8 to be used.

9 (2) Any other provision of law to the contrary
10 notwithstanding, the department may sell, transfer, lease or
11 grant any license to, easement over or any other interest in
12 all, or any part of, the rail properties and other property
13 acquired under the provisions of this or any other rail-
14 related act to any responsible person, firm, corporation,
15 municipality or instrumentality thereof, municipal authority,
16 transportation authority, the Federal Government or any
17 branch or agency thereof, for continued operation or other
18 use compatible with the operation of a railroad or any public
19 purpose, when approval for the continued operation or other
20 public purpose is granted by the Interstate Commerce
21 Commission of the United States, when such approval is
22 required[.], and when approval is granted by the
23 Transportation Committees of the Senate and House of
24 Representatives. The department may exercise the authority
25 and power granted pursuant to this paragraph without the
26 necessity of competitive bidding. If, during the first five
27 years after the sale, transfer, lease or grant of a license
28 or easement, the property or property right is used for any
29 purpose other than that which is compatible with the
30 operation of a railroad or any public purpose, the property

1 or property right shall revert to the Commonwealth.

2 (3) In the event the department determines that there is
3 no need for continued operation of a railroad on any rail
4 properties or other properties acquired under the provisions
5 of this or any other rail-related act, and that the
6 properties are not needed for any other public purpose, the
7 department may sell (under a system of public competitive
8 bidding), transfer, lease or grant any license to, easement
9 over or any other interest in all or any part of the
10 properties to any responsible person, firm, corporation,
11 municipality or instrumentality thereof, municipal authority,
12 transportation or to the Federal Government or any branch or
13 agency thereof for any worthwhile purpose, as determined by
14 the department[.], and subject to the approval of the
15 Transportation Committees of the Senate and House of
16 Representatives.

17 (4) At least [30] 60 days prior to the sale of any
18 property as [authorized by] described in paragraph (2) or
19 (3), the department shall provide written notice thereof to
20 the chairmen of the Transportation Committees of the Senate
21 and House of Representatives. Such notice shall state the
22 terms of the sale and include the evaluation made by the
23 department in determining that the sale of the described
24 property is in the best interests of the Commonwealth.

25 (5) At least 15 days prior to the sale, the chairmen of
26 the Transportation Committees of the Senate and House of
27 Representatives shall submit notice of approval or
28 disapproval to the department. Where the respective
29 committees disapprove the sale, such notice to the department
30 shall contain the reasons for the Transportation Committees'

1 disapproval.

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