

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2744 Session of  
2008

INTRODUCED BY HARPER, BOYD, CLYMER, HENNESSEY, HERSHEY, KILLION,  
KORTZ, KOTIK, MARKOSEK, MELIO, R. MILLER, QUINN, RAPP, ROCK,  
RUBLEY, SIPTROTH, STEIL, STERN, SWANGER AND WATSON,  
AUGUST 21, 2008

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 21, 2008

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 sale of certain land by the Department of Transportation to  
22 public agencies.

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

25 Section 1. Section 2003(e)(7) of the act of April 9, 1929  
26 (P.L.177, No.175), known as The Administrative Code of 1929,  
27 amended December 18, 1992 (P.L.1638, No.180), is amended to

1 read:

2 Section 2003. Machinery, Equipment, Lands and Buildings.--

3 The Department of Transportation in accord with appropriations  
4 made by the General Assembly, and grants of funds from Federal,  
5 State, regional, local or private agencies, shall have the  
6 power, and its duty shall be:

7 \* \* \*

8 (e) \* \* \*

9 (7) Any other provisions of this act to the contrary  
10 notwithstanding, the department may sell at public sale any land  
11 acquired by the department if the secretary determines that the  
12 land is not needed for present or future transportation  
13 purposes:

14 (i) Improved land shall first be offered at its fair market  
15 value as determined by the department to other public agencies  
16 which demonstrate a public purpose for the land [unless the land  
17 is located in a county of the second class A not governed under  
18 a home rule charter], including the preservation of open space.  
19 If not transferred to a public agency [or if located in a county  
20 of the second class A not governed under a home rule charter],  
21 the improved land occupied by a tenant of the department shall  
22 then be offered to the tenant at its fair market value as  
23 determined by the department, except that if the tenant is the  
24 person from whom the department acquired the land, it shall be  
25 offered to the tenant at the acquisition price, less costs,  
26 expenses and reasonable attorneys' fees incurred by the person  
27 as a result of the acquisition of the land by the department. If  
28 there is no tenant and the person from whom the department  
29 acquired the land did not receive a replacement housing payment  
30 under section 602-A of the "Eminent Domain Code," or under

1 former section 304.3 of the act of June 1, 1945 (P.L.1242,  
2 No.428), known as the "State Highway Law," the land to be sold  
3 shall first be offered to such person at the acquisition price,  
4 less costs, expenses and reasonable attorneys' fees incurred by  
5 the person as a result of the acquisition of the land by the  
6 department. As used in this subclause and subclause (ii), the  
7 term "public agency" shall include authorities and political  
8 subdivisions.

9 (ii) Unimproved land shall first be offered at its fair  
10 market value as determined by the department to other public  
11 agencies which demonstrate a public purpose for the land [unless  
12 the land is located in a county of the second class A not  
13 governed under a home rule charter], including the preservation  
14 of open space. If not transferred to a public agency [or if  
15 located in a county of the second class A not governed under a  
16 home rule charter], the unimproved land shall then be offered to  
17 the person from whom it was acquired at its acquisition price,  
18 less costs, expenses and reasonable attorneys' fees incurred by  
19 the person as a result of the acquisition of the land by the  
20 department, if the person still retains title to land abutting  
21 the land to be sold. If the land abutting the land to be sold  
22 has been conveyed to another person, the land to be sold shall  
23 [first] then be offered to that person at its fair market value  
24 as determined by the department.

25 (iii) Notice of the offer described in either subclause (i)  
26 or (ii) shall be sent by certified mail, or, if notice cannot be  
27 so made, in the manner required for "in rem" proceedings. The  
28 offeree shall have one hundred twenty (120) days after receipt  
29 of notice to accept the offer in writing.

30 (iv) Revenue from any sale of land acquired with motor

1 license funds shall be deposited in the Motor License Fund.

2 \* \* \*

3 Section 2. This act shall take effect immediately.