

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 522

Session of  
1977

INTRODUCED BY LYNCH, MANBECK, JUBELIRER, SCANLON, HOLL AND  
SMITH, MARCH 21, 1977

REFERRED TO TRANSPORTATION, MARCH 21, 1977

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 employees 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 employees of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 powers and duties of the Secretary of Transportation as to  
22 real property.

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

25 Section 1. Clause (e) of section 2003, act of April 9, 1929  
26 (P.L.177, No.175), known as "The Administrative Code of 1929,"  
27 is amended to read:

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

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

5 \* \* \*

6 (e) [With the approval of the Governor and of the Department  
7 of Property and Supplies to purchase or otherwise] To acquire,  
8 by gift, purchase, condemnation or otherwise, land in fee simple  
9 or such lesser estate or interest as it shall determine, in the  
10 name of the Commonwealth, for [the purpose of erecting thereon  
11 garages, storage sheds, or other buildings necessary in  
12 connection with the construction or maintenance of highways] all  
13 transportation purposes, including marking, rebuilding,  
14 relocating, widening, reconstructing, repairing and maintaining  
15 State designated highways and other transportation facilities,  
16 and to erect on the land thus acquired such structures and  
17 facilities, including garages, storage sheds or other buildings,  
18 as shall be required for transportation purposes.

19 (1) In addition to land required for highways and other  
20 transportation facilities, the department may acquire:

21 (i) landlocked parcels and other remainders except that  
22 remainders may be condemned only if department appraisals  
23 indicate that no substantial savings can be effected by  
24 acquiring only the land required for right-of-way purposes;

25 (ii) land abutting a highway or other transportation  
26 facility if the secretary determines that such land has been or  
27 is likely to be adversely affected by reason of its proximity to  
28 such highway or other transportation facility, or is required  
29 for the purpose of mitigating adverse effects on other land  
30 adversely affected by its proximity to such highway or other

1 transportation facility; and

2 (iii) the fee underlying any easement previously acquired by  
3 the department.

4 (2) The secretary shall pay real estate taxes to the county,  
5 municipality and school district on excess remainders,  
6 landlocked parcels and any other land or improvements located  
7 outside of the right-of-way until such land shall be used for  
8 highway or other transportation purposes, or conveyed.

9 (3) In order to acquire land under this subsection, a  
10 description or plan thereof shall be prepared, containing the  
11 names of the owners or reputed owners, an indication of the  
12 estate or interest to be acquired and such other information as  
13 the department shall deem necessary. Execution by the secretary  
14 of such description or plan shall constitute authority for the  
15 filing of a declaration of taking in accordance with the act of  
16 June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent  
17 Domain Code." The description or plan shall be filed as a public  
18 record in the department.

19 (4) Any other provisions of this act to the contrary  
20 notwithstanding, the department may sell at public sale any land  
21 acquired by the department if the secretary determines that the  
22 land is not needed for present or future transportation  
23 purposes:

24 (i) Land sold within five years after its acquisition shall  
25 first be offered to the person from whom it was acquired at the  
26 same price paid to such person by the department, less costs,  
27 expenses and reasonable attorney's fees incurred by such person  
28 as a result of the acquisition of the land by the Commonwealth.  
29 However, where the department acquired only a portion of the  
30 contiguous land of such person, the aforesaid right of first

refusal shall extend only to land abutting other land to which such person has retained title. The person from whom the land was acquired shall be served with notice of the offer by registered or certified mail and shall have 120 days after receipt of such notice to make written acceptance thereof.

(ii) Revenue from any sale of land acquired with motor license funds shall be deposited in the Motor License Fund.

(5) The secretary shall have the power to promulgate such rules and regulations as he deems necessary to carry out the provisions of this subsection.

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Section 2. It is the legislative intent to establish the authority and procedure for the acquisition of land for all State designated highways and other transportation facilities and for the disposition thereof. The provisions of section 210 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," and of section 8 of the act of May 29, 1945 (P.L.1108, No.402), entitled "An act authorizing the establishment, construction and maintenance of limited access highways and local service highways; and providing for closing certain highways; providing for the taking of private property and for the payment of damages therefor; providing for sharing the costs involved and for the control of traffic thereover; providing penalties, and making an appropriation," are superseded insofar as they may be inconsistent with this act; and Article III of the "State Highway Law" is repealed absolutely.

Section 3. This act shall not authorize condemnation of land for the opening of any street, lane, alley or public road through any land used as a burial ground or for cemetery

1 purposes or through any land already acquired and intended to be  
2 used for a burial ground or for cemetery purposes, nor shall  
3 anything herein contained be construed to alter or repeal the  
4 requirements of subsection (d) of section 2, act of May 29, 1945  
5 (P.L.1108, No.402), referred to as the Limited Access Highway  
6 Law.

7 Section 4. This act shall take effect immediately.