

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1417 Session of  
1990INTRODUCED BY BELAN, FISHER, DAWIDA, SCANLON AND REGOLI,  
JANUARY 29, 1990

SENATOR CORMAN, TRANSPORTATION, AS AMENDED, MAY 22, 1990

## 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," authorizing the Department  
21 of Transportation to convey excess real property to  
22 ~~governmental agencies, quasi governmental agencies and~~ <—  
23 ~~authorities.~~ INTERESTED PUBLIC AGENCIES OR TENANTS. <—

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

26 Section 1. Section 2003(e)(7) of the act of April 9, 1929  
27 (P.L.177, No.175), known as The Administrative Code of 1929,  
28 amended December 7, 1979 (P.L.478, No.100), is amended to read:

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

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

6 \* \* \*

7 (e) \* \* \*

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

13 (i) Improved land shall first be offered to other <—  
14 governmental agencies, quasi-governmental agencies and  
15 authorities. If none of the agencies or authorities acquire the  
16 property INTERESTED PUBLIC AGENCIES AT ITS FAIR MARKET VALUE AS <—  
17 DETERMINED BY THE DEPARTMENT, IF THE INTERESTED AGENCY  
18 DEMONSTRATES AN IMMEDIATE PUBLIC NEED FOR USE OF THE LAND. TITLE  
19 TO SUCH LAND SHALL REVERT TO THE COMMONWEALTH IF IT CEASES TO BE  
20 USED FOR PUBLIC PURPOSES. IF NOT TRANSFERRED TO A PUBLIC AGENCY,  
21 the improved land occupied by a tenant of the department shall  
22 [first] then be offered to the tenant at its fair market value  
23 as determined by the department, except that if the tenant is  
24 the person from whom the department acquired the land, it shall  
25 be 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.

7 (ii) Unimproved land shall first be offered to other <—  
8 governmental agencies, quasi governmental agencies and  
9 authorities. If none of the agencies or authorities acquire the  
10 property INTERESTED PUBLIC AGENCIES AT ITS FAIR MARKET VALUE AS <—  
11 DETERMINED BY THE DEPARTMENT, IF THE INTERESTED AGENCY  
12 DEMONSTRATES AN IMMEDIATE PUBLIC NEED FOR USE OF THE LAND. TITLE  
13 TO SUCH LAND SHALL REVERT TO THE COMMONWEALTH IF IT CEASES TO BE  
14 USED FOR PUBLIC PURPOSES. IF NOT TRANSFERRED TO A PUBLIC AGENCY,  
15 the unimproved land shall [first] then be offered to the person  
16 from whom it was acquired at its acquisition price, less costs,  
17 expenses and reasonable attorneys' fees incurred by the person  
18 as a result of the acquisition of the land by the department, if  
19 the person still retains title to land abutting the land to be  
20 sold. If the land abutting the land to be sold has been conveyed  
21 to another person, the land to be sold shall first be offered to  
22 that person at its fair market value as determined by the  
23 department.

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

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

1       \* \* \*

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