

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 12

Session of
1997

INTRODUCED BY HOLL, JANUARY 15, 1997

REFERRED TO TRANSPORTATION, JANUARY 15, 1997

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, providing for the purchase of airport
3 easements; and providing for the acquisition and disposal of
4 airports and airport-related property.

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

7 Section 1. Chapter 53 of Title 74 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter heading
9 and subchapters to read:

10 CHAPTER 53

11 AUTHORITY OF DEPARTMENT OF TRANSPORTATION

12 SUBCHAPTER A

13 GENERAL AUTHORITY

14 * * *

15 SUBCHAPTER B

16 AIRPORT EASEMENTS

17 Sec.

18 5311. Definitions.

- 1 5312. Purchase of airport easements by Commonwealth.
- 2 5313. Powers and duties of bureau.
- 3 5314. Restrictions and limitations on airport easements.
- 4 5315. Valuation.
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- 6 5317. Airport Easement Purchase Fund.
- 7 5318. Commonwealth indebtedness.
- 8 5319. Legislative report.
- 9 § 5311. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Airport easement." An interest in land, less than fee
14 simple, which interest represents the right to prevent the
15 development or improvement of the land for any purpose other
16 than construction and operation of an airport. The easement
17 shall be granted by the owner of the fee simple to the
18 Commonwealth. It may be granted for a term of 25 years or in
19 perpetuity, as the equivalent of covenants running with the
20 land. The exercise or failure to exercise any right granted by
21 the easement shall not be deemed to be management or control of
22 activities at the site for purposes of enforcement of the act of
23 October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites
24 Cleanup Act.

25 "Bureau." The Bureau of Aviation within the Department of
26 Transportation.

27 "Commission." The State Transportation Commission within the
28 Department of Transportation.

29 "Fund." The Airport Easement Purchase Fund.

30 "Market value." The price as of the valuation date for the

1 highest and best use of the property which a willing and
2 informed seller who is not obligated to sell would accept for
3 the property and which a willing and informed buyer who is not
4 obligated to buy would pay for the property.

5 § 5312. Purchase of airport easements by Commonwealth.

6 (a) Establishment of program.--The bureau shall establish
7 and administer pursuant to this subchapter a program for the
8 purchase of airport easements by the Commonwealth.

9 (b) Oversight responsibilities.--The commission shall
10 oversee the establishment and administration of the program and
11 the purchase of airport easements by the bureau.

12 § 5313. Powers and duties of bureau.

13 The bureau shall have the following powers and duties:

14 (1) To execute agreements to purchase airport easements.

15 (2) To purchase in the name of the Commonwealth airport
16 easements.

17 (3) To record airport easements purchased by the
18 Commonwealth in the office of the recorder of deeds, or
19 similar officer, of the county wherein the airport easements
20 are located.

21 (4) To take actions required to qualify for Federal
22 assistance for the purchase of airport easements.

23 (5) To promulgate rules and regulations to establish and
24 administer an airport easement purchase program.

25 (6) To exercise such other powers as may be necessary
26 for the performance of its duties and responsibilities under
27 this subchapter.

28 § 5314. Restrictions and limitations on airport easements.

29 An airport easement shall be subject to the following terms,
30 conditions, restrictions and limitations:

1 (1) The term of an airport easement shall be perpetual
2 or for a term of 25 years.

3 (2) An airport easement shall not be sold, conveyed,
4 extinguished, leased, encumbered or restricted in whole or in
5 part for a period of 25 years beginning on the date of
6 purchase of the easement.

7 (3) If the land subject to the airport easement is no
8 longer suitable for construction and operation of an airport,
9 the bureau may sell, convey, extinguish, lease, encumber or
10 restrict an airport easement to the current owner of record
11 of the land subject to the easement after the expiration of
12 25 years from the date of purchase of the easement for a
13 purchase price equal to the value at the time of resale
14 determined pursuant to section 5315 (relating to valuation)
15 at the time of conveyance. A conveyance by the Commonwealth
16 pursuant to this paragraph shall not be subject to the
17 requirements of Article XXIV-A of the act of April 9, 1929
18 (P.L.177, No.175), known as The Administrative Code of 1929.
19 The purchase price shall be payable to the Commonwealth. Any
20 payment received by the Commonwealth pursuant to this
21 provision shall be paid into the fund.

22 (4) Instruments and documents for the purchase, sale and
23 conveyance of airport easements shall be approved by the
24 commission prior to execution and delivery. Proper releases
25 from mortgage holders and lienholders shall be obtained and
26 executed to insure that all airport easements are purchased
27 free and clear of all encumbrances.

28 (5) Whenever any public entity, authority or political
29 subdivision exercises the power of eminent domain and
30 condemns land subject to an airport easement, the condemnor

1 shall provide just compensation to the owner of the land in
2 fee and to the owner of the easement as follows:

3 (i) The owner of the land in fee shall be paid the
4 full value which would have been payable to the owner but
5 for the existence of an airport easement less the value
6 of the airport easement at the time of condemnation.

7 (ii) The owner of the easement shall be paid the
8 value of the easement at the time of condemnation.

9 (6) An airport easement shall not prevent:

10 (i) The granting of leases, assignments or other
11 conveyances or the issuing of permits, licenses or other
12 authorization for the exploration, development, storage
13 or removal of coal by underground mining methods, oil and
14 gas by the owner of the subject land or the owner of the
15 underlying coal by underground mining methods, oil and
16 gas or the owner of the rights to develop the underlying
17 coal by underground mining methods, oil and gas, or the
18 development of appurtenant facilities related to the
19 removal of coal by underground mining methods, oil or gas
20 development or activities incident to the removal or
21 development of such minerals.

22 (ii) The granting of rights-of-way by the owner of
23 the subject land in and through the land for the
24 installation, transportation or use of water, sewage,
25 electric, telephone, coal by underground mining methods,
26 gas, oil or oil products lines.

27 § 5315. Valuation.

28 The bureau shall select and retain an independent licensed
29 real estate appraiser to determine the market value and the
30 value of the land if it were used for airport purposes. If the

1 seller disagrees with the appraisal made by the bureau's
2 appraiser, the seller shall have the right to select and retain
3 a separate independent licensed real estate appraiser within 30
4 days of receipt of the appraisal of the bureau's appraiser to
5 determine market value and value of the land for airport
6 purposes. The State board or the county board shall establish
7 the value for airport purposes and the nonairport use value of
8 the property subject to the airport easement.

9 (1) The airport use value shall equal the sum of:

10 (i) the value of the land for airport purposes
11 determined by the seller's appraiser; and

12 (ii) one-half of the difference between the value of
13 the land for airport purposes determined by the bureau's
14 appraiser and the value for airport purposes determined
15 by the seller's appraiser if the value for airport
16 purposes determined by the bureau's appraiser exceeds the
17 value for airport purposes determined by the seller's
18 appraiser.

19 (2) The nonairport use value shall equal the sum of:

20 (i) the market value determined by the bureau's
21 appraiser; and

22 (ii) one-half of the difference between the market
23 value determined by the seller's appraiser and the market
24 value determined by the bureau's appraiser, if the market
25 value determined by the seller's appraiser exceeds the
26 market value determined by the bureau's appraiser.

27 § 5316. Purchase price.

28 The price paid for purchase of an airport easement in
29 perpetuity shall not exceed the difference between the
30 nonairport use value and the airport use value determined

1 pursuant to section 5315 (relating to valuation) at the time of
2 purchase, unless the difference is less than the bureau's
3 original appraised value in which case the bureau's original
4 easement value may be offered. The price paid for purchase of an
5 easement for a term of 25 years shall not exceed one-tenth of
6 the difference between the nonairport use value and the airport
7 use value determined pursuant to section 5315 at the time of
8 purchase. The purchase price may be paid in a lump sum, in
9 installments over a period of years or in any other lawful
10 manner of payment. If payment is to be made in installments or
11 another deferred method, the person selling the easement may
12 receive, in addition to the selling price, interest in an amount
13 or at a rate set forth in the agreement of purchase, and final
14 payment shall be made within and no later than five years from
15 the date the airport easement purchase agreement was executed.
16 § 5317. Airport Easement Purchase Fund.

17 (a) Creation.--There is hereby created in the State Treasury
18 a special restricted account to be known as the Airport Easement
19 Purchase Fund which shall be the source from which all moneys
20 are authorized with the approval of the Governor to carry out
21 the purpose of this subchapter. The moneys appropriated to the
22 fund shall be utilized in accordance with the expenditures and
23 distribution authorized, required or otherwise provided in the
24 program for the purchase of airport easements and for the
25 purpose of paying all costs, except administrative costs,
26 incurred by the bureau incident to the purchase of airport
27 easements.

28 (b) Interfund transfers authorized.--Whenever the cash
29 balance and the current estimated receipts of the fund shall be
30 insufficient at any time during any State fiscal year to meet

1 promptly the obligations of the Commonwealth from the fund, the
2 State Treasurer is hereby authorized and directed from time to
3 time during the fiscal year to transfer from the General Fund to
4 the fund such sums as the Governor directs, but in no case less
5 than the amount necessary to meet promptly the obligations to be
6 paid from the fund.

7 (c) Reimbursement.--In order to reimburse the General Fund
8 for moneys transferred from the General Fund, there shall be
9 transferred moneys to the General Fund from the fund from
10 proceeds obtained from bonds and notes issued under the
11 authority of a referendum that may be approved by the electorate
12 and this subchapter or from other available funds in such
13 amounts and at such times as the Governor shall direct. The
14 retransfers shall be made upon warrant of the State Treasurer
15 upon requisition of the Governor.

16 § 5318. Commonwealth indebtedness.

17 (a) Borrowing authorized.--

18 (1) Pursuant to the provisions of section 7(a)(3) of
19 Article VIII of the Constitution of Pennsylvania, if a
20 referendum is approved by the electorate, the issuing
21 officials are authorized and directed to borrow, on the
22 credit of the Commonwealth, money not exceeding in the
23 aggregate the sum of \$100,000,000, not including money
24 borrowed to refund outstanding bonds, notes or replacement
25 notes, as may be found necessary to carry out the purposes of
26 the referendum and this subchapter.

27 (2) As evidence of any indebtedness that may be
28 authorized, general obligation bonds of the Commonwealth
29 shall be issued from time to time to provide moneys necessary
30 to carry out the purposes of this subchapter for such total

1 amounts, in such form, in such denominations and subject to
2 such terms and conditions of issue, redemption and maturity,
3 rate of interest and time of payment of interest as the
4 issuing officials direct, except that the latest stated
5 maturity date shall not exceed 20 years from the date of the
6 first obligation issued to evidence the debt.

7 (3) All bonds and notes issued under the authority of a
8 referendum that may be approved by the electorate and this
9 subchapter shall bear facsimile signatures of the issuing
10 official and a facsimile of the Great Seal of the
11 Commonwealth and shall be countersigned by a duly authorized
12 officer of a duly authorized loan and transfer agent of the
13 Commonwealth.

14 (4) All bonds and notes shall be direct obligations of
15 the Commonwealth, and the full faith and credit of the
16 Commonwealth are hereby pledged for the payment of the
17 interest thereon, as it becomes due, and the payment of the
18 principal at maturity. The principal of and interest on the
19 bonds and notes shall be payable in lawful money of the
20 United States.

21 (5) All bonds and notes that may be issued under the
22 provisions of this section shall be exempt from taxation for
23 State and local purposes.

24 (6) The bonds may be issued as coupon bonds or
25 registered as to both principal and interest as the issuing
26 officials may determine. If interest coupons are attached,
27 they shall contain the facsimile signature of the State
28 Treasurer.

29 (7) The issuing officials shall provide for the
30 amortization of the bonds in substantial and regular amounts

1 over the term of the debt so that the bonds of each issue
2 allocated to the programs to be funded from the bond issue
3 shall mature within a period not to exceed the appropriate
4 amortization period for each program as specified by the
5 issuing officials but in no case in excess of 20 years. The
6 first retirement of principal shall be stated to mature prior
7 to the expiration of a period of time equal to one-tenth of
8 the time from the date of the first obligation issued to
9 evidence the debt to the date of the expiration of the term
10 of the debt. Retirements of principal shall be regular and
11 substantial if made in annual or semiannual amounts whether
12 by stated serial maturities or by mandatory sinking fund
13 retirements.

14 (8) The issuing officials are authorized to provide by
15 resolution for the issuance of refunding bonds for the
16 purpose of refunding any debt issued under the provisions of
17 any act and this subchapter and then outstanding, either by
18 voluntary exchange with the holders of the outstanding debt
19 or to provide funds to redeem and retire the outstanding debt
20 with accrued interest, any premium payable thereon and the
21 costs of issuance and retirement of the debt, at maturity or
22 at any call date. The issuance of the refunding bonds, the
23 maturities and other details thereof, the rights of the
24 holders thereof and the duties of the issuing officials in
25 respect thereto shall be governed by the provisions of this
26 section, insofar as they may be applicable. Refunding bonds,
27 which are not subject to the aggregate limitation of
28 \$100,000,000 of debt to be issued pursuant to a referendum
29 that may be approved by the electorate and this subchapter,
30 may be issued by the issuing officials to refund debt

1 originally issued or to refund bonds previously issued for
2 refunding purposes.

3 (9) Whenever any action is to be taken or decision made
4 by the Governor, the Auditor General and the State Treasurer
5 acting as issuing officials and the three officers are not
6 able unanimously to agree, the action or decision of the
7 Governor and either the Auditor General or the State
8 Treasurer shall be binding and final.

9 (10) Issuing officials shall mean the Governor, the
10 Auditor General and the State Treasurer.

11 (b) Sale of bonds.--

12 (1) Whenever bonds are issued, they shall be offered for
13 sale at not less than 98% of the principal amount and accrued
14 interest and shall be sold by the issuing officials to the
15 highest and best bidder or bidders after due public
16 advertisement on the terms and conditions and upon such open
17 competitive bidding as the issuing officials shall direct.
18 The manner and character of the advertisement and the time of
19 advertising shall be prescribed by the issuing officials. No
20 commission shall be allowed or paid for the sale of any bonds
21 issued under the authority of a referendum that may be
22 approved by the electorate and this subchapter.

23 (2) Any portion of any bond issue so offered and not
24 sold or subscribed for at public sale may be disposed of by
25 private sale by the issuing officials in such manner and at
26 such prices, not less than 98% of the principal amount and
27 accrued interest, as the Governor shall direct. No commission
28 shall be allowed or paid for the sale of the bonds.

29 (3) When bonds are issued from time to time, the bonds
30 of each issue shall constitute a separate series to be

1 designated by the issuing officials or may be combined for
2 sale as one series with other general obligation bonds of the
3 Commonwealth.

4 (4) Until permanent bonds can be prepared, the issuing
5 officials may in their discretion issue, in lieu of permanent
6 bonds, temporary bonds in such form and with such privileges
7 as to registration and exchange for permanent bonds as may be
8 determined by the issuing officials.

9 (5) The proceeds realized from the sale of bonds and
10 notes, except refunding bonds and replacement notes,
11 authorized by a referendum that may be approved by the
12 electorate and this subchapter shall be paid into the fund
13 and are specifically dedicated to the purposes of the
14 referendum of as implemented by this
15 subchapter. The proceeds shall be paid by the State Treasurer
16 periodically to the bureau at such times and in such amounts
17 as may be necessary to satisfy the funding needs of the
18 bureau. The proceeds of the sale of refunding bonds and
19 replacement notes shall be paid to the State Treasurer and
20 applied to the payment of principal, the accrued interest and
21 premium, if any, and cost of redemption of the bonds and
22 notes for which such obligations shall have been issued.

23 (6) Pending their application for the purposes
24 authorized, moneys held or deposited by the State Treasurer
25 may be invested or reinvested as are other funds in the
26 custody of the State Treasurer in the manner provided by law.
27 All earnings received from the investment or deposit of such
28 funds shall be paid into the State Treasury to the credit of
29 the fund. Earnings in excess of bond discounts allowed,
30 expenses paid for the issuance of bonds and notes and

1 interest arbitrage rebates due to the Federal Government
2 shall be transferred annually to the fund.

3 (7) The Auditor General shall prepare the necessary
4 registry book to be kept in the office of the duly authorized
5 loan and transfer agent of the Commonwealth for the
6 registration of any bonds, at the request of owners thereof,
7 according to the terms and conditions of issue directed by
8 the issuing officials.

9 (8) There is hereby appropriated to the State Treasurer
10 from the fund as much money as may be necessary for all costs
11 and expenses in connection with the issue of and sale and
12 registration of the bonds and notes in connection with this
13 subchapter and the payment of interest arbitrage rebates or
14 proceeds of such bonds and notes.

15 (c) Temporary financing authorization.--

16 (1) If a referendum is approved by the electorate,
17 pending issuance of bonds of the Commonwealth, the issuing
18 officials are hereby authorized, on the credit of the
19 Commonwealth, to make temporary borrowings not to exceed
20 three years in anticipation to the issue of bonds in order to
21 provide funds in such amounts as may from time to time be
22 deemed advisable prior to the issue of bonds. In order to
23 provide for and in connection with temporary borrowings, the
24 issuing officials are hereby authorized in the name and on
25 behalf of the Commonwealth to enter into any purchase, loan
26 or credit agreement, or agreements, or other agreement or
27 agreements with any banks or trust companies or other lending
28 institutions, investment banking firms or persons in the
29 United States having power to enter into the same, which
30 agreements may contain such provisions not inconsistent with

1 the provisions of this subchapter as may be authorized by the
2 issuing officials.

3 (2) All temporary borrowings made under the
4 authorization of this section shall be evidenced by notes of
5 the Commonwealth, which shall be issued from time to time for
6 such amounts not exceeding in the aggregate the applicable
7 statutory and constitutional debt limitation, in such form
8 and in such denominations and subject to terms and condition
9 of sale and issue, prepayment or redemption and maturity,
10 rate or rates of interest and time of payment of interest as
11 the issuing officials shall authorize and direct and in
12 accordance with this subchapter. The authorization and
13 direction may provide for the subsequent issuance of
14 replacement notes to refund outstanding notes or replacement
15 notes, which replacement notes shall, upon issuance thereof,
16 evidence the borrowing and may specify such other terms and
17 conditions with respect to the notes and replacement notes
18 thereby authorized for issuance as the issuing officials may
19 determine and direct.

20 (3) When the authorization and direction of the issuing
21 officials provide for the issuance of replacement notes, the
22 issuing officials are hereby authorized in the name and on
23 behalf of the Commonwealth to issue, enter into or authorize
24 and direct the State Treasurer to enter into agreements with
25 any banks, trust companies, investment banking firms or other
26 institutions or persons in the United States having the power
27 to enter the same to do the following:

28 (i) Purchase or underwrite an issue or series of
29 issues of notes.

30 (ii) Credit, enter into any purchase, loan or credit

1 agreements, draw moneys pursuant to any such agreements
2 on the terms and conditions set forth therein and issue
3 notes as evidence of borrowings made under any such
4 agreements.

5 (iii) Appoint as issuing and paying agent or agents
6 with respect to notes.

7 (iv) Do such other acts as may be necessary or
8 appropriate to provide for the payment, when due, of the
9 interest on and the principal of the notes.

10 The agreements may provide for the compensation of any
11 purchasers or underwriters of notes or replacement notes by
12 discounting the purchase price of the notes or by payment of
13 a fixed fee or commission at the time of issuance thereof,
14 and all other costs and expenses, including fees for
15 agreements related to the notes, issuing and paying agent
16 costs and costs and expenses of issuance, may be paid from
17 the proceeds of the notes.

18 (4) When the authorization and direction of the issuing
19 officials provide for the issuance of replacement notes, the
20 State Treasurer shall, at or prior to the time of delivery of
21 these notes or replacement notes, determine the principal
22 amounts, dates of issue, interest rate or rates (or
23 procedures for establishing such rates from time to time),
24 rates of discount, denominations and all other terms and
25 conditions relating to the issuance and shall perform all
26 acts and things necessary to pay or cause to be paid, when
27 due, all principal of and interest on the notes being
28 refunded by replacement notes and to assure that the same may
29 draw upon any moneys available for that purpose pursuant to
30 any purchase, loan or credit agreements established with

1 respect thereto, all subject to the authorization and
2 direction of the issuing officials.

3 (5) Outstanding notes evidencing the borrowings may be
4 funded and retired by the issuance and sale of the bonds of
5 the Commonwealth as authorized by this subchapter. The
6 refunding bonds must be issued and sold not later than a date
7 three years after the date of issuance of the first notes
8 evidencing the borrowings to the extent that payment of the
9 notes has not otherwise been made or provided for by sources
10 other than proceeds of replacement notes.

11 (6) The proceeds of all such temporary borrowing shall
12 be paid to the State Treasurer to be held and disposed of in
13 accordance with the provisions of this subchapter.

14 (d) Debt retirement.--

15 (1) All bonds that may be issued under the authority of
16 a referendum approved by the electorate and this subchapter
17 shall be redeemed at maturity, together with all interest due
18 from time to time on the bonds, and these principal and
19 interest payments shall be paid from the Airport Easement
20 Purchase Sinking Fund, which is hereby created. For the
21 specific purpose of redeeming the bonds at maturity and
22 paying all interest thereon in accordance with the
23 information received from the Governor, the General Assembly
24 shall appropriate moneys to the Airport Easement Purchase
25 Sinking Fund for the payment of interest on the bonds and
26 notes and the principal thereof at maturity. All moneys paid
27 into the Airport Easement Purchase Sinking Fund and all of
28 the moneys not necessary to pay accruing interest shall be
29 invested by the State Treasurer in such securities as are
30 provided by law for the investment of the sinking funds of

1 the Commonwealth.

2 (2) The State Treasurer, with the approval of the
3 Governor, is authorized at any time to use any of the moneys
4 in the fund not necessary for the purposes of the referendum
5 of for the purchase and retirement of all
6 or any part of the bonds and notes issued under this
7 subchapter. In the event that all or any part of the bonds
8 and notes are purchased, they shall be canceled and returned
9 to the loan and transfer agent as canceled and paid bonds and
10 notes, and thereafter all payments of interest thereon shall
11 cease and the canceled bonds, notes and coupons, together
12 with any other canceled bonds, notes and coupons, shall be
13 destroyed as promptly as possible after cancellation but not
14 later than two years after cancellation. A certificate
15 evidencing the destruction of the canceled bonds, notes and
16 coupons shall be provided by the loan and transfer agent to
17 the issuing officials. All canceled bonds, notes and coupons
18 shall be so marked as to make the canceled bonds, notes and
19 coupons nonnegotiable.

20 (3) The State Treasurer shall determine and report to
21 the Secretary of the Budget by November 1 of each year the
22 amount of money necessary for the payment of interest on
23 outstanding obligations and the principal of the obligations,
24 if any, for the following fiscal year and the times and
25 amounts of the payments. It shall be the duty of the Governor
26 to include in every budget submitted to the General Assembly
27 full information relating to the issuance of bonds and notes
28 under the provisions of this subchapter and the status of the
29 Airport Easement Purchase Sinking Fund of the Commonwealth
30 for the payment of interest on the bonds and notes and the

principal thereof at maturity.

(4) The General Assembly shall appropriate an amount equal to such sums as may be necessary to meet repayment obligations for principal and interest for deposit into the Airport Easement Purchase Sinking Fund.

(e) Annual limitation on debt obligations issued.--Bonds and notes (not including refunding bonds or replacement notes), as may be authorized, shall not be issued in the aggregate principal amount of more than \$25,000,000 during any one State fiscal year. Any interfund transfers made or to be made during any State fiscal year may not be made in, or cause to be outstanding at any time, an amount greater than the difference between \$25,000,000 and the aggregate principal amount of bonds and notes (not including refunding bonds or replacement notes) issued under the authority of a referendum that may be approved by the electorate and this subchapter during such State fiscal year.

§ 5319. Legislative report.

The bureau shall submit to the General Assembly an annual report no later than May 1 on the status of the Airport Easement Purchase Program.

SUBCHAPTER C

ACQUISITION AND DISPOSAL OF PROPERTY

Sec.

5331. Power to acquire property.

5332. Disposal of property.

5333. Funds.

5334. Oversight.

§ 5331. Power to acquire property.

For the purposes specified in this part, the department may,

1 by purchase, gift, devise, lease, a condemnation proceeding
2 under the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known
3 as the Eminent Domain Code, or otherwise, acquire real or
4 personal property, or any interest in the property, including
5 easements in airport hazards, airport easements as defined in
6 section 5311 (relating to definitions) or land outside the
7 boundaries of an airport or airport site. The department may
8 acquire existing airports and aviation-related areas in the same
9 manner except it may not acquire or take over an airport or air
10 navigation facility owned or controlled by a municipality or
11 person without the consent of the municipality or person.

12 § 5332. Disposal of property.

13 The department may, by sale, lease or otherwise, dispose of
14 all, a portion of or an interest in a property, airport or
15 aviation-related area. The proceeds of any disposition shall be
16 used for the purposes set out in this part.

17 § 5333. Funds.

18 Proceeds from the sale of bonds issued following approval of
19 a referendum by the electorate under section 5318 (relating to
20 Commonwealth indebtedness) may be used to acquire property under
21 this subchapter.

22 § 5334. Oversight.

23 The State Transportation Commission shall oversee all actions
24 of the department taken under the authority granted by this
25 subchapter.

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