
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 524 Session of
2007

INTRODUCED BY M. O'BRIEN, W. KELLER, J. TAYLOR, McGEEHAN, BAKER,
CLYMER AND REICHLEY, DECEMBER 3, 2007

REFERRED TO COMMITTEE ON URBAN AFFAIRS, DECEMBER 3, 2007

A RESOLUTION

1 Questioning actions taken by the City of Philadelphia along its
2 riverfront and directing the State Government Committee to
3 hold hearings on these actions.

4 WHEREAS, The riparian rights of the navigable waterways of
5 the Commonwealth of Pennsylvania are held in trust for the
6 public; and

7 WHEREAS, These public rights are protected under section 27
8 of Article I of the Constitution of Pennsylvania and by
9 Pennsylvania common law; and

10 WHEREAS, The Administrative Code of 1929 clearly states that
11 no interest, easement, sale or exchange of such real estate is
12 permissible without specific authority of the General Assembly;
13 and

14 WHEREAS, The Dam Safety and Encroachment Act of 1978
15 reaffirms the General Assembly's authority over the riparian
16 lands of the Commonwealth; and

17 WHEREAS, The Commerce Department of the City of Philadelphia
18 issued an affirmative decision to grant a submerged lands

1 license to the Pennsylvania Gaming Control Board to construct on
2 submerged lands of the Commonwealth pursuant to section 10 of
3 the act of June 8, 1907 (P.L.488, No.321) and Chapters 18
4 through 101 of the City of Philadelphia Municipal Code; and

5 WHEREAS, The act of June 8, 1907 (P.L.488, No.321) empowers
6 the City of Philadelphia to oversee the piers, wharves, docks,
7 slips, bulkheads and basins, but does not empower the city to
8 convey or license development rights to Pennsylvania lands held
9 in public trust; and

10 WHEREAS, Officials of the City of Philadelphia overstepped
11 their perceived authority in directing the city's Department of
12 Licenses and Inspection to issue a license to construct on
13 submerged lands owned by the Commonwealth; and

14 WHEREAS, The Commonwealth of Pennsylvania is the sovereign
15 over the City of Philadelphia; therefore be it

16 RESOLVED, That the House of Representatives question the
17 legal authority of the City of Philadelphia and direct the State
18 Government Committee to hold open public hearings on process and
19 procedures.