

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 747 Session of  
2009INTRODUCED BY RAFFERTY, GREENLEAF, ALLOWAY, WASHINGTON, O'PAKE,  
M. WHITE, FERLO AND MENSCH, APRIL 3, 2009AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 26, 2010

## AN ACT

1 Authorizing the Department of Transportation to sell land under  
2 certain conditions; and repealing certain provisions of The  
3 Administrative Code of 1929.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Sale of  
8 Transportation Lands Act.

9 Section 2. Definitions.

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

13 "Department." The Department of Transportation of the  
14 Commonwealth.

15 "Fund." The Motor License Fund.

16 "Preservation of open space." ~~The term includes~~ INCLUDES the  
17 following:



1           (1) Protection and conservation of water resources and  
2 watersheds.

3           (2) Protection and conservation of forests and land  
4 being used to produce timber crops.

5           (3) Protection and conservation of farmland.

6           (4) Protection of existing or planned park, trail,  
7 greenway, recreation or conservation sites.

8           (5) Protection and conservation of natural or scenic  
9 resources, including beaches, streams, flood plains, steep  
10 slopes and marshes.

11           (6) Protection of scenic areas for public visual  
12 enjoyment from public rights-of-way.

13           (7) Preservation of sites of historic, geologic or  
14 botanic interest.

15           (8) Promotion of sound, cohesive and efficient land  
16 development by preserving open spaces between communities.

17 "Public agency." ~~The term includes~~ INCLUDES an authority , ←  
18 AND a political subdivision ~~and the Federal Government.~~ ←

19 "Secretary." The Secretary of Transportation of the  
20 Commonwealth.

21 Section 3. Sale of land.

22 (a) Authorization.--Notwithstanding the act of April 9, 1929  
23 (P.L.177, No.175), known as The Administrative Code of 1929, the  
24 department, in accordance with appropriations and grants of  
25 funds from Federal, State, regional, local or private agencies  
26 and subject to subsection (b), in the exercise of its powers and  
27 duties, may sell at public sale land acquired by the department  
28 if the secretary determines that the land is not needed for  
29 present or future transportation purposes.

30 (b) Conditions.--The following apply to a sale under

1 subsection (a):

2 (1) IF THE LAND IS IMPROVED, ALL OF THE FOLLOWING  
3 SUBPARAGRAPHS APPLY: ←

4 (I) The land must first be offered at its fair  
5 market value as determined by the department to other  
6 public agencies which demonstrate a public purpose for  
7 the land, including, BUT NOT LIMITED TO, the preservation ←  
8 of open space.

9 ~~(2) The department shall submit for publication in the~~ ←  
10 ~~Pennsylvania Bulletin notice that the land is contemplated~~  
11 ~~for sale, inviting interested public agencies to express~~  
12 ~~their interest in purchasing the land within 30 calendar days~~  
13 ~~from the date of publication of the notice.~~

14 (II) IF THE LAND IS NOT TRANSFERRED TO A PUBLIC ←  
15 AGENCY, ALL OF THE FOLLOWING CLAUSES APPLY:

16 (A) IF THE LAND IS OCCUPIED BY A TENANT, THE  
17 LAND MUST BE OFFERED TO THE TENANT:

18 (I) EXCEPT AS SET FORTH IN SUBCLAUSE (II),  
19 AT ITS FAIR MARKET VALUE AS DETERMINED BY THE  
20 DEPARTMENT; OR

21 (II) IF THE TENANT IS THE PERSON FROM WHOM  
22 THE DEPARTMENT ACQUIRED THE LAND, AT THE  
23 ACQUISITION PRICE, LESS COSTS, EXPENSES AND  
24 REASONABLE ATTORNEY FEES INCURRED BY THE PERSON  
25 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE  
26 DEPARTMENT.

27 (B) IF THE LAND IS NOT OCCUPIED BY A TENANT AND  
28 THE PERSON FROM WHOM THE DEPARTMENT ACQUIRED THE LAND  
29 DID NOT RECEIVE A REPLACEMENT HOUSING PAYMENT UNDER  
30 26 PA.C.S. § 903 (RELATING TO REPLACEMENT HOUSING FOR

1 HOMEOWNERS) OR UNDER FORMER SECTION 304.3 OF THE ACT  
2 OF JUNE 1, 1945 (P.L.1242, NO.428), KNOWN AS THE  
3 STATE HIGHWAY LAW, THE LAND MUST FIRST BE OFFERED TO  
4 THAT PERSON AT THE ACQUISITION PRICE, LESS COSTS,  
5 EXPENSES AND REASONABLE ATTORNEY FEES INCURRED BY THE  
6 PERSON AS A RESULT OF THE ACQUISITION OF THE LAND BY  
7 THE DEPARTMENT.

8 (2) IF THE LAND IS UNIMPROVED, ALL OF THE FOLLOWING  
9 SUBPARAGRAPHS APPLY:

10 (I) THE LAND MUST BE OFFERED AT ITS FAIR MARKET  
11 VALUE AS DETERMINED BY THE DEPARTMENT TO OTHER PUBLIC  
12 AGENCIES WHICH DEMONSTRATE A PUBLIC PURPOSE FOR THE LAND,  
13 INCLUDING, BUT NOT LIMITED TO, THE PRESERVATION OF OPEN  
14 SPACE.

15 (II) IF THE LAND IS NOT TRANSFERRED TO A PUBLIC  
16 AGENCY, THE FOLLOWING APPLY:

17 (A) EXCEPT AS SET FORTH IN CLAUSE (B), THE LAND  
18 MUST BE OFFERED TO THE PERSON FROM WHOM IT WAS  
19 ACQUIRED AT ITS ACQUISITION PRICE, LESS COSTS,  
20 EXPENSES AND REASONABLE ATTORNEY FEES INCURRED BY THE  
21 PERSON AS A RESULT OF THE ACQUISITION OF THE LAND BY  
22 THE DEPARTMENT IF THE PERSON STILL RETAINS TITLE TO  
23 LAND ABUTTING THE LAND TO BE SOLD.

24 (B) IF THE LAND ABUTTING THE LAND TO BE SOLD HAS  
25 BEEN CONVEYED TO ANOTHER PERSON, THE LAND TO BE SOLD  
26 MUST BE OFFERED TO THAT PERSON AT ITS FAIR MARKET  
27 VALUE AS DETERMINED BY THE DEPARTMENT.

28 (3) FOR AN OFFER UNDER PARAGRAPH (1) OR (2), ALL OF THE  
29 FOLLOWING APPLY:

30 (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), NOTICE

1           MUST BE SENT BY CERTIFIED MAIL;

2           (II) IF NOTICE CANNOT BE EFFECTED UNDER SUBPARAGRAPH  
3           (I), NOTICE MUST BE EFFECTED IN THE MANNER REQUIRED FOR  
4           AN IN REM PROCEEDING; OR

5           (III) THE OFFEREE MUST HAVE 120 DAYS AFTER RECEIPT  
6           OF NOTICE TO ACCEPT THE OFFER IN WRITING.

7       (c) Proceeds.--Proceeds from a sale of land acquired with  
8 money from the fund shall be deposited into the fund.

9 Section 9. Repeals.

10 Repeals are as follows:

11       (1) The General Assembly declares that the repeal under  
12 paragraph (2) is necessary to effectuate section 3.

13       (2) Section 2003(e)(7) of the act of April 9, 1929  
14 (P.L.177, No.175), known as The Administrative Code of 1929,  
15 is repealed.

16 Section 10. Effective date.

17 This act shall take effect in 60 days.