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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1567 Session of  
2019

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INTRODUCED BY COMITTA, QUINN, BARRAR, DERMODY, HENNESSEY, HILL-  
EVANS, FREEMAN, RABB, CALTAGIRONE, HOWARD, McCLINTON, OTTEN,  
SAPPEY, KRUEGER, ULLMAN, SHUSTERMAN, FITZGERALD, BRIGGS,  
KINSEY, DALEY, SCHWEYER, DeLUCA AND DAWKINS, JUNE 4, 2019

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 4, 2019

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AN ACT

1 Amending Title 15 (Corporations and Unincorporated Associations)  
2 of the Pennsylvania Consolidated Statutes, in corporate  
3 powers, duties and safeguards, further providing for  
4 additional powers of certain public utility corporations.

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

7 Section 1. Section 1511(b)(1)(i) and (c) of Title 15 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 1511. Additional powers of certain public utility  
10 corporations.

11 \* \* \*

12 (b) Restrictions.--The powers conferred by subsection (a)  
13 shall not be exercised:

14 (1) To condemn for the purpose of constructing any  
15 street railway, trackless-trolley omnibus, petroleum or  
16 petroleum products transportation or aerial electric  
17 transmission, aerial telephone or aerial telegraph lines:

18 (i) Any dwelling house or[, except in the case of

1           any condemnation for petroleum or petroleum products  
2           transportation lines,] any part of the reasonable  
3           curtilage of a dwelling house within 100 meters therefrom  
4           and not within the limits of any street, highway, water  
5           or other public way or place.

6           \* \* \*

7           (c) Public Utility Commission approval.--The powers  
8           conferred by subsection (a) may be exercised to condemn property  
9           outside the limits of any street, highway, water or other public  
10          way or place for the purpose of erecting poles or running wires  
11          or other aerial electric, intrastate aerial telephone or  
12          intrastate aerial telegraph facilities or for the transportation  
13          of petroleum or petroleum products only after the Pennsylvania  
14          Public Utility Commission, upon application of the public  
15          utility corporation, has found and determined, after notice and  
16          opportunity for hearing, that the service to be furnished by the  
17          corporation through the exercise of those powers is necessary or  
18          proper for the service, accommodation, convenience or safety of  
19          the public. The power of the public utility corporation to  
20          condemn the subject property or the procedure followed by it  
21          shall not be an issue in the commission proceedings held under  
22          this subsection, and no court shall entertain any proceeding  
23          questioning the jurisdiction of the commission under this  
24          subsection. A final order of the commission approving or denying  
25          an application under this subsection, including an order  
26          involving a question of jurisdiction under this subsection, may  
27          be made the subject of any appeal in the manner provided or  
28          prescribed by law.

29          \* \* \*

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