
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 404 Session of
2023

INTRODUCED BY COMMITTEE ON CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
SANTARSIERO AND SAVAL, FEBRUARY 21, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 21, 2023

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.