

loss on account of injury to, destruction or disappearance of such beams until such time as they may be delivered to the site of the work.

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APPROVED—The 27th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 505

AN ACT

SB 737

Amending the act of August 14, 1963 (P. L. 984), entitled "An act to increase the commerce and prosperity of the people of the Commonwealth, to improve their health and living conditions, and to alleviate the problems created by traffic congestion and the existence of inadequate mass transportation facilities, by authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty (20) miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, and empowering each authority to function outside of the metropolitan area under certain terms and conditions," exempting the transportation authority created hereunder from portions of the Eminent Domain Code and further providing for the exercise of the power of eminent domain by the transportation authority.

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

Section 1. Section 5, act of August 14, 1963 (P. L. 984), known as the "Metropolitan Transportation Authorities Act of 1963," is amended to read:

Section 5. Power to Acquire Property, Franchises, Etc.—

(a) The authority shall have power to acquire by purchase, condemnation, lease, gift, or otherwise, all or any part of the property of any public utility operating a transportation system within the metropolitan area, including but not limited to, the plant, equipment, property rights in property reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits, operating rights, and

paper documents and records, which said property shall be located within the metropolitan area and shall be appropriate for the purposes for which the authority is established, as well as all or any part of the right-of-way, equipment, fixed facilities, and other property of any kind of any such utility, extending beyond the boundaries of the metropolitan area and forming, or capable of forming, part of an integrated suburban rapid transit or rail transportation facility, connecting with rapid transit or electric railway lines of the authority in super highways or elsewhere. No interest in the right-of-way of a railroad company the operations of which extend beyond the metropolitan area shall be acquired or occupied under the power of eminent domain pursuant to this section or any other section of this act without the consent of said railroad. Such properties, upon acquisition by or lease to the authority, shall become and be operated as part of the transportation system of the authority, and the authority shall have all powers in connection with such properties and such operations as are conferred by this act. [All acts of condemnation] Except as provided in the next following sentence, all condemnations authorized by this section shall be pursuant to section 8 of this act. The provisions of Section 407 of Article IV (except as provided in subsection (b) of this section) and of Article VII of the act of June 22, 1964 (P. L. 84), known as the "Eminent Domain Code," shall be the only provisions of said "Eminent Domain Code" applicable to condemnations so authorized. The authority shall also have the power to enter into agreements to operate any such lines located or extending beyond the boundaries of the metropolitan area, such agreements to be subject to all other provisions of this act. The authority shall have power to lease or purchase any municipally-owned local transportation subways or other municipally-owned local transportation facilities for operation and maintenance by the authority.

(b) Whenever the authority shall condemn all or substantially all of the property of a transportation system, it may elect to commence condemnation proceedings without immediate passage of title by inserting a provision to that effect in the declaration of taking. In that event, the provisions of Section 407 of the "Eminent Domain Code" shall not apply, and the title shall not pass to the authority and the authority shall not be entitled to possession until payment to the con-

demnee or into court of the amount of the just compensation payable for the property taken (determined as of the date of filing of the declaration of taking), as finally determined in accordance with the provisions of this act: Provided, That such payment occurs within one year of such final determination: And provided further, That from and after the filing of the declaration of taking until the payment to the condemnee of just compensation for the condemned property, the authority shall have the right to petition the court having jurisdiction of the proceedings to prevent waste, substantial disposition or any transaction with respect to the condemned property other than in the ordinary course of business without obtaining the prior written consent of the authority. The condemnee shall have no right to tender possession of the property or otherwise to demand payment of any compensation prior to such passage of title.

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 506

AN ACT

SB 771

Relating to the reimbursement or payments for providing and furnishing optometric services in contracts, certificates and policies by various insurance and other companies, and limiting the provisions in relation thereto.

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

Section 1. Definitions.—As used in this act:

(1) "Insurer" shall mean (i) a nonprofit medical, dental and osteopathic service corporation organized and operated under the provisions of the "Nonprofit Corporation Law," approved May 5, 1933 (P. L. 289), and its amendments, and the "Nonprofit Medical, Dental and Osteopathic Service Corporation Act," approved June 27, 1939 (P. L. 1125),