

No. 35

AN ACT

SB 943

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," and authorizing the Department of Transportation to acquire railroad property damaged or destroyed as a result of natural disaster or suspended by action of its owners or operator and to sell or lease railroad property so acquired for restoration or replacement.

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

Section 1. Subsection (a) of section 2002, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is amended by adding clauses to read:

Section 2002. Powers and Duties of the Department.—(a) The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

* * *

(17) To acquire, by purchase, lease, eminent domain proceedings, gift or otherwise, so as to restore or replace, for just compensation, from a railroad, or in the event any such railroad is subject to a proceeding under the Bankruptcy Law, by a direction from the court having jurisdiction in such bankruptcy proceedings to the trustee or trustees or the debtor to offer to convey to the State, for just compensation, all of its right, title, and interest free and clear of all encumbrances, in any right-of-way, ¹ track and other related real and personal property on any branch line or other railroad within the State which has been damaged or destroyed within the period between January 1, 1972 and December 31, 1972 as a result of natural disaster or suspended by action of its owners or operator and which have not been scheduled for restoration or replacement under a Federal loan program and provided

¹"tract" in original.

that there is demonstrated a valid need for the establishment or reestablishment of railroad service in the affected area.

(18) To sell or lease any right-of-way, track, and other related real and personal property on any branch line or other railroad within the State which has been damaged or destroyed within the period between January 1, 1972 and December 31, 1972 as a result of natural disaster or suspended by action of its owners or operator which has been acquired for restoration or replacement, so as to provide for the operation of restored or replaced railroad lines with regional and local public bodies and agencies and private corporations with the technical capability to carry out the proposed railroad service.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of June, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 35.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.