

No. 1990-151

AN ACT

HB 560

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing an opportunity for municipalities to purchase real property being disposed of by public utilities engaged in a railroad business.

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

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 2709. *Disposition of real property by public utility engaged in railroad business.*

(a) *Notice.*—Before a public utility engaged in a railroad business disposes of real property previously used as a roadbed right-of-way, it must notify the county, city, borough, incorporated town or township in which the real property is located, and it must notify the Department of Transportation, the Pennsylvania Game Commission, the Pennsylvania Fish Commission and the Department of Environmental Resources. Notifications shall be in writing.

(b) *Procedure after notice.*—

(1) *If a municipality or any authority created by a municipality or group of municipalities makes an offer to purchase the real property within 60 days of receiving notice under subsection (a), the public utility shall accept or reject the offer.*

(2) *If a municipality or any authority created by a municipality or group of municipalities does not make an offer to purchase the real property within 60 days of receiving notice under subsection (a) or if the public utility rejects the offer of a municipality, the administrative agencies specified in subsection (a) have 60 days to decide on making an offer for the real property. If an administrative agency makes an offer under this paragraph, the public utility shall consider the offer and make a decision on the offer before making other disposition of the property. If more than one administrative agency makes an offer, the public utility shall consider the offers in the following order: the Department of Transportation, the Department of Environmental Resources, the Pennsylvania Game Commission and the Pennsylvania Fish Commission.*

(c) *Violation.*—If a public utility engaged in a railroad business disposes of real property previously used as a roadbed right-of-way without complying with this section, the disposition is voidable.

(d) *Compliance.*—The notification requirements of this section shall be deemed to have been complied with if the executed, notarized and recorded deed conveying the property contains a recital affirming that the notifications required under this section were made. A copy of each notice shall be appended to the deed when it is recorded.

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

APPROVED—The 29th day of November, A. D. 1990.

ROBERT P. CASEY