

## No. 37

## AN ACT

## SB 482

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," authorizing the Department of Transportation to lease area over, under or outside the traveled portion of State highways and to require payments in lieu of taxes therefor to political subdivisions.

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

Section 1. Section 2002, act of April 29, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," is amended by adding subsections to read:

Section 2002. Powers and Duties of the Department.—\* \* \*

*(c) Any other provision of law to the contrary notwithstanding, the secretary may lease real property acquired for any State designated highway or other transportation facility as is not required for the free movement of traffic, upon the following terms and conditions in each case:*

*(1) The lessee shall be a public agency, but such public agency may sublease to another public agency or, if there be no such agency desiring to sublease, then to one or more private entities: Provided, That such private entities shall make payments in lieu of taxes to the political subdivisions in which such leased property is located in an amount equal to the annual taxes that would normally be due on such property, if taxable: And provided, further, That the secretary may lease directly to a private entity during the interim period between property acquisition and construction.*

*(2) The lessee or sublessee shall pay all costs incident to:*

*(i) alteration or construction for its own use of the leased area;*  
*(ii) any change in the highway or other transportation facility occasioned by such use;*

*(iii) relocation or replacement of public utility facilities, not exceeding the capacity of those occupying the leased area at the time of lease, occasioned by such use;*

*(iv) relocation or replacement of the related facilities of a consumer of public utility services occasioned by any required relocation of the facilities of the serving utility; and*

*(v) relocation or replacement of the facilities of an occupant of property abutting the highway or other transportation facility occasioned by any alteration, construction, change, relocation or replacement described in the foregoing subclauses (i), (ii) and (iii).*

*Revenue derived from any lease of land originally acquired for highway purposes shall be deposited in the Motor License Fund.*

*(d) The secretary shall have the power to promulgate such reasonable rules and regulations as he deems necessary to carry out the provisions of this section.*

Section 2. Sections 9.2 and 9.3 of the act of May 29, 1945 (P.L. 1108, No. 402), entitled "An act authorizing the establishment, construction and maintenance of limited access highways and local service highways; and providing for closing certain highways; providing for the taking of private property and for the payment of damages therefor; providing for sharing the costs involved and for the control of traffic thereover; providing penalties, and making an appropriation," are repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 13th day of March, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 37.



*Secretary of the Commonwealth.*