

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 920 Session of  
2017

---

INTRODUCED BY RAFFERTY, SABATINA, LANGERHOLC, BROWNE, WAGNER,  
BARTOLOTTA AND ARGALL, OCTOBER 19, 2017

---

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
OCTOBER 19, 2017

---

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(g) of Title 15 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 1511. Additional powers of certain public utility  
10 corporations.

11 \* \* \*

12 (g) Procedure.--

13 (1) [The act of June 22, 1964 (Sp.Sess., P.L.84, No.6),  
14 known as the Eminent Domain Code,] The provisions of 26  
15 Pa.C.S. (relating to eminent domain) shall be applicable to  
16 proceedings for the condemnation and taking of property  
17 conducted pursuant to this section.

18 (2) Notwithstanding paragraph (1), a corporation having

1 the power of eminent domain that condemns for occupation by  
2 electric, underground telephone or telegraph, gas, oil or  
3 petroleum products lines used directly or indirectly in  
4 furnishing service to the public an interest (other than a  
5 fee) for right-of-way purposes or an easement for such  
6 purposes may elect to proceed as follows in lieu of the  
7 procedures specified in [sections 402, 403, 405 and 406 of  
8 the Eminent Domain Code:] 26 Pa.C.S. §§ 302 (relating to  
9 declaration of taking), 303 (relating to security required),  
10 305 (relating to notice to condemnee) and 306 (relating to  
11 preliminary objections):

12 (i) If the corporation and any interested party  
13 cannot agree on the amount of damages sustained, or if  
14 any interested party is an unincorporated association, or  
15 is absent, unknown, not of full age or otherwise  
16 incompetent or unavailable to contract with the  
17 corporation, or in the case of disputed, doubtful or  
18 defective title, the corporation may make a verified  
19 application to the appropriate court for an order  
20 directing the filing of a bond to the Commonwealth, in an  
21 amount and with security to be approved by the court, for  
22 the use of the person or persons who may be found to be  
23 entitled to the damages sustained. The application shall  
24 be accompanied by the bond and a certified copy of the  
25 resolution of condemnation. The resolution shall describe  
26 the nature and extent of the taking.

27 (ii) If the address of such interested party is  
28 known to the corporation, written notice of the filing of  
29 the application under subparagraph (i) shall be sent to  
30 such party by mail, or otherwise, at least ten days prior

1 to the consideration thereof by the court. Otherwise the  
2 corporation shall officially publish such notice in the  
3 county or counties where the property is situated twice a  
4 week for two weeks prior to consideration by the court  
5 and shall give such supplemental or alternative notice as  
6 the court may direct.

7 (iii) Upon entry by the court of an order approving  
8 the bond and directing that it be filed, the title that  
9 the corporation acquires in the right-of-way or easement  
10 described in the resolution of condemnation shall pass to  
11 the corporation and the corporation shall be entitled to  
12 possession.

13 (iv) The papers filed by the corporation with the  
14 court under this paragraph shall constitute the  
15 declaration of taking for the purposes of [sections 404,  
16 408 and 409 and Articles V through VIII of the Eminent  
17 Domain Code.] 26 Pa.C.S. §§ 304 (relating to recording  
18 notice of condemnation), 308 (relating to revocation of  
19 condemnation proceedings) and 309 (relating to right to  
20 enter property prior to condemnation) and Chs. 5  
21 (relating to procedure for determining damages), 7  
22 (relating to just compensation and measure of damages), 9  
23 (relating to special damages for displacement) and 11  
24 (relating to evidence).

25 (v) If a corporation condemns a right-of-way or  
26 easement for underground occupations beneath operating  
27 railroad property, the corporation shall be obligated to  
28 do the following:

29 (A) Construct the underground line to meet the  
30 minimum standards of the American Railway Engineering

1           and Maintenance-of-Way Association specifications.

2           (B) Construct the underground line to meet  
3           Federal regulatory standards for safety and railroad  
4           operational standards.

5           (C) Indemnify the railroad owner and operator  
6           for any costs or damages arising out of the  
7           construction or presence of the underground  
8           occupation, including the exacerbation of a condition  
9           of the railroad property.

10          (D) Bear the costs associated with a subsequent  
11          relocation of the underground line necessitated by  
12          railroad operations.

13          The potential costs of the indemnification or relocation  
14          shall not be considered in the amount of an award of just  
15          compensation.

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