

[J-65-2013][M.O. – McCaffery, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY,	:	No. 20 EAP 2013
	:	
Appellee	:	Appeal from the Order of the
	:	Commonwealth Court entered on
	:	4/13/11 at No. 2445 CD 2009, reversing
v.	:	the order entered on 11/10/09 in the
	:	Court of Common Pleas, Philadelphia
	:	County, Civil Division at No. 3055 July
	:	term, 2009
CITY OF PHILADELPHIA AND PHILADELPHIA COMMISSION ON HUMAN RELATIONS,	:	
	:	
Appellants	:	ARGUED: September 11, 2013

DISSENTING OPINION

MR. JUSTICE SAYLOR

DECIDED: September 24, 2014

I differ with the majority’s approach of remanding to the Commonwealth Court to ascertain legislative intent because, as I read the intermediate court’s decision, it already undertook that task. Accord Concurring and Dissenting Opinion, slip op. at 9 (Castille, C.J.); see, e.g., SEPTA v. City of Phila., 20 A.3d 558, 561-62 (Pa. Cmwlth. 2011) (concluding that, under SEPTA’s enabling legislation, SEPTA is a state agency and that, pursuant to the Pennsylvania Human Relations Act, the Pennsylvania Human Relations Commission was intended to have exclusive jurisdiction over state agencies like SEPTA). As to substance, I am aligned with Mr. Chief Justice Castille’s position – and that of the Commonwealth Court majority – that the General Assembly did not

intend for SEPTA to be subject to suit by the local human relations commissions of the municipalities in which it conducts operations. Accordingly, I respectfully dissent.