

[J-87-2016][M.O. – Mundy, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY,	:	No. 10 EAP 2016
	:	
Appellee	:	Appeal from the Order of the
	:	Commonwealth Court at No. 2445 CD
	:	2009 filed 8/7/15 reversing and
v.	:	remanding the order, dated 11/10/09 in
	:	the Court of Common Pleas,
	:	Philadelphia County, Civil Division at
	:	No. 03055, July Term, 2009
CITY OF PHILADELPHIA AND PHILADELPHIA COMMISSION ON HUMAN RELATIONS,	:	
	:	
	:	
Appellants	:	ARGUED: September 13, 2016

CONCURRING OPINION

CHIEF JUSTICE SAYLOR

DECIDED: April 26, 2017

I join the lead opinion, subject to the proviso that I agree with Justice Wecht's comments about the relevant analytical framework. In this respect, I also note that sometimes, the mechanical formulation and heralding of a specific test – such as what the Court has dubbed the “*Ogontz* test” – has unintended consequences.

Here, I agree with Justice Wecht, that the “*Ogontz* test” reflects nothing more than a conventional application of principles of statutory construction. As such, and since the discrete, tiered analysis appears to be generating disharmony, I would prefer to abandon the label at this juncture. In its place, I would simply refer directly to the Statutory Construction Act.