
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1961

Session of
1975

INTRODUCED BY WAGNER, FISCHER, NOYE, ZEARFOSS, DININNI,
MANMILLER, LEHR, SPENCER, HEPFORD, SHELHAMER, THOMAS AND
W. W. WILT, NOVEMBER 25, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 25, 1975

AN ACT

1 Establishing a scenic and recreation trails system; providing
2 for the designation, administration, regulation and
3 acquisition of scenic, recreation and connecting or side
4 trails and trail rights-of-way; conferring powers and
5 imposing duties upon the Department of Transportation, and
6 providing penalties.

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

9 Section 1. Short Title.--This act shall be known and may be
10 cited as the "Trails System Act."

11 Section 2. Policy and Purpose.--(a) In order to provide for
12 the ever increasing outdoor recreation needs of an expanding
13 population and in order to promote public access to, travel
14 within, and enjoyment and appreciation of the outdoor, natural
15 and remote areas of this Commonwealth, trails should be
16 established (i) in natural and scenic areas of the Commonwealth,
17 and (ii) in and near the urban areas.

18 (b) The purpose of this act is to provide the means for
19 attaining these objectives by instituting a State-wide system of

1 recreation and scenic trails, by designating the Appalachian
2 Trail as the initial component of that system, and by
3 prescribing the methods by which, and standards according to
4 which, additional components may be added to the system.

5 Section 3. Definitions.--As used in this act:

6 "Department" means the Department of Transportation of the
7 Commonwealth of Pennsylvania.

8 "Scenic easement" means a perpetual easement in land which
9 (i) is held for the benefit of the people of Pennsylvania, (ii)
10 is specifically enforceable by its holder or beneficiary, and
11 (iii) limits or obligates the holder of the servient estate, his
12 heirs, and assigns with respect to their use and management of
13 land and activities conducted thereon, the object of such
14 limitations and obligations being the maintenance or enhancement
15 of the natural beauty of the land in question or of areas
16 affected by it.

17 "Scenic trail" means an extended trail so located as to
18 provide for maximum outdoor recreation potential and for the
19 conservation and enjoyment of the significant scenic, historic,
20 natural or cultural qualities of the areas through which such
21 trails may pass.

22 Section 4. Classification of Trails.--The State trails
23 system shall be composed of the following classes of trails:

24 (1) State scenic trails, which will be extended trails so
25 located as to provide maximum potential for the appreciation of
26 natural areas and for the conservation and enjoyment of the
27 significant scenic, historic, natural, ecological, geological or
28 cultural qualities of the areas through which such trails may
29 pass. Each of these trails will be limited exclusively to foot
30 use, except that the use by horses or nonmotorized bicycles may

1 also be permitted on segments of scenic trails where deemed
2 appropriate by the department.

3 (2) State recreation trails, which will provide a variety of
4 outdoor recreation uses in or reasonably accessible to urban
5 areas. These trails may be of the following type: foot, horse,
6 or nonmotorized bicycles.

7 (3) Connecting or side trails, which will provide additional
8 points of public access to State scenic or recreation trails or
9 which will provide connections between such trails. They shall
10 be of the nature of the trails they serve.

11 Section 5. Establishment of Trails System.--(a) There is
12 hereby established a trails system of recreation trails, scenic
13 trails and connecting or side trails composed of (i) the
14 Appalachian Trail, and (ii) such other trails that are
15 established or designated from time to time by the General
16 Assembly or the department under the provisions of this act.

17 (b) The department, in consultation with appropriate
18 Federal, State and local governmental agencies and public and
19 private organizations, shall establish a uniform marker for the
20 trails system and shall coordinate the trails system with the
21 National trails system established under the National Trails
22 System Act, Pub.L. 90-543, approved October 2, 1968.

23 Section 6. Establishment and Designation of Trails.--(a) The
24 department may establish and designate recreation trails over
25 lands administered by it and, by consent of the landowner, over
26 lands owned by the Federal Government, the Commonwealth of
27 Pennsylvania, a political subdivision or any person upon finding
28 that such trails (i) are reasonably accessible to urban areas,
29 or (ii) meet the criteria established in this act and such
30 supplementary criteria as the department shall prescribe.

1 (b) Scenic trails shall be authorized and designated only by
2 an act of the General Assembly. There is hereby established as
3 the initial scenic trail the Appalachian Trail which shall be
4 administered primarily as a footpath by the department.

5 (c) Connecting or side trails within park, forest and other
6 recreation areas or natural areas may be established, designated
7 and marked as components of a recreation or scenic trail.

8 Section 7. Selection of Scenic Trails Rights-of-Way.--(a)
9 Pursuant to subsection (b) of section 5, the department shall
10 select the rights-of-way for scenic trails and shall publish
11 notice thereof in the Pennsylvania Bulletin. The selected route
12 shall be compatible with the preservation or enhancement of the
13 environment it traverses, and the boundaries of the right-of-way
14 shall be established in such a manner that they protect the
15 scenic values of the trail.

16 (b) In selecting rights-of-way, the department shall give
17 full consideration to minimizing the adverse effects upon the
18 adjacent landowner or user and his operation. Development and
19 management of each segment of the trails system shall be
20 designed to harmonize with and complement any established
21 multiple-use plans for that specific area in order to insure
22 continued maximum benefits from the land.

23 (c) In selecting rights-of-way, the department shall obtain
24 the advice and assistance of the Federal, State and local
25 governments, private organizations and landowners and land users
26 concerned. Furthermore, the General Assembly encourages citizen
27 participation in trail acquisition, construction, development
28 and maintenance where such activities will not conflict with the
29 purposes of this act. The location and width of rights-of-way
30 across State lands under the jurisdiction of another State

1 agency shall be by agreement between the head of that agency and
2 the department.

3 Section 8. Relocation of Scenic Trails Rights-of-Way.--(a)
4 After publication of notice in the Pennsylvania Bulletin, the
5 department may relocate segments of a scenic trail right-of-way,
6 with the concurrence of the head of the State agency having
7 jurisdiction over the lands involved, upon finding that the
8 relocation is necessary to (i) preserve or enhance the values
9 for which the trail was established, or (ii) promote a sound
10 land management program in accordance with established multiple-
11 use principles: Provided, That a substantial relocation of a
12 scenic trail right-of-way shall be authorized by an act of the
13 General Assembly.

14 (b) If the department permanently relocates the right-of-way
15 and disposes of all title or interest in the land, the original
16 owner, or his heirs or assigns, shall be offered, by notice
17 given at the former owner's last known address, the right of
18 first refusal at the fair market price: Provided, however, That
19 if the title is less than fee simple, then it shall revert to
20 the adjacent owner on either or both sides, or his heirs or
21 assigns, without monetary consideration.

22 Section 9. Acquisition of Rights-of-Way and Lands.--(a) The
23 department may use for trail purposes lands owned by the
24 Commonwealth of Pennsylvania, with the concurrence of the head
25 of the administering agency, and may acquire lands or interests
26 in land by scenic easements written cooperative agreement,
27 donation, purchase with donated or appropriated funds or
28 exchange except that not more than two acres in any one mile may
29 be acquired without the consent of the owner. Acquisition of
30 land or interest therein shall be accomplished with all possible

1 speed.

2 (b) After notice of the selection of the right-of-way is
3 published in the Pennsylvania Bulletin, the department may enter
4 into such agreements with landowners, local governments, private
5 organizations and individuals for the use of lands for trail
6 purposes or may acquire such lands or interests therein by
7 donation, purchase with donated or appropriated funds or
8 exchange in accordance with subsection (c). The lands involved
9 in such rights-of-way should be acquired in fee if other methods
10 of public control are not sufficient to assure their use for the
11 purposes for which they are acquired.

12 (c) The department may accept title to any non-State
13 property within the right-of-way and in exchange therefor it
14 may, with the concurrence of the head of the administering
15 agency, convey to the grantor of such property any State-owned
16 property which it classifies as suitable for exchange or other
17 disposal. The values of the properties so exchanged either shall
18 be approximately equal or shall be equalized by the payment of
19 cash to the grantor or to the department as the circumstances
20 require.

21 (d) The department may utilize condemnation proceedings,
22 under the provisions of the act of June 22, 1964 (Sp.Sess.,
23 P.L.84, No.6), known as the "Eminent Domain Code," without the
24 consent of the owner, to acquire lands or interests therein
25 pursuant to this section where, in its judgment, all reasonable
26 efforts to acquire such lands or interests therein by
27 negotiation have failed and in such cases it shall acquire only
28 such title as, in its judgment, is reasonably necessary to
29 provide passage across such lands except that condemnation
30 proceedings may not be utilized to acquire fee title or lesser

1 interests to more than two acres in any one mile and, when used,
2 such authority shall be limited to the most direct or
3 practicable connecting trail or right-of-way.

4 (e) Whenever the Commonwealth of Pennsylvania makes a
5 conveyance of land, it may reserve a right-of-way for trails to
6 the extent the department deems necessary to carry out the
7 purposes of this act.

8 Section 10. Use of Trails.--(a) Within the external
9 boundaries of the right-of-way, the natural vegetation shall be
10 kept undisturbed except for any clearing required for
11 construction of the trail, occasional vistas, or trail-use
12 facilities. The department shall make every effort to avoid any
13 use of the right-of-way that is incompatible with the purposes
14 for which the trails were established. Development and
15 management of each segment of the State trails system shall be
16 designed to harmonize with and complement any established
17 multiple-use plans for that specific area in order to insure
18 continual maximum benefits from the land. Other uses along the
19 trail which will not substantially interfere with the nature and
20 purposes of the trail may be permitted by the department.

21 (b) State scenic trails shall be managed in such a way as to
22 maintain their natural and scenic quality. Toward this end they
23 shall be supplemented by support facilities only on that part of
24 a trail which is in a State park or other developed recreation
25 area: Provided, That primitive camping facilities already in
26 existence on trails incorporated into the system shall be
27 permitted to remain and be maintained. No open wood fires shall
28 be permitted on State scenic trails except in areas with support
29 facilities specifically designed for such purpose. Reasonable
30 efforts shall be made to provide sufficient access opportunities

1 to such trails, and activities incompatible with the purposes
2 for which such trails were established shall be prohibited.

3 (c) The use of motorized vehicles by the general public
4 along any scenic trail shall be prohibited except as follows:

5 (1) The owner of private land included in the trails system
6 by cooperative agreement of the landowner may use motorized
7 vehicles on or across such trails or adjacent lands for purposes
8 incident to the ownership and management of the land from time
9 to time in accordance with regulations adopted by the
10 department.

11 (2) The department may adopt regulations authorizing the use
12 of motorized vehicles to meet emergencies or to enable adjacent
13 landowners or land users to have reasonable access to their
14 lands or timber rights.

15 Section 11. Uniform Markers for Trails.--(a) The department,
16 in consultation with appropriate governmental agencies and
17 public and private organizations, shall establish a uniform
18 marker, including thereon an appropriate and distinctive symbol
19 for each recreation and scenic trail.

20 (b) Where the trails cross lands administered by the
21 Commonwealth of Pennsylvania such markers shall be erected at
22 appropriate points along the trails and maintained by the State
23 agency administering the land in accordance with standards
24 established by the department and where trails cross other
25 lands, in accordance with written cooperative agreements, the
26 department shall provide such uniform markers to cooperating
27 agencies and shall require such agencies to erect and maintain
28 them in accordance with the standards established.

29 Section 12. Development and Maintenance of Trails.--(a) The
30 department shall provide for the development and maintenance of

1 trails established under this act and shall cooperate with and
2 encourage other State agencies to operate, develop and maintain
3 portions of such trails which are located in areas administered
4 by such agencies.

5 (b) When deemed to be in the public interest, the department
6 may enter into written cooperative agreements with local
7 governments, landowners, private organizations or individuals to
8 operate, develop and maintain any portion of a scenic trail.

9 Section 13. Studies for Proposed Scenic Trails.--The
10 department shall make studies for the purpose of determining the
11 feasibility and desirability of designating additional trails as
12 scenic trails. Such studies shall be made in consultation with
13 Federal, State and local governments, public and private
14 organizations and landowners and land users concerned. When
15 completed, such studies shall be the basis of appropriate
16 proposals for additional scenic trails which shall be submitted
17 from time to time to the Governor and to the General Assembly.

18 Section 14. Motorized Vehicles.--The use of motorized
19 vehicles by the general public within the right-of-way of any
20 State scenic or recreation trail shall be prohibited, and
21 nothing in this act shall be construed as authorizing the use of
22 motorized vehicles in these rights-of-way; but the department
23 shall establish regulations which shall authorize the use of
24 motorized vehicles when such vehicles are required to meet
25 emergencies where life or health is at risk, or to enable
26 present or adjacent landowners or land users to have reasonable
27 access to their lands or timber rights or to permit motorized
28 vehicles to cross such trails at ninety degree angles at
29 crossing points designated by the department.

30 Section 15. Right-of-way Abandonments.--The department shall

1 review all formal declarations of railroad right-of-way
2 abandonments by the Interstate Commerce Commission, for possible
3 inclusion into the State trails system.

4 Section 16. Public Utility Rights-of-way.--Nothing in this
5 act shall be construed to prohibit or authorize the prohibition
6 of the construction, operation or maintenance by a public
7 utility of overhead or underground facilities at points of
8 intersection with trails established under this act.

9 Section 17. Regulations and Penalties.--(a) The department
10 may adopt regulations governing the use, protection, management,
11 development and administration of the trails system and such
12 other regulations as it deems necessary to aid in the
13 administration of this act.

14 (b) Any person violating any regulation adopted by the
15 department shall be guilty of a summary offense.

16 Section 18. Funds.--Moneys appropriated under the act of
17 June 22, 1964 (P.L.131, No.8), known as the "Project 70 Land
18 Acquisition and Borrowing Act," and the act of January 19, 1968
19 (P.L.996, No.443), known as "The Land and Water Conservation and
20 Reclamation Act," for recreation, conservation and historical
21 purposes shall be available to the department or appropriate
22 State agencies and political subdivisions for the acquisition of
23 lands or interests therein for the purposes of this act.

24 Section 19. Effective Date.--This act shall take effect
25 immediately.