

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2373

Session of
1976

INTRODUCED BY MESSRS. RUGGIERO, LAUDADIO, MANMILLER,
PRENDERGAST, KOWALYSHYN, FRYER, ZWIKL, ZELLER, SELTZER,
GALLEN, LaMARCA, REED, A. C. FOSTER JR., W. W. FOSTER AND
SCHEAFFER, MAY 12, 1976

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 1976

AN ACT

1 Authorizing the Commonwealth of Pennsylvania, through the
2 Department of Environmental Resources, to enter into such
3 agreements and to acquire such interest as may be necessary
4 to establish, protect and maintain the Appalachian Trail,
5 providing for the establishment, protection and maintenance
6 of such trail and making an appropriation.

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 "Pennsylvania Appalachian Trail Act."

11 Section 2. Policy and Purpose.--In order to implement
12 Article I, section 27 of the Constitution of Pennsylvania with
13 respect to the Appalachian Trail in Pennsylvania as a source of
14 natural, scenic, historic and esthetic values to be preserved
15 and as a public natural resource to be conserved and maintained
16 for the benefit of all the people. The General Assembly finds as
17 a matter of legislative policy that planning and zoning by a
18 municipality, as municipality is defined in the act of July 31,

1 1968 (P.L.805, No.247), known as the "Pennsylvania
2 Municipalities Planning Code," as amended to implement Article
3 I, section 27 as stated is a valid exercise of the police power
4 under that code.

5 Section 3. Powers of Department.--The Commonwealth of
6 Pennsylvania, through the Department of Environmental Resources,
7 hereinafter referred to as the department, is authorized
8 independent of any action by a municipality under section 4: (i)
9 to enter into written cooperative agreements with political
10 subdivisions land owners, private organizations and individuals;
11 and (ii) to acquire by agreement, gift, eminent domain or
12 purchase land, rights-of-way and easements for the purpose of
13 establishing, protecting and maintaining a walking trail right-
14 of-way across this Commonwealth, now generally known as the
15 Appalachian Trail, under such terms and conditions, including
16 payment by the department in lieu of property taxes on trail
17 lands or property so acquired or subject to such use in
18 accordance with the act of May 17, 1929 (P.L.1798, No.591),
19 relating to payments made by the Commonwealth in lieu of taxes
20 as shall protect the interests of the actual or adjacent land
21 owners, or land users and as shall further the purposes of this
22 act but in the event of acquisition by eminent domain the total
23 amount of land so acquired shall not exceed an average of 25
24 acres per mile of trail. Any department or agency of the
25 Commonwealth, or any political subdivision, may transfer to the
26 department land or rights in land for these purposes, on terms
27 and conditions as agreed upon, or may enter into an agreement
28 with the department providing for the establishment and
29 protection of the trail.

30 The Appalachian Trail shall be held, developed and

1 administered primarily as a footpath, consonant with the
2 provisions of the National Trails Systems Act applicable to the
3 Appalachian Trail as part of the National Scenic Trails System,
4 and the natural scenic beauty thereof shall be preserved in so
5 far as is practicable. The use of motorized vehicles by the
6 general public along the trail is prohibited: Provided, That the
7 owner of private land over which the trail passes may use or
8 authorize use of motorized vehicles on or across the trail for
9 non-recreational purposes incident to ownership and management
10 of the land: And, provided further, That the department may
11 authorize use of the trail by motorized emergency vehicles. The
12 department may permit other uses of the trail and land acquired
13 hereunder, by the owner of adjoining land or others, in a manner
14 and for purposes as will not substantially interfere with the
15 primary use of the trail, and may grant temporary or permanent
16 rights-of-way across lands acquired under this act under terms
17 and conditions deemed advisable. Nothing in this act shall be
18 construed to limit the right of the public to pass over public
19 roads which are part of the trail, or to prevent the department
20 from performing work necessary for the purpose of forest fire
21 prevention and control, insect, pest and disease control, and
22 the removal of damage caused by natural disaster, or to prohibit
23 or authorize the prohibition of the construction, operation or
24 maintenance by a public utility of overhead or underground
25 facilities at points of intersection with or in close proximity
26 to the trail. The department may enter into cooperative
27 agreements with agencies of the Federal Government, political
28 subdivisions or with private organizations to provide for the
29 maintenance of the trail. No person who has granted a right-of-
30 way for the trail across his land, or his successor in title,

1 shall be liable to any user of the trail for injuries suffered
2 on such portion of the trail unless the same are caused by his
3 willful or wanton misconduct.

4 Section 4. Municipalities; Powers and Duties.--Political
5 subdivision, including municipalities as defined in the
6 Pennsylvania Municipalities Planning Code, through which the
7 Appalachian Trail passes shall have the power and their duty
8 shall be to take such action consistent with applicable law, as
9 at least an interim measure, to preserve the natural, scenic,
10 historic and esthetic values of the trail and to conserve and
11 maintain it as a public natural resource. Such municipalities
12 may act hereunder in that section of the municipality through
13 which the Appalachian Trail passes without zoning the entire
14 municipality as required under section 605 of the Pennsylvania
15 Municipalities Planning Code.

16 Section 5. Appropriation.--The sum of \$250,000, or as much
17 thereof as may be necessary, is hereby specifically appropriated
18 for the remainder of the present fiscal year to the department
19 for acquisition of the trail including administrative cost and
20 related planning. THE \$250,000 RECEIVED FROM THE FEDERAL
21 GOVERNMENT AS A CONTRIBUTION FOR THIS PROGRAM SHALL BE PAID INTO
22 THE GENERAL FUND AND CREDITED TO THIS APPROPRIATION, AND IF NOT
23 SO PAID AND CREDITED, SUCH FEDERAL MONEYS SHALL BE UNAVAILABLE
24 FOR THIS PROGRAM. The balance of the foregoing appropriation
25 which remains unexpended, unencumbered or uncommitted at the end
26 of the present fiscal year shall not lapse but shall remain to
27 the credit of the department until expended in accordance with
28 the provisions of this appropriation.

29 Section 6. Effective Date.--This act shall take effect
30 immediately.