

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 925

Session of
1979

INTRODUCED BY FISCHER, MARCH 28, 1979

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 28, 1979

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.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the "Trails
11 System Act."

12 Section 2. Policy and purpose.

13 (a) In order to provide for the ever increasing outdoor
14 recreation needs of an expanding population and in order to
15 promote public access to, travel within, and enjoyment and
16 appreciation of the outdoor, natural and remote areas of this
17 Commonwealth, trails should be established:

18 (1) in natural and scenic areas of this Commonwealth,
19 and;

20 (2) in and near the urban areas of this Commonwealth.

21 (b) The purpose of this act is to provide the means for
22 attaining these objectives by instituting a Statewide system of
23 recreation and scenic trails, by designating the Appalachian
24 Trail as the initial component of that system, and by
25 prescribing the methods by which, and standards according to
26 which, additional components may be added to the system.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have, unless the context clearly indicates otherwise, the
30 meanings given to them in this section:

1 "Department." The Department of Transportation of the
2 Commonwealth of Pennsylvania.

3 "Scenic easement." A perpetual easement in land which:

4 (1) is held for the benefit of the people of
5 Pennsylvania;

6 (2) is specifically enforceable by its holder or
7 beneficiary; and

8 (3) limits or obligates the holder of the servient
9 estate, his heirs, and assigns with respect to their use and
10 management of land and activities conducted thereon, the
11 object of such limitations and obligations being the
12 maintenance or enhancement of the natural beauty of the land
13 in question or of areas affected by it.

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

19 Section 4. Classification of trails.

20 The State trails system shall be composed of the following
21 classes of trails:

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

1 department.

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

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

11 Section 5. Establishment of trails system.

12 (a) There is hereby established a trails system of
13 recreation trails, scenic trails and connecting or side trails
14 composed of:

15 (1) the Appalachian Trail, and;

16 (2) such other trails that are established or designated
17 from time to time by the General Assembly or the department
18 under the provisions of this act.

19 (b) The department, in consultation with appropriate
20 Federal, State and local governmental agencies and public and
21 private organizations, shall establish a uniform marker for the
22 trails system and shall coordinate the trails system with the
23 National trails system established under the act of Congress of
24 October 2, 1968 (Public Law 90-543), known as the National
25 Trails System Act.

26 Section 6. Establishment and designation of trails.

27 (a) The department may establish and designate recreation
28 trails over lands administered by it and, by consent of the
29 landowner, over lands owned by the Federal Government, the
30 Commonwealth of Pennsylvania, a political subdivision or any

1 person upon finding that such trails:

2 (1) are reasonably accessible to urban areas; or

3 (2) meet the criteria established in this act and such
4 supplementary criteria as the department shall prescribe.

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

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

12 Section 7. Selection of scenic trails rights-of-way.

13 (a) Pursuant to section 5(b), the department shall select
14 the rights-of-way for scenic trails and shall publish notice
15 thereof in the Pennsylvania Bulletin. The selected route shall
16 be compatible with the preservation or enhancement of the
17 environment it traverses, and the boundaries of the right-of-way
18 shall be established in such a manner that they protect the
19 scenic values of the trail.

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

27 (c) In selecting rights-of-way, the department shall obtain
28 the advice and assistance of the Federal, State and local
29 governments, private organizations and landowners and land users
30 concerned. Furthermore, the General Assembly encourages citizen

1 participation in trail acquisition, construction, development
2 and maintenance where such activities will not conflict with the
3 purposes of this act. The location and width of rights-of-way
4 across State lands under the jurisdiction of another State
5 agency shall be by agreement between the head of that agency and
6 the department.

7 Section 8. Relocation of scenic trails rights-of-ways.

8 (a) After publication of notice in the Pennsylvania
9 Bulletin, the department may relocate segments of a scenic trail
10 right-of-way, with the concurrence of the head of the State
11 agency having jurisdiction over the lands involved, upon finding
12 that the relocation is necessary to:

13 (1) preserve or enhance the values for which the trail
14 was established; or

15 (2) promote a sound land management program in
16 accordance with established multiple-use principles; except
17 that a substantial relocation of a scenic trail right-of-way
18 shall be authorized by an act of the General Assembly.

19 (b) If the department permanently relocates the right-of-way
20 and disposes of all title or interest in the land, the original
21 owner, or his heirs or assigns, shall be offered, by notice
22 given at the former owner's last known address, the right of
23 first refusal at the fair market price; except that if the title
24 is less than fee simple, then it shall revert to the adjacent
25 owner on either or both sides, or his heirs or assigns, without
26 monetary consideration.

27 Section 9. Acquisition of rights-of-way and lands.

28 (a) The department may use for trail purposes lands owned by
29 the Commonwealth of Pennsylvania, with the concurrence of the
30 head of the administering agency, and may acquire lands or

1 interests in land by scenic easements written cooperative
2 agreement, donation, purchase with donated or appropriated funds
3 or exchange except that not more than two acres in any one mile
4 may be acquired without the consent of the owner. Acquisition of
5 land or interest therein shall be accomplished with all possible
6 speed.

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

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

26 (d) The department may utilize condemnation proceedings,
27 under the provisions of the act of June 22, 1964 (Sp.Sess.,
28 P.L.84, No.6), known as the "Eminent Domain Code," without the
29 consent of the owner, to acquire lands or interests therein
30 pursuant to this section where, in its judgment, all reasonable

1 efforts to acquire such lands or interests therein by
2 negotiation have failed and in such cases it shall acquire only
3 such title as, in its judgment, is reasonably necessary to
4 provide passage across such lands except that condemnation
5 proceedings may not be utilized to acquire fee title or lesser
6 interests to more than two acres in any one mile and, when used,
7 such authority shall be limited to the most direct or
8 practicable connecting trail or right-of-way.

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

13 Section 10. Use of trails.

14 (a) Within the external boundaries of the right-of-way, the
15 natural vegetation shall be kept undisturbed except for any
16 clearing required for construction of the trail, occasional
17 vistas, or trail-use facilities. The department shall make every
18 effort to avoid any use of the right-of-way that is incompatible
19 with the purposes for which the trails were established.

20 Development and management of each segment of the State trails
21 system shall be designed to harmonize with and complement any
22 established multiple-use plans for that specific area in order
23 to insure continual maximum benefits from the land. Other uses
24 along the trail which will not substantially interfere with the
25 nature and purposes of the trail may be permitted by the
26 department.

27 (b) State scenic trails shall be managed in such a way as to
28 maintain their natural and scenic quality. Toward this end they
29 shall be supplemented by support facilities only on that part of
30 a trail which is in a State park or other developed recreation

1 area, except that primitive camping facilities already in
2 existence on trails incorporated into the system shall be
3 permitted to remain and be maintained. No open wood fires shall
4 be permitted on State scenic trails except in areas with support
5 facilities specifically designed for such purpose. Reasonable
6 efforts shall be made to provide sufficient access opportunities
7 to such trails, and activities incompatible with the purposes
8 for which such trails were established shall be prohibited.

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

11 (1) The owner of private land included in the trails
12 system by cooperative agreement of the landowner may use
13 motorized vehicles on or across such trails or adjacent lands
14 for purposes incident to the ownership and management of the
15 land from time to time in accordance with regulations adopted
16 by the department.

17 (2) The department may adopt regulations authorizing the
18 use of motorized vehicles to meet emergencies or to enable
19 adjacent landowners or land users to have reasonable access
20 to their lands or timber rights.

21 Section 11. Uniform markers for trails.

22 (a) The department, in consultation with appropriate
23 governmental agencies and public and private organizations,
24 shall establish a uniform marker, including thereon an
25 appropriate and distinctive symbol for each recreation and
26 scenic trail.

27 (b) Where the trails cross lands administered by the
28 Commonwealth of Pennsylvania such markers shall be erected at
29 appropriate points along the trails and maintained by the State
30 agency administering the land in accordance with standards

1 established by the department and where trails cross other
2 lands, in accordance with written cooperative agreements, the
3 department shall provide such uniform markers to cooperating
4 agencies and shall require such agencies to erect and maintain
5 them in accordance with the standards established.

6 Section 12. Development and maintenance of trails.

7 (a) The department shall provide for the development and
8 maintenance of trails established under this act and shall
9 cooperate with and encourage other State agencies to operate,
10 develop and maintain portions of such trails which are located
11 in areas administered by such agencies.

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

16 Section 13. Studies for proposed scenic trails.

17 The department shall make studies for the purpose of
18 determining the feasibility and desirability of designating
19 additional trails as scenic trails. Such studies shall be made
20 in consultation with Federal, State and local governments,
21 public and private organizations and landowners and land users
22 concerned. When completed, such studies shall be the basis of
23 appropriate proposals for additional scenic trails which shall
24 be submitted from time to time to the Governor and to the
25 General Assembly.

26 Section 14. Motorized vehicles.

27 The use of motorized vehicles by the general public within
28 the right-of-way of any State scenic or recreation trail shall
29 be prohibited, and nothing in this act shall be construed as
30 authorizing the use of motorized vehicles in these rights-of-

1 way; but the department shall establish regulations which shall
2 authorize the use of motorized vehicles when such vehicles are
3 required to meet emergencies where life or health is at risk, or
4 to enable present or adjacent landowners or land users to have
5 reasonable access to their lands or timber rights or to permit
6 motorized vehicles to cross such trails at ninety degree angles
7 at crossing points designated by the department.

8 Section 15. Right-of-way abandonments.

9 The department shall review all formal declarations of
10 railroad right-of-way abandonments by the Interstate Commerce
11 Commission, for possible inclusion into the State trails system.

12 Section 16. Public utility rights-of-way.

13 Nothing in this act shall be construed to prohibit or
14 authorize the prohibition of the construction, operation or
15 maintenance by a public utility of overhead or underground
16 facilities at points of intersection with trails established
17 under this act.

18 Section 17. Regulations and penalties.

19 (a) The department may adopt regulations governing the use,
20 protection, management, development and administration of the
21 trails system and such other regulations as it deems necessary
22 to aid in the administration of this act.

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

25 Section 18. Funds.

26 Moneys appropriated under the act of June 22, 1964 (P.L.131,
27 No.8), known as the "Project 70 Land Acquisition and Borrowing
28 Act," and the act of January 19, 1968 (P.L.996, No.443), known
29 as "The Land and Water Conservation and Reclamation Act," for
30 recreation, conservation and historical purposes shall be

1 available to the department or appropriate State agencies and
2 political subdivisions for the acquisition of lands or interests
3 therein for the purposes of this act.

4 Section 19. Effective date.

5 This act shall take effect immediately.