

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1912 Session of
2005

INTRODUCED BY GEORGE, SURRA, HANNA, DeWEESE, HERSHEY, BAKER,
BELARDI, BELFANTI, CALTAGIRONE, CAPPELLI, DeLUCA, FORCIER,
GODSHALL, HERMAN, MANN, McILHATTAN, NAILOR, PETRARCA,
PISTELLA, PYLE, ROSS, SAINATO, SATHER, SCAVELLO, SHANER,
SOLOBAY, STABACK, STERN, THOMAS, TIGUE, YOUNGBLOOD AND
YUDICHAK, AUGUST 18, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 18, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the acquisition and cleanup of
3 abandoned mine lands for use as all-terrain vehicle trails;
4 and making an appropriation.

5 The General Assembly finds and declares as follows:

6 (1) The number of all-terrain vehicle owners in this
7 Commonwealth has been on the rise for the past several years.
8 In addition, all-terrain vehicle users annually pay hundreds
9 of thousands of dollars in registration fees and sales and
10 use taxes in this Commonwealth for the purchase and use of
11 their vehicles.

12 (2) Over 250,000 acres of abandoned mine lands blight
13 the landscape of our great Commonwealth. These lands lie
14 useless and wasted, awaiting funds or an opportunity to
15 return them to a productive use.

16 (3) The conversion of abandoned mine lands into all-
17 terrain vehicle recreational trails will enable abandoned

1 mine lands to serve a productive use, increasing recreational
2 opportunities for the rising number of all-terrain vehicle
3 users in this Commonwealth.

4 (4) Since many of the abandoned mines are located in
5 municipalities economically hard hit by the decline in coal
6 and other heavy industries, this new use of these lands will
7 bring needed tourism and income to these local economies.

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

10 Section 1. Section 7702 of Title 75 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:

12 § 7702. Definitions.

13 The following words and phrases when used in this chapter
14 shall have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 "Abandoned mine lands." Land adversely affected by mineral
17 extraction and left or abandoned in an unreclaimed or
18 inadequately reclaimed condition.

19 * * *

20 "ATV recreational trail." Any improved or unimproved path or
21 road established by the Department of Conservation and Natural
22 Resources for the express purposes of recreational use for all-
23 terrain vehicles.

24 * * *

25 Section 2. Section 7706 of Title 75 is amended to read:
26 § 7706. Restricted account.

27 (a) Deposit and use of moneys.--

28 (1) The department shall deposit the following into a
29 restricted account, which is hereby established:

30 (i) all moneys received from the registration of and

1 issuance of certificates of title for snowmobiles and
2 ATV's;

3 (ii) all revenue from the sale of any publications
4 or services relating to snowmobiles and ATV's; and

5 (iii) all fines, penalties, fees and costs assessed
6 and collected as a result of enforcement activities
7 conducted by the department's law enforcement personnel
8 under this chapter.

9 (2) The department shall draw moneys from the restricted
10 account for use in performing any activities necessary to
11 carry out the purposes of this chapter, including
12 registration and certificate of title activities, training,
13 education, enforcement activities, construction and
14 maintenance of snowmobile and ATV trails and acquisition of
15 equipment, supplies and interests in land. All moneys
16 deposited in this account shall remain in it to be used as
17 specified in this section.

18 (3) The provisions of 42 Pa.C.S. § 3573(b)(2) (relating
19 to municipal corporation portion of fines, etc.)
20 notwithstanding, when prosecution under this chapter is the
21 result of local police action, all fines, penalties, fees and
22 costs assessed as a result of such prosecution shall be
23 payable to the municipal corporation under which the local
24 police are organized.

25 (4) A majority of the funds in the restricted account
26 shall be used for the development of ATV and snowmobile
27 trails.

28 (b) Grant-in-aid.--The department shall, upon written
29 application and subsequent approval, grant money from the
30 restricted account:

1 (1) To municipalities and profit and nonprofit
2 organizations in connection with snowmobile and ATV use on
3 lands not owned by the Commonwealth for the following:

4 (i) Plans, specifications and engineering surveys.

5 (ii) Fees and costs related to the preparation or
6 performance of right-of-way lease agreements.

7 (iii) Land acquisition.

8 (iv) Construction, maintenance and rehabilitation of
9 trails and other facilities for snowmobiles and ATV's.

10 (2) To municipalities and profit and nonprofit
11 organizations for equipment, training and education
12 activities relating to snowmobile and ATV use.

13 (3) To profit and nonprofit organizations for the
14 maintenance and rehabilitation, but not the construction, of
15 snowmobile and ATV trails on land owned by the Commonwealth.

16 (b.1) Abandoned mine lands to ATV recreational trails
17 program.--

18 (1) The department in cooperation with the Department of
19 Environmental Protection shall establish a program to acquire
20 and clean up abandoned mine lands in this Commonwealth and
21 lease these lands to local nonprofit, for-profit or local
22 governmental bodies for the development of ATV recreational
23 trails.

24 (2) On an annual basis the department shall solicit
25 proposals to convert abandoned mine lands into ATV
26 recreational trails and evaluate them for suitability for use
27 as ATV recreational trails. Sites must be within 25 miles of
28 an interstate highway. The department shall consider at a
29 minimum the following factors in the evaluation and selection
30 of these sites:

1 (i) Suitability for use as an ATV recreational
2 trail.

3 (ii) Extent of environmental cleanup necessary.

4 (iii) Availability of local nonprofit, for-profit or
5 local governmental bodies interested in leasing and
6 maintaining ATV recreational trails.

7 (iv) Available funding sources for cleanup in
8 addition to restricted account funds.

9 (3) The department shall select at least one site each
10 fiscal year to convert to an ATV recreational trail. The
11 department is authorized to enter into negotiations with the
12 owner to obtain the property. The purchase price of the
13 property shall be no more than the reasonably appraised value
14 of the property in its current condition and shall not
15 include any value projected resulting from remediation or
16 cleanup to be conducted by the department or local nonprofit,
17 for-profit or local governmental bodies. The department may
18 negotiate for the coal or mineral subsurface rights to the
19 land.

20 (4) The department and the Department of Environmental
21 Protection are authorized to use funds outside of the
22 restricted account to pay for the remediation, cleanup and
23 conversion of the site or sites chosen by the department
24 which include, but are not limited to, postclosure mining
25 bonds where authorized by law and funds from other Federal,
26 State and local government programs, along with funds from
27 for-profit and nonprofit organizations.

28 (5) The department is responsible for leasing the
29 selected sites to local nonprofit, for-profit or local
30 governmental bodies for the development of ATV recreational

1 trails.

2 (c) Audit of moneys.--The restricted account shall be
3 audited every two years. Copies of the audit shall be provided
4 to the Snowmobile and ATV Advisory Committee.

5 Section 3. (a) The sum of \$1,000,000 is hereby appropriated
6 to the Department of Conservation and Natural Resources
7 restricted account under 75 Pa.C.S. § 7706 for the fiscal year
8 July 1, 2005, to June 30, 2006, for the purpose of the purchase
9 of abandoned mine lands and their conversion into ATV
10 recreational trails.

11 (b) The appropriation under subsection (a) shall be a
12 continuing appropriation and shall not lapse.

13 Section 4. This act shall take effect immediately.