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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1912** Session of  
2005

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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

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REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 18, 2005

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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.