

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3

Session of
1977

INTRODUCED BY MESSRS. RUGGIERO, LAUDADIO, FRYER, KOWALYSHYN,
GALLEN, NOYE, REED, DAVIES, MANMILLER, BROWN, SELTZER,
KLINGAMAN, LEHR, ZELLER, DORR, A. C. FOSTER JR.,
W. W. FOSTER, PICCOLA, ZWIKL, BITTLE, CALTAGIRONE, MORRIS
AND ZEARFOSS, JANUARY 19, 1977

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 16, 1977

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.

10 This act shall be known and may be cited as the "Pennsylvania
11 Appalachian Trail Act."

12 Section 2. Policy and purpose.

13 In order to implement Article I, section 27 of the
14 Constitution of Pennsylvania with respect to the Appalachian
15 Trail in Pennsylvania as a source of natural, scenic, historic
16 and esthetic values to be preserved and as a public natural
17 resource to be conserved and maintained for the benefit of all
18 the people. The General Assembly finds as a matter of

1 legislative policy that planning and zoning by a municipality,
2 as municipality is defined in the act of July 31, 1968 (P.L.805,
3 No.247), known as the "Pennsylvania Municipalities Planning
4 Code," as amended to implement Article I, section 27 as stated
5 is a valid exercise of the police power under that code.

6 Section 3. Powers of department.

7 (a) The Commonwealth of Pennsylvania, through the Department
8 of Environmental Resources, hereinafter referred to as the
9 department, is authorized independent of any action by a
10 municipality under section 4 to enter into written cooperative
11 agreements with political subdivisions land owners, private
12 organizations and individuals and to acquire by agreement, gift,
13 eminent domain or purchase land, rights-of-way and easements for
14 the purpose of establishing, protecting and maintaining a
15 walking trail right-of-way across this Commonwealth, now
16 generally known as the Appalachian Trail, under such terms and
17 conditions, including payment by the department in lieu of
18 property taxes on trail lands or property so acquired or subject
19 to such use in accordance with the act of May 17, 1929
20 (P.L.1798, No.591) referred to as the Forest Reserves Municipal
21 Financial Relief Law, as shall protect the interests of the
22 actual or adjacent land owners, or land users and as shall
23 further the purposes of this act. ~~but in~~ IN the event of <—
24 acquisition by eminent domain OF LAND OTHER THAN TILLABLE FARM <—
25 LAND, the total amount of land so acquired shall not exceed an
26 average of 25 acres per mile of trail; AND IN THE EVENT OF <—
27 ACQUISITION BY EMINENT DOMAIN OF TILLABLE FARM LAND, SUCH
28 ACQUISITION OF SUCH LAND SHALL BE LIMITED TO A FOOTPATH WITH A
29 WIDTH OF NOT MORE THAN 25 FEET ACROSS SUCH LAND. Any department
30 or agency of the Commonwealth, or any political subdivision, may

1 transfer to the department land or rights in land for these
2 purposes, on terms and conditions as agreed upon, or may enter
3 into an agreement with the department providing for the
4 establishment and protection of the trail.

5 (b) The Appalachian Trail shall be held, developed and
6 administered primarily as a footpath, consonant with the
7 provisions of the National Trails Systems Act applicable to the
8 Appalachian Trail as part of the National Scenic Trails System,
9 and the natural scenic beauty thereof shall be preserved in so
10 far as is practicable. The use of motorized vehicles by the
11 general public along the trail is prohibited: Provided, That the
12 owner of private land over which the trail passes may use or
13 authorize use of motorized vehicles on or across the trail for
14 nonrecreational purposes incident to ownership and management of
15 the land: And, provided further, That the department may
16 authorize use of the trail by motorized emergency vehicles. The
17 department may permit other uses of the trail and land acquired
18 hereunder, by the owner of adjoining land or others, in a manner
19 and for purposes as will not substantially interfere with the
20 primary use of the trail, and may grant temporary or permanent
21 rights-of-way across lands acquired under this act under terms
22 and conditions deemed advisable. Nothing in this act shall be
23 construed to limit the right of the public to pass over public
24 roads which are part of the trail, or to prevent the department
25 from performing work necessary for the purpose of forest fire
26 prevention and control, insect, pest and disease control, and
27 the removal of damage caused by natural disaster, or to prohibit
28 or authorize the prohibition of the construction, operation or
29 maintenance by a public utility of overhead or underground
30 facilities at points of intersection with or in close proximity

1 to the trail. The department may enter into cooperative
2 agreements with agencies of the Federal Government, political
3 subdivisions or with private organizations to provide for the
4 maintenance of the trail. No person who has granted a right-of-
5 way for the trail across his land, or his successor in title,
6 shall be liable to any user of the trail for injuries suffered
7 on such portion of the trail unless the same are caused by his
8 willful or wanton misconduct.

9 Section 4. Municipalities; powers and duties.

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

21 Section 5. Pennsylvania Trails Committee.

22 The secretary shall appoint and the department shall
23 cooperate with a Pennsylvania Trails Committee consisting of not
24 more than nine persons who shall be selected to represent the
25 different trail interests. This committee shall cooperate with
26 the department on matters relating to Pennsylvania trails.

27 Section 6. Appropriation.

28 The sum of \$500,000, or as much thereof as may be necessary,
29 is hereby specifically appropriated for the fiscal year 1977-
30 1978 to the department for acquisition of the trail including

1 administrative cost and related planning. The balance of the
2 foregoing appropriation which remains unexpended, unencumbered
3 or uncommitted at the end of the fiscal year 1977-1978 shall not
4 lapse but shall remain to the credit of the department until
5 expended in accordance with the provisions of this
6 appropriation.

7 Section 7. Effective date.

8 This act shall take effect July 1, 1977.