
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 967 Session of
1989

INTRODUCED BY MADIGAN, MAY 23, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 27, 1990

AN ACT

1 Authorizing the Department of Environmental Resources to defend,
2 indemnify and hold harmless the Consolidated Rail Corporation
3 in actions arising under the acceptance of a certain railroad
4 line; AND PROVIDING FOR AN ADVISORY COMMITTEE. <—

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. To the extent authorized by section 8(d) of the
8 National Trails System Act (Public Law 90-543, 16 U.S.C. §
9 1247(d)) and 49 CFR 1152.29 (relating to prospective use of
10 rights-of-way for interim trail use and rail banking), the
11 Department of Environmental Resources, acting on behalf of the
12 Commonwealth, is authorized to do all of the following:

13 (1) Agree to defend, indemnify and hold harmless the
14 Consolidated Rail Corporation from and against property
15 damage, personal injury or death in connection with the
16 acceptance of the Consolidated Rail Corporation's Corning
17 Secondary Line in Lycoming County and Tioga County between
18 milepost 168.1 and milepost 105.9 for recreational and

1 historical purposes.

2 (2) Agree to be responsible for the management of the
3 right-of-way of the line referred to in paragraph (1).

4 (3) Agree to defend, indemnify and hold harmless the
5 Consolidated Rail Corporation from and against other expenses
6 and losses arising from an action against the Consolidated
7 Rail Corporation in connection with the acceptance of the
8 line referred to in paragraph (1).

9 SECTION 2. THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL <—
10 NOT ACCEPT THE CONSOLIDATED RAIL CORPORATION'S CORNING SECONDARY
11 LINE IN LYCOMING COUNTY AND TIOGA COUNTY BETWEEN MILEPOST 168.1
12 AND MILEPOST 105.9 FOR RECREATIONAL AND HISTORICAL PURPOSES
13 UNTIL SUCH TIME AS DEPARTMENT REGULATIONS, APPROVED BY THE
14 DESIGNATED STANDING COMMITTEES AS PROVIDED BY LAW, ARE IN EFFECT
15 SPECIFICALLY RELATING TO THE MAINTENANCE AND MANAGEMENT OF THE
16 PROJECT.

17 SECTION 3. (A) NOTWITHSTANDING ANY PROVISION OF THIS ACT, <—
18 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL NOT DEVELOP OR
19 OPERATE THE PROPERTY DESCRIBED IN THIS ACT FOR RECREATIONAL OR
20 HISTORICAL PURPOSES UNTIL AN ADVISORY COMMITTEE, AS PROVIDED BY
21 THIS SECTION, HAS BEEN APPOINTED AND HAS MET WITH THE SECRETARY
22 OF ENVIRONMENTAL RESOURCES OR HIS DESIGNEE FOR THE PURPOSE OF
23 REVIEWING PRELIMINARY PLANS FOR THE DEVELOPMENT AND OPERATION OF
24 THE PROPERTY.

25 (B) THE SECRETARY OF ENVIRONMENTAL RESOURCES SHALL APPOINT
26 THIS COMMITTEE TO BE COMPOSED OF THE FOLLOWING PERSONS, OR THEIR
27 DESIGNEES:

28 (1) THE CHAIRMAN OF THE LYCOMING COUNTY PLANNING
29 COMMISSION.

30 (2) THE CHAIRMAN OF THE TIOGA COUNTY PLANNING

1 COMMISSION.

2 (3) THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF EACH OF
3 THE TOWNSHIPS OF CUMMINGS, MCHENRY AND BROWN TOWNSHIPS IN
4 LYCOMING COUNTY.

5 (4) THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF EACH OF
6 THE TOWNSHIPS OF DELMAR, SHIPPEN AND MORRIS TOWNSHIPS IN
7 TIOGA COUNTY.

8 (5) THE CHAIRMAN OF THE LYCOMING COUNTY BOARD OF
9 COMMISSIONERS.

10 (6) THE CHAIRMAN OF THE TIOGA COUNTY BOARD OF
11 COMMISSIONERS.

12 (C) THE ADVISORY COMMITTEE SHALL MEET WITH APPROPRIATE
13 OFFICIALS OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AT LEAST
14 FOUR TIMES A YEAR FOR THE FIRST TWO YEARS FOLLOWING THE
15 EFFECTIVE DATE OF THIS ACT, AND SEMIANNUALLY THEREAFTER. DURING
16 THE FIRST TWO YEARS, AT LEAST TWO MEETINGS OF THE ADVISORY
17 COMMITTEE SHALL BE HELD IN EITHER LYCOMING OR TIOGA COUNTY, AND
18 THEREAFTER AT LEAST ONE MEETING OF THE ADVISORY COMMITTEE SHALL
19 BE HELD IN LYCOMING COUNTY.

20 Section ~~2-3~~ 4. This act shall take effect immediately.

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