
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 967 Session of
1989

INTRODUCED BY MADIGAN, MAY 23, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 30, 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

milepost 168.1 and milepost 105.9 for recreational and historical purposes.

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

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

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

SECTION 2. NOTWITHSTANDING ANY PROVISION OF THIS ACT, THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL NOT DEVELOP OR OPERATE THE PROPERTY DESCRIBED IN THIS ACT FOR RECREATIONAL OR HISTORICAL PURPOSES UNTIL THE DESIGNATED STANDING COMMITTEES HAVE REVIEWED A DEPARTMENT MANAGEMENT PLAN, AS IT SPECIFICALLY RELATES TO THE MAINTENANCE AND OPERATION OF THE PROJECT.

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

1 THE PROPERTY.

2 (B) THE SECRETARY OF ENVIRONMENTAL RESOURCES SHALL APPOINT
3 THIS COMMITTEE TO BE COMPOSED OF THE FOLLOWING PERSONS, OR THEIR
4 DESIGNEES:

5 (1) THE CHAIRMAN OF THE LYCOMING COUNTY PLANNING
6 COMMISSION.

7 (2) THE CHAIRMAN OF THE TIOGA COUNTY PLANNING
8 COMMISSION.

9 (3) THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF EACH OF
10 THE TOWNSHIPS OF CUMMINGS, MCHENRY AND BROWN TOWNSHIPS IN
11 LYCOMING COUNTY.

12 (4) THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF EACH OF
13 THE TOWNSHIPS OF DELMAR, SHIPPEN AND MORRIS TOWNSHIPS IN
14 TIOGA COUNTY.

15 (5) THE CHAIRMAN OF THE LYCOMING COUNTY BOARD OF
16 COMMISSIONERS.

17 (6) THE CHAIRMAN OF THE TIOGA COUNTY BOARD OF
18 COMMISSIONERS.

19 (C) THE ADVISORY COMMITTEE SHALL MEET WITH APPROPRIATE
20 OFFICIALS OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AT LEAST
21 FOUR TIMES A YEAR FOR THE FIRST TWO YEARS FOLLOWING THE
22 EFFECTIVE DATE OF THIS ACT, AND SEMIANNUALLY THEREAFTER. DURING
23 THE FIRST TWO YEARS, AT LEAST TWO MEETINGS OF THE ADVISORY
24 COMMITTEE SHALL BE HELD IN EITHER LYCOMING OR TIOGA COUNTY, AND
25 THEREAFTER AT LEAST ONE MEETING OF THE ADVISORY COMMITTEE SHALL
26 BE HELD IN LYCOMING COUNTY.

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

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