

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1869 Session of  
1997

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LUCYK, MILLER, WAUGH, EGOLF, RUBLEY, BOSCOLA AND WILT,  
OCTOBER 6, 1997

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
OCTOBER 6, 1997

AN ACT

1 Establishing the Recreational Trails Advisory Board; providing  
2 for funding for motorized and nonmotorized recreational  
3 trails; providing for powers and duties of the Department of  
4 Conservation and Natural Resources; establishing a fund; and  
5 providing for the disposition of certain tax revenues.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Recreational  
10 Trails Funding Act.

11 Section 2. Definitions.

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

15 "Board." The Recreational Trails Advisory Board created  
16 under section 3.

1 "Department." The Department of Conservation and Natural  
2 Resources of the Commonwealth.

3 "Fund." The Recreational Trails Trust Fund established under  
4 section 7.

5 "Motorized recreation." The term does not include motorized  
6 conveyances used by persons with disabilities, such as self-  
7 propelled wheelchairs.

8 "Nonhighway recreational fuel." Any fuel consumed by off-  
9 highway recreational vehicles and off-road four-wheel drive  
10 vehicles.

11 "Nonhighway recreational fuel taxes." Taxes imposed on fuel  
12 used in recreational vehicles, including vehicles registered for  
13 highway use when used on recreational trails and trail access  
14 roads, on recreational trails or backcountry terrain.

15 "Recreational trail." A thoroughfare or track across land or  
16 snow used for recreational purposes such as bicycling, cross-  
17 country skiing, day hiking, equestrian activities, jogging or  
18 similar fitness activities, trail biking, overnight and long-  
19 distance backpacking, snowmobiling, aquatic or water activity  
20 and for vehicular travel by motorcycle, four-wheel drive or all-  
21 terrain, off-road vehicles.

22 "Secretary." The Secretary of Conservation and Natural  
23 Resources of the Commonwealth.

24 Section 3. Recreational Trails Advisory Board.

25 (a) Board established.--The Recreational Trails Advisory  
26 Board is hereby established.

27 (b) Membership.--The board shall be composed of the  
28 following ten members:

29 (1) Eight members appointed by the secretary from  
30 nominations submitted by recreational trail user

1 organizations, representing the following recreational trail  
2 uses:

3 (i) Hiking.

4 (ii) Cross-country skiing.

5 (iii) Off-highway motorcycling.

6 (iv) Snowmobiling.

7 (v) Horseback riding.

8 (vi) All-terrain vehicle riding.

9 (vii) Bicycling.

10 (viii) Four-wheel drive vehicle riding.

11 (2) One member appointed by the secretary from  
12 nominations submitted by water trail user organizations.

13 (3) One member appointed by the secretary from  
14 nominations submitted by organizations representing the  
15 physically challenged.

16 (c) Presiding officer.--The presiding officer of the board  
17 shall be elected by the members representing recreational trail  
18 user organizations set forth in subsection (b).

19 (d) Board action.--Any action, recommendation or policy of  
20 the board must be supported by at least five members  
21 representing recreational trail user organizations set forth in  
22 subsection (b).

23 (e) Terms.--Members of the board shall serve for terms of  
24 three years, except that of the members initially appointed,  
25 five shall be appointed for a term of two years.

26 (f) Duties.--The board shall meet at least quarterly to:

27 (1) review utilization of allocated moneys;

28 (2) establish and review criteria for trailside and  
29 trailhead facilities that qualify for funding under this act;

30 and

(3) make recommendations to the secretary for changes in policy to advance the purposes of this act.

(g) Annual report.--The board shall present to the secretary, the Secretary of the Senate and the Chief Clerk of the House of Representatives an annual report on its activities.

(h) Reimbursement of expenses.--Nongovernmental members of the board shall serve without pay, but to the extent funds are available, shall be entitled to reimbursement for travel, subsistence and other necessary expenses incurred in the performance of their duties.

#### Section 4. Duties of department.

The department shall biennially calculate the amount of liquid fuel consumed and taxes paid by off-highway recreational vehicles within this Commonwealth.

#### Section 5. Allocation of funds.

(a) Permissible uses by the department.--The department may use moneys received under this act for the following purposes:

(1) To pay administrative costs incurred by the department for processing applications for grants made under section 6, but not more than 7% of the moneys received shall be expended for administrative costs.

(2) To conduct safety education programs relating to the use of off-highway recreational vehicles, but not more than 5% of the moneys received by the department shall be expended to conduct these programs.

(3) To conduct surveys of nonhighway recreational fuel consumption in this Commonwealth for use in making determinations and estimations under this act.

(b) Unexpended funds.--If any funds remain unexpended under subsection (a), the board may use the funds to conduct research

1 on methods to accommodate multiple trail uses and to increase  
2 the compatibility of those uses and for dissemination of  
3 information regarding the provisions of this act.

4 Section 6. Grants.

5 (a) General.--The department shall make grants to further  
6 the purposes of this act to private individuals, organizations,  
7 city and county governments and other government entities after  
8 considering recommendations made by the board.

9 (b) Application criteria.--Priority shall be given to trail  
10 projects that meet the following criteria:

11 (1) Development of urban trail linkages near homes and  
12 workplaces.

13 (2) Maintenance of existing recreational trails,  
14 including the grooming and maintenance of trails across snow.

15 (3) Restoration of areas damaged by usage of  
16 recreational trails and backcountry terrain.

17 (4) Development of trailside and trailhead facilities  
18 that meet goals identified by the board.

19 (5) Provision of features which facilitate the access  
20 and use of trails by persons with disabilities.

21 (6) Acquisition of easements for trails or for trail  
22 corridors identified in a State trail plan.

23 (7) Acquisition of fee simple title to property from a  
24 willing seller, when the objective of the acquisition cannot  
25 be accomplished by acquisition of an easement or by other  
26 means.

27 (8) Construction of new trails on State, county,  
28 municipal or private lands, where a recreational need for the  
29 construction is shown.

30 (c) Compliance.--The department, in consultation with the

1 board, shall establish measures to verify that recipients comply  
2 with specified conditions for the use of grant moneys.

3 (d) Uses not permitted.--The department shall not use moneys  
4 received under this act for condemnation of any kind of interest  
5 in property.

6 (e) Assured access to funds.--Not less than 30% of the  
7 moneys received annually by the department under this act shall  
8 be reserved for uses relating to motorized recreation, and not  
9 less than 30% of those moneys shall be reserved for uses  
10 relating to nonmotorized recreation.

11 (f) Diversified trail use.--

12 (1) To the extent practicable and consistent with other  
13 requirements of this act, the department shall expend moneys  
14 received under this act in a manner that gives preference to  
15 project proposals which accomplish the following:

16 (i) Provide for the greatest number of compatible  
17 recreational purposes, including, but not limited to,  
18 those enumerated in the definition of "recreational  
19 trail."

20 (ii) Provide for innovative recreational trail  
21 corridor sharing for motorized and nonmotorized  
22 recreational trail use.

23 (2) Paragraph (1) shall remain in effect until such time  
24 as the department has allocated not less than 40% of moneys  
25 received under this act to fund proposals described in  
26 paragraph (1).

27 (3) The department shall receive guidance for  
28 determining compliance with paragraph (1) from the board.

29 (g) Cooperation by private persons.--

30 (1) As a condition of making available moneys for work

1 on recreational trails that would affect privately owned  
2 land, the department shall obtain written assurances that the  
3 owner of the property will cooperate with the department and  
4 participate as necessary in the activities to be conducted.

5 (2) Any use of allocated moneys on private lands must be  
6 accompanied by an easement or other legally binding agreement  
7 that ensures access to recreational trail improvements funded  
8 under this act.

9 Section 7. Recreational Trails Trust Fund.

10 (a) Establishment.--There is hereby established a special  
11 restricted receipts nonlapsing fund in the State Treasury to be  
12 known as the Recreational Trails Trust Fund.

13 (b) Source of funds.--The full amount of the revenue  
14 generated by the tax imposed on nonhighway recreational fuel  
15 used in off-highway recreational vehicles within this  
16 Commonwealth shall be refunded annually to the Recreational  
17 Trails Trust Fund on petition to the Board of Finance and  
18 Revenue, by the department.

19 Section 8. Repeals.

20 All acts and parts of acts are repealed insofar as they are  
21 inconsistent with this act.

22 Section 9. Effective date.

23 This act shall take effect immediately.