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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 967      Session of  
1989

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INTRODUCED BY MADIGAN, MAY 23, 1989

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AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, DECEMBER 12, 1989

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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.

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 ~~2~~ 3. This act shall take effect immediately. <—