
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1537 Session of
1992

INTRODUCED BY BRIGHTBILL, FEBRUARY 4, 1992

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 4, 1992

AN ACT

1 Designating the Tulpehocken Creek as a component of the
2 Pennsylvania Scenic Rivers System; requiring cooperation by
3 State agencies in implementing the purposes of the Scenic
4 Rivers Act; limiting liability; and authorizing the
5 expenditure of moneys to further the purposes of this act.

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 Tulpehocken
10 Creek Scenic River Act.

11 Section 2. Legislative findings and purposes.

12 The Department of Environmental Resources has, in accordance
13 with the act of December 5, 1972 (P.L.1277, No.283), known as
14 the Pennsylvania Scenic Rivers Act, fulfilled its obligations
15 and responsibilities prerequisite to the designation of the
16 Tulpehocken Creek and a selected tributary as a component of the
17 Pennsylvania Scenic Rivers System. The designation of this
18 component is for the purposes of protecting its flow and
19 conserving and protecting its pastoral, recreational and

1 cultural qualities and historic characteristics in accordance
2 with the policy and provisions of the Pennsylvania Scenic Rivers
3 Act.

4 Section 3. Designation and classification.

5 (a) Designation.--Certain segments of the mainstem of the
6 Tulpehocken Creek in Lebanon and Berks Counties, a small segment
7 of Cacoosing Creek in Berks County and related adjacent land
8 area as it extends from near Kimmerlings Church eastward to its
9 confluence with the Schuylkill River at Reading are designated a
10 component of the Pennsylvania Scenic Rivers System under the act
11 of December 5, 1972 (P.L.1277, No.283), known as the
12 Pennsylvania Scenic Rivers Act. The boundaries and termini of
13 the components have been defined by the Department of
14 Environmental Resources and are shown on a map entitled,
15 "Tulpehocken Scenic River Study," which is on file and available
16 for public inspection in the Division of Land Records,
17 Historical and Museum Commission of the Commonwealth of
18 Pennsylvania, Harrisburg, PA 17108.

19 (b) Classification.--Segments of the component are
20 classified as follows:

21 (1) Tulpehocken Creek: Headwaters of the Tulpehocken
22 Creek near Kimmerlings Church in North Lebanon Township to
23 Ramona Road (Township Route 560) in Jackson Township, 3.4
24 miles, Pastoral.

25 (2) Tulpehocken Creek: Western boundary of the Carl
26 Sensenig property, now or formerly owned by Carl Sensenig and
27 wife, to the bridge carrying S.R.4010 over the Tulpehocken
28 near the entrance to Heidelberg County Club, 16.8 miles,
29 Pastoral.

30 (3) Tulpehocken Creek: Base of the Blue Marsh Dam to

1 the creek's confluence with the Schuylkill River at Reading,
2 6.6 miles, Recreational.

3 (4) Cacoosing Creek: State Hill Road bridge S.R.3023 to
4 the confluence with the Tulpehocken Creek, 2.0 miles,
5 Recreational.

6 (c) Special classification.--The Secretary of Environmental
7 Resources is authorized to classify the 3.4 mile segment between
8 Ramona Road and the western boundary of the property now or
9 formerly owned by Carl Sensenig and wife on the Tulpehocken
10 Creek upstream from Flanagan Road in Jackson Township, Lebanon
11 County, as Pastoral when the secretary determines that it meets
12 the established criteria for classification. When classified,
13 that segment shall become part of the Tulpehocken Creek Scenic
14 River component under this act, and all of the provisions of
15 this act and of the Pennsylvania Scenic Rivers Act shall become
16 applicable thereto.

17 Section 4. Management responsibilities.

18 The Department of Environmental Resources shall exercise
19 administrative responsibilities in implementing the Management
20 Guidelines for the Tulpehocken Creek and Cacoosing Creek
21 tributary, within the designated component. All actions by the
22 department and other State agencies shall be guided by the
23 appropriate Pastoral or Recreational Management Guidelines as
24 outlined in the text "Tulpehocken Creek Study" conducted by the
25 department under the act of December 5, 1972 (P.L.1277, No.283),
26 known as the Pennsylvania Scenic Rivers Act.

27 Section 5. Cooperation and coordination.

28 State agencies are authorized to seek the help of and enter
29 into agreements with the Federal Government and its agencies and
30 commissions, local governments and concerned private individuals

1 and organizations with the view of fostering cooperation and
2 coordination to further the purpose of this act. To this end,
3 the Department of Environmental Resources shall also seek the
4 cooperation of the Delaware River Basin Commission. All State
5 agencies, boards and commissions shall cooperate and coordinate
6 their activities with the department in relation to the
7 Tulpehocken Creek and associated tributary included in the
8 Scenic River component in order to further the purpose of this
9 act.

10 Section 6. Limitation of liability.

11 The provisions of the act of February 2, 1966 (1965 P.L.1860,
12 No.586), entitled "An act encouraging landowners to make land
13 and water areas available to the public for recreational
14 purposes by limiting liability in connection therewith, and
15 repealing certain acts," limiting the liability of owners of
16 land and water areas who make them available to the public for
17 recreational purposes without charge shall be applicable to
18 public and private owners of land and water areas within the
19 Tulpehocken Creek Scenic River component.

20 Section 7. Zoning powers.

21 Nothing in this act shall be construed as granting new zoning
22 powers to the Commonwealth or municipalities.

23 Section 8. Repairs and construction.

24 (a) Road repairs.--Where township road repairs are needed,
25 construction activities should be carried out within the
26 existing rights-of-way to maintain vegetation and scenic
27 qualities.

28 (b) Construction.--Construction, reconstruction, repair or
29 alterations due to safety or capacity considerations shall be
30 consistent with safe highway geometric design and in accordance

1 with the "Guidelines to Improve the Aesthetic Quality of Roads
2 in Pennsylvania," dated June 1978, prepared jointly by the
3 Department of Transportation and the Department of Environmental
4 Resources.

5 Section 9. Expenditure of funds.

6 The Department of Environmental Resources is authorized to
7 expend moneys when available for:

8 (1) Technical assistance for implementation and planning
9 under the Tulpehocken Creek Study conducted by the department
10 under the act of December 5, 1972 (P.L.1277, No.283), known
11 as the Pennsylvania Scenic Rivers Act.

12 (2) Assistance in the education of the general public
13 regarding the scenic river designation and appropriate
14 conservation measures.

15 Section 10. Effective date.

16 This act shall take effect immediately.