
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2646 Session of
1994

INTRODUCED BY BURNS AND BAKER, APRIL 5, 1994

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL
DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED,
APRIL 19, 1994

AN ACT

1 Creating the Recreational Trails Advisory Board; providing for
2 funding for motorized and nonmotorized recreational trails;
3 providing for powers and duties of the Department of
4 Environmental Resources; establishing a fund; and providing
5 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 Trail 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.

17 "Department." The Department of Environmental Resources of
18 the Commonwealth.

1 "Fund." The Recreational Trail Trust Fund established under
2 section 6.

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

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

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

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

20 "Secretary." The Secretary of Environmental Resources of the
21 Commonwealth.

22 Section 3. Recreational Trails Advisory Board.

23 (a) Board created.--The Recreational Trails Advisory Board
24 is hereby created.

25 (b) Membership.--The board shall be composed of the
26 following 11 members:

27 (1) Eight members appointed by the secretary from
28 nominations submitted by recreational trail user
29 organizations, representing the following recreational trail
30 uses:

- (i) Hiking.
- (ii) Cross-country skiing.
- (iii) Off-highway motorcycling.
- (iv) Snowmobiling.
- (v) Horseback riding.
- (vi) All-terrain vehicle riding.
- (vii) Bicycling.
- (viii) Four-wheel drive vehicle riding.

(2) An appropriate representative of the department who may be an employee of State or local government with a background in science or natural resources management, designated by the secretary.

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

(4) One member appointed by the secretary from nominations submitted by hunting and fishing enthusiast organizations.

(c) Presiding officer.--The presiding officer of the board shall be elected by the members representing recreational trail user organizations.

(d) Board action.--Any action, recommendation or policy of the advisory board must be supported by at least five members representing recreational trail user organizations.

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

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

(1) review utilization of allocated moneys;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this

1 act; and

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

4 (g) Annual report.--The board shall present to the secretary
5 an annual report on its activities.

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

11 Section 4. Allocation of funds.

12 (a) Administrative costs.--No more than 3% of the
13 expenditures made annually from the fund may be used to pay the
14 cost of the following:

15 (1) Processing applications for grants made under
16 section 5.

17 (2) Paying expenses of the fund.

18 (3) Conducting surveys of nonhighway recreational fuel
19 consumption in this Commonwealth for use in making
20 determinations and estimations under this act.

21 (b) Unexpended funds.--If any funds remain unexpended under
22 subsection (a), the board may use the funds to conduct research
23 on methods to accommodate multiple trail uses and to increase
24 the compatibility of those uses and for dissemination of
25 information regarding the provisions of this act.

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

28 (1) To pay administrative costs incurred by the
29 department, but not more than 7% of the moneys received shall
30 be expended for administrative costs.

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

6 Section 5. Grants.

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

11 (b) Application criteria.--Priority shall be given to trail
12 project applications that meet the following criteria:

13 (1) Development of urban trail linkages near homes and
14 workplaces.

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

17 (3) Restoration of areas damaged by usage of
18 recreational trails and back-country terrain.

19 (4) Development of trail-side and trail-head facilities
20 that meet goals identified by the board.

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

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

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

29 (8) Construction of new trails on State, county,
30 municipal or private lands, where a recreational need for the

1 construction is shown.

2 (c) Compliance.--The department, in consultation with the
3 board, shall establish measures to verify that recipients comply
4 with specified conditions for the use of grant moneys.

5 (d) Uses not permitted.--The department shall not use moneys
6 received under this act for:

7 (1) condemnation of any kind of interest in property; or

8 (2) construction of any recreational trail on National
9 Forest System lands.

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

15 (f) Diversified trail use.--

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

20 (i) Provide for the greatest number of compatible
21 recreational purposes, including, but not limited to,
22 those enumerated in the definition of "recreational
23 trail."

24 (ii) Provide for innovative recreational trail
25 corridor sharing for motorized and nonmotorized
26 recreational trail use.

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

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

(g) Cooperation by private persons.--

(1) As a condition of making available moneys for work on recreational trails that would affect privately owned land, the department shall obtain written assurances that the owner of the property will cooperate with the department and participate as necessary in the activities to be conducted.

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

Section 6. Recreational Trails Trust Fund.

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

(b) Source of funds.--When the tax imposed by the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, shall have been paid on nonhighway recreational fuel used in off-highway recreational vehicles within this Commonwealth, the

~~full amount of the tax shall be refunded to the fund. The secretary shall determine and certify the amount of taxes paid on nonhighway recreational fuel consumed in the propulsion of off highway recreational vehicles to the State Treasurer, who shall refund annually the amount so determined to the fund.~~ AN

AMOUNT EQUAL TO THAT REVENUE GENERATED BY THE TAX MAY BE APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES. THE DEPARTMENT OF TRANSPORTATION SHALL ANNUALLY CALCULATE THE AMOUNT OF LIQUID FUEL CONSUMED BY OFF-HIGHWAY RECREATIONAL VEHICLES AND FURNISH SUCH INFORMATION RELATING TO ITS CALCULATIONS AND DATA

1 AS MAY BE REQUIRED BY THE APPROPRIATIONS COMMITTEE OF THE SENATE
2 AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
3 REPRESENTATIVES. THE COMMITTEES SHALL REVIEW THE FUEL
4 CONSUMPTION CALCULATIONS OF THE DEPARTMENT OF TRANSPORTATION TO
5 DETERMINE THE AMOUNT OF LIQUID FUELS TAX PAID ON LIQUID FUELS
6 CONSUMED IN THE PROPULSION OF OFF-HIGHWAY RECREATIONAL VEHICLES
7 IN THIS COMMONWEALTH AND MAY ANNUALLY APPROPRIATE TO THE
8 DEPARTMENT OF ENVIRONMENTAL RESOURCES THE AMOUNT SO DETERMINED.
9 Section 7. Effective date.

10 This act shall take effect immediately.