

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1281 Session of 2007

INTRODUCED BY FREEMAN, ARGALL, BARRAR, COHEN, FABRIZIO, GEIST, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, HERSHEY, JAMES, JOSEPHS, KORTZ, LEACH, LEVDANSKY, MAHONEY, MANN, MUNDY, MURT, MYERS, O'NEILL, SANTONI, SAYLOR, SCAVELLO, SCHRODER, McILVAINE SMITH, K. SMITH, STABACK, WALKO, WOJNAROSKI, YOUNGBLOOD AND YUDICHAK, MAY 8, 2007

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 2007

AN ACT

1 Amending the act of April 28, 1978 (P.L.87, No.41), entitled "An
2 act authorizing the Commonwealth of Pennsylvania, through the
3 Department of Environmental Resources, to enter into such
4 agreements and to acquire such interest as may be necessary
5 to establish, protect and maintain the Appalachian Trail, and
6 providing for the establishment, protection and maintenance
7 of such trail," further providing for actions by
8 municipalities and their powers and duties; AND MAKING <—
9 EDITORIAL CHANGES.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 4 of the act of April 28, 1978 (P.L.87, <—~~
13 ~~No.41), known as the Pennsylvania Appalachian Trail Act, is~~
14 ~~amended to read:~~

15 SECTION 1. THE TITLE AND SECTIONS 3(A) AND 4 OF THE ACT OF <—
16 APRIL 28, 1978 (P.L.87, NO.41), KNOWN AS THE PENNSYLVANIA
17 APPALACHIAN TRAIL ACT, ARE AMENDED TO READ:

AN ACT

19 AUTHORIZING THE COMMONWEALTH OF PENNSYLVANIA, THROUGH THE

1 DEPARTMENT OF [ENVIRONMENTAL] CONSERVATION AND NATURAL
2 RESOURCES, TO ENTER INTO SUCH AGREEMENTS AND TO ACQUIRE SUCH
3 INTEREST AS MAY BE NECESSARY TO ESTABLISH, PROTECT AND
4 MAINTAIN THE APPALACHIAN TRAIL, AND PROVIDING FOR THE
5 ESTABLISHMENT, PROTECTION AND MAINTENANCE OF SUCH TRAIL.

6 SECTION 3. POWERS OF DEPARTMENT.

7 (A) THE COMMONWEALTH OF PENNSYLVANIA, THROUGH THE DEPARTMENT
8 OF [ENVIRONMENTAL] CONSERVATION AND NATURAL RESOURCES,
9 HEREINAFTER REFERRED TO AS THE DEPARTMENT, IS AUTHORIZED
10 INDEPENDENT OF ANY ACTION BY A MUNICIPALITY UNDER SECTION 4 TO
11 ENTER INTO WRITTEN COOPERATIVE AGREEMENTS WITH POLITICAL
12 SUBDIVISIONS, LANDOWNERS, PRIVATE ORGANIZATIONS AND INDIVIDUALS
13 AND TO ACQUIRE BY AGREEMENT, GIFT, EMINENT DOMAIN OR PURCHASE,
14 LAND, RIGHTS-OF-WAY AND EASEMENTS FOR THE PURPOSE OF
15 ESTABLISHING, PROTECTING AND MAINTAINING A WALKING TRAIL RIGHT-
16 OF-WAY ACROSS THIS COMMONWEALTH, NOW GENERALLY KNOWN AS THE
17 APPALACHIAN TRAIL, UNDER SUCH TERMS AND CONDITIONS, INCLUDING
18 PAYMENT BY THE DEPARTMENT IN LIEU OF PROPERTY TAXES ON TRAIL
19 LANDS OR PROPERTY SO ACQUIRED OR SUBJECT TO SUCH USE IN
20 ACCORDANCE WITH THE ACT OF MAY 17, 1929 (P.L.1798, NO.591)
21 REFERRED TO AS THE FOREST RESERVES MUNICIPAL FINANCIAL RELIEF
22 LAW, AS SHALL PROTECT THE INTERESTS OF THE ACTUAL OR ADJACENT
23 LANDOWNERS, OR LAND USERS AND AS SHALL FURTHER THE PURPOSES OF
24 THIS ACT. IN THE EVENT OF ACQUISITION BY EMINENT DOMAIN OF LAND
25 OTHER THAN TILLABLE FARMLAND, THE TOTAL AMOUNT OF LAND SO
26 ACQUIRED SHALL NOT EXCEED AN AVERAGE OF 125 ACRES PER MILE OF
27 TRAIL; AND IN THE EVENT OF ACQUISITION BY EMINENT DOMAIN OF
28 TILLABLE FARMLAND, SUCH ACQUISITION OF SUCH LAND SHALL BE
29 LIMITED TO A FOOTPATH WITH A WIDTH OF NOT MORE THAN 25 FEET
30 ACROSS SUCH LAND UNTIL THE OWNER OF SUCH LAND EVIDENCES PLANS TO

1 CONVERT THE LAND TO NONFARMING USE. ANY DEPARTMENT OR AGENCY OF
2 THE COMMONWEALTH, OR ANY POLITICAL SUBDIVISION, MAY TRANSFER TO
3 THE DEPARTMENT LAND OR RIGHTS IN LAND FOR THESE PURPOSES, ON
4 TERMS AND CONDITIONS AS AGREED UPON, OR MAY ENTER INTO AN
5 AGREEMENT WITH THE DEPARTMENT PROVIDING FOR THE ESTABLISHMENT
6 AND PROTECTION OF THE TRAIL.

7 * * *

8 Section 4. Municipalities; powers and duties.

9 Political subdivisions, including municipalities as defined
10 in the Pennsylvania Municipalities Planning Code, through which
11 the Appalachian Trail passes shall have the power and their duty
12 shall be to take such action consistent with applicable law, as
13 at least an interim measure, to preserve the natural, scenic,
14 historic and esthetic values of the trail and to conserve and
15 maintain it as a public natural resource. Such action shall
16 include, but not be limited to, the adoption, implementation and
17 enforcement of zoning ordinances and subdivision and land
18 development ordinances as necessary to preserve those values.
19 Such municipalities may act hereunder in that section of the
20 municipality through which the Appalachian Trail passes without
21 zoning the entire municipality as required under section 605 of
22 the Pennsylvania Municipalities Planning Code.

23 Section 2. This act shall take effect in 60 days.