

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, YUDICHAK, SAMUELSON, PASHINSKI AND CALTAGIRONE, MAY 8, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 4, 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. The title and sections 3(a) and 4 of the act of
13 April 28, 1978 (P.L.87, No.41), known as the Pennsylvania
14 Appalachian Trail Act, are amended to read:

AN ACT

16 Authorizing the Commonwealth of Pennsylvania, through the
17 Department of [Environmental] Conservation and Natural
18 Resources, to enter into such agreements and to acquire such

1 interest as may be necessary to establish, protect and  
2 maintain the Appalachian Trail, and providing for the  
3 establishment, protection and maintenance of such trail.

4 Section 3. Powers of department.

5 (a) The Commonwealth of Pennsylvania, through the Department  
6 of [Environmental] Conservation and Natural Resources,  
7 hereinafter referred to as the department, is authorized  
8 independent of any action by a municipality under section 4 to  
9 enter into written cooperative agreements with political  
10 subdivisions, landowners, private organizations and individuals  
11 and to acquire by agreement, gift, eminent domain or purchase,  
12 land, rights-of-way and easements for the purpose of  
13 establishing, protecting and maintaining a walking trail right-  
14 of-way across this Commonwealth, now generally known as the  
15 Appalachian Trail, under such terms and conditions, including  
16 payment by the department in lieu of property taxes on trail  
17 lands or property so acquired or subject to such use in  
18 accordance with the act of May 17, 1929 (P.L.1798, No.591)  
19 referred to as the Forest Reserves Municipal Financial Relief  
20 Law, as shall protect the interests of the actual or adjacent  
21 landowners, or land users and as shall further the purposes of  
22 this act. In the event of acquisition by eminent domain of land  
23 other than tillable farmland, the total amount of land so  
24 acquired shall not exceed an average of 125 acres per mile of  
25 trail; and in the event of acquisition by eminent domain of  
26 tillable farmland, such acquisition of such land shall be  
27 limited to a footpath with a width of not more than 25 feet  
28 across such land until the owner of such land evidences plans to  
29 convert the land to nonfarming use. Any department or agency of  
30 the Commonwealth, or any political subdivision, may transfer to

1 the department land or rights in land for these purposes, on  
2 terms and conditions as agreed upon, or may enter into an  
3 agreement with the department providing for the establishment  
4 and protection of the trail.

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6 Section 4. Municipalities; powers and duties.

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

22 (B) THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT <—  
23 SHALL ASSIST MUNICIPALITIES IN COMPLYING WITH THE PROVISIONS OF  
24 THIS SECTION BY FURNISHING TECHNICAL ASSISTANCE RELATING TO  
25 ZONING MATTERS.

26 (C) THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
27 SHALL ASSIST MUNICIPALITIES IN THE IDENTIFICATION AND  
28 ACQUISITION OF PROPERTY APPROPRIATE FOR A CONSERVATION EASEMENT  
29 OR OTHER PROTECTION MEASURES AND PROVIDE INFORMATION TO  
30 MUNICIPALITIES RELATING TO PROTECTION MEASURES SUCH AS

1 CONSERVATION EASEMENTS AND OTHER TECHNIQUES THROUGH ITS GRANT  
2 PROGRAMS, SUBJECT TO AVAILABILITY OF FUNDING, ELIGIBILITY, AND  
3 THE TERMS, RULES, PROCEDURES AND REQUIREMENTS THEREOF.

4 (D) MUNICIPALITIES WHICH HAVE NOT ADOPTED ORDINANCES UNDER  
5 SUBSECTION (A) AS OF THE EFFECTIVE DATE OF THIS SUBSECTION SHALL  
6 RECEIVE PRIORITY FOR GRANT FUNDING UNDER THE LAND USE PLANNING  
7 AND TECHNICAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF COMMUNITY  
8 AND ECONOMIC DEVELOPMENT.

9 (E) MUNICIPALITIES SHALL IMPLEMENT ZONING ORDINANCES UNDER  
10 SUBSECTION (A) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS  
11 SUBSECTION.

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