

---

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, IN SENATE, MARCH 31, 2008

---

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:

15 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.

5 \* \* \*

6 Section 4. Municipalities; powers and duties.

7 ~~(a) Political subdivisions, including municipalities~~ <—

8 [POLITICAL SUBDIVISIONS, INCLUDING MUNICIPALITIES] (A) A <—

9 MUNICIPALITY as defined in the Pennsylvania Municipalities  
10 Planning Code, through which the Appalachian Trail passes shall  
11 have the power and their duty shall be to take such action  
12 consistent with applicable law, as at least an interim measure,  
13 to preserve the natural, scenic, historic and esthetic values of  
14 the trail and to conserve and maintain it as a public natural  
15 resource. Such action shall include, but not be limited to, the <—  
16 adoption, implementation and enforcement of zoning ordinances as  
17 THE GOVERNING BODY DEEMS necessary to preserve those values. <—

18 Such municipalities may act hereunder in that section of the  
19 municipality through which the Appalachian Trail passes without  
20 zoning the entire municipality as required under section 605 of  
21 the Pennsylvania Municipalities Planning 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. THE DEPARTMENT OF COMMUNITY AND ECONOMIC <—  
26 DEVELOPMENT SHALL NOTIFY EACH MUNICIPALITY WHICH IS REQUIRED TO  
27 COMPLY WITH THE PROVISIONS OF SUBSECTION (E) WITHIN 30 DAYS OF  
28 THE EFFECTIVE DATE OF THIS SUBSECTION.

29 (c) The Department of Conservation and Natural Resources  
30 shall assist municipalities in the identification and

1 acquisition of property appropriate for a conservation easement  
2 or other protection measures and provide information to  
3 municipalities relating to protection measures such as  
4 conservation easements and other techniques through its grant  
5 programs, subject to availability of funding, eligibility, and  
6 the terms, rules, procedures and requirements thereof.

7 (d) Municipalities which have not adopted ZONING ordinances ←  
8 under subsection (a) as of the effective date of this subsection  
9 shall receive priority for grant funding under the Land Use  
10 Planning and Technical Assistance Program of the Department of  
11 Community and Economic Development.

12 (e) Municipalities shall implement zoning ordinances under  
13 subsection (a) within one year of the effective date of this  
14 subsection.

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