
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 THIRD CONSIDERATION, IN SENATE, MAY 13, 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) (1) Municipalities shall implement zoning ordinances <—
13 under subsection (a) within one year of the effective date of
14 this subsection.

15 (2) A MUNICIPALITY SHALL NOT BE REQUIRED TO IMPLEMENT A <—
16 ZONING ORDINANCE UNDER SUBSECTION (A) IF, ON THE EFFECTIVE DATE
17 OF THIS SUBSECTION, ALL OF THE PROPERTY ADJOINING THE
18 APPALACHIAN TRAIL IN THE MUNICIPALITY IS:

19 (I) OWNED BY THE DEPARTMENT OF CONSERVATION AND NATURAL
20 RESOURCES; OR

21 (II) OPERATED AS A GAME PRESERVE BY A NONPROFIT, NONSTOCK
22 CORPORATION WHICH IS QUALIFIED AS AN EXEMPT ORGANIZATION UNDER
23 SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
24 99-514, 26 U.S.C. § 501(C)).

25 (3) IF TITLE TO PROPERTY UNDER PARAGRAPH (2) IS TRANSFERRED
26 OR THE USE OF SUCH PROPERTY CHANGES, THE MUNICIPALITY SHALL
27 IMPLEMENT A ZONING ORDINANCE UNDER SUBSECTION (A) WITHIN ONE
28 YEAR OF THE DATE THE TITLE TO THE PROPERTY IS TRANSFERRED OR THE
29 USE OF THE PROPERTY CHANGES.

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