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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2131 Session of  
2019

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INTRODUCED BY MALAGARI, TOEPEL, LONGIETTI, WEBSTER, FREEMAN,  
ZABEL, PASHINSKI, HILL-EVANS, STAATS, CIRESI, BERNSTINE,  
OTTEN, CALTAGIRONE, HOWARD, MOUL, JOHNSON-HARRELL, KORTZ AND  
SANCHEZ, DECEMBER 16, 2019

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
DECEMBER 16, 2019

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AN ACT

1 Amending the act of June 30, 1981 (P.L.128, No.43), entitled "An  
2 act authorizing the creation of agricultural areas," further  
3 providing for purchase of agricultural conservation  
4 easements.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 14.1(c)(6)(ii) of the act of June 30,  
8 1981 (P.L.128, No.43), known as the Agricultural Area Security  
9 Law, is amended and the section is amended by adding paragraphs  
10 to read:

11 Section 14.1. Purchase of agricultural conservation easements.

12 \* \* \*

13 (c) Restrictions and limitations.--An agricultural  
14 conservation easement shall be subject to the following terms,  
15 conditions, restrictions and limitations:

16 \* \* \*

17 (6) An agricultural conservation easement shall not

1 prevent:

2 \* \* \*

3 (ii) The granting of rights-of-way by the owner of  
4 the subject land in and through the land for trails for  
5 nonmotorized use in accordance with paragraphs (9) and  
6 (10) or for the installation of, transportation of, or  
7 use of water, sewage, electric, telephone, coal or  
8 noncoal minerals by underground mining methods, gas, oil  
9 or oil products lines.

10 \* \* \*

11 (9) The owner of the land subject to an agricultural  
12 conservation easement may permit or authorize the use of a  
13 portion of the subject land for a trail under the following  
14 conditions:

15 (i) the portion of land does not exceed 20 feet in  
16 width;

17 (ii) the portion of land is used as a trail for  
18 nonmotorized passive recreational use;

19 (iii) the portion of land is available to the public  
20 for use without charge; and

21 (iv) the use of the portion of land as a trail does  
22 not convert land which is devoted primarily to  
23 agricultural production or commercial equine activity.

24 (10) If the owner of land subject to an agricultural  
25 conservation easement permits or authorizes the use of a  
26 portion of the subject land for a trail under paragraph (9),  
27 the owner may enter into an agreement with a local government  
28 unit or an eligible nonprofit entity permitting or  
29 authorizing its use of the portion of land as a trail. The  
30 agreement shall be recorded with the county recorder of

1     deeds.

2     \* \* \*

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