

No. 1990-120

AN ACT

SB 967

Authorizing the Department of Environmental Resources to defend, indemnify and hold harmless the Consolidated Rail Corporation in actions arising under the acceptance of a certain railroad line; and providing for an advisory committee.

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

Section 1. To the extent authorized by section 8(d) of the National Trails System Act (Public Law 90-543, 16 U.S.C. § 1247(d) and 49 CFR 1152.29 (relating to prospective use of rights-of-way for interim trail use and rail banking), the Department of Environmental Resources, acting on behalf of the Commonwealth, is authorized to do all of the following:

(1) Agree to defend, indemnify and hold harmless the Consolidated Rail Corporation from and against property damage, personal injury or death in connection with the acceptance of the Consolidated Rail Corporation's Corning Secondary Line in Lycoming County and Tioga County between milepost 168.1 and milepost 105.9 for recreational and historical purposes.

(2) Agree to be responsible for the management of the right-of-way of the line referred to in paragraph (1).

(3) Agree to defend, indemnify and hold harmless the Consolidated Rail Corporation from and against other expenses and losses arising from an action against the Consolidated Rail Corporation in connection with the acceptance of the line referred to in paragraph (1).

Section 2. Notwithstanding any provision of this act, the Department of Environmental Resources shall not develop or operate the property described in this act for recreational or historical purposes until the designated standing committees have reviewed a department management plan, as it specifically relates to the maintenance and operation of the project.

Section 3. (a) Notwithstanding any provision of this act, the Department of Environmental Resources shall not develop or operate the property described in this act for recreational or historical purposes until an advisory committee, as provided by this section, has been appointed and has met with the Secretary of Environmental Resources or his designee for the purpose of reviewing preliminary plans for the development and operation of the property.

(b) The Secretary of Environmental Resources shall appoint this committee to be composed of the following persons, or their designees:

- (1) The Chairman of the Lycoming County Planning Commission.
- (2) The Chairman of the Tioga County Planning Commission.

(3) The Chairman of the Board of Supervisors of each of the townships of Cummings, McHenry and Brown Townships in Lycoming County.

(4) The Chairman of the Board of Supervisors of each of the townships of Delmar, Shippen and Morris Townships in Tioga County.

(5) The Chairman of the Lycoming County Board of Commissioners.

(6) The Chairman of the Tioga County Board of Commissioners.

(c) The advisory committee shall meet with appropriate officials of the Department of Environmental Resources at least four times a year for the first two years following the effective date of this act, and semiannually thereafter. During the first two years, at least two meetings of the advisory committee shall be held in either Lycoming or Tioga County, and thereafter at least one meeting of the advisory committee shall be held in Lycoming County.

Section 4. This act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1990.

ROBERT P. CASEY