

No. 1996-2

AN ACT

HB 76

Authorizing the Department of Conservation and Natural Resources to grant a restricted right-of-way allowing cable television transmission lines to cross Ohiopyle State Park property.

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

Section 1. Legislative findings.

The General Assembly finds the following:

(1) Ohiopyle Borough in Fayette County, Pennsylvania, is geographically surrounded on all sides by Ohiopyle State Park, which is owned by the Commonwealth and administered under the jurisdiction of the Department of Conservation and Natural Resources. Ohiopyle State Park was purchased with funds appropriated pursuant to the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

(2) The Project 70 Land Acquisition and Borrowing Act restricts use of lands purchased with appropriated funds to recreation, conservation or historical purposes, except as otherwise provided by express authorization of the General Assembly or by specific exemption listed in section 20(b) of the act.

Section 2. Power to grant restricted right-of-way.

The Department of Conservation and Natural Resources is herewith authorized to grant a right-of-way across Ohiopyle State Park to provide Ohiopyle Borough with access to cable television services. This right-of-way shall utilize any existing overhead or underground transmission lines, excluding rights-of-way of interstate natural gas pipelines regulated by the Federal Energy Regulatory Commission, so as to cause the minimum possible defacement of park land and shall be approved by the Department of Conservation and Natural Resources prior to installation.

Section 3. Power limited to Ohiopyle State Park.

This act shall not authorize access for cable television lines through any other Pennsylvania State Park purchased with funds appropriated under the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

Section 4. Compensation.

A provider of this cable television service shall compensate the Commonwealth for the right-of-way in an amount determined by the Department of Conservation and Natural Resources and shall compensate owners of existing facilities for the use of their facilities. The right-of-way

shall be established under appropriate general terms and conditions agreeable to the department and shall be administered by the Bureau of State Parks.
Section 5. Compliance with one-call system.

This act shall not be construed to relieve the owners of the cable television lines authorized hereunder from complying with the requirements of the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, nor to authorize any impairment of preexisting property rights.

Section 6. Effective date.

This act shall take effect immediately.

APPROVED—The 7th day of February, A.D. 1996.

THOMAS J. RIDGE