

**CHAPTER 87****(HB 114)**

AN ACT relating to the name of the Pine Mountain Trail State Park.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 148.870 is amended to read as follows:

- (1) The General Assembly recognizes that the ridge top of Pine Mountain is a unique area desirable for the creation of a trail. Therefore, it is hereby declared that in order to afford the citizens of the Commonwealth an opportunity to enjoy this natural area, to attract out-of-state visitors, to ensure the well-being of our tourism industry, to preserve for future generations the beauty of certain areas untrammelled by man, to provide for the ever-increasing outdoor recreation needs of an expanding population, and to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the outdoor areas and historic resources of the Commonwealth, there is hereby established a certain defined area in the southeastern part of the Commonwealth for ultimate designation as the Pine Mountain *State Scenic* Trail~~[-State Park]~~, with land in the defined area owned or leased by the Commonwealth or on which the Commonwealth has obtained an easement comprising the initial state park.
- (2) It is the intent of KRS 148.870 to 148.892 to assure preservation of the scenic, ecological, and other values within the boundaries of the trail and to provide proper management of the recreational, wildlife, water, and other resources within those boundaries. It is further the intent of KRS 148.870 to 148.892 to impose reasonable policies governing the use of land within the authorized boundaries of the trail, except for the restrictions set forth in KRS 148.870 to 148.892, for the general welfare of the people of the Commonwealth and, where necessary, to enable the Commonwealth or any of its agencies to acquire fee title or lesser interests in land within the boundaries of the trail, in order to maintain the public trust in this unique area.
- (3) The General Assembly recognizes the valuable contributions that volunteers and private, nonprofit groups have made to the development and maintenance of trails throughout the Commonwealth. In recognition of these contributions, it is further the purpose of KRS 148.870 to 148.892 to encourage and assist volunteer citizen and nonprofit group involvement in the planning, development, maintenance, and management, where appropriate, of the trail.
- (4) The General Assembly recognizes that the establishment of Pine Mountain *State Scenic* Trail~~[-State Park]~~ is not intended to create a one hundred twenty (120) mile linear barrier around southeastern Kentucky. The General Assembly further recognizes that to ensure the continued economic development of the area, provisions shall be made for means of ingress and egress for owners of property and those with property rights affected by the creation of the trail, and for new road construction, utility facilities, and pipelines that may cross the trail.

➔Section 2. KRS 148.872 is amended to read as follows:

As used in KRS 148.870 to 148.892, unless the context otherwise requires:

- (1) "Department" means the Kentucky Department of Parks within the Tourism, Arts and Heritage Cabinet;
- (2) "Person" means an individual, trust, firm, estate, joint stock company, corporation, nonprofit corporation, government corporation, limited liability company, partnership, association, organization, government unit or agency whether federal, state, city, commission, or other political subdivision of the Commonwealth, any interstate body, group of persons acting in concert, or other legal entity;
- (3) "Secretary" means the secretary of the Tourism, Arts and Heritage Cabinet of the Commonwealth of Kentucky; and
- (4) "Trail" means the Pine Mountain *State Scenic* Trail~~[-State Park]~~, as established in KRS 148.870.

➔Section 3. KRS 148.874 is amended to read as follows:

- (1) There is hereby designated a linear state park, the boundaries of which shall be determined by the department in accordance with this section known as the Pine Mountain *State Scenic* Trail~~[-State Park]~~, a trail of approximately one hundred twenty (120) miles in length, located exclusively within the boundaries of Kentucky beginning along the border of Kentucky and Virginia at or near Breaks Interstate Park, and extending generally south-southwest along the crest of Pine Mountain to the vicinity of Pine Mountain State

Resort Park and continuing south to the Cumberland Gap National Park on the vicinity thereof. Insofar as practicable, the boundaries of the trail from the Breaks Interstate Park to Bad Branch State Nature Preserve shall be a one thousand (1,000) foot corridor, the center of which shall be the crest of Pine Mountain, to the extent that the corridor does not encroach upon the territory of the Commonwealth of Virginia. Insofar as practicable, the boundaries of the trail from the Bad Branch State Nature Preserve to the Pine Mountain State Resort Park shall be a corridor one hundred (100) to two hundred fifty (250) feet along the level top of Pine Mountain. The route of the trail from Pine Mountain State Resort Park to Cumberland Gap National Park shall be a corridor no wider than two hundred fifty (250) feet to be determined by the department. Notwithstanding these boundary limitations, the department may through negotiations with the land owner acquire additional land outside the boundary limitations. The trail shall be depicted on the "Pine Mountain *State Scenic* Trail Map," which shall be on file and available for public inspection in the office of the commissioner of the department. The trail map shall delineate those portions of the trail that are owned or leased by the Commonwealth or on which the Commonwealth has obtained an easement and shall be updated periodically solely for the purpose of reflecting additions to those specific areas.

- (2) The department may designate connecting or side paths which shall provide additional points of public access to the trail or access to points of interest, and which shall be of the same scenic nature as the trail, except that connecting or side paths shall not be acquired through eminent domain.
- (3) Because of its extended length, the department may supplement the trail by support facilities located on certain designated parts of the trail or outside the trail. These support facilities may include, as the department deems necessary and feasible, primitive shelters, fireplaces, safe water supplies, and other related public-use facilities that shall meet department standards. No open wood fires shall be permitted on the trail except in areas with support facilities specifically designated for that purpose.
- (4) The trail shall be a state scenic trail, so chosen because of its unique location. It shall be limited to foot use and other nonmotorized uses as permitted on segments where deemed appropriate by the department, and as set forth in KRS 148.878.
- (5) The department shall, no later than June 30, 2003, determine the boundaries of the trail. In determining the boundaries of the trail the department shall not encroach upon any privately owned dwelling, or areas designated for residential structures and their surrounding properties, but shall route the trail around a privately owned dwelling or areas designated for a residential structure.
- (6) The department shall not acquire through eminent domain any cemetery or its surrounding property which is designated as a cemetery or burial ground on July 15, 2002.

➔Section 4. KRS 148.880 is amended to read as follows:

A fund for the purpose of carrying out the provisions of KRS 148.870 to 148.892 is hereby created, to be designated as the Pine Mountain *State Scenic* Trail fund, and shall consist of all revenues derived from privileges, concessions, contracts, or otherwise, and all moneys received by gifts, contributions, donations, and grants from public or private sources. This shall be a trust and agency fund account maintained and disbursed by the Tourism, Arts and Heritage Cabinet to carry out the purposes of KRS 148.870 to 148.892, after appropriations are made for administration and other expenses and purposes provided in KRS 148.870 to 148.892. It shall not lapse, and interest earnings shall accrue to the fund.

➔Section 5. KRS 148.892 is amended to read as follows:

KRS 148.870 to 148.892 may be cited as the Pine Mountain *State Scenic* Trail Act.

**Signed by Governor April 8, 2010.**