



PENNSYLVANIA LAND TRUST ASSOCIATION

September 1, 2020

David R. Millard, Chair
Mark Longietti, Democratic Chair
Tourism and Recreational Development Committee
Pennsylvania House of Representatives
[transmitted via email]

Re. HB 2724—Prescriptive Easements—Public Property Rights

Dear Chairman Millard and Chairman Longietti:

I write on behalf of the Pennsylvania Land Trust Association’s 70 member organizations and the more than one hundred thousand Pennsylvanians they count as members and supporters.

The Association opposes HB 2724.

The work of land trusts is grounded in property rights and providing conservation benefits to the public. We conserve land by purchasing or accepting donations of property rights, working within a well-established framework of common and statutory law.

HB 2724 appears to upend this law, providing favor to one class of property owners at the expense of another class of property owners—namely, the public. The Association supports private property rights and likewise the property rights of the public. And just as the Association objects to undue impingement on private property rights for public interests, it objects to the usurping of public rights by private interests.

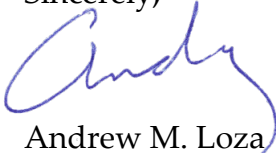
By prohibiting private groups from stepping up to defend potential property interests of the public in court, HB 2724 puts those public rights at risk given the often limited capacity of and potential political constraints on public agencies to address such matters.

The Association recognizes the argument that if the bill does not pass, there is a risk that landowners will cease to permit trails to pass through their properties; it also recognizes the counter-argument that landowners can quite easily prevent prescriptive easement claims by granting simple, revocable licenses. The Association very much welcomes discussion of these conflicting views and other issues raised in this bill.

- Voting Members**
- Allegheny Land Trust
 - Allegheny Valley Trails Association
 - Appalachian Trail Conservancy
 - Armstrong County Conservancy
 - Armstrong Trails
 - Berks Nature
 - Brandywine Conservancy
 - The Buck Hill Conservation Foundation
 - Central Pennsylvania Conservancy
 - Centre County Farmland Trust
 - Chesapeake Conservancy
 - Chestnut Hill Conservancy
 - ClearWater Conservancy
 - The Conservation Fund, PA Office
 - Countryside Conservancy
 - Delaware Highlands Conservancy
 - Earth Conservancy
 - Eden Hill Conservancy
 - Edward L. Rose Conservancy
 - Evergreen Conservancy
 - Farm & Natural Lands Trust of York County
 - Foundation for Sustainable Forests
 - Fox Chapel Area Land Trust
 - French and Pickering Creeks Conservation Trust
 - French Creek Valley Conservancy
 - Glade Run Lake Conservancy
 - Hawk Mountain Sanctuary Association
 - Heritage Conservancy
 - Hollow Oak Land Trust
 - Independence Conservancy
 - Lackawanna Valley Conservancy
 - Lancaster Conservancy
 - Lancaster Farmland Trust
 - The Land Conservancy for Southern Chester County
 - Land Conservancy of Adams County
 - Land Trust of Bucks County
 - Lebanon Valley Conservancy
 - London Britain Land Trust
 - Manada Conservancy
 - Merrill W. Linn Land & Waterways Conservancy
 - Mid-Atlantic Karst Conservancy
 - Mokoma Conservancy
 - Montour Trail Council
 - Natural Lands
 - Neighborhood Gardens Trust
 - North American Land Trust
 - North Branch Land Trust
 - Northcentral Pennsylvania Conservancy
 - Open Land Conservancy of Chester County
 - Pennsbury Land Trust
 - Pennsylvania Recreation & Park Society
 - Pennypack Ecological Restoration Trust
 - Pine Creek Land Conservation Trust
 - Pine Creek Valley Watershed Association
 - Pocono Heritage Land Trust
 - The Radnor Conservancy
 - Regional Trail Corporation
 - Schuylkill County Conservancy
 - Schuylkill River Greenways Natural Heritage Area
 - Somerset County Conservancy
 - The Nature Conservancy
 - The Trust for Public Land
 - The Wallace Trust
 - Tinicum Conservancy
 - Western Pennsylvania Conservancy
 - Westmoreland Conservancy
 - Westmoreland Land Trust
 - Wild Waterways Conservancy Inc.
 - Wildlands Conservancy
 - Willistown Conservation Trust
 - Wissahickon Trails

Thank you for your time and consideration.

Sincerely,



Andrew M. Loza
Executive Director

cc: board of directors
member organizations

The Pennsylvania Land Trust Association helps people conserve the lands needed for healthy, prosperous, and secure communities—the forests, farms, parks, urban gardens, and other green places that safeguard our drinking water, prevent flooding, protect wildlife, provide recreational and economic opportunities, and preserve scenic beauty and community treasures. The Association accomplishes this by helping nonprofits and local governments improve their effectiveness and efficiency in acquiring and stewarding land and easements, advancing sustainable land use practices, and connecting people to the outdoors; the Association also fosters public understanding of conservation, advocates for sound governmental policy, and leads state and national endeavors to achieve far-reaching advancements in conservation.