



October 1, 2012

Dear Senator:

The Pennsylvania Land Trust Association has reviewed the proposed amendment to HB2224 and presents the following on behalf of our 75 member organizations and other friends of parks.

The amendment fails to address the central failure of the bill; it also fails to address the specific suggestions we had made to improve the bill if the Senate was unwilling to change fundamentally flawed approach taken by the bill.

We fully support facilitating the sale of municipal properties that no longer serve a purpose. To do so, the key is to distinguish land that the public doesn't care about (for example, a parcel where the municipality has parked its road equipment or located its salt dome) from lands that people enjoy for its recreational and other park and open space values. Rather than assign orphan's court protection to parkland based on the details of the acquisition, the criteria for orphan's court review should be focused on the public's use of the land. We would strongly endorse a bill that took this approach.

HB2224 instead attempts to solve the problem by undermining the whole intent of the Donated or Dedicated Property Act. This causes the unintended consequences that the Association and growing numbers of citizens are concerned with. It would be great if when parks were acquired, particularly those acquired before 1968, that the local governments were always carefully attentive in dotting every "i" and crossing every "t" in including restrictive language in the instrument of conveyance. It would also be great if parks were all created by donation where not even a single dollar changed hands. Unfortunately, we know that none of this is so. Hence, our great concern with the bill.

The Association and many of our allies would be greatly pleased to help identify experts on public trust doctrine and the history of park creation to help Senators shape a bill that does not result in grave and unintended consequences. We would be pleased to work with Senate offices and HB2224 proponents to ensure the enactment of legislation that fully addresses everyone's concerns.

Thank you for your consideration.

Andy Loza, Executive Director
Pennsylvania Land Trust Association

To see PALTA's observations previously sent to some Senate offices, see http://paconservationadvocate.files.wordpress.com/2012/10/hb2224p3495_120928_a.pdf.