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## OLR Bill Analysis

sSB 1015 (File 441, as amended by Senate "B")\*

### ***AN ACT CONCERNING THE NEW ENGLAND NATIONAL SCENIC TRAIL.***

#### **SUMMARY:**

This bill requires the Department of Energy and Environmental Protection (DEEP) to preserve and maintain Connecticut's portion of the New England National Scenic Trail. It authorizes (1) DEEP to acquire land for the trail, including rights-of-way and easements and (2) other agencies to transfer land to DEEP. It specifies that the primary trail use is as a foot path, but that other uses may be permitted if they do not substantially interfere with this purpose. It gives immunity to a person who grants a trail right-of-way across his or her property, except for willful or wanton misconduct.

The bill also requires the Department of Economic and Community Development (DECD), within available appropriations, to establish a Connecticut antiques trail to identify and market Connecticut sites where antiques are sold. DECD must identify and include in the trail major antique dealers, communities with a high concentration of antique dealers, and auction houses with annual sales over \$1 million. DECD must also promote the trail through signs, notices, and an internet website.

\*Senate Amendment "B" adds the antiques trail provisions.

EFFECTIVE DATE: Upon passage for the New England National Scenic Trail provisions and October 1, 2013 for the antiques trail provisions.

#### **NEW ENGLAND NATIONAL SCENIC TRAIL**

##### ***Preservation of Trail as State Policy***

The bill declares as state policy that the Connecticut portion of the

New England National Scenic Trail be preserved in its natural character, as proposed in the federal Omnibus Public Land Management Act of 2009 (P.L. 111-11).

***Acquisition of Land***

The bill specifically authorizes DEEP to acquire land by purchase, gift, or otherwise, including rights-of-way and easements, to establish, protect, and maintain the Connecticut portion of the trail after considering recommendations of the National Park Service's 2006 Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment.

***Transfer of Land from Other Agencies***

The bill allows any department or agency of the state or its political subdivisions to (1) transfer to DEEP land or rights in land to preserve the Connecticut portion of the trail on terms and conditions that may be agreed upon or (2) enter into agreements with the DEEP commissioner to establish and protect the trail.

***Uses of Trail and Land***

As ordered in federal law, the bill requires the New England National Scenic Trail to be held, developed, and administered primarily as a footpath. But other trail and land uses may be permitted if they do not substantially interfere with the primary trail use. The bill does not limit (1) the public's right to travel over existing public roads that become part of the trail or (2) DEEP's ability to perform necessary work for forest fire protection and insect, pest, and disease control.

***Maintenance Agreements***

The bill authorizes the DEEP commissioner to enter into cooperative agreements with federal government agencies or private organizations to maintain the trail.

***Liability of Grantor of Right-of-Way***

Under the bill, no grantor of a trail right-of-way across his or her land, or a successor in title, is liable to any trail user for injuries

suffered on the right-of-way unless the injuries are caused by the grantor's willful or wanton misconduct.

***Use of Funds***

The bill authorizes DEEP to use any available department funds and any available funds from the U.S. Land and Water Conservation Fund or other federal assistance programs to carry out the bill's provisions.

**BACKGROUND**

***New England National Scenic Trail***

The trail is a continuous trail extending approximately 220 miles from the New Hampshire-Massachusetts border, through Massachusetts and Connecticut, to the Long Island Sound in Guilford, Connecticut. The trail is comprised primarily of the Mattabesett, Metacomet, and Monadnock trails. Pursuant to federal law, the United States cannot acquire land or interest in land for the trail without a landowner's consent (P.L. 111-11, § 5202).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute  
Yea 28 Nay 0 (03/25/2013)

Judiciary Committee

Joint Favorable  
Yea 44 Nay 0 (05/01/2013)