

GRANTORS OF RIGHTS-OF-WAY.

(A) JURISDICTION AND CONTROL; DEPARTMENT TO PROVIDE SHELTERS ON TRAIL; AGREEMENTS TO TRANSFER LAND OR RIGHTS IN LAND TO DEPARTMENT; MAINTENANCE OF TRAIL.—THE DEPARTMENT HAVING ACQUIRED THE LAND, RIGHTS-OF-WAY, AND EASEMENTS FOR THE PURPOSE OF PROTECTING AND MAINTAINING A WALKING TRAIL ACROSS THE STATE, NOW GENERALLY KNOWN AS THE APPALACHIAN TRAIL, MAY PROVIDE SHELTERS AND OTHER FACILITIES ON IT. ANY UNIT OF THE STATE, OR ANY POLITICAL SUBDIVISION, MAY TRANSFER TO THE DEPARTMENT LAND OR RIGHTS IN LAND FOR THESE PURPOSES, ON TERMS AND CONDITIONS AGREED UPON, OR ENTER INTO AN AGREEMENT WITH THE DEPARTMENT PROVIDING FOR ESTABLISHMENT AND PROTECTION OF THE TRAIL. THE DEPARTMENT MAY ENTER INTO COOPERATIVE AGREEMENTS WITH AGENCIES OF THE FEDERAL GOVERNMENT OR PRIVATE ORGANIZATIONS TO PROVIDE FOR THE MAINTENANCE OF THE TRAIL.

(B) USE OF TRAIL AND LAND; PRESERVATION OF SCENIC BEAUTY.—THE TRAIL SHALL BE HELD, DEVELOPED, AND ADMINISTERED PRIMARILY AS A FOOTPATH AND ITS NATURAL SCENIC BEAUTY PRESERVED AS FAR AS FEASIBLE. HOWEVER, THE DEPARTMENT MAY PERMIT OTHER USES OF THE TRAIL AND ASSOCIATED LAND ACQUIRED BY THE STATE, BY THE OWNER OF ADJOINING LAND, OR OTHERS, IN A MANNER AND AT SEASONS AS WILL NOT SUBSTANTIALLY INTERFERE WITH PRIMARY USE OF THE TRAIL.

(C) LIABILITY OF GRANTORS OF RIGHTS-OF-WAY.—THIS SECTION DOES NOT LIMIT THE RIGHT OF THE PUBLIC TO PASS OVER ANY EXISTING PUBLIC ROAD WHICH IS A PART OF THE TRAIL, NOR PREVENT THE DEPARTMENT FROM PERFORMING WORK NECESSARY FOR FOREST FIRE PREVENTION AND CONTROL, PEST AND DISEASE CONTROL, AND REMOVAL OF DAMAGE CAUSED BY NATURAL DISASTER. THE DEPARTMENT MAY GRANT TEMPORARY OR PERMANENT RIGHTS-OF-WAY ACROSS LANDS ACQUIRED UNDER THIS SECTION UNDER TERMS AND CONDITIONS DEEMED ADVISABLE. NO PERSON WHO HAS GRANTED A RIGHT-OF-WAY FOR THE TRAIL ACROSS HIS LAND, OR HIS SUCCESSOR IN TITLE, IS LIABLE TO ANY USER OF THE TRAIL FOR INJURIES SUFFERED ON THAT PORTION OF THE TRAIL UNLESS THE INJURIES WERE CAUSED BY THE WILLFUL OR WANTON MISCONDUCT OF THE PERSON, OR HIS SUCCESSOR IN TITLE, WHO HAS BEEN GRANTED A RIGHT-OF-WAY.

REVISOR'S NOTE: This section presently appears as Article 66C, section 387A of the Code. This section has been redrafted for