

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 728 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2009

4
5 By: Representatives L. Smith, Woods, Baird, Barnett, Blount, M. Burris, Carnine, Carroll, Clemmer,
6 Cook, R. Green, Harrelson, Hobbs, Hopper, House, D. Hutchinson, Ingram, King, Lindsey, Moore, Pyle,
7 Rainey, J. Roebuck, Saunders, Slinkard, Summers
8 By: Senators Bledsoe, Madison

For An Act To Be Entitled

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10
11 AN ACT TO ESTABLISH A STATE HISTORIC TRAILS
12 SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

13
14
15 THE HERITAGE TRAILS SYSTEM ACT.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 13 is amended to add an additional
22 chapter to read as follows:

23
24 13-14-101. Short title.

25 This act shall be known and may be cited as the "Heritage Trails System
26 Act".

27
28 13-14-102. Legislative intent.

29 The purpose of this act is to:

30 (1) Provide for the increasing outdoor recreational needs of the
31 State of Arkansas;

32 (2) Promote the preservation of, public access to, travel
33 within, and enjoyment and appreciation of the open-air, outdoor areas and
34 historic resources of the state; and

35 (3) Recognize the valuable contributions that volunteers and



1 private, nonprofit trail groups have made to the development and maintenance
 2 of historic trails by encouraging and assisting volunteer citizen involvement
 3 in the planning, development, maintenance, and management of trails.

4
 5 13-14-103. Arkansas heritage trails.

6 (a) A heritage trail shall:

7 (1)(A) Be a trail or route established by historic use and shall
 8 be historically significant as a result of that historic use.

9 (B) A route shall not be required to exist as a
 10 discernible trail to qualify as a heritage trail, but its location shall be
 11 sufficiently known to permit evaluation of historical interest potential;

12 (2)(A) Accurately follow the historic route with some deviations
 13 as necessary to avoid difficult routing through subsequent development or to
 14 enhance the public's enjoyment of the heritage trail.

15 (B) Trail segments no longer possible to travel by trail
 16 due to subsequent development as motorized transportation routes may be
 17 designated and marked as segments that link to the historic trail;

18 (3) Be of state or national significance to Arkansas or American
 19 history, including without limitation trade, commerce, exploration,
 20 migration, settlement, or military campaigns;

21 (4) Have a far-reaching effect on broad patterns of American
 22 culture, including trails significant to the history of American Indians; and

23 (5)(A) Have significant potential for public recreational use or
 24 historical interest based on historical interpretation and appreciation,
 25 including roadless segments developed as historic trails and at historic
 26 sites associated with the trail.

27 (B) The presence of recreation potential unrelated to
 28 historic appreciation is not sufficient for designation as a heritage trail.

29 (b)(1) A heritage trail shall follow as closely as possible and
 30 practicable the original trails or routes of travel of state historic
 31 significance.

32 (2) The purpose of a heritage trail is the identification and
 33 protection of the historic route and its historic remnants and artifacts for
 34 public use and enjoyment.

35 (c) A land-based or water-based component of a historic trail that is
 36 on state-owned land and meets the criteria for a heritage trail shall be

1 included as a state-protected component of a heritage trail.

2 (d) The Department of Parks and Tourism shall:

3 (1) Administer the provisions of this act; and

4 (2) Establish a uniform marker for the Arkansas heritage trails
 5 system.

6
 7 13-14-104. Designation of heritage trails.

8 (a) The General Assembly shall identify the trails or categories of
 9 trails that are part of the heritage trails system.

10 (b) The following are designated as heritage trails:

11 (1) Butterfield Stage Route, a bifurcated route from the
 12 Missouri state line near Pea Ridge, Arkansas, to the Oklahoma state line near
 13 Fort Smith and from Memphis to Fort Smith;

14 (2) The Southwest Trail from the Missouri border to the Texas
 15 border;

16 (3) American Indian removal routes designated by the Department
 17 of Parks and Tourism, including without limitation land and water routes for
 18 Cherokee, Choctaw, Muscogee (Creek), Chickasaw, and Seminole tribes; and

19 (4) Civil War troop movement routes designated by the
 20 department.

21
 22 13-14-105. Studies of prospective heritage trails.

23 (a) The Department of Parks and Tourism, in consultation with the
 24 Arkansas History Commission, the Arkansas Historic Preservation Program, and
 25 the Arkansas State Highway and Transportation Department, shall conduct
 26 studies to determine the feasibility of designating additional trails as
 27 heritage trails.

28 (b) Studies under this section shall include without limitation:

29 (1) The proposed route of the trail;

30 (2) The areas adjacent to the trail to be utilized for historic
 31 purposes;

32 (3) The characteristics making the trail worthy of designation
 33 as a state heritage trail and its historic significance;

34 (4) The current ownership status of the land and the current and
 35 potential use of the designated route;

36 (5) The plans for developing and maintaining the trail and the

1 potential cost; and

2 (6) The anticipated impact of public outdoor recreation use on
3 the preservation of the prospective heritage trail.

4 (c) The following routes shall be studied by the Department of Parks
5 and Tourism to determine the feasibility and desirability of designating
6 other trails as heritage trails:

7 (1) The Line Road from Van Buren to Evansville;

8 (2) The Memphis to Little Rock Road;

9 (3) The Rock Roe Landing connection to the Memphis to Little
10 Rock Road from where Rock Roe enters the White River to the Memphis to Little
11 Rock Road;

12 (4) The Cadron to Arkansas Post Road;

13 (5) The Little Rock to Fort Smith Road section to Potts old
14 place north of Potts Tavern;

15 (6) The Little Rock to Fort Smith and Fort Gibson section from
16 Potts to Fort Smith crossing the Arkansas River at Dardanelle;

17 (7) The Upper Cut road;

18 (8) The Little Rock to Washington road;

19 (9) The Old Fort Towson road from Washington to American Indian
20 territory;

21 (10) The Antoine to Fort Towson Road;

22 (11) The Ecore Fabre to Washington Route; and

23 (12) The Ecore Fabre to Point Chicot Road.

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26 **APPROVED: 3/31/2009**
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