

RAIL-TRAILS Q & A

The Most Frequently Asked Questions About Rail-Trails

The information in this document comes from brochures and pamphlets produced by the Rails-to-Trails Conservancy, 1400 Sixteenth Street, N.W., Suite 300, Washington, DC 20036 Telephone: (202) 797-5400 Fax: (202) 797-5411.

What is a rail-trail?

Rail-trails are multi-purpose public paths created from abandoned railroad corridors. Flat or following a gentle grade, they traverse urban, suburban and rural America. Ideal for many uses, such as bicycling, walking, horseback riding, in-line skating, cross-country skiing and wheelchair recreation, rail-trails are extremely popular as recreation and transportation corridors. To date, more than 7,000 miles of rail-trails have been created across the country. Rail-trails also serve as historic and wildlife conservation corridors, linking isolated parks and creating greenways through developed areas. They also may stimulate local economies by increasing tourism and promoting local business.

Do rail-trails encourage railroad abandonment?

No. Rail-trails are built after all possibilities for continued rail service have been exhausted. Rail-trails preserve the linear corridor in public ownership and provide the silver lining to the tragic decline in the nation's railroad network, still one of the most environmentally sound forms of transportation.

What does 'abandoned' mean?

A railroad corridor is generally considered abandoned when: 1) rail service is discontinued; 2) the Interstate Commerce Commission (ICC) officially approves the abandonment; and 3) tariffs (pay-schedules) are canceled. A rail corridor can be legally abandoned even if the tracks and ties are still in place. Conversely, even if the tracks are out, it might not be legally abandoned.

Are the tracks and ties left in place when a trail is created?

No. After abandonment the railroad company usually removes the tracks and ties for salvage. Generally the corridor is then re-graded with the original ballast left behind by the railroad. Many trails are later surfaced with asphalt, crushed stone, wood chips or another material appropriate for the intended trail uses.

How can I find out if a corridor is actually abandoned?

This is sometimes harder than you might think. In most cases you can find out through the Rail Office of your state Department of Transportation. You might also be able to find out through the railroad, although you may need to get a high-quality historical map from your library to determine the railroad that operated on that line. To learn more about converting abandoned corridors into trails and to get a listing of key agency contacts in each state, order a copy of **Secrets of Successful Rail-Trails: An Acquisition and Organizing Manual for Converting Rails into Trails** from the Rails-to-Trails Conservancy at the address previously captioned above.

What is 'railbanking?'

Railbanking (as defined by the National Trails System Act, 16USC1247(d)) is a voluntary agreement

between a railroad company and a trail agency to use and out-of-service rail corridor as a trail until some railroad might need the corridor again for rail service. Because a railbanked corridor is not considered abandoned, it can be sold, leased or donated to a trail manager without reverting to adjacent landowners.

Who owns the abandoned corridor before it becomes a trail?

Ownership of a rail corridor is generally mixed, often including the railroad, federal state or local governments, as well as adjacent landowners. Historically, when the railroad built a line it bought some of the land and leased the rest from adjacent landowners or the federal government. When abandoned, a corridor may revert to the lease holders and, in effect, be owned by many people.

What is a 'public use condition' and a 'notice of interim trail use'?

Both are documents that can be issued by the ICC during the abandonment process. A public use condition (PUC) gives public agencies the exclusive right to negotiate for 180 days with the railroad for purchase of an abandoned corridor. During this time, bridges, culverts, surface material, and any other features essential to building a trail must be kept intact. a notice of interim trail use (NITU) permits the railroad and trail manager to negotiate for railbanking and use of the line for a trail.

What happens to the bridges or tunnels, and what about road crossings?

Ideally, bridges and tunnels are left intact after abandonment so that the trail agency need only add wooden decking, appropriate railings and other safety features. Although rail crossings tend to be relatively few and far between on most rail lines, they must be properly striped and signed for both trail and road users. To learn about all aspects of rail-trail design, including surfacing materials, width, plantings, crossings and amenities, order a copy of **Trails for the Twenty-First Century: A planning, Design, and Management Manual for Multi-Use Trails** from the Rails-to-Trails conservancy at the address captioned above.

Who builds the trail?

In most cases, the public agency that buys or manages the corridor builds the trail. The agency either develops it using its own labor and equipment or hires an independent construction company. In a few cases, a group of citizen volunteers has constructed a trail.

Who manages the trail

Trails are generally managed by local, state or federal government agencies, but some are operated by other types of organizations, including non-profit "friends of the trail" citizen groups, land trusts and community foundations.

Where are the trails located?

As of July 1994, RTC has identified more than 615 rail-trails in 45 states. An additional 650 rail-trail projects are in progress, with new projects beginning each month.

Do rail-trails attract crime and vandalism to neighborhoods?

No. There is no evidence that rail-trails cause an increase in crime. In fact, trail development may actually decrease the risk of crime in comparison to an abandoned and undeveloped rail corridor. And, several studies show that people prefer living along a rail-trail rather than an abandoned corridor. Typically, lawful trail users serve as eyes and ears for the community.

How can trails be made as safe as possible?

Trail advocates should be sure to address security concerns beginning in the planning stages and continuing through the development of a trail's management plan. The trail's design can also enhance safety, such as landscaping in a manner that limits deep shadows and hiding areas or installing emergency telephones in key areas along the trail. Various safety programs can be used once the trail opens, ranging from limiting use to daylight hours to establishing volunteer trail ranger programs and from holding periodic "safety days" to instituting regular police patrols.



What about public and private liability?

Generally trails are covered by the overall insurance policy of the public entity that manages the trail. Public liability risks from trails are small relative to other public services like roads, playgrounds and swimming pools. By taking safety concerns into account when designing and maintaining a trail, the risks can be minimized. With respect to liability risks to trail neighbors, private landowners are protected by recreation use statutes in all states except Alaska and in the District of Columbia. Under these statutes, a landowner who does not charge a trail access fee will not be held liable for injuries sustained on his/her property unless an injured person can prove "willful and wanton misconduct on the part of the landowner".

What about the privacy of those living near the trail?

According to a National Park Service study "The Impacts of Rail-Trails", most adjacent owners experience a minimal loss of privacy from the establishment of a rail-trail. Generally rail-trails have a thick row of already established trees and shrubs along their edges. In some cases, adjacent landowners have already taken steps to ensure their privacy from trains, passengers, train crews and other former corridor users.

Often, trail design specifications will call for additional vegetative screening to be added to the trail corridor to protect privacy. Fencing is expensive and rarely necessary, although some landowners do erect fences, often with a gate so they can access the trail.

How does the proposed trail affect property rights?

Under the federal railbanking law, a corridor can be used as a trail, to preserve the corridor for future transportation use, without land reverting to adjacent landowners. The Supreme Court has stated that railbanking is consistent with the language and intent of railroad transportation easements and is therefore

constitutional. Rail-trails are developed under many different circumstances, but in every case a trail's managing body needs to own the corridor or have an easement in place. Trail managers need to know their contractual requirements and have clear policies regarding adjacent landowners' use and crossings.

Do trail crossing create traffic hazards?

No, when properly designed. An advantage of rail-trails is that they tend to have fewer road crossings and driveways than on-street trails. Where crossings exist, well-placed warning and directional signs, both on the road and the trail, can prevent problems and help trail users and motorists avoid dangerous situations. In addition, trail advocates can work with the community to develop user education programs that teach trail etiquette and bicycle safety.



How should user conflicts be addressed?

Creating the best trail possible requires tailoring trail design and permitted uses to the communities through which it passes. There may be circumstances or trail characteristics that make some uses impractical in certain areas. To prevent conflicts, a trail should be wide enough, generally 10 feet minimum and at least 12 feet wide for urban and suburban trails, or where heavy use is expected. Naturally, trail rules should be posted at trailheads and near major road crossings, as well as in any trail-related literature. The trail could form a User Advisory committee, made up of representatives from different users groups and trail neighbors, to discuss and solve problems.

Who will pick up the litter?

Trash has not presented much of a problem on most rail-trails. Some trails have successfully adopted a "pack out what you pack in" position while others have a regular maintenance schedule to empty well placed waste and recycling receptacles. What ever method is used, proper sign placement along the trail and in trail brochures will help ensure its success.

Where will money come from to build a trail?

Many sources of federal, state, local and private funding are available for most trails. Although some opponents may say a trail is a waste of money, rail-trail costs \$50,000 to \$200,000 per mile to acquire and build, compared to \$1 million a mile for a suburban street and \$100 million a mile for some highways. In addition, the economic benefits often outweigh the costs. For example, an analysis of economic impacts of the Northern Central Rail-Trail in Maryland showed that in 1993, tax revenue on user purchases alone (\$303,750) surpassed operating costs (\$191,893).

What about illegal parking?

As trails become more popular, parking can be a problem, so this topic needs advance consideration. Of course parking lots should be placed at trailheads. Also, investigate the possible use of underutilized parking areas of nearby institutions, such as churches during the weeks, or office buildings on weekends. Advocates should also encourage people to walk or bike to the trail instead of driving (which might encourage the development of on-road bike lanes). For persistent problems, enforcing strict parking regulations may be necessary until additional parking areas are available.

Will a trail cause damage to local wildlife?

Except possibly for a brief time during trail construction, most rail-trails have a positive effect on wildlife. In fact, some rail-trails have preserved a number of endangered and threatened species. Minnesota's Cannon Valley Trail, for example, shelters three endangered wildflower species and provides habitat for the threatened Wood Turtle. Generally, rail-trails provide conservation areas and promote environmental education.

Most fear of rail-trails stem from a lack of knowledge. If you have concerns or an interest in your local rail-trail, get involved.

Economic Benefits

[Return to RTC Main Document](#)

[Return to Southwick Rails to Trails Document](#)