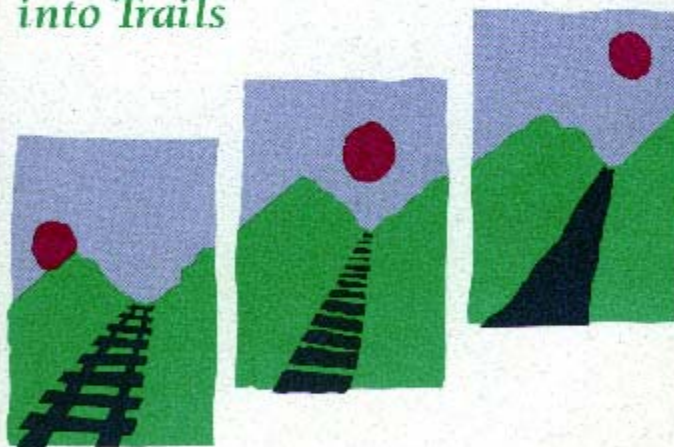


**SECRETS OF**

# **SUCCESSFUL RAIL-TRAILS**

*An Acquisition  
and Organizing Manual  
for Converting Rails  
into Trails*



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**RAILS-TO-TRAILS CONSERVANCY**  
in cooperation with  
**NATIONAL PARK SERVICE**

Note: At the time *Secrets of Successful Rail-Trails* was published, the Intermodal Surface Transportation and Efficiency Act (ISTEA) was the operational U.S. transportation legislation and many references were made to various ISTEA programs in this book. Recently, the Transportation Efficiency Act of the 21st Century (TEA-21) was adopted and now supercedes ISTEA. TEA-21 maintains they basic programs set forth under ISTEA. In creating the web version of *Secrets of Successful Rail-Trails*, the basic text was left as originally published. Thus, where references are made to ISTEA, know that TEA-21 actually pertains, but does not alter in any substantial discussion in the text.

Also at the time of publication the Interstate Commerce Commission (ICC) was the governing federal agency for railroad activity. The ICC has since been replaced by the Surface Transportation Board (STB). The function of the STB is not significantly different from the ICC, thus any reference to the ICC still pertains under the STB.

## Introduction

In 1916, the world's most extensive railroad transportation network stretched across the United States, with every city and small town connected together by ribbons of steel. At the height of the country's railroading era, more than 270,000 miles of track formed an intricate system that was more than six times larger than today's interstate highway system.

But 20th century economics and politics have led to a major contraction of the rail network. Railroads have disposed of more than 150,000 miles of track and thousands more likely to be abandoned in the near future.

The loss of rail lines is no cause for celebration. Trains are among the most energy efficient modes of transportation, and they are an integral part of this nation's heritage. However, when railroads decide to abandon right of way, RTC works to preserve those priceless corridors for future rail uses and convert them into trails for public use.

The thriving rails-to-trails movement has created hundreds of public trails for running, walking, bicycling, cross country skiing, horseback riding, in-line skating, and other purposes. These trails, which were used more than 75 million times in 1992, serve many purposes: recreation, transportation, historic preservation, economic revitalization, open space conservation and wildlife preservation. Generally, railroad routes have many attributes that contribute to outstanding trails.

Generally, railroad routes have many attributes that contribute to outstanding trails. They traverse every conceivable environment from urban to suburban to rural, including farmland, river valleys, wetlands, residential tracts, forests, industrial zones and lake shores. Often the same right of way will connect several of these different environments within a five or 10 mile stretch.

Rail corridors are flat or have gentle grades, making them perfect for multiple users, ranging from walkers and bicyclists to people with disabilities. In the winter, they are perfect for cross country skiing, snowmobiling and other snow activities. In addition, historic structures, such as train stations, bridges, tunnels, mills, factories and canals, enhance trail users' experiences.

Rail-trails act as linear greenways through congested urban areas, providing much-needed recreation space while also serving as utilitarian transportation corridors between neighborhoods and workplaces and connecting congested areas to open spaces. In rural areas, particularly those suffering economically from a railroad abandonment, a rail-trail can be a significant stimulus to a local economy. Trail users spend money on food, beverages, camping, hotels, bed and breakfasts, bicycle rental, souvenirs and gasoline. Studies have shown that trail users can generate as much as \$1.25 million annually for the towns through which a trail passes.

Many landowners living near rail-trails are realizing the increased value of their

homes because people are willing to pay more to have a multi-use trail in their neighborhood. From Seattle, Washington to Glen Ellyn, Illinois to Fairfax, Virginia, newspaper real estate sections display numerous advertisements touting houses' close proximity to the Burke Gilman Trail, Illinois Prairie Path or Washington and Old Dominion Railroad Trail as a special amenities.

Rail-trails also serve as plant and animal conservation corridors. Many rail-trails are home to birds, small mammals and plants--some of which are considered endangered. In the Midwest, some rail-trails contain valuable remnants of native prairie.

Finally, converting rail corridors into trails also preserves the rights of way for any future train or transportation use.

Despite the overwhelming benefits of rail-trail conversions, they are not immune to controversy. Many fledgling projects meet resistance from adjacent landowners concerned about crime and vandalism, farmers worried about the effects of the trail on their crops or animals or area developers who have different ideas for the corridor.

But *Secrets of Successful Rail-Trails* will help overcome any obstacles that arise during your conversion process. By reading this book, you will learn the three fundamental "secrets": building a solid, broad-based citizen coalition; forming a strong partnership with a government agency; and developing a written plan of action. These are the key ingredients to any successful rail-trail.

## Chapter 1: Wouldn't Those Tracks Make a Nice Trail

From the East Coast to the West and from the Great Lakes to the Gulf of Mexico, abandoned rail corridors have successfully been converted into trails, meeting the diverse needs of the communities through which they pass.

In Seattle, more than 1,200 people a day bicycle to work or to classes on the smooth 16-mile Burke Gilman Trail near Lake Washington and the University of Washington. Near the Gulf Coast of Florida, more than 100,000 people stroll, skate and bicycle along the 22-mile Pinellas trail every month. In suburban Washington, D.C., the easy grades and varied topography of northern Virginia's Washington & Old Dominion Railroad Trail annually attract nearly two million users, including bicyclists, runners, equestrians, people with disabilities, skaters and cross-country skiers.

In rural southwestern Wisconsin, the 32-mile Elroy Sparta Trail attracts tourists from the entire Midwest region who generate more than \$1.25 million a year for the small towns of Elroy and Sparta. In Columbia, Missouri, people call the five-mile M.K.T Nature/Fitness Trail the "backyard" of their community--the place where they meet friends and enjoy the outdoors. And, the outskirts of Boston are home to the historic Minuteman Trail, which parallels the route of Paul Revere's famous midnight ride.

This assorted group of trails have something aside from their popularity in common: they were all created from abandoned railroad lines.

Although each rail-to-trail conversion took considerable time and effort, they all began the same way. A few people came across an abandoned right of way, had a vision of the recreation and transportation resource it could become, and began articulating a dream that captured the public's imagination.

You now have the opportunity to help create a new, successful rail-trail, one that meets the needs of your town or region.

If you want to create a rail trail, you have two options: you can work with an already abandoned corridor or a corridor that is about to be abandoned by a railroad. In many respects the effort involved with the two options is similar, but the latter offers some useful legal handles that make the acquisition process easier. (Both of these options are discussed in detail in chapters 6, 7 and 8.)

If you have your eye on a corridor in your community, conduct an initial "assessment" of the corridor's condition. Ask one or more friends to investigate it with you to gain more observations and different perspectives.

Walking alongside the tracks, jot down your some initial, basic observations of the corridor. Think about the following questions:

- Are the tracks still used?
- Are the tracks and ties still in place?

- Is the route scenic and does it have views?
- Does the corridor connect to other community resources such as a river or a lake front, parks, playgrounds, schools or stores?
- Does the corridor have historical structures?
- If developed into a trail, could the corridor become a tourist attraction?

Make sure you also note any aspects of the corridor that are not amenable to trail conversion. Not all abandoned corridors are appropriate for trail use for various reasons. Some issues that might make it undesirable for trail use include: the route is dangerous because of erosion problems or multiple highway crossings; key portions of the corridor broken up; segments are developed for other uses.

At this early stage, you are merely looking at the corridor for its potential as a trail and how it would fit into the context of your community. It might be helpful to find a good map of the area through which the corridor runs to see the physical characteristics, such as, wetlands, forests, fields and development surrounding the route.

Once you have conducted your initial assessment and have decided that your corridor would make a great trail, the next step is to build support for your idea.

## **Chapter 2: Building and Strengthening Your Coalition**

By now you and at least several other people are convinced that you have one great idea! You can imagine people of all ages and abilities walking, bicycling, skating, horseback riding--even cross-country skiing--along the future rail-trail. Keep that vision in mind. Those future users and the organizations to which they belong are your potential supporters and will form the foundation of your support.

### **Develop a Broad-Based Constituency**

Converting a rail line into a trail requires the help of a broad-based constituency. Keep in mind that others may have different plans for the railroad right-of-way. Adjacent landowners may be skeptical if they are unaware of the positive benefits of rail-trails. You may also face political, legal and financial challenges along the way. Your goal is to develop a diverse trail coalition group, strong enough to overcome any hurdles along the way.

Fortunately, trails appeal to a variety of groups and many different types of people. Start looking for support in your local area, but also think of regional and statewide organizations. Rail trails often attract interest from many miles away. Potential supporters include:

- bicycling, running, walking, skating, horseback riding, hiking and cross country skiing clubs, both locally and statewide
- environmental organizations
- neighborhood associations
- government agencies working with parks and recreation, transportation, open space, physical fitness, schools, economic development and air pollution
- tourism councils, chambers of commerce and other entities interested in promoting economic development
- youth oriented organizations such as the scouts, Parent-Teacher Associations and church youth groups
- historical and railway historical societies
- bird watching and other habitat and wildlife preservation groups
- groups working to provide various opportunities for the elderly, such as the American Association of Retired Persons and people with disabilities, such as the Paralyzed Veterans of America
- land trusts
- sports organizations
- hospitals, insurance companies and other corporations interested in improving the quality of life in their community
- businesses that may benefit from a trail, such as skiing, cycling, camping and fishing outfitters and rental shops, as well as motels, restaurants and nearby stores.

Some of these organizations will be well-established with offices, staff and a listing in the phone book, but some of the clubs may be harder to find. Even if no bicycle or running group's are listed in your community's Yellow Pages, do not

assume they do not exist there may well be active clubs with hundreds of members, monthly board meetings, a regular newsletter and a post office mailbox.

Here are some tips to help you assemble a master list of trails oriented organizations in your community or region:

- Go to your library and ask the librarian for directories of community organizations. You will be amazed at the diversity you find.
- Ask your trails oriented acquaintances about existing organizations or groups to which they belong.
- Contact relevant city or state agencies such as the Parks and Recreation Department or the Department of Natural Resources; often they can provide lists of citizen groups.
- Read the weekly calendar of community events section in your local newspaper to learn of groups and to find their telephone numbers.
- Write a letter to the editor to the newspaper. Some papers allow letters to describe a problem and its solution as well as announce an upcoming meeting and invite those interested to attend.
- Contact national organizations that may be interested in rails to trails conversions and ask for the names and addresses of their local chapters.

Naturally, organizations are not your only target. Many individuals would also be interested in working on a rail trail, even if they do not belong to an organized group. Later in your campaign, you will be able to reach additional people through flyers, radio public service announcements and community bulletin boards. In the early days of your effort, however, concentrate on organizational activists rather than on unaffiliated individuals.

### **Hold and Organizational Meeting**

Once you compile a master list of potentially interested organizations, you are ready to hold a coalition-building meeting. Reserve an accessible, neutral location (a library or community center) for a convenient meeting time. Then, send a concise and attractive invitation to your list of groups.

The meeting itself should be carefully planned in advance. If you have done a good job of outreach, a diverse group of people, many of whom will not know each other, will attend. Strive to make everyone feel comfortable--coffee and donuts are a worthwhile investment. Also, distribute copies of a typed agenda so everyone feels involved in the process and it is clear what to expect.

Encourage everyone to participate; allow time on the agenda for people to introduce themselves and their organization and to state why they are interested in the conversion of the rail corridor. Supplement this by passing around a sign up sheet to record the names, affiliations, addresses and day and night phone numbers of the participants.

Begin the actual meeting by clearly showing the route on a good map that



identifies community facilities, parks, cultural attractions and any unique features along the route. Giving a slide show or playing a videotape is a good way to show the rail corridor and the many exciting attributes it would have as a trail.

If your meeting agenda calls for several "reports"--a physical description of the route, the history of the abandonment, the projected legal process and the current stance of various politicians--arrange ahead of time for different people to speak on relevant subjects.

After the reports, leave plenty of time for questions and discussion. The primary purpose of this first meeting is to stimulate people's interest in the trail and in joining a coalition. Future meetings can be used to establish details on policy and strategy.

Of course, you will want to make some concrete decisions about the new group's structure. Strive to reach agreement on forming a rails to trails coalition and begin the process of naming your trail. Elect a chairperson (or coordinator) and create several key committees for research, publicity, fundraising and legal affairs.

Note that this meeting is not a press event. The first meeting may be too early to "go public" in fact, it could be harmful to receive press attention before you have ironed out some key details about your coalition's goals, strategies and tactics. Your first press release to the media at-large will likely occur several weeks after the first meeting (see Chapter 10, "Publicity").

Nevertheless, you can share your great idea with the members of your coalition. Ask your best writer (who should be a member of the publicity committee) to draw up a press release and mail it to the editors of all the coalition groups' newsletters, most of which have four to eight week lead times.

## **What's in a Name? Everything!**

Naming your trail is extremely important and you can never begin brainstorming too soon. Begin the process long before the trail is under construction. In fact, naming the corridor can significantly help you create your trail. Conversely, giving it the "wrong" name can make your task much more difficult. And not naming the trail at all--referring to it as "the old right-of-way," "the abandoned track" or some other generic nomenclature--is not in the best interest of your project.

After all, the average person may need to be convinced that a skinny, possibly junk-filled industrial corridor can be converted into an attractive and inviting greenway! Consider how much more appealing it will be to sell your future vision under the name "Bluebird Trail," "York County Heritage Rail-Trail," "Seminole Pathway," "Lafayette Bikeway," "Wabash Cannonball Rail-Trail" or "Independence Greenway" or any of a hundred relevant, locally-resonant names.

Typically rail-trails are named after geographical or geological features, local vegetation, local historical figures or politicians, state or local nicknames or slogans. Of course, many also are named after the original railroad or the railroad's nickname. Others celebrate a striking railroad feature along the line such as a bridge, tunnel or trestle. Many are named after their endpoints. (Although this is a less imaginative solution, it sometimes serves a winning political function by decreasing any inter-town rivalry while fostering cooperation.) Some names pick up on a region's old Native American or original settler heritage. The choices are virtually limitless.

Although you want to move quickly, the trail's name is too important to short-circuit the naming process. Request input from people and groups involved in the project. Consider even running a contest for the best name. The excitement and publicity will not only result in some excellent suggested names, but also will spread the word about your project.

Make sure a name that sounds great to you is not offensive and counterproductive to someone else. Research the corridor's history, geography, geology, both before and after the railroad. Think carefully--and strategically--about what resonates in your community, both with the people at large and with the "power structure." If you name the trail after a prominent local forebear, would it help you gain support from one or more of the powerful institutions or politicians that you need to convert?

If you are stuck for ideas, order a copy of 500 Great Rail-Trails from the Rails-to-Trails Conservancy for a listing of more than 500 names of open rail-trails throughout the country.

## **Developing and Organizational Structure for Your Group**

Organizing your group is very important for launching a successful rail-trail project. Basic organizational structure requires a president or chair, secretary, treasurer and committee directors. These officers and directors may be designated to the board of directors. Committees should be created to perform various activities such as fundraising, publicity and research.

Also consider setting up a board of advisors made up of prominent citizens interested in participating in less time-consuming ways. Showing the public and governmental officials that prominent people support the trail is a good way to gain additional supporters.

The role of each committee must be clearly defined and their duties assigned. A publicity committee's responsibilities should include writing press releases and newsletters, setting up a speakers bureau and planning any press conferences. The research committee should investigate corridor status, existing trail and land-use laws and estimates of costs for acquisition and development. Ad hoc and temporary committees may be created for short-term efforts such as trail events or on-site visits for public officials.

Here are some DO'S AND DON'TS:

- DO select a chairperson or president that is enthusiastic, articulate and a delegator. You should also select a vice-chair (with equal qualities), a treasurer and secretary.
- Don't settle for the first person most willing or available to serve as your chairperson. This position is important and warrants careful consideration. Keep in mind that one person cannot do it all for very long; the value of a person's ability and willingness to delegate cannot be underestimated.
- Do appoint prominent citizens to a board of advisors. Ask them to write a letter of endorsement. Using these letters and their names on your stationary and other printed materials will bring clout to your fundraising and publicity efforts.
- Don't expect members of your advisory board to do much--they most likely are very busy people with limited time to offer. If they feel overwhelmed, they may drop out, unintentionally leaving others with an impression of lost support.
- Do create a mission statement and define the goals of your coalition.
- Don't assume your coalition members are all "singing the same song." Write up your mission statement and goals and distribute them.
- Do organize committees to undertake various activities such as fundraising, publicity and research. For each committee, appoint a director, define objectives and assign tasks.

- Don't assume that just because you have a committee, work will be accomplished. Committees need guidance and its members need specific tasks, otherwise you may end up with a committee in name only.

### **Strengthen Your Coalition**

Hopefully after your first few meetings your group is more enthusiastic than ever. Your trail is named (as so is your advocacy group), and you have a structure that includes a coordinator (or chair, president or some other leader). Now you are ready to strengthen your coalition.

Until now, you have been working with a trail's most likely supporters. You must now sell your great idea to a larger audience--one that includes a broad spectrum of organizations, community leaders and government agencies.

### **Develop a Clear Message**

Ideally, your trail should be marketable on many levels. When people think of walking down a beautiful tree-lined path, improving their cardiovascular fitness, commuting to and from work on a non-motorized route, or improving the local economy, they may not think of abandoned rail corridors. Your job is to enlighten them--a rail-trail can provide all these benefits and more!

Your message should at least address the following topics (see Chapter 3 "Is it Feasible?" for specifics on each):

#### Recreation

- Health and fitness
- Purposeful non-motorized transportation
- Environmental conservation
- Economic development
- Compatibility with a state or local master plan
- Historic preservation

If you believe that a government agency such as the Department of Natural Resources or a county parks and recreation department should be your trail's managing agency, you should be working with them early in your campaign. The

question of who will manage and operate the trail is often one of the first questions asked by members of the community (see chapter 5, "Working with Government Agencies").

### **Take Your Message to Community Organizations**

Once you have defined your message include in your presentation a detailed map showing the route. Be sure to show the trail's connectivity to important community facilities and identify nearby parks, natural and cultural resources and unique features along the trail. If possible, develop a slide show or a videotape depicting the route and its features.

Develop a speakers bureau made up of your most articulate and persuasive speakers. Try and match the interest and knowledge of the speaker to the audience. For example, a businessman may be more persuasive to a chamber of commerce or economic development council; a senior citizen will be more credible to the Association of Retired Persons; and a bicyclist will be more enthusiastic when addressing a bike club.

Take your presentation to as many meetings as possible; every audience has a potential pool of supporters and volunteers. Include group such as Rotary, Kiwanis Lions Clubs and League of Women Voters. Plan to hold your own meetings as often as possible.

A group in West Virginia regularly holds "info meetings" for the general public. These open invitation meetings provide an opportunity for local leaders and community residents to share in the excitement of planning a trail through its adjacent communities. A Florida group holds old-fashioned "town hall" meetings in each of the communities where the trail will be built. In each case the news media is notified. Do not worry if attendance is small, you are still likely to receive some press coverage, especially in small communities.

## **A Picture is Worth a Thousand Words**

By developing simple graphic images, rail-trail advocates across the country have tapped into one of the most powerful trial-promotion tools: the logo.

Many local rails-to-trails organizations and individual rail-trail project leaders have developed innovative logos for use on T-shirts, brochures, balloons, posters, bumper stickers, signs, hats, lapel pins and banners to successfully market their trails throughout their communities.

At first glance, a logo may not seem very important, but it is one of the most effective ways to spread the word about a trail and to highlight the uniqueness of your project.

Dominant landscape elements, such a mountain peaks, rivers and valleys, are excellent images for logos as are foot-prints, bicycle tires and other trail-evoking images. However, keep the image simple so it can be reproduced easily in any size.

## **Use Volunteers for Corridor Clean-Up and Construction**

As soon as your effort receives publicity (See Chapter 10), you will uncover certain volunteers who are eager to help out, but who do not want to get involved with politics they want to be outside working on the trail, not going to meetings. You may be able to arrange with the railroad (or whoever owns the land) to allow volunteers to clean up the corridor and even to plant bushes and flowers and make other aesthetic improvements. In fact, some of the volunteers might want to take on physical construction projects bridge decking and railing, for instance, or sign erection. If and when the corridor becomes an official trail, these volunteers can become an important adjunct to the paid maintenance crew. Organize periodic rail-trail work days.

## **Undertake a Fundraising Campaign**

Fundraising is a critical element of developing a trail coalition, but perhaps you get butterflies in your stomach when you think about fundraising.

Many people are uncomfortable with fundraising, but you must not underestimate the importance of raising money for your trail group. Adequate funding will allow you to much more effectively and impressively promote your idea and also strengthen your organization. In addition, raising money will enable you to:

- print brochures and newsletters
- produce better graphics

- make long distance phone calls
- attend conferences and other meetings
- bring in speakers from elsewhere
- develop a slide show
- produce radio public service announcements
- attend key social and political functions
- rent sound systems and other equipment for rallies
- and much more!

Approach the fundraising situation positively. Pretend that someone approached you with a once in a lifetime opportunity to create a trail in your community. You would probably respond, "Fantastic! What can I do to help?" Time and time again rail trail advocates ask people for \$5 contributions and are stunned to receive \$50 or even \$100 checks. People feel good about contributing to a worthwhile project in their own community--especially when it is one in which they believe.

The form of your fundraising campaign must be tailored to your community's characteristics and your group's capabilities and interests. If one of your leaders (or board members) is well-connected socially, perhaps he or she could host a cocktail party or dinner reception--an effective way of attracting large donors.

For smaller contributions, how about a raffle, a picnic, a benefit movie, or some other community wide social event? Once you have a mailing list, a fundraising mailing could be successful. If you have enough volunteer "people power," a door to door fundraising effort in the vicinity of the abandonment is also a good possibility. One Illinois group sponsored a "Tie a thalon," a running bicycling canoeing event to raise funds and generate publicity. Other groups have sold buttons, T-shirts, posters and decals to heighten their visibility and earn money.

Whatever strategy you choose, add up all the anticipated costs and make sure the likely return will earn you a profit. Also, if you are seeking large contributions or foundation grants, be aware that you will have an easier time if you are registered as tax deductible (known as a "501 (c)(3) organization" by the Internal Revenue Service); however, doing so entails significantly more paperwork. (Talk to a tax lawyer before making this decision.)

In addition to cash donations, ask for donations of in-kind services. The AAA Motor Club of Florida/Georgia printed and donated more than 25,000 brochures to a trail group in Florida. In addition, AAA has committed to update their trail maps as new sections of the trail open. Advertising firms may help with a slide show or video presentation. Stress to an interested firm that your video will be shown throughout the community with their credit attached. Seek donations of printing, travel and office supplies.

One final note: As you plan your fundraising needs and goals, and as you solicit money, be clear that this money is for your organizational effort and not for the purchase of the trail. Purchasing land is more expensive than building public support for your idea. Investing in a strong trail group will give you more mileage

out of your hard-earned dollars which you can use to leverage other moneys for the actual purchase and development. (For information on finding funds for the trail, see Chapter 11, "Finding Funds," and Chapter 13, "Working with the Business Community.")

### **Citizen Organization Pays Off in Virginia**

CSX Transportation Inc. abandoned a 62-mile corridor between Parkersburg and Clarksburg in West Virginia, ending a 130-year link with dozens of communities in four counties. Many communities along the former rail route began to decline and in some cases, were abandoned.

In February 1989, a small group of concerned citizens from the four counties formerly served by the rail corridor gathered to brainstorm about creating a trail which would restore this former transportation link and also energize their economies. They envisioned bicycles, horses and hiking shoes as the means of travel and trail tourism a catalyst for economic growth.

The North Bend Rail-Trail presented a partial solution for the communities facing decline along the abandoned corridor. Working together, recreationists and business people organized to form the North Bend Rails-to-Trails Foundation. This group also created a strong working board of directors and a prestigious board of advisors.

Garnering political support early in the campaign, the group thoroughly briefed congressional representatives, state officials from the Railroad Maintenance Authority (the division with railbanking authority) and the Division of Tourism and Parks (the agency slated to manage the trail) about the project. They gave these officials letters of endorsement from business owners, local politicians and prominent citizens. Demonstrating an organized, broad-based coalition resulted in gaining valuable allies and strengthening the coalition.

A citizen-driven, "boot strap" effort, the North Bend Rail-Trail campaign consisted of countless trips throughout the four-county region to give presentations to Rotary and Lions Clubs, town councils, county commissions, economic development councils and similar civic organizations. The foundation sponsored open-invitation meetings at least once a month and also held numerous dinner receptions to cultivate additional support and donations of money, time and labor.

These tireless efforts paid off. Within two years, the abandoned corridor was purchased and converted into a state park rail-trail. More than 20 new businesses have opened along the trail and more are currently planned. The North Bend Rail-Trail Foundation's dream to reconnect and revitalize local communities is a dream coming true.



## Chapter 3: Developing a Feasibility Study

Nearly every successful rail to trail effort has achieved its initial level of public support by preparing a well researched feasibility study. The purpose of a feasibility study is to outline the corridor's potential as a multi-purpose trail.

Conducting such a study has numerous benefits, including giving the project credibility and providing a vision of how an overgrown or trash strewn corridor could become a beautiful public park. Producing the study will also help you think through all the aspects of the conversion process in a realistic manner. Also, once completed, you can simply send the study to interested parties instead of spending hours on the telephone discussing the trail project.

### How to Write a Feasibility Study

A typical feasibility study is a brief, clear and compelling eight to 12-page report and it should be one of your highest priorities. This study should not cover the technical and more difficult research about abandonment status, property ownership, deed history or past governmental involvement. At this point you are looking for information that follows the line through history: weaving railroad names, places and events into the local culture; explaining alternative present uses; and painting a picture of what the line could be in the future.

A sample outline and explanation of major points follows. Keep in mind that several people in your coalition can take responsibility for developing this report, although it should be edited carefully so that it reads as a cohesive document. Your study need not follow this format as the order of your sections will depend on the unique characteristics of your corridor. Simply use this outline as a guide.

#### I. Introduction

Begin with a simple introduction stating the purpose of your study. Briefly describe the corridor's route, including its endpoints, as well as the length of the corridor.

#### II. Background

**A. Location:** Describe in detail the towns and counties through which the corridor runs and its proximity to population centers. If you have any location maps, attach them at the end of the study.

**B. Description of Natural Features:** Highlight any natural features along the route, including bluffs, cliffs, groves of trees and wetlands, and also any adjacent or intersecting rivers, creeks and streams.

**C. Physical structures:** List the number of bridges, trestles and tunnels along the corridor, and detail how often the corridor crosses roads. Include the names of the roads and describe whether or not they are major thoroughfares.

**D. Historical background:** Explain the historical context of the corridor. Include the following points.

- What railroad owns or owned the route?
- Which railroad originally laid the track and when?
- Are there any interesting historical structures, such as depots, mills or tunnels along the route?
- Did the line carry passengers or freight?
- Are there any historical towns along the route?
- How did the line contribute to the development of your community?

Generally, US railroads are well documented. Spending some time at a good local library, a historical society, the state or county department of transportation, or the state historic preservation office will help you unearth interesting and useful information.

**E. Compatibility with a master plan:** Obtain a copy of your community's master plan. Does it already specify that the rail line should become a trail upon abandonment? And, if your community has a zoning ordinance, check if the corridor is zoned for open space.

**F. National and local rail-trail picture:** Give statistics of how many trails and miles of trails exist in your state and in the country. In August 1993, more than 540 rail-trails, totaling almost 6,700 miles, existed in 45 states across the country. Rails-to-Trails Conservancy consistently updates these numbers.

### III. Benefits

**A. Recreation:** Detail the potential recreational benefits of the trail. Some points to keep in mind are:

- The National Recreation and Park Association recommends that 25 miles of trails exist for every 50,000 people in an urbanized area. Does your region meet that goal? (Check your city or county park master plan for some good numbers.)
- Are there physical barriers to bicycling that this route would eliminate?
- Would the rail trail connect with other existing recreational facilities such as parks, playgrounds, baseball fields, picnic areas or lakes?
- Would the trail provide a key link in a network of trails in your area?

**B. Purposeful non motorized transportation:** Explain all of the transportation benefits the trail would offer, such as:

- Could people use the rail-trail to commute to useful places, like shopping centers, employment areas or schools or other useful places?
- Would the use of this trail reduce auto congestion or air pollution in your community?
- Could people use the trail to provide access to a bus or subway line?

One of the largest sources of funding for rail-trails is federal transportation money, so detailing your trail's transportation benefits is very important. (See Chapter 11, "Funding Acquisition and Development Funds.")

**C. Environmental conservation:** Explain the environmental conservation benefits of the corridor.

- Would your long, narrow greenway serve as a buffer between incompatible land uses such as industrial and residential areas?
- Could your rail-trail conserve wildlife and reduce air pollution and noise?
- Does the route traverse any waterfront areas, such as a shoreline, lake front, creek or wetland that is specifically protected under environmental laws?

**D. Economic development:** Many rail-trails have provided an economic boost to the communities through which they pass. Trail users patronize restaurants, general stores, equipment rental shops, gas stations, hotels, hostels, campgrounds, bed and breakfasts and boutiques. Would your trail prove beneficial for businesses? Could it lead to increased tourism and sales or generate employment?

#### **IV. Conclusion**

Close your study with a summary of the key reasons your corridor would make a great rail-trail and the benefits it would bring to the community. Outline the next steps in the conversion process for interested parties to take:

- researching deeds
- appraising the land and structures
- securing the right-of-way
- finding a management agency
- planning fundraising events

By finishing with a short "action plan," you will clearly convey to interested parties that they are needed in a number of ways.

#### **Distributing Your Study**

Once you have written a draft of your study, distribute it first within the coalition and to likely supporters for comments and feedback that would strengthen it. After revisions, give it to a wider circle of individuals and organizations, including:

- local or county parks and recreation department
- city, county and state transportation departments
- mayor, county executive and governor
- state department of natural resources (or parks agency) and state trails planner (see Appendix C)
- city or county council members and relevant members of the state legislature and US Congress

- private non profit groups that might have an interest in the trail--those focusing on environmental, recreation, youth, senior, people with disabilities and livable community issues
- neighborhood and civic associations in the vicinity of the route
- educators, particularly high school teachers and college professors teachers in such fields as history, landscape architecture, land-use planning, ecology and botany
- Rails to Trails Conservancy.

In a letter accompanying your report, ask for letters of endorsement. You might also include a simple questionnaire to gauge the likely level of support and the specific reactions from people and groups.

## **Chapter 4: Working with Landowners and Opposition**

When you first learned about the concept of turning an old rail line into a trail, you probably thought it was a great idea. However, some people in your community may not be so sure. They may have concerns or doubts about the project from the outset.

### **Why Would Someone Oppose a Rail-Trail?**

Many proposed conversions face opposition from landowners living alongside or near the corridors. Whether the adjacent residents are apartment dwellers, homeowners, business owners or farmers, they may oppose the trail for one or more reasons.

Some may fear that trespassers, crime or vandalism will increase because of the influx of outsiders passing near their land or homes. Others may fear liability or may want to use the existing right-of-way to expand their land holdings. And a few may object on "philosophical" grounds, believing the government should own as little land as possible or, as adjacent landowners, they should receive payment for public access to the corridor.

You should realize, however, that many future trail neighbors initially have no negative opinions toward a trail, but are persuaded to oppose it when other landowners raise concerns.

In other cases, trail proponents try to leave adjacent landowners out of the trail development process, but invariably this strategy backfires causing landowners to feel excluded. It also generates opposition that could have been avoided by including them from the beginning.

Some proposed trails are stalled in early stages because of initial opposition by a few, vocal area residents, especially when landowners are well-connected to elected officials or the power infrastructure within the community. Your job is to defuse any potential opposition at the outset, and convince staunch opponents to change their minds about the trail--neither job will be easy.

Ironically, adjacent residents almost invariably become enthusiastic trail users and supporters within a few years of a trail's creation. A former opponent in Iowa had a change of heart and became a trail supporter after he regularly used the trail built next to his property. He enjoyed the trail so much, he installed a soda machine in his back yard for trail users. In another instance, an adjacent landowner in Washington who was the treasurer of a group founded to oppose a trail-effort, changed his mind once the mayor and city council publicly supported the effort. The landowner granted an easement to the city for the former railroad bed which cuts through his land and said, "I think it's is an idea whose time has come." Once people's initial fears subside, they realize the trail is a positive amenity.

## **Is Liability a Problem?**

Occasionally trail skeptics and opponents claim that the liability risks posed by rail-trails are so great that the community cannot afford the insurance necessary to protect itself from lawsuits and legal judgments.

However, virtually all the managers of existing rail-trails dismiss the liability problem as negligible. Since most rail-trails are owned or operated by a public entity such as a county park and recreation agency or a state department of natural resources, the risks associated with the trail are folded into the overall insurance policy of the county or the state. When asked, most trail managers are not even able to identify what percentage of their insurance premium is due to the trail.

Obviously trails need to be properly and safely designed. Bridges need adequate planking and standard-height railings, tunnels need protection from rock falls and trestles need certifications of safety. Nevertheless, within the spectrum of public facilities, trails are inherently quite safe--far less risk than roads and safer than swimming pools, beaches and children's playgrounds.

However, some rail-trail groups have been negatively affected by the insurance crisis. One citizen group was effectively put out of business by a huge legal judgment (but the trail continues to be managed by the county). Another was forced to turn over its lease to the county, although the private group is retained as consultant and functions as the trail's advocate. But these are isolated instances. In general, insurance amounts only to another budgeted cost in the development and maintenance of the trail--a cost that most communities realize is a small price to pay in return for an excellent community facility.

## **Recent Findings**

Now, more than ever, you can use plenty of published information to help you convince people of the positive aspects of rail-trails.

In the past few years, more than 300 new rail-trails have opened, bringing the total to more than 550. With all of these trails in operation--some for as many as 25 years--rail-trails have established an excellent track record that you can use to support your case. Trail managers, who work directly with trails (and trail issues) on a daily basis, are the first to say that many of the problems anticipated by rail-trail opponents do not occur.

These experiences from the field are confirmed by *The Impacts of Rail-Trails*, a study by the Rivers, Trails and Conservation Assistance Program of the National Park Service and Pennsylvania State University. The study examines both trail users and nearby owners from three rail-trails around the country. In particular, it explores the validity of the most commonly perceived trail problems, such as increases in vandalism and crime, and a decline in property values.

This study finds that these problems are more imaginary than real. Living near the trail is better than adjacent owners had expected, and, universally, they say it is better than living next to an old rail corridor. The study also shows that rail-trails bring significant benefits to communities, such as preservation of open space and increased business for local bike stores, restaurants, inns and other local establishments. So, instead of lowering the quality of life in communities, rail-trails actually enhance it. Other studies show similar results. (See appendix L “Additional Resources.”)

## **Top 10 Ways to Work With the Opposition**

You can take various approaches when working with people who oppose your rail-trail project. In general, you should always stress the benefits of rail-trails and keep adjacent landowners involved in the process. Here are 10 techniques you may find helpful:

- **Reach out to adjacent residents.**  
Do not wait for nearby residents to learn about the proposal by reading about it in the newspaper. Talk to them directly, either by traveling door-to-door, circulating an open letter or giving a presentation at a community gathering. Meet with neighborhood leaders, store owners, members of service organizations, an official of the Parent-Teachers Association or the scouts, to explain exactly what you are proposing and the trail's benefits.
- **Listen to what they are saying.**  
Take time to understand why adjacent landowners are opposed to the trail. Many of their concerns stem from fear of the unknown. Help calm their fears by explaining that such apprehensions are very common, and also by sharing the realities of existing trails. Some adjacent residents may oppose your trail plan no matter what positive attributes you offer, others will work with you to resolve their concerns. In any event, listen carefully, address specific concerns and try to arrive at solutions that benefit as many people as possible.
- **Find allies among the adjacent residents.**  
In some communities, adjacent residents will band together to oppose the trail. Among the group, however, you may find bicyclists, walkers, runners, horse riders, families with sports minded children, individuals with disabilities or people who want to exercise away from traffic--all of whom may be likely trail supporters. Seek them out, explain the trail's benefits and urge them to work for the conversion. Some people may want to set up a trail support network ("Residents for the Trail"), and others may prefer to support the trail quietly, through behind the scenes pressure in the community.
- **Give adjacent residents a role in the project.**  
Establish a trail advisory committee and ask adjacent residents to serve along with advocates and user groups. Often, when given a chance to be

included in the process, a group of adjacent landowners may be willing to work toward solutions. A trail advisory committee in Maryland successfully defused many of the tensions surrounding the creation of the Northern Central Rail-Trail near Baltimore. And, in Illinois, a 17 year impasse over the creation of the Rock Island Trail was finally broken when the state worked out an agreement with trail advocates and opponents whereby key issues such as camping, hours of operation, use of motorized vehicles, screening, brush cutting, policing and trail surfacing were resolved. The trail advisory committee continues to provide input about issues as they arise.

- **Invite former rail trail opponents to speak to your future trail neighbors.**

If your group has some travel money, invite an articulate landowner who was once opposed to another rail-trail project. The story of how he or she became a trail advocate can be a very powerful to future trail neighbors. If possible, plan to show before and after slides to prove trash-strewn abandoned rail corridors look much different than managed trails. Advertise the event widely in the community. To help assure turnout, you might also schedule a debate on the issue.

- **Bring in a third party to help build consensus.**

If you have difficulty forming a trail advisory committee, enlisting a third party may help identify the concerns of trail opponents and trail supporters. Bring in someone who is respected and trusted by both sides, perhaps a president of a civics group, a member of the chamber of commerce, or someone trained in conflict resolution. You might contact the National Park Service's Rivers, Trails, and Conservation Assistance Program to help (see Appendix F for addresses), their staff has experience with coalition building and conflict resolution.

- **Act in a positive, constructive way.**

Although you may be tempted at times, do not react in anger to claims made by trail opponents. No matter how unpleasant a discussion becomes, always treat everyone fairly and sincerely. Be firm, factual and reasonable. Collect information--like the Impacts study or experiences from managers of existing trails--as evidence to help your cause. A politician or a prospective supporting agency will find it easier to back your efforts if you are viewed as level-headed and part of a group with good ideas.

- **Work with as many landowners and opponents as possible.**

While you are likely to encounter one or two people adamantly opposed to your trail, do not get "stuck" on them, unless you determine that they could truly stall your project. Try working with them and attempt to neutralize their strong objections, but do not spend all your time and energy on them. The majority of opponents will not adamantly oppose the trail; they may have initial fears that they need to express, or they may be "sitting on the fence" unconvinced of the project's merits. Work hard to address the



fears of this second group and mobilize them in favor of the trail--they can add to your majority.

- **Re-frame the discussion from "railroad corridor" to "trail."**  
A completed rail-trail is quite different from an abandoned railroad corridor. When someone contends they do not want a trail, they might be saying they do not want a "trail" like the one that exists now--a littered, overgrown, unmanaged corridor, possibly used illegally by four-wheel drive vehicles or hunters. A rail-trail is managed and maintained and has permitted uses. Just as rules of the road exist for drivers, rules of the trail exist for trail users.
- **Work hard for favorable reviews in the media.**  
Let the media help defuse the opposition for you. Favorable coverage in the media is a great way to offset the opposition, and simultaneously gain support for your cause. Editors, reporters and TV producers help shape how your project is perceived by community members, so give your project the best opportunity for positive exposure by providing media contacts with interesting and factual information. (See chapter 10, "Publicity.")

While trail opposition is one of the more difficult hurdles to cross during rail-trail conversion, it need not stall your project. If you take the initiative from the outset to inform adjacent residents about the trail project, listen to their concerns and keep them involved in the planning process, you will have a much easier time building strong support and creating a trail for your community.

## **Chapter 5: Working with Government Agencies**

If your campaign is off and running, you should have a small but growing organization and a plan of action. Now you need to learn how to work in partnership with public agencies, at the local, state or even national level.

### **The Partnership**

When you think of how a government agency can help you, you may think, "Let it buy and manage the corridor!" After all, government agencies are responsible for delivering services--like rail-trails--to citizens. But you will need to work with an agency as a partner long before you expect it to become a land manager of your rail-trail. Indeed, your partnership with a government agency should start shortly after you form a citizen group.

The partnership will extend beyond the questions of land management and also evolve over the course of the rail-trail project. At first, you may feel preoccupied with more immediate, short-term issues, such as preserving the corridor before it is fractured, and collaborating on public meetings to build interest. At the same time, you should define your partnership for the long term, such as establishing responsibilities for ownership and maintenance of the rail-trail.

If you are unable to form an effective partnership, you are unlikely to succeed in your effort. Do not count on a government agency to "carry the ball for you" on a specific rail trail conversion, and do not expect your private trail group to build the trail on its own. Across the country, much beneficial government action has occurred after persistent efforts by concerned, committed, organized citizens.

An agency needs a citizen group just as a citizen group needs an agency. Each entity can help the trail effort, but in different ways. A citizen group has the flexibility of action and the ability to generate publicity and political support, while an agency has budgetary authority and planning ability.

### **Understanding Government Agencies**

To receive the most help from a government agency, you need to understand the agency's mission, what it was created to do and what it cannot do. If you understand the agency's strengths and weaknesses, you will know the best ways to stir its interest and involvement in your rail-trail project.

An agency works best managing an existing program. For example, a local parks department manages the local park system--it cuts the grass, runs summer camps and occasionally builds a playground or ball-field. The agency performs these tasks year after year and has trained its staff to do them well.

But when presented with an opportunity that it has not encountered before, an agency may react slowly. To some agencies, new ideas--like rail-trails--are seen as risks. Most agencies already feel over committed, overburdened and under-funded and, consequently, are not looking for new projects.

Often, to convince an agency to change or expand its mission, you need to persuade an elected (or other high ranking official) to set a new course of action. To engage in a new endeavor, agencies may need to obtain approval from the city or county even if the project does not involve spending money, and even if it is something the agency is legally permitted to undertake.

For example, a railroad may be willing to sell a corridor at a very low cost--or even donate it--to a local parks department for development of a rail-trail. This opportunity may seem like a great deal to the parks director, particularly if the agency's master plan shows a need for trails and the city has no money to acquire trails. However, the director may feel reluctant to commit the agency to the project.

You may wonder why. One reason may be that the agency has never been responsible for a rail-trail before and therefore has many questions: Is a rail-trail difficult to manage? Will it cost a lot to maintain? Will more people need to be hired? Will the rail-trail present a liability problem?

If the agency proceeds with the trail and it turns out not to be as successful as planned, it runs the risk of subjecting itself to criticism by the press and high-ranking public officials for "trying something new."

So, before a decision is reached, the park director will consult with many other officials, such as the city attorney, city manager and especially, elected officials. Consequently, these officials may want to hold public hearings to obtain approval. What initially appears as a sensible, easy, business decision for the parks director, may prove difficult and time-consuming. Ultimately, elected officials may make the final decision, especially if the decision is perceived as even slightly controversial.

### **How to Interest Agencies**

Not all agencies will be reluctant. In fact, some agencies instantly recognize the value of a rail-trail, welcome a partnership with your trails group and will work fervently with you to build a trail. If you are fortunate to find such an agency, work diligently with them--you have a great chance for success!

If not, you need to convince an agency to support your project. Just as you need to sell your ideas to elected officials and the public, you need to sell your idea to an agency. Present the agency with a well-articulated plan (such as the feasible study outlined in chapter 3) for the corridor backed with research. Also, give them facts and statistics of the benefits of other rail-trails in your state or region.

In addition to factual information, an agency will more likely support your rail-trail if it is backed by a broad coalition of support (see Chapter 2, "Building and

Strengthening Your Coalition). Mobilize citizens first and then politicians. With the backing of these two groups, agencies will be more receptive to your ideas.

Win as many supporters as you can, especially politicians, and create a supportive environment for agencies to more easily back your idea.

### **Partnerships at Work in South Dakota**

The success of this 104-mile trail, which winds through the magnificent Black Hills National Forest, is because of the partnership formed between the state, the Black Hills National Forest and the Black Hills Rails-to-Trails Association.

The trail project began with fundraising and promotional efforts of the Black Hills Rails-to-Trails Association. Early in the project, the association's active fundraising efforts saved several bridges scheduled for demolition along the unused line. Later, the group donated the bridges to the state for trail use.

Because 80 percent of the corridor passes through national forest land, the association first approached the US Forest Service as a possible trail manager. The forest supervisor at the time refused to use federal funds for managing and operating the trail, but was supportive of the trail concept and open to leasing the land to another managing agency.

The association tried another tactic of developing a pilot project using the land outside of the national forest. They asked the state to sponsor this portion of the trail, and with the endorsement of then-governor George S. Michelson, the state agreed.

Meanwhile, the forest supervisor position changed hands; the new supervisor reopened the case and held several public meetings to determine the public's support for the trail. Because of strong organizing by the Black Hills Rails-to-Trails Association and factual background supplied by Rails-to-Trails Conservancy, the meetings were a huge success. Consequently, the forest supervisor decided in favor of developing the forest service land for the Black Hills Trail, (which was renamed after Governor Mickelson died in a helicopter crash).

This highly successful trail partnership lives on as the Black Hills Rails-to-Trails Association continues to raise money for trail development. The group also volunteers services to improve the trail, while the state manages the trail with the cooperation of the Forest Service. This three-way partnership has given South Dakota its first rail-trail--a spectacular trail stretching through the Black Hills, home to prairie grasslands supporting bison, bighorn sheep, deer and antelope.

## **Which Agency is Best for You?**

Although no government department on any level is devoted exclusively to the promotion of rail trail conversions, an impressive array of federal, state and local agencies have some interest in rail trails and might be of assistance in your effort. Be proactive and seek out their help; do not wait for them to come to you.

Your first challenge is to find an agency both supportive of your rail to trail conversion plan and in the position to do something about it. In some cases, an agency may endorse your rail-trail idea, but has very little authority to help you. The best agencies to work with are those with authority to plan and implement, rather than just plan; raise money independently, rather than relying on state or local legislative bodies; and utilize the power of eminent domain (condemnation) if one or more landowners (including the railroad) proves intractable.

Here are a few possibilities: your city, town or county parks department; city, town or county public works department; county conservation district or forest preserve; regional (multi county) park authority; state department of parks or natural resources; state department of transportation; nearby national forest or national park.

Rarely does one community have all of these options. In any given location, perhaps only one or two agencies are in the position to manage a rail trail. For instance, if you live in the sprawling suburbs of a big city, your county parks department is probably the logical land manager. If you live in a small town completely surrounded by a national forest, the US Forest Service is a good candidate (for a list of regional US Forestry Service offices, see appendix G). If you live in an economically depressed rural area with little or no county infrastructure, you will probably turn to your state Department of Natural Resources. All of these prospective public agencies have successfully managed rail-trails.

## Management Options

Rail-trails are managed by a host of different public agencies at the federal, state and local levels. A handful are also managed by private groups, but most rail-trails are publicly managed. However, many of the public managing agencies work with private groups to help maintain and improve their trails.

To give you an idea of the different management options on all levels, here is a sampling of trails from across the country with their managing agencies:

Bizz Johnson Trail, Calif.  
Bureau of Land Management - Federal Agency

Spruce Railroad Trail, Wash.  
National Parks Service - Federal Agency

North Fork Citico Trail, Tenn.  
US forestry Service - Federal Agency

Green Bay Trail, IL  
Highland Park Section: Highland Park Forestry Department  
Glencoe Section: Village of Glencoe  
Winnetka Section: Winnetka Park District  
Wilmette Section: Wilmette Park District  
(Each township manages the section of trail that passes through its boundaries.)

Heritage Trail, IA  
Dubuque County Conservation Board - County Agency

Willard Munger State Trail, MN  
Minnesota Department of Natural Resources - State Agency

Iron Range Trails, Mich.  
Copper County State Forest - State Agency

East Ithaca Recreation Way, NY  
Ithaca Parks and Open Space - City Agency

Washington and Old Dominion, VA  
Northern Virginia Regional Park Authority - a regional park authority comprises all of the jurisdiction through which the trail passes.

Butler-Freeport Community Trail, PA  
Butler-Freeport Community Trail Council - Private Group

## **How An Agency Can Help You**

When an agency shows interest in supporting the trail, congratulations! You have passed an important milestone. The next step is to modify your tactics to make the most of this potential support. You are no longer merely an outsider citizens' coalition only building public enthusiasm for a project, you are part of a team turning an idea into reality. Use the following tips to work with and assist each other.

The agency should keep you informed about planning, budgeting and other procedural developments concerning the rail corridor. Even if agency personnel do not call you every week, they should be candid and helpful when you periodically check in with them. Similarly, keep them updated of your plans and activities.

The agency should give you plenty of advance notice about any upcoming public hearings. In return, put every possible effort into organizing a large, enthusiastic turnout among rail trail supporters.

The agency has the ability to fund or to find funding for the rail trail. Government personnel are likely to know more about various possible sources of public money and they also are better equipped than you to properly apply for them. Naturally, you can offer suggestions, but knowledge of public funding sources is often where citizen groups are weakest. Of course, if you can raise money or find private funds, you could use them as leverage for raising more public dollars (see Chapter 11, "Finding Funds").

The agency should create a rail to trail advisory group consisting of a broad cross section of the community. This advisory group can help with everything from design decisions to funding, and trail management issues to concerns of adjacent landowners.

Also, some agencies offer technical assistance--advice on funding procedures, when to file applications and whom to contact. Rails-to-Trails Conservancy has offered this assistance since its inception, and now many states have state trail planners who offer it as well (see Appendix C for the contact in your state). The National Park Service through its Rivers, Trails and Conservation Assistance Program is another source of technical assistance.

Use the agency's trail or recreation plan. An agency may have produced a trail plan, which includes your rail-trail project. If your trail is part of an approved plan, that means the agency has recognized the trail opportunity and implementation, in theory, should be easier. If your project is not included in a plan, convince the agency to include it.

Use the agency's public relations office, especially if you are having problems generating interest from the media on your own. Agencies have media contacts and established working relationships with members of the press and Television stations. A public-private partnership is a very favorable image and potentially attractive to the media.

Agencies have the power to obtain time on agendas for public hearings and, by doing so, can attract the attention of a politician. If your politicians are unreceptive or unavailable to listen to your ideas, a friendly agency may help by bringing up your rail-trail issue at a public meeting or at an informal meeting.

Finally, even if an agency officially opposes your efforts, one or more staff members who like your rail trail idea may want to help. They can be invaluable sources of information, both on and off the record.

If you are having problems convincing public agencies to work with you, it may mean you have not generated enough public support for the rail trail. (See Chapter 2, "Building Your Coalition;" Chapter 10, "Publicity;" Chapter 12, "Working with Elected Officials" and Chapter 13, "Working with the Business Community.")

### **How You Can Help An Agency**

You should use the political process to help remove any political or financial restraints placed on the agency. As a citizens group, you have much more freedom than agencies to publicly lobby elected officials for your rail-trail.

Specifically, you could meet with or write letters to elected officials, write letters to the editor, mount a petition drive, or organize a rally. You could also undertake small research projects to further document the benefits of a rail trail conversion, research the availability of funding sources, or solicit additional organizational support from groups and institutions.

You could also publicly support the government agency. You can offer to write letters to support the agency when it justifies its budget request to the city council or state legislature. You can praise the agency in a letter to the editor or to a politician. Or, when the media covers your rail-trail project, you can stress the fact that you are cooperating with the agency in a public-private partnership.

You could arrange a public-private partnership for maintenance of the trail. Your citizen group could volunteer to form an "Adopt-the-Trail" program, and offer to maintain the trail, saving the agency staff time and money. Be visible. Your interest in sharing maintenance could make an agency feel more comfortable with your rail-trail project.

The power of public/private partnerships cannot be overstated. As this chapter illustrates, both private groups and public agencies have a lot to offer, and working together is vital for creating successful and well-managed rail-trails.



## **Technical Assistance from the National Park Service**

The National Park Service has already protected some of the nation's most valuable resources, such as Yellowstone and the Grand Canyon. But did you know that the National Park Service can work to protect local land and river resources as well?

The Rivers, Trails and Conservation Assistance Program (RTCA) of the National Park Service works with communities to conserve land and river resources in urban and suburban areas, far from the boundaries of a national park.

RTCA offers a Rail-Trail Program, with staff in Washington and in each of RTCA's regional offices devoted exclusively to rail-trail issues. The Park Service will not own or manage your trail, but can offer you "technical assistance." RTCA's rail-trail staff are trained to explain and help you with the rail-trail conversion process. RTCA has provided assistance to almost 50 rail-trail projects, including the Historic Union Pacific Trail in Utah and Pennsylvania's Youghiogeny River Trail.

To receive assistance, you must apply to RTCA and, if your rail-trail is selected, an RTCA staff member will be assigned to work closely with you. Working hand-in-hand, RTCA's staff can help you run public meetings and work with adjacent landowners to help build a successful coalition. Most importantly, they can help you involve the public in the planning and design of your rail-trail.

Any state or local agency is eligible for assistance. A citizen's group may also apply to RTCA for assistance, although it must be supported by a state or local agency. To receive help, your project must have broad public and private support and must include opportunities for the public to be involved.

For more information about the National Park Service's Rivers, Trails, and Conservation Assistance Program, please write to:

Rivers, Trails and Conservation Assistance Program  
National Park Service  
1849 C Street, NW, Rm. 3606  
Washington, DC 20240  
202-565-1200

For the office nearest you, see the list of RTCA regional offices in Appendix F.

## **Unexpected Allies**

Beyond the expected supporters, such as departments as park and recreation bureaus, a surprising number of other agencies have acted as partners in the creation, development and maintenance of rail-trails.

In Whatcom County, Wash., engineers with the Army national guard were assigned to clearing and smoothing a rail-trail corridor as a practice skill-building exercise.

In Carroll County, Ill., an enterprising trail group faced the problem of restoring a corridor whose bridges had already been dismantled. First, they located a nearby community with a historically protected bridge that needed to be moved, and then persuaded the Navy Seabees to move the facility to their trail as part of the Navy training.

In at least eight states--California, Connecticut, Iowa, Maine, Maryland, Minnesota, Ohio and Pennsylvania--state Conservation Corps personnel have helped develop and maintain trails (see Appendix I). Among other activities, they have built bridges, installed signs, planted trees and shrubs and cleared brush.

When massive floods devastated West Virginia in 1985, trail supporters received a commitment from the Federal Emergency Management Administration to spend \$1.4 million to repair damage done to the Greenbriar River Trail.

## **Chapter 6: What is the Status of Those Tracks?**

The tracks along the railroad corridor of your future trail look rusted and decrepit. You have not seen a train go past for years, but some of your friends think an occasional freight still rumbles by. You know absolutely nothing about the legal status of the corridor, and you are unsure of what to do.

Because the abandonment process is complicated you will need to consult with an attorney. (If possible elect one to the board of directors of your trail advocacy group.) As a citizen activist or agency official, you do not need to know every nuance of the law, but you should have a basic understanding of how property rights effect rail-trail conversions. With this in mind, a basic understanding of three key issues is necessary for successfully converting abandoned railroad corridors in to trails:

- the definition of abandonment;
- ownership of the trail corridor; and
- the status of your railroad corridor.

### **Definition of "Abandonment"**

Understanding the legal definition of "abandonment" is important because railroad corridor ownership often changes when the line is officially abandoned.

Think of railroad abandonment as a two-stage process, not a discrete event. The first stage is the abandonment authorization given by the federal government. The second stage is when the final physical abandonment of the corridor takes place, which is determined by state law.

No rail line on which interstate commerce originates, terminates or passes through, may be abandoned without prior authorization from the Interstate Commerce Commission (now the Surface Transportation Board). The ICC's authority preempts all state and local authority, meaning that a state or local government cannot require a railroad to abandon a line, and it cannot force a railroad to continue service once the ICC authorizes abandonment.

Railroads operating under the ICC's jurisdiction must be prepared to provide service to any shipper willing to pay the railroad's published tariffs. The railroad needs considerable money and resources to maintain and repair all of its tracks including those sections that currently have little or no service. When maintaining tracks is not longer profitable, a railroad may opt to abandon the unprofitable line.

After a railroad applies to the ICC, the ICC issues abandonment authorization or a "Certificate/Notice of Abandonment" extinguishes the railroad's obligations and allows the railroad to proceed with the physical abandonment of the line. Once the ICC grants an abandonment authorization, state law determines when abandonment takes place for property law purposes.

Because easements almost always expire upon abandonment of the corridor, abandonment for state property law purposes causes all of the parcels held in easement to revert to adjacent landowners, thereby fragmenting the right-of-way. State definitions of abandonment vary from state to state because the definition typically is based on previous court case precedents.

However, in most states, mere non-use of the corridor by the railroad is not sufficient for the corridor to be considered abandoned. Often, state laws require the railroad to make one or more demonstrable act of its intention to abandon the line, ranging from removing tracks and ties to selling off its interests in the corridor. To find out what constitutes abandonment in your state, consult a knowledgeable attorney.

### **The Surface Transportation Board**

The Surface Transportation Board (STB) was created in 1887 as the Interstate Commerce Commission to protect farmers, shippers, rural Americans and others from the monopolistic power of the railroads. Over the years, the STB's principal job has been to set shipping rates for railroads (and trucks, which were later added to its jurisdiction). In 1920, the agency was given the responsibility of approving or denying proposed rail abandonments.

The STB's traditional interest in rail abandonments is unrelated to creating trails. By law, the agency is required to balance the railroad's goal of making a profit (and hence dropping lines that lose money) with shippers' needs for transporting their commodities. In making a decision about an abandonment, the agency gives absolutely no consideration to use of the corridor for a trail.

However, once an abandonment is approved (and they are nearly always approved unless another railroad steps in to continue service), the STB can take steps to prevent the immediate destruction of a corridor's continuity by encouraging the railroad to negotiate with a public body (or even a qualified private group) for conversion of the corridor to trail use.

## **Railroad Corridor Ownership**

Who actually owns the corridor you have chosen to convert into a trail? This question is complicated. Title to the land may be disputed during and after the abandonment because railroads historically procured land in three ways:

- by purchasing or condemning the right of way outright (often called fee simple absolute);
- by purchasing or condemning some form of easement from an adjacent property owner; or
- by receiving a grant or easement over public land from a federal, state or local government.

If a railroad owns the entire right of way outright ("in fee"), it can do whatever it wishes with the land. Easements, on the other hand, only give the railroad ownership rights until the easement expires. Because then the rail corridor reverts back to the current owners of the underlying property. Because a rail corridor may consist of many owners, ownership is often fragmented into small segments (see box K).

If a right of way easement was granted by the federal government, local governments have one year from the date of actual abandonment to take the route for public highway use. Fortunately, trails are considered public highways under federal law. Actual abandonment of federally-granted rights-of-way does not occur unless Congress or a court issues a decree of abandonment.

## Who Actually Owns the Right-of-Way?

Although the general public thinks of a corridor as being "owned" by a railroad, in reality the average rail right-of-way is a hodgepodge of different legal entities that do not come unraveled until abandonment. In general, the railroad will own some portions of the corridor outright (in fee "simple") while it will only have restricted use of other portions ("easements").

Determining actual ownership requires a title search. It is preferable for a knowledgeable professional (usually a lawyer) to conduct a title search, either for the railroad or for a government body or as a volunteer for your group, since title searches are difficult, confusing and time consuming. Also, you can ask a friendly government agency that may ultimately acquire and manage the right-of-way to conduct a search for you. However, if you are not able to get a professional to conduct a search for free, here is a thumbnail guide to conducting one on your own.

First (using old railroad maps if necessary), determine the name of the railroad which originally assembled the right-of-way. If you look under the name of the modern railroad you may find nothing or be led astray.

Second, try to determine, however roughly, when the railroad acquired the right-of-way. This will help you distinguish between the particular track segment you are interested in and any other segments built by the same railroad in that county. The county tax assessor's office, the library or a local historical society may be able to help with this.

Next, you need to go to the Land Records Division, usually found in town hall or the county courthouse. Locate the name of the railroad company in the Grantee Index. You will find, in chronological order, every piece of property acquired by the railroad, the name of the grantor of the property, the date of the transaction, and the method of transaction (deed, lease, condemnation or other). You will also learn where you can find a copy of the title. The title, in turn, will tell you under what terms and conditions the railroad acquired the property from its previous owner, such as fee simple or revisionary easement.

The title will also describe the property in detail and may include a map (called a "plat") of the property showing the right-of-way itself. Maps will help you verify that the property described in the title is actually on the right-of-way. A map will also make it easier to determine how many linear feet of the right-of-way is included in the total acreage covered.

If no map is attached, pay close attention to the description of the land since what you are after is not so much the acreage of the entire property transaction but rather the number of linear feet along the right-of-way. By adding up the length of the individual parcels, you can determine if you have indeed accounted for the entire right-of-way in question or if there is a gap in your puzzle.

If all goes well, you will have a pretty good idea of which portions of the right-of-way the railroad owns outright and which are scheduled to revert to adjacent landowners upon abandonment. However, keep in mind that land law is incredibly complex and even when you are done there may still be uncertainty and confusion that can only be cleared up by a lawyer and possibly litigation.

### **What If the Public Already Owns the Corridor?**

Occasionally rails-to-trails advocates come across an abandoned railroad corridor which, upon investigation, turns out is already in public ownership.

The right-of-way may have been purchased by the state Department of Transportation for possible future road construction or by a water or sewer district for a pipeline (which may or may not have been built.) It may have come into state or county or municipal ownership because the railroad defaulted on its tax payments or it may have been donated by the railroad or another corporation.

Although the corridor is in public ownership, the corridor may be no closer to actual trail usability than if it were still owned by the railroad: bridges and trestles may be missing, the right-of-way may be overgrown and there may be no signs or public information whatsoever.

If you are working in such a situation, you should skip Chapters 7 and 8 but otherwise follow the step-by-step procedures outlined in this manual. You have a major advantage in that the corridor is not likely to be broken up, but you still have a difficult task ahead because the current owner may have no inclination to operate it as a trail.

### **Status of Rail Corridors**

Now that you have an understanding of rail abandonment and how it affects your corridor's ownership, the next step is determining which one of the following six categories applies to your corridor.

**Corridor with active tracks:** These are active tracks owned and used by a railroad; use could be every day or once a year.

**Corridor with inactive tracks:** These are owned by a railroad and, though unused, are available for use if and when any shipper contracts for service. (Active and inactive tracks may be under consideration for abandonment by the railroad; this status is discussed in Chapter 7.)

**Corridor with STB abandonment authorization but still owned by the railroad:** This happens when the STB has given the railroad legal permission to abandon but the railroad has not yet disposed of the corridor. (Generally, soon after the authorization is granted, the rails and ties are removed from the corridor.)

**Abandoned corridor owned by a government agency:** Some corridors are owned by government agencies either through purchase or legal reversion upon

abandonment. Government agencies owning rights of way include: city or county public works department, city or county parks department, state department of transportation, state department of natural resources, US Forest Service, US Department of the Interior, Bureau of Land Management and US General Services Administration.

Abandoned corridor owned by a single individual or company: If a railroad owns a corridor outright ("in fee"), it can sell to whomever it pleases. Normally, a railroad prefers to find a single private buyer such as a utility company, land developer or municipality.

Abandoned corridor owned by many individuals or companies: Rail rights of way not put to use as a continuous corridor are fragmented because of legal reversion or purchase (or simply used) by adjoining property owners.

### **Determining your Corridor's Status**

As a first step, you need to determine if a railroad still owns the right of way, and, if so, which railroad company. One way to research railroad ownership is to call the state agency that regulates railroads in your state usually the Rail Section of the state Department of Transportation or, in some states, the Public Utilities Commission or the Railroad Commission. Alternatively, go to the library and find either Rand McNally's Handy Railroad Atlas (last published in 1988) or Rand McNally's Commercial Atlas of the United States--both indicate existing (and only existing) rail lines by state and by railroad company. A third method is to call knowledgeable local citizens, such as public officials, the business editor of your newspaper or the head of your chamber of commerce. Also, tax records are good sources for identifying owners.

Keep two points in mind. If the track is in use, do not rely on the railroad names painted on trains using the track. Companies often have "trackage rights" to use each others' rails, and boxcars are interchanged between companies. Also, information in local land records may be out-of-date since many of the original small rail companies have been bought out by large conglomerates.

If you determine that a railroad still owns the tracks, write to the company and ask about the current status of the corridor. (For a list of major railroad company addresses, see appendix J.) If the railroad was granted formal abandonment authorization by the Interstate Commerce Commission, find out the date of the abandonment and the ICC docket number. The form of the docket number will be, "AB 18 (Sub No. 109)." The first number is the identifying code of the railroad, the second is the number of the abandonment (in this case the line is the 109th track segment ever abandoned by the Chesapeake and Ohio Railroad.)

If the route is not formally abandoned, ask the company for its "System Diagram Map." Under federal law, each railroad is required annually to produce and make available to the public this map that places each segment of track in one of the following five categories:



**Category 1:** line anticipated for abandonment within three years

**Category 2:** line under study for possible abandonment due to operating losses or rehabilitation costs

**Category 3:** line currently in the midst of an ICC abandonment proceeding or a request to discontinue service

**Category 4:** line operated under some form of subsidy

**Category 5:** line in regular service.

Each railroad's System Diagram Map (usually provided free to the public) must be refiled with the ICC every year by June 30, and each railroad must publish maps of lines in Categories 1, 2 and 3 in local newspapers. Look for these maps in the "Legal Notices" section of your newspaper or request a copy directly from the railroad. Keep in mind, however, that a railroad can abandon unused lines and some little-used lines and is not required to change their status on the System Diagram Maps (see "Exemption" abandonments in Chapter 7).

If for any reason you have difficulty obtaining information from the railroad, contact your state Department of Transportation's rail planning office for similar data. The best source is the person who receives abandonment notices and other information from the railroads (see Appendix B).

In addition, contact a variety of public agencies and private companies in your area to determine whether any written plans call for the use of the corridor in the event of abandonment. These agencies include:

**State Department of Transportation (DOT):** All state DOT's are required to have a bicycle and pedestrian facilities for transportation use within a state. If your trail would provide a transportation link contact the coordinator in your state (found in appendix D) To inquire whether your corridor is a part of the state's bicycle and pedestrian plan. The DOT may wish to continue rail service on the right of way, either by subsidizing the present railroad's operation or by encouraging the purchase of the route by a "short line" carrier, a small, independent regional railroad operator. Typically, a short line can operate at a lower cost than the current owner. The DOT's highway department may also be interested in the corridor for road construction or road widening purposes.

**State Department of Natural Resources (DNR):** A few states routinely evaluate abandoned rail corridors for possible park acquisition, particularly if portions of the right-of-way traverse existing park land or if the corridor connects two park units. Your state trail coordinator typically works within the DNR or equivalent agency (for these contacts, see Appendix C). If the department incorporated the rail corridor into its master plan, your chances for creating a public trail may be greatly improved. However, do not rely on the agency to complete the project on its own; often an agency will drop a difficult effort unless it is pushed by strong citizen support.

City or County Planning Agency: Many jurisdictions have planning agencies that regulate growth and development through zoning and other mechanisms. Planning agencies also are likely to know which, if any, private companies may want to utilize the rail corridor upon abandonment. If your agency zones the corridor for open space preservation it will help your cause; conversely, if it is currently zoned for industrial use, you eventually may want to attempt a zoning change.

Utilities: Electric, gas and fiber optic companies are always on the lookout for corridors to run wires and pipelines. Such utility uses of a corridor are potentially compatible with trail uses, and utilities often have the funds to buy or lease corridors. Other potentially compatible utility uses include water mains, sewers and storm drainage; these uses are generally planned by city or county departments of public works.

At this point, you should have three important pieces of information: whether there is enough citizen interest to create an advocacy coalition; the corridor's ownership status; and government agencies' or private corporations' plans for the corridor. With this information, you are now ready to start planning for the acquisition of the corridor.

### **Building Trails Next to Active Rail Lines**

Do you want to build a trail on an abandoned track that runs parallel to an active rail line? Or is there is an active line in your area wide enough to support a trail.

If your response is "yes!" to either of these questions, then you should consider building a trail next to an active rail line. "Rails-with-trails" are a new and growing trend in the rail-trail movement. Rails-with-trails benefit communities by preserving train use while enhancing the corridor with a non-motorized alternative.

In the spring of 1993, RTC published a study evaluating 16 existing rails-with-trails in 11 states, which found that rails and trails can safely and satisfactorily coexist. Despite the difference of terrain and proximity to active rail lines, 15 of the 16 surveyed trails never had an accident involving a trail user and a train. The one exception was an accident that occurred off the trail at a street/railroad grade crossing adjacent to the trail. The bicyclist involved, who was not seriously injured, ignored flashing lights and bells.

Railroads are often initially opposed to a rail-with-trail arrangement because of liability concerns. However, of all the trails surveyed, none of the trail managers reported any claims filed again the adjacent railroad by a trail user. Also, with the exception of one trail, all the rails-with-trails surveyed are insured and most are covered by a city, county or state self-insurance policy. And, all trail managers reported that the railroad company running the adjacent line was either indifferent to the rail-with-trail arrangement, or in some cases, very favorable toward it.

The rails-with-trails surveyed are as varied as those built on abandoned corridors; some stretch through rural terrain while others connect urban and suburban areas. Some parallel mainlines with 80-mile-per-hour freights, while others are next to industrial spurs with 15-mile-per-hour weekly locals.

The distance separating the active rail line and trail varies from eight feet to 200 feet. The two most common barriers used are vegetation and grade separation. About a third of the trails use some form of fencing as a separation.

If you are considering a rail-with-trail, or want to learn more about existing rails-with-trails, order RTC's study: "Rails-With-Trails: Sharing Corridors for Recreation and Transportation."

## **Chapter 7: What to Do if the Line is Soon to be Abandoned**

If you are eyeing a little used or unused rail corridor that is not yet authorized for formal abandonment, you may be in a good position to convert it into a trail because the corridor is still intact and you have certain legal handles working in your favor.

First, the US Congress has expressed its intention that "suitable" rail rights of way should be converted to trail use upon abandonment of rail service if a local agency is willing to accept trail management responsibilities. Even though this congressional mandate is not always carried out, there are several laws and regulations you can use to further your efforts.

### **Section 8(d) of the National Trails System Act: "Railbanking"**

In 1983, congress amended the national trails system act to create a program called "railbanking." Railbanking allows corridors proposed of abandonment to be preserved in tact or put in a "bank" for future transportation use. In the meantime the corridors can be used as trails.

Because railbanked lines are not considered abandoned under federal or state law, easements are not extinguished and the corridors are not fragmented.

The Supreme Court unanimously upheld the constitutionality of railbanking in 1990 and as of mid-1993, more than 85 corridors had been or are in the process of being railbanked.

Any qualified private organization or public agency can file for railbanking, but it must be prepared to move quickly. (For information on railbanking filing deadlines, see section on "STB Procedures and Timelines" later in this chapter.) Fortunately, the process is rather simple. The only requirement for requesting railbanking is filing a copy of the "Statement of Willingness to Assume Financial Responsibility" with the STB and the railroad.

A party filing this statement does not accept any financial responsibility for the corridor; it is merely expressing an interest in doing so. In effect, by filing the "Statement of Willingness," the filer is only stating a willingness to assume financial responsibility for the corridor if and only if the corridor is purchased (a sample railbanking request letter is shown in the next box).

The "Statement of Willingness" must be simultaneously submitted to (or served on) the STB and the railroad. Currently, railbanking is a voluntary process from the railroad's perspective. Without the railroad's approval, the STB cannot railbank the corridor.

If the railroad agrees to railbank, it will notify the STB, which will then issue either a "Certificate of Interim Trail Use" (CITU) or a "Notice of Interim Trail Use" (NITU) in the place of an "Abandonment Certificate." The two parties then have up to 180 days to negotiate for the sale and transfer of the corridor. Either party can

stop the negotiations at any time without incurring a penalty. The STB will grant extensions with showings of good cause if the negotiations cannot be completed within the 180-day limit. If a railbanking agreement is not reached within the negotiating period, including extensions, abandonment authorization will be granted.

Keep in mind that a railbanked corridor is subject to future possible restoration of rail use. Any railroad can file for restoration of rail service on a railbanked corridor. If the STB restores rail service, the trail agency is entitled to receive fair market value for the corridor (plus money for improvements) under terms and conditions set by the STB.

### **Section 809(c) of the 4R Act: The "Public Use Condition"**

Filing for a "Public Use Condition" (PUC) can be very helpful for your trail project. A PUC prevents the railroad from selling off or otherwise disposing of any property or trail-related structures, such as bridges and culverts, for a period of 180 days from the effective date of the abandonment without first offering the property "on reasonable terms" for public use. Tracks and ties, however, may be salvaged. Structures such as bridges and tunnels are very expensive to replace, and without them, your trail project may become prohibitively expensive.

A PUC does not prevent the issuance of an STB Abandonment Certificate, but may--depending on the state--prevent abandonment and reversions for state law purposes. The 180-day period gives the prospective trail manager some breathing room to prepare an offer to the railroad. Because a PUC does not require a railroad's consent, it is also a good backup to a railbanking request should the railroad refuse to negotiate for railbanking.

As in filing for railbanking, the STB follows a strict procedure for requests for public use. A PUC must be filed on time and it must conform to a four-part format (see box below). The party must explain four points:

- the condition sought,
- the public importance of the condition,
- the period of time for the condition (which in no case can surpass 180 days), and
- justification for the required period of time. Without careful compliance to these filing guidelines, the request will be denied.

## Sample Public Use Condition and Railbanking Request

Requesting either a Public Use Condition or railbanking is easier than it sounds. The following letter requests both--it is generally a good idea to request railbanking and a PUC together. The items in italics are to be completed by the prospective trail agency or group. You simply fill in the blanks. Keep in mind that this letter should be served on the STB and the railroad simultaneously.

[Date]

Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: [Name of Railroad Company] Abandonment in [Name of County and State], [STB Docket Number]

Dear Secretary:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of [Agency Name], which is a [political subdivision or government agency interested in transportation and/or natural resources, private/public interest organization interested in conservation and/or recreation, etc.], which is hereinafter referred to as "Commenter."

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between [endpoint a] and [endpoint b].

### A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that [example: the rail corridor in question is along a scenic river and will connect a public park to a major residential area. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with that end.] The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because [example: we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier].

2. An order barring removal or destruction of potential trail-related structures such as

bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

#### B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

#### STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29,

\_\_\_\_\_ is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by \_\_\_\_\_ and operated by \_\_\_\_\_.

The property, known as the \_\_\_\_\_, extends from railroad milepost \_\_\_\_\_ near \_\_\_\_\_ to railroad milepost \_\_\_\_\_ near \_\_\_\_\_, a distance of \_\_\_\_\_ miles in \_\_\_\_\_ County, \_\_\_\_\_. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-\_\_\_\_ (Sub-no. \_\_\_\_\_).

A map depicting the right-of-way is attached.

\_\_\_\_\_ acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon [Railroad Company and address], by US Mail, postage pre-paid, first class, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Respectfully submitted,

\_\_\_\_\_  
Name  
on behalf of: \_\_\_\_\_

## **Three Ways Railroads Abandon Lines: STB Procedures and Timelines**

The STB is a stickler for procedure especially with filing deadlines. Because of the STB's strict rules, and because you must be ready to act on upcoming abandonments, you should understand the STB abandonment process timeline.

The STB has developed three abandonment procedures, and the advance notice given for upcoming abandonments varies according to the procedure used:

### ***Regulated Abandonments:***

The regulated abandonment procedure is used for lines still in service. This procedure is characterized by extensive filing requirements for the railroad to prove its loss of income on the line, which provides plenty of advance warning to trail interests of the upcoming abandonment. The use of this is abandonment procedure is declining, currently accounting for 30 to 40 percent of all filings. ([See Table 1 for a Flow Chart, this table is best viewed once printed](#)).

- 1.** The first notice of an upcoming abandonment is the inclusion of the line on the railroad's System Diagram Map (see chapter 6). From three years up to four months before an abandonment, the railroad places the track into Category 1 status on its System Diagram Map, which means it can institute the abandonment proceeding in four months. The map and any amendments must be provided to the STB, the designated state recipient of rail abandonment notices (see Appendix B) and also must be published in a local newspaper (look in the "Legal Notices" section).

- 2.** At least 15, but no more than 30 days before the abandonment application is filed, the railroad files a Notice of Intent to Abandon. The notice is mailed to the designated state recipient of rail abandonment notices, as well as to all shippers along the line and several other agencies, including the STB and the National Park Service Rivers and Trails Conservation Assistance Program. The Notice of Intent must also be published in a local newspaper. The STB does not consider itself obligated to notify you of a railroad's intent to abandon, although you can write a letter specifically requesting the information. (Write to: Secretary, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423, although you will probably have more success by writing to your state's recipient of abandonment notices, see Appendix B). When you write, be as specific as possible, identifying the name of the railroad and endpoints. Once a railroad receives a railbanking request, it must respond within 10 days.

- 3.** No less than 15 and no more than 30 days after the Notice of Intent is filed, the railroad files an Application to Abandon. From



this filing date, trail advocates have only 30 days to formally request railbanking and the imposition of a Public Use Condition.

4. At this point, various scenarios are possible. If shippers along the line protest the abandonment application, the STB can order an investigation. If a short line railroad offers to purchase the corridor, the STB can grant its request. If the state offers to subsidize rail service, the STB can require the railroad to continue operating under subsidy. However, in most cases the abandonment is approved. If trail advocates have properly filed their public use and railbanking requests, the STB will issue both a Public Use Condition and, if the railroad agrees, a Certificate of Interim Trail Use.

***Notice of Exemption Abandonments:***

This procedure is used for lines out of service (no interstate commerce traffic has originated or terminated on the line) for two or more years. If a rail corridor meets the criteria, the railroad company will file for an "exemption" from the standard procedure. The railroad is not required to file any documents showing economic losses on the line, and is only required to file a three-page "Notice of Exemption." These abandonments are not required to be included in the system diagram maps and are characterized by minimal advance notice. Exemption applications are often referred to as "X cases" because they have docket numbers ending with the letter "X," such as "AB 13, Sub. No. 102X." ([See Table 2 for a Flow Chart, this table is best viewed once printed](#))

1. Thirty days before publication of the abandonment notice in the Federal Register, a daily publication used by the federal government to provide formal notices, proposed regulations, final regulations and presidential proclamations, the railroad must give notice of its intention to abandon the line to the designated state recipient of rail abandonment notices, including the National Park Service Rivers and Trails Conservation Assistance Program and several other agencies.

2. Twenty days before publication, the railroad files a "Notice of Exemption" with the STB and must also publish notice in a local newspaper. At this time, the railroad must file an environmental report with several federal and state agencies including the head of each county traversed by the corridor.

3. Publication in Federal Register: The STB issues a Notice of Exemption that becomes effective 30 days after publication (that day or the next business day). Notice is sent to the designated state recipient of rail abandonment notices.

4. Five days after publication in the Federal Register, the Environmental Assessment (based on the environmental report filed by the railroad) is available to the public.

5. Ten days after publication in the Federal Register is the deadline for railbanking and interim trail use request filings. Once the railroad receives a railbanking request, it must respond within 10 days.

6. Twenty days after publication in the Federal Register is the deadline for "Public Use Condition" filing.

7. Thirty days after publication the Abandonment Certificate becomes effective.

If you miss a deadline, the STB will accept late-filed requests.

***Petition for Exemption Abandonments:***

This procedure allows the railroad to apply the exempt procedure guidelines to lines still in active use. The railroad will petition the STB for an exemption from some or all of the economic showings required for a regulated abandonment. The timetable for filing is the same as the Notice of Exemption procedure except that the STB retains the right to request further information or solicit, through the Federal Register, additional information from third parties ([See Table 2 for a Flow Chart, this table is best viewed once printed](#)).

In an exemption case, a local agency has only 20 days after abandonment notice publication in the Federal Register to request railbanking or a Public Use Condition. (Often the 20 day period will actually occur after the abandonment is granted; the STB uses a highly unusual process whereby the abandonment is approved without debate and then must be reconsidered or "stayed.") Because a citizen activist or agency official may not learn about an exemption request in 20 days much less prepare the requisite documents they must stay in contact in advance with those most closely involved with the abandonment, the railroad, the state rail planning office, the STB, the National Park Service Rivers and Trails Conservation Assistance Program and Rails to Trails Conservancy.

On the other hand, these STB deadlines are not necessarily as hard and fast as they sound. The agency has the ability to extend deadlines, reopen cases and otherwise take reasonable measures if it has a good reason to do so. Deadlines should be met if at all possible, but if a deadline is missed, you may file anyway and include a letter explaining why you should be given extra time.

Keep in mind if you file late, it is best to file before the effective date of the Abandonment Certificate. Any later and you will have to request the STB to reopen the abandonment proceeding. Generally, the STB has taken the position that it may reopen abandonment proceedings as long as the railroad has not consummated the abandonment by removing tracks and ties or selling parts of the corridor.

## **Railbanking in Action in Pennsylvania**

Every year, thousands of people flock to southwestern Pennsylvania's Allegheny Highlands to enjoy the Youghiogheny River Rail-Trail as it winds its way along a secluded and shady gorge alongside world class whitewater rapids. Not long ago, trains ran through the river valley on the corridor that is now a crucial segment of a Washington, D.C. to Pittsburgh trail network.

The success of this rail-to-trail conversion demonstrates the value of mounting a rail-trail effort early-- even before of the corridor is abandoned. From the beginning of this effort, many hands and organizations were involved and working together.

In 1990, while working on the America's Industrial Heritage Project--a region-wide cultural plan for southwestern Pennsylvania--staff from the Rivers, Trails, and Conservation Assistance Program (RTCA) of the National Park Service helped citizens form a task force to investigate the possibility of developing a trail along the Youghiogheny River.

One month later, the Pittsburgh & Lake Erie Railroad initiated abandonment proceedings at the STB by filing a "Notice of Exemption" for a 43-mile corridor along the river in Allegheny, Westmoreland and Fayette Counties. RTCA and Rails-to-Trails Conservancy staff were notified of the abandonment by the STB and they, in turn, notified the citizen task force.

Working together, RTCA and RTC helped the citizens begin the conversion process. With less than a month to act, the task force turned to RTC for legal and technical assistance, and also galvanized support for the project in only 20 days, persuading all three counties to jointly file a "Statement of Willingness to Assume Financial Responsibility" requesting railbanking. The railroad agreed to negotiate for interim trail use and on May 31, 1990, the STB issued a Notice of Interim Trail Use for the corridor.

RTCA assisted the communities with the development of a master plan for the trail, and helped build a strong coalition by bringing the three counties together through a written agreement. In 1991 the three counties created a separate non-profit corporation, called the Regional Trail Corporation, to acquire and manage the trail corridor. Finally on in 1992, after two extensions of the NITU negotiating period, the Regional Trail Corporation purchased the corridor from the railroad through private, county, state and federal funding.

## **Is Your Rail Line Historically or Environmentally Significant?**

If your railroad line has structures that are more than 50 years old and have historic significance, or if the line traverses coastal areas or wetlands, or if abandoning the route might harm plant or animal species that are listed by the government as threatened or endangered, the Interstate Commerce Commission wants to know about it.

The STB has a special division--the Section of Energy and Environment (SEE)--to make sure the agency complies with a variety of federal laws protecting the nation's historical and environmental resources. SEE is supposed to undertake a historical and environmental review of each corridor before it is abandoned, but because of agency staffing cutbacks, the large number of abandonments and extremely short deadlines, these reviews are frequently quite superficial. However, if specific information is brought to the attention of the Section, the STB can put restrictions on the railroad's right to dispose of the property and even temporarily forbid it from salvaging all or part of a line.

The federal laws that are of greatest interest to SEE include the Endangered Species Act (especially Section 7) the National Historic Preservation Act (especially Section 106), the Coastal Zone Management Act especially (Section 307) and the National Environmental Policy Act (especially the requirements governing the preparation of Environmental Assessments and Environmental Impact Statements).

While you and your organization probably do not have enough technical knowledge to evaluate historical and environmental attributes of a corridor, there are government professionals available to help--most notably your State Historic Preservation Office (see Appendix E) and your regional office of the US Fish and Wildlife Service (see Appendix H). As soon as you hear of an upcoming abandonment, contact these agencies and make sure that they file the appropriate letters and supporting materials with the STB.

For further information, contact the Section of Energy and Environment, Interstate Commerce Commission, Washington, DC 20423; Tel: 202-275-7316. For further information about using historic preservation law, contact the National Trust for Historic Preservation, General Counsel's Office, 1785 Massachusetts Avenue NW, Washington DC 20036; Tel: 202-673-4035; or the Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, Suite 809, Washington DC 20004; Tel: 202-786-0503.

Although this action may sound bureaucratic, it is important. Not only will the information uncovered by compliance with these laws be extremely useful to you, but also, you will benefit from time the railroad needs to comply--and time is something you may need as you spread the word and strengthen your organization.

## **Chapter 8: What to Do if the Line is Already Abandoned**

The STB has granted abandonment to more than 160,000 miles of rail corridor since the peak of the US rail system early in this century. If the STB has already issued an Abandonment Certificate/Notice for your corridor, the line is no longer in STB jurisdiction and you will be undertaking an effort without official rules or "referees." Your success will depend upon your ingenuity and tenacity.

You should first determine whether or not your corridor is abandoned for state property law purposes (see Chapter 6). If your corridor is not considered abandoned for state purposes, you might still preserve it through the STB railbanking and public use processes (see Chapter 7). The STB has determined it can "retrofit" railbanking and Public use Conditions on corridors granted abandonment authorization if the railroad has not yet fully abandoned the corridor according to state property law.

In these cases, the railroad must petition the STB to reopen the abandonment proceeding and grant a Notice/Certificate of Interim Trail Use or a Public Use Condition. You may have difficulty convincing a railroad to agree to petition, so it will help you to have good relations with the railroad. At the very least, you should be prepared to make a strong case as to why railbanking is in the railroad's best interest. (See Chapter 9 "Working with Railroads.")

If your corridor is indeed abandoned (for both federal and state purposes), you will need to find out who owns what is left of the right-of-way (see Chapter 7). Once you know who owns the right of way, you will need to decide which course of action you and your colleagues want to pursue:

- buy the corridor
- negotiate a donation from its current owner or owners
- arrange for joint use of the corridor, possibly with a utility or a developer who might build on a portion of the right of way; or
- generate so much public enthusiasm and political pressure that some governmental entity appropriates funds to buy it.

None of these options is "better" than another--each one involves a substantially different strategy. Make sure you choose an option that best fits the politics and opportunities of your situation.

### **Buying the Corridor**

If your organization has money or access to money, buying the corridor is an attractive option because you can avoid all the hard work of building a political base strong enough to move a federal, state or local bureaucracy. The types of organizations that might have money include land conservancies, foundations and corporations. Those with access to money might include civic associations, chambers of commerce and nonprofit organizations with wealthy members and conservation-minded individuals.

If the railroad still owns the right of way, it may sell the land at less than its appraised value since you can offer the company the ease of a single transaction. Without a single purchaser, a railroad might have to sell small parcels to dozens (or hundreds) of adjoining landowners. Even better, if your organization is charitable, the railroad may donate part or all of the value of the route because of tax benefits it would receive. However, negotiating with a railroad requires some expertise (see chapter 9, "Negotiating With a Railroad").

If the land is sold or has already reverted to original landowners, your challenge is far greater. Usually, at least one landowner along the route will refuse to sell or give an easement, thus severing the trail's continuity. Nevertheless, if preliminary investigations reveal that portions of the corridor are available for purchase and if the individual portions would make a worthwhile trail, or if detours are possible around unacquired segments you might want to pursue the arduous effort of "putting Humpty Dumpty back together again."

### **Negotiating a Donation**

Occasionally good fortune can lead to the donation of a rail corridor for trail use. Contributing factors (which are discussed in detail in Chapter 9) might include: relatively low land value, a public relations oriented railroad (or other landowner), significant tax or other benefits to the donor, the high cost or liability of maintaining corridor improvements (such as bridges) and lack of any other realistic use for the land.

As with any land purchase, land donation negotiations are carried out quietly and discreetly. Since this is a highly complex field, you are advised to hire a lawyer who can inform the railroad (or other landowner) of all the tax and other benefits stemming from a donation. You must also identify (or create) a recipient agency or organization capable of managing the right of way before it is actually converted to trail use.

### **Sharing the Corridor with Another User**

Abandoned rail corridors appeal to various utility companies that provide services for electricity, natural gas, water, telephone and sewage. A number of rail-trails across the country enjoy the benefits of joint-use of a railroad corridor.

The ideal corridor partner is a utility requiring only subsurface rights a municipal water or sewage authority, a telephone company seeking to lay underground cables or a natural gas pipeline company. Less desirable, but certainly worth considering is sharing the route with an above-ground use such as electric transmission wires. (For more information, see chapter 11.)

### **Pressuring for Public Acquisition of the Route**

If your organization has little or no money, focus your efforts on convincing a government agency to spend public funds on acquisition, development and maintenance of the rail trail. These efforts involve deciding upon the proper

agency to manage the trail and then working methodically to achieve that goal. For instance, you will want to make sure every possible relevant private and public agency from neighborhood and civic associations to township boards to county councils and even the state legislature passes a formal resolution in favor of the rail-trail. You may need to help line up funding options for the managing agency.

Incidentally, because financial transactions sometimes are made on much shorter notice than government agencies can handle, land is sometimes purchased by an organization or individual on an interim basis with the understanding that a public agency will eventually buy it back. Sometimes the land acquisition money is kept in a revolving fund which is continually replenished as land is resold to the government. (For more information on funding, see chapter 11.)

The approaches and methods involved with each rail trail conversion are different, and no single formula is guaranteed to work. Trail proponents should stay flexible and take advantage of every opportunity that arises.

## **Chapter 9: Negotiating With a Railroad**

Most cases of rail corridor acquisition require negotiation with a railroad. Your negotiations will be more successful if you understand beforehand how railroad companies operate with regard to corridor disposal.

### **Negotiating with Railroads is Serious Business**

You may think you should begin your rail-trail conversion by negotiating with the railroad as soon as you learn of an upcoming abandonment (or the moment you decide to launch your campaign), but this approach is generally not advisable.

Unless your organization is already so large, strong and wealthy that it could actually operate a trail (and is committed to do so), you probably will not be taken very seriously by the railroad. In fact, citizen group requests often are not even answered. If you do receive a response, the railroad is likely either to ask you simply to make a bid or to offer you the corridor at a price way beyond your means.

The acquisition of a railroad corridor poses many issues involving property law, contract law, federal regulation, finance, environmental liability, politics and public relations. Negotiating for a rail corridor is an art, and even if you are experienced with negotiating, you may still reach a poor agreement of a rail-trail acquisition because of a failure to recognize some of the nuances unique to rail corridor acquisitions.

People negotiating on behalf of railroads, by and large, are experienced negotiators who know the issues and advance the interests of their employer. In this environment, the best single piece of advice in negotiating with a railroad is to match skill with skill. Any group or agency seeking to acquire a rail corridor will have a much easier negotiating experience by identifying and retaining at least one experienced and astute negotiator to interact with the railroad.

In addition to protecting the interests of the trail proponents, working with an experienced negotiator will prevent the negotiations from sidetracking on peripheral issues or becoming deadlocked because of a failure to recognize opportunities or solutions.

### **Understand the Railroad's Perspective**

A cardinal rule in any negotiation is to understand the railroad's perspective and objectives. This helps you understand what a railroad wants from a transaction and also allows you to craft a position maximizing the railroad's benefits while minimizing the cost of trail formation.



A railroad's basic interest is to obtain reasonable value for its line. The most common denominator of value is the purchase price: the more money bid for a line, the more attractive a trail proposal is to the railroad.

However, trail groups and agencies do not have unlimited resources at their fingertips, even though new funding sources such as ISTEA are available (see chapter 11, "Funding a Rail-Trail"). Given these circumstances, a railroad's initial idea of adequate compensation may vastly exceed resources available, not to mention what you believe the property is actually worth.

Negotiating value of the corridor can be approached from two directions: debating what the project is actually worth and providing value by means other than a check.

### **What Is the Corridor Actually Worth?**

Railroads frequently propose an asking price well in excess of the actual value of a rail corridor. As discussed in Chapter 7, railroad corridors are generally held in a hodge-podge of property interests, ranging from fee simple absolute to railroad easements which automatically extinguish upon abandonment.

In most instances, a railroad will sell a corridor through a "quitclaim deed," which means the railroad is selling you only the portions of the corridor it owns without giving you any proof of ownership. Your task is to find out what portions the railroad owns so that you know what you are buying. In other words, if you buy the entire corridor for full price and the railroad only owns 60 percent of it (the other 40 percent has easements), you only own 60 percent of the corridor. When you purchase a corridor through a quitclaim deed, you do not own the easements.

Therefore, a trail negotiator should secure good title information about the corridor early in the negotiation process. Unless the railroad owns full fee title (which is rare), you have good reason to insist on a substantial discount.

Once you determine the parcels for which the railroad has good title, you should determine what they are worth.

Assessing the rail corridor parcel's worth is not a scientific equation. In many cases, the only buyer for a parcel is the adjacent landowner; but if a landowner is unwilling to buy, the parcel is effectively worthless to the railroad. Also, until the railroad officially abandons the line, the parcels can be liabilities to the railroad because it must pay tax, take responsibility for personal injuries and, in some states, responsibility for weed control.

In addition, many railroad corridors were created by cutting through hills or filling in valleys, which significantly decreases their value for development or agricultural purposes. Some state or local law requires that these "cuts" and "fills" be removed and the property be restored to its original contours upon

abandonment--a substantial potential cost to the abandoning railroad. Also, selling parcels individually is time-consuming and costly to the railroad.

Given all of these factors, arriving at a negotiable price is not easy. The ICC by convention generally employs an "across the fence" (ATF) methodology for corridors owned entirely (in fee) by the railroad. An ATF approach means the agency considers the cost of similar land (per acre or per square mile) located near the corridor or "across the fence" from the corridor. The ATF valuation may be discounted for the time and administrative costs associated with sale of the corridor, as well as for special problems associated with cuts or fills or local land use restrictions. In general, an ATF valuation plus discounts is a reasonable upper bound value for the worth of the corridor owned in fee.

However, very few corridors are owned in fee, most are comprised of parcels the railroad owns and easements. In this event, the appropriate valuation methodology is "Net Liquidation Value" (NLV) methodology, which entitles the railroad to the value it would receive assuming it has to liquidate the corridor on a parcel-by-parcel basis. This process is costly, requiring marketing, appraisals, administrative overhead charges and real estate commissions if sales are conducted by outside agents. Sales occur over several years and must be discounted because a return will not be realized until sale. In addition, when most corridors are liquidated, some parcels have no buyers and are truly abandoned--the railroad leaves the corridor and it is later sold in a tax foreclosure. Often an NLV valuation is 50 percent or less of ATF.

A railroad is not entitled to ATF valuation for sale of a railbanked corridor it does not own entirely in fee. Therefore, the NLV methodology should be used on railbanked corridors with easements.

### **Toxic Waste and the Railroad's Responsibilities**

Environmental obligations also have a bearing on a rail corridor's value. Although most rail-trail conversions do not pose any significant toxic contamination problems, you should know that some corridors are contaminated from rail use and adjacent industries.

Under federal environmental laws, anyone in the chain of title to contaminated real estate may be held liable for clean-up costs. By making a reasonable effort to discover environmental problems before you buy the corridor, you may protect yourself from future liability problems. A "Phase I" environmental survey, which is limited to a visual inspection coupled with examination of relevant public records and sampling of possible problem areas, is a reasonable measure to take.

If a problem is identified after the Phase I inspection (such as unidentifiable barrels in the right-of-way, fuel-saturated land or a documented toxic spill along the corridor), a "Phase II" study may be required, including tests to determine contamination levels. However, this process may be too expensive for the budget of a park department or a private group interested in a particular corridor.

An alternative is to negotiate for the railroad to retain responsibility for any contamination predating the closing. This situation is called indemnity, and means the railroad agrees to indemnify (compensate) the trail purchaser for any contamination predating the sale. Under federal laws regarding toxic spills every holder of land in the chain of title to the property can be held liable for clean-up costs. The railroad cannot, by federal law, exempt itself from such liability, so it should be willing to explicitly retain responsibility for pre-sale contamination in the contract for sale and deed.

### **Other Factors**

You should know that factors other than real estate can also impact the corridor's value. For example, the railroad may request compensation for bridge, culverts or other trail-useful structures. However, these structures actually pose significant financial burdens for the railroad because, in some states, a railroad is legally obligated to remove these structures upon abandonment. Typically, removing the structures costs the railroad more than the profit it makes from salvaging the structures.

Therefore, trail proponents who want structures such as bridges and tunnels to remain in place for trail use, should negotiate a lower asking price for the corridor by agreeing to assume liability for the structures. You are saving the railroad the potentially huge cost of removing these structures by agreeing to assume liability. Your ability to provide the railroad with this savings is a significant advantage you can bring to the negotiations.

### **Railbanking the Corridor**

If the railroad does not own the corridor in fee and/or has numerous structures along the corridor, you should consider negotiating for railbanking. As discussed in Chapter 7, interim trail use associated with railbanking (preservation of the corridor for future trail use) is not treated as an abandonment, therefore easements are not extinguished and reversions are not triggered.

Railbanking benefits railroads in numerous ways and understanding these benefits will significantly help your negotiations. Some railroads do not realize the benefits and consequently may not be open to railbanking, and other times, railroads resist railbanking altogether because they do not understand how it works.

In general, a railroad is more interested in a rail-trail proposal if it solves the railroad's problems during the ICC proceedings, which are sometimes politically contentious regulatory ordeals. As administered by the ICC, trail use of a corridor poses no additional burden on the rail carrier, and a trail proposal does not, and literally cannot, "burden" the rail abandonment process.

Sometimes railbanking actually helps solve problems. For example, if the State Historical Preservation Officer has determined that the corridor or its structures, such as depots and bridges, are eligible for the National Register of Historic

Places, the railroad may avoid substantial delays and various investigatory requirements by transferring the corridor and bridges intact for continued trail use. Railbanking can also help save the railroad the legal costs of obtaining abandonment authority from the ICC.

When a railroad agrees to railbank, it can extract its equity--such as the land and improvements with a positive salvage value--without abandoning the line. Improvements with a negative salvage value (trestles, tunnels and bridges) are vital for trail use and can be donated to a trail agency with favorable tax consequences, thus turning a liability into an asset.

Also, a railroad may want to sell its surface land while retaining subsurface rights to lease to utilities for fiber optics cable or a transmission pipe. Railbanking the corridor for trail use preserves the integrity of the corridor for utility use--a potentially substantial economic value to the railroad. Conversely, abandoning the corridor could disrupt its integrity because parcels may revert back to adjacent landowners.

Railbanking allows the entire corridor to be sold to one party, saving the administration, marketing and transaction costs of selling individual parcels along the corridor to several parties.

Another scenario is that the railroad may want to retain the possibility of relaying its track and reinstating service at some future time, but it does not want to pay real estate taxes or maintain the corridor. Railbanking the corridor and preserving it through trail use may be the only way to preserve the railroad's interest.

Finally, because creating rail-trails are a public activity in that they usually involve the participation of public agencies and/or public officials, railroads--especially larger railroads-- with multiple projects in one state may benefit from political goodwill generated by negotiating with interested public agencies. For example, cooperation on the part of the railroad in a rail-trail can lead to greater support for a public subsidy to upgrade a freight rail system elsewhere.

When negotiating with a railroad for railbanking, be clear that a railroad cannot be forced to reinstate service on a railbanked line without its consent (often called "removing common carrier obligations"). Do not let a railroad throw the negotiations off track by raising this objection.

### **Salvaging the Tracks and Ties**

Keep in mind that you can benefit your trail effort without paying the railroad additional funds. If the railroad sells tracks and ties to a third party, such as a salvage company, request that it place reasonable restrictions on the salvage company to leave bridges and other trail-useful structures intact and undamaged and also to leave the railbed in a smooth, graded condition suitable for at least some trail uses. In general, these requests do not impose additional costs on the salvager.

Another way to handle salvage is for the trail managing agency to acquire the tracks and ties when it purchases the corridor. The trail manager then can impose its own restrictions on the salvage company. If you opt to pursue this route, however, you will not only be negotiating with the railroad, but also with one or more companies in the rail salvage industry.

### **Seek Support Throughout the Railroad Corporate Structure**

Railroads are regulated entities with clear public responsibilities. They are granted some freedom from competition and some public powers (such as condemning property for private use) in return for acting "in the public convenience and necessity." Railroads often put local political leaders, academic leaders or major shippers on their Boards of Directors to demonstrate their sensitivity to their public duties. Use these people to advance your project. However, be astute. Work your way up the corporate decision making ladder. Do not approach the Chairman of the Board before you have even notified the Real Estate Department (or the Legal Department if it is prior to abandonment).

Your best bet is to discuss your strategy with other trail proponents especially those who have successfully negotiated with railroads in the past. Also members of your coalition may know somebody in your area who has a direct or indirect connection with a senior railroad official. Use those contacts judiciously.

Also, be aware that railroads are also generally large, departmentalized corporations and sometimes the "bottom line" takes precedent over participating in public good. Therefore, you will probably need to include several different departments in your negotiations.

For example, the real estate department for the railroad may have been assigned a monetary sales goal for the fiscal year in question. Discussing the railroad's savings by not having to dismantle a concrete bridge may be immaterial to the real estate department if the savings are credited to the engineering department. Similarly, discussing the railroad's increased political support when it allows trail use, may make little difference to a real estate officer striving for a sales goal. Rail corridor preservation transactions frequently address value beyond real estate dollars, so inform various railroad departments of the transaction's ramifications.

If you know that the line is about to be abandoned, and you are ready to negotiate, contact either: the Legal Department, which is in charge of abandonment filings; or the Asset Management Department (sometimes called the "Plant Rationalization" or "Property Management" department), which has decision-making authority to abandon property.

If the line is definitively abandoned, call the Real Estate Department. Once abandonment takes place, railbanking is no longer an option. However, the Real Estate Department will provide you with information on the status of the corridor. Find out if the entire line is still available or whether pieces have already been

sold. This department also can tell you the cost and the abandonment date, which is important in determining whether the railroad still owns the corridor.

You can obtain annual reports, available from the railroad public relations department, to find the names of all officers and members of the Board of Directors. Stockbrokers often can obtain lists of major shareholders because railroads must disclose such ownerships in filings with the Securities and Exchange Commission. Here are other departments you may want to approach:

*Public Relations:* This department fosters the railroad's reputation in the community. Abandonments often leave small towns with no rail service and can have a crushing effect on local economy. Railroad public relations departments are developing a "stay and help" attitude toward rail corridor disposal. By promoting rails to trails to the public relations staff, you are providing the railroad with an opportunity to generate goodwill.

*Government Affairs:* In 1980, Congress enacted legislation broadly deregulating the railroads. This legislation was a coup for the industry but a defeat for other interests, notably shippers and labor unions. Railroads do not want to be re-regulated, and they need to demonstrate to Congress that they can be trusted to act responsibly in a deregulated environment. If you are making no progress with the railroad, a few letters of complaint to federal elected officials (with copies to the railroad's government affairs office) might work wonders in eliciting company interest in your rail trail project.

In addition to a federal strategy, consider state legislative support. Most railroads employ lobbyists in state where they have tracks. Such lobbyists usually must register with the Secretary of State. Identify the abandoning railroad's lobbyists and visit them, politely outlining your project and asking for their support. Ask a state representative or senator to accompany you to the meeting. Politicians are invariably interested in possible rail abandonments because of the economic ramifications. Make it clear that you do not oppose continued rail use (which would guarantee political and business opposition to your project), but point out the need to preserve the corridor intact for future use. If the corridor is already abandoned, point out the benefits of rail-trails to the local economy as well as for habitat, recreation and non-motorized transportation.

*President:* The railroad company's president has final say on any corridor disposal. Naturally, most corridor sales are so routine and non-controversial that the president is not involved. However, if the issue becomes "hot" enough through letters to the editor, editorials, letters from prominent citizens and politicians, and other public demonstrations of support, the president may conclude that donating, selling at below market rates or simply favoring public over private bidders best serves long-term corporate objectives.

Again, do not go to the top unless you have laid the groundwork by working up through the corporation. You may gain the permanent hostility of lower management if you take such action without justification.

*Board of Directors:* A railroad's board of directors often includes people outside the rail industry, such as former public officials, major customers, and community leaders from universities or hospitals. Some of these people are sensitive to economics as well as the environment in which the railroad operates. As board members increasingly perceive the public's interest in rail trail conversions, they may propose a new company policy favoring public disposal over private disposal. Working with a railroad board member can be a slow process, but it can have long term, lasting results.

To get started, locate a list of board members and corporate officers and try to research them (look in the national Who's Who or one of its regional volumes as well as the New York Times and Wall Street Journal indexes). Ask yourself why these people are on the board. What are their interests? Which ones would be most sympathetic to preserving corridors for public use? Who do you know who knows these people?

Despite all the possibilities for cooperation between your group and the railroad, there is a chance you simply cannot gain the support of the railroad. Keep in mind that your top priority is to create a trail. Eventually, you may have to go around the railroad to the ICC and Congress, responsible for regulating railroads for the public interest. Or, you may need to convince your local government to take the corridor through condemnation, which is a very difficult, coercive step and is not recommended except for highly unusual circumstances.

Although negotiating with a railroad is a complex and serious business, it is not impossible. More than 550 rail-trails are in use across the country, and each one involved some interaction with a railroad. The key factors for successful negotiations are approaching the negotiating table well-prepared and organized--able to understand a railroad's perspective, anticipate its questions and goals, and respond knowledgeably.

## **Chapter 10: Publicity**

One of the main tools in your rails to trails campaign will be publicity. Few successful rail-trail conversions have taken place without the awareness and involvement of active people in the community, and many of those people can be reached only through a publicity campaign.

Publicity takes many forms, including brochures, mailings, posters, newsletters, articles in the daily press, advertisements, public service announcements, speeches, rallies and debates. Numerous books are available on the subject, so this brief chapter should be used only as a starter.

### **The General Information Brochure**

The basic publicity tool is the one page general information brochure. Whether folded down to envelope size or left unfolded for tacking onto bulletin boards, the brochure should be your all purpose introductory document that gives the name of your proposed trail, describes the route and your goals, explains the benefits of the conversion and reveals the primary hurdles that must be overcome. The brochure should include a tear off returnable coupon so people can be added to your mailing list and can also make a voluntary donation if they wish.

You should create your brochure once your citizen group is formed. Try to write the brochure in a generalized enough way to be useful for at least six months. Once printed, use every opportunity to distribute it at conferences, in outdoor recreation retail stores, public buildings (such as libraries and schools), whenever you give a talk or a slide show, in other groups' mailings, at street fairs and environmental fairs, or in the packets given away at large-scale runs or bike rides.

As your campaign matures, you can revise and upgrade the brochure, perhaps with a professional-style logo, photographs rather than drawings, two-color printing, supportive quotes from influential people, excerpts from favorable editorials and, most importantly, a long and diverse list of endorsing organizations to demonstrate the trail's tremendous support.

Ideally, pro-trail artists, photographers and printers will donate some or all of their services. However, if they do not, spend the money to produce a well-written, attractive and persuasive promotional brochure--it is your single-most important document early in the trail project's development.

Also, remember to include a contribution or membership coupon. Many rail-trail groups recoup their costs (and then some) by offering people a way to contribute. And do not undervalue your effort; give people several boxes to check--\$5, \$10, \$15, \$25, \$50, \$100, even \$500 and \$1000. Not only will you eventually receive a \$1,000 check from someone, but in the meantime, everyone else who reads your flyer will take your group much more seriously.



The importance of a trail promotion brochure cannot be overstated. It will put you "on the map" literally and figuratively and save you countless hours of describing and explaining your idea. Also, the brochure allows you to define yourself accurately and in the proper light. Do not feel that you need to produce a slick and expensive brochure, but do keep in mind its look and feel will define the image of your organization and, eventually, your trail.

## **Press Releases**

Among numerous other publicity tools is the basic press release. You should prepare a well written, interesting press release, approximately 400 words in length, each time you pass any of the following milestones in your campaign:

- when you publish your initial report on the feasibility of a rail trail
- when you formally create your coalition
- when you intervene in the ICC abandonment process
- when an important new organization or public official joins your coalition or supports your cause
- when you organize a major public event such as a rally or town meeting.

A press release is basically a news article written just the way you would like to see it in print (or hear it on the air). Write the release in "inverted pyramid style," with the most important information first and the least important information last, so that a newspaper can shorten it without eliminating important information. Mention the name of your group or coalition, include a few interesting quotes from one of your leaders, explain the issue in enough detail to satisfy the average reader and provide the reporter with the name and telephone numbers of a contact person for more information.

For your press releases to be effective, you must create a strong press list--one that includes all relevant reporters, columnists, editors, news directors, assignment editors, calendar editors and talk show hosts at all the citywide and community newspapers and television and radio stations in your area. Ideally, you can ask your state parks agency or a friendly local organization for a copy of its press list. Alternatively, sit down with the Yellow Pages and call every media outlet listed. Of course, be sure to include the editors of all the coalition member groups' publications.

Do not be discouraged if your press releases are not always used. Many reporters save them for a future story or pass them on to other writers that they think might be interested.

Following up a press mailing by telephone will help increase your coverage. During the phone call, politely ask the reporter if he or she needs any more information and whether a story is likely to appear. (When stories do appear, make sure to call or write a note of thanks.) Ideally, over time you will become friendly with some of the reporters which will not only help you receive more coverage, but will probably allow you to learn useful information through the journalists' grapevine.

If a story appears, you can double the impact by asking some of your coalition members to write letters to the editor. Letters can expand upon the facts in the article, correct any mistakes or add some last minute news. Letters should be positive, upbeat and supportive after all, this is the place to present opinions. Since rail trail proposals often stir some opposition, use letters to express all the positive aspects of your plan.

Even more effective than a letter to the editor is an opinion article, often called an "op ed" piece, which newspapers usually run near the editorial page. Generally op ed pieces are 800 words in length and are well written, informative and interesting. Again, use the opportunity to focus people's attention on the good news aspects of the trail its recreation, conservation and transportation appeal, opportunities for stimulating tourism and its attraction for a diversity of groups ranging from senior citizens to scout troops.

## Using Publicity to Build a Trail

A citizen group's publicity efforts are turning a five-mile trail into a 30-mile system. The key to the success of the Friends of the River's Edge Trail in Great Falls, Montana, is to "sell trail" at every opportunity. The positive publicity feeds itself on drawing more and more people into envisioning the trail's potential.

Friends of the River's Edge Trail have worked on the trail since its inception in 1989. The railroad had consolidated two lines, leaving several miles of unused corridor along the Missouri River that stretched past a beautiful waterfall and through a canyon filled with wildflowers. The group set out to create a pilot project in the city to allow citizens to experience first hand what the friends group envisioned.

The group creatively passed their first hurdle of replacing a missing bridge by convincing the railroad to donate the original bridge - then part a stack of salvaged bridges in a nearby field - for trail use. The railroad agreed, and the group secured volunteers from a local construction company to move the bridge and reinstall it by crane. At the same time, the friends group turned the unusual sight of a bridge reinstallation into a media event by inviting the mayor, the city planner, the media and others to witness the replacement of a key link in the trail.

This milestone was just the beginning of many other high-profile media events. Every step of the way, dedicated volunteers have contributed time and resources and have never missed an opportunity to cast their efforts in a positive public light. This strategy has given the trail project volunteers a "can-do" reputation in the community.

One of the best publicity techniques is to bring people onto the trail so they can experience its beauty and benefits for themselves. Friends of the River's Edge Trail have achieved this high visibility by inviting numerous other groups to hold fund-raisers and special events on the trail. The friends group also takes advantage of public events such as state and community fairs to promote the trail by selling T-shirts, maps, hats, notecards, cups and artists' prints. They also publish a quarterly newsletter detailing goals accomplished and future projects. And, they attend every service club meeting that needs a speaker to show a video of the existing trail and proposed trail segments.

The group's enthusiastic promotion efforts are paying off as plans are underway to connect the paved five-mile section into a 30-mile system. All facets of the community support the trail. In the summer of 1993, a local bank held a charity golf scramble that raised \$7,000 for additional bridge construction. Also, in 1993, a judge required a contractor in violation of federal regulations to donate \$60,000 of paving services to the trail as part of his sentence. In addition, the trail's high visibility throughout the state has helped them become one of the six projects to receive federal transportation funding.

## **Other Ideas**

Rallies are time tested publicity devices. Since your issue has visual appeal (railroad tracks or the abandoned corridor where tracks used to run), you should receive television as well as print and radio coverage. You could schedule a walk along the route, culminating with speeches and possibly entertainment at a key location. A clean up along the tracks will bring out enthusiastic volunteers while producing positive press coverage. A wintertime "ski in" would have a particularly high likelihood of media play and would show the four season usefulness of the corridor. If you live near a successfully converted rail trail, take advantage of the opportunity to arrange a tour of it to effectively demonstrate what your trail project will become once developed.

Few rail to trail coalitions would ever have enough money to mount an actual paid advertising campaign, but you could consider producing public service announcements (PSAs) and requesting media outlets to run them for free whenever they have an unfilled slot. Some radio stations will allow you to come in and record a 20 , 30 or 60 second announcement in which you can alert people to your campaign and give them an address or telephone number to contact.

Keep your eyes and ears open for all opportunities to spread the word. Ask to be included on the agendas of civic associations, Rotary Clubs, PTAs, garden clubs, town meetings, chamber of commerce luncheons and the dozens of other occasions that bring together community leaders and activists.

Generating publicity for your trail project is a key step in building support for the trail. Develop interesting and innovative publicity tools to help spread the word about your project.

## Chapter 11: Finding Trail Acquisition and Development Funds

As with all other public projects in these times of shrinking social expenditures, rail trails are not easily funded. However, numerous possible sources of money exist that can be tapped if your project has strong public support. If finding funds seems difficult, remember that a large, diverse citizen constituency is the most effective lobby group for trail acquisition spending. Once acquired, that same citizen group can further contribute to the success of the trail by assisting with development and maintenance.

This chapter explains various funding sources. The bulk of the chapter discusses funds available through the new federal transportation legislation, the Intermodal Surface Transportation Efficiency Act (ISTEA); the remainder gives an overview of different public and private funding sources, all of which have been used to create one or more of the nation's rail trails.

### ISTEA Basics

The Intermodal Surface Transportation Efficiency Act (ISTEA, pronounced "ice tea") is a revolutionary new federal transportation law. In the past, federal transportation legislation has funded roads and highways almost exclusively. ISTEA, on the other hand, sets national goals for improved air quality and energy conservation and advocates funding for non-traditional projects like rail-trails.

ISTEA is a critical and lucrative funding source for rail-trails because all types of bicycle and pedestrian projects are specifically identified in the law as activities eligible for funding. In fact, almost half of ISTEA's traditional highway funds (over \$60 billion) can be used for bicycle and pedestrian facilities.

The following major programs in ISTEA are potential rail-trail funding sources:

- Transportation Enhancements Program
- The Surface Transportation Program (STP)
- The Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- The National Recreational Trails Fund (NRTF)
- Other Programs

Rail-trail project sponsors need to understand the distinctions between these programs and each program's potential role in an overall funding strategy. While most projects rely on funding from only one ISTEA source, some may tap two or three.

*Transportation Enhancements Program:* ISTEA requires that 10 percent of all Surface Transportation Program funds be set aside for "Transportation Enhancements Activities" (TEAs), which amounts to more than \$3 billion over the six-year life of ISTEA. The legislation identifies 10 specific activities as eligible transportation enhancements, one of which is, "the preservation of abandoned railway corridors...for pedestrian or bicycle trails."

Because of this specific listing, the Transportation Enhancement Program is the most easily accessible ISTEA funding for rail-trail projects.

In addition, two other enhancement activities specifically call for the construction of bicycle and pedestrian facilities and the rehabilitation and operation of historic transportation buildings, such as old railroad depots.

Most states have created special Transportation Enhancement Programs (TEPs) to administer these funds. Commonly, TEPs include special application procedures and selection criteria, project selection advisory committees, and an annual statewide selection process.

You should contact your state DOT enhancements administrator regarding the application process and submission deadlines (see Appendix K). If an advisory committee exists, work for appointment of a rail-trail advocate to the committee.

If your proposed trail project is located within the jurisdiction of a Metropolitan Planning Organization (MPO, in urban areas with a population of at least 50,000), contact your MPO and ask what role it plays in enhancement proposals.

**Who Gets What**  
**Allotment of Transportation Enhancement Funds, 1992-1997, by State**  
**(in millions of dollars)**

Alabama	61.8
Alaska	57.3
Arizona	34.8
Arkansas	37.7
California	300.9
Colorado	41.4
Connecticut	27.2
Delaware	15.7
District of Columbia	12.9
Florida	152.4
Georgia	100.4
Hawaii	15.9
Idaho	23.1
Illinois	143.5
Indiana	76.7
Iowa	40.8
Kansas	34.3
Kentucky	49.9
Louisiana	52.7
Maine	17.9
Maryland	45.1
Massachusetts	43.9
Michigan	91.5
Minnesota	51.8
Mississippi	41.6
Missouri	62.7
Montana	27.8
Nebraska	27.5
Nevada	22.5
New Hampshire	17.2
New Jersey	71.2
New Mexico	27.7
New York	143.5
North Carolina	97.1
North Dakota	21.7
Ohio	119.7
Oklahoma	39.1
Oregon	38.2
Pennsylvania	83.5
Rhode Island	15.9
South Carolina	53.9
South Dakota	22.4
Tennessee	66.3
Texas	228.0

Utah	23.6
Vermont	14.7
Virginia	64.9
Washington	44.0
West Virginia	20.7
Wisconsin	60.9
Wyoming	21.9

Source: Surface Transportation Policy Project

The Surface Transportation Program: The Surface Transportation Program (STP), one of the largest programs in ISTEA, includes more than \$30 billion over six years. Transportation projects of all types are eligible for funding, including highways, transit, ridesharing programs and bicycle and pedestrian facilities. Competition for these funds is strong, and much of the funding is directed to urban and suburban regions.

To qualify for STP funds, your trail needs to offer excellent transportation benefits. During your feasibility study, you should have evaluate the transportation value of your rail-trail (see chapter 3, "Developing a Feasible Study"). The more you can document the transportation aspects of your trail, the more likely you are to receive STP funding. Further, gaining access to STP funds will require significant involvement in local, regional and statewide transportation planning efforts and a strong measure of political clout. You will need to work closely with your Metropolitan Planning Organization, if one exists, and your state DOT.

*The Congestion Mitigation and Air Quality Improvement Program:* Congress created the Congestion Mitigation and Air Quality Improvement Program (CMAQ, pronounced "see mac") specifically to assist states and metropolitan areas in meeting the requirements of the 1990 Clean Air Act. Funds in this program are targeted to non-attainment areas, which are cities and regions that have not



met the national standards for clean air. As with STP funds, expect strong competition for CMAQ money. However, because trail users emit no pollutants, rail-trail project leaders could make a strong case to state and MPO decision-makers. Again, assessing the transportation value of your facility is important for receiving CMAQ funding.

*The National Recreational Trails Fund:* The Recreational Trails Fund provides up to \$30 million each year for non-motorized and motorized trails. This program must be funded annually by Congress, which did not appropriate any funds in 1992 and only \$7.5 million in 1993. Even with full funding, each state would have access to less than \$1 million. However, private organizations can receive grants under this program for trail development activities. Because the funding level is variable, contact your state trail coordinator for updated information (see Appendix C).

*Other Programs:* In certain situations, rail-trail projects may qualify for funding from the National Highway System (NHS), the Federal Lands Highway Program, or other highway-related programs in ISTEA for which bicycle and pedestrian projects are eligible. Further, certain Federal Transit Administration funds may be used by transit agencies for funding bicycle/pedestrian access facilities at rail transit stations, bus stops and "park-and-ride" facilities. These facilities includes bicycle racks, lockers, shelters and trail access points. If your trail provides direct access to a transit station, consider this source of funds to cover transit access facilities.

## **Transportation Planning and Your Rail-Trail**

ISTEA requires states and MPOs to develop 20-year, long-range transportation plans, which must include a bicycle and pedestrian facility element. The long-range plan also must incorporate identification and preservation of transportation rights-of-way (such as rail corridors) for future transportation use. The plan must also consider recreational travel and tourism needs, as well as a number of other factors that help make rail-trail acquisition and development a high priority.

In addition, states and MPOs are required to develop multi-year Transportation Improvement Programs (TIPs). A TIP is a specific work-plan and list of transportation projects that will be funded in the respective fiscal years.

Because states may only fund projects included in either the state or metropolitan area TIP, or their respective long-range plans, you need to work to include your rail-trail project in local, regional and statewide transportation plans and programs.

## **Two Keys to ISTEA Funding**

If you have followed the advice within this manual, you will have a much easier time receiving ISTEA funds. The first "key to funding" is to identify, evaluate, and document the transportation value of your rail-trail proposal. Think creatively when assessing your corridor's transportation value - remember, trails are not just for recreation.

- Does your trail connect residential neighborhoods, schools, employment centers, shopping areas, transit facilities, recreational facilities, medical facilities, libraries, churches, day-care, senior centers and other community resources?
- Can your trail provide congestion relief because it supplies a non-motorized alternative to a heavily congested roadway corridor?
- Will use of your trail for transportation and recreation help the region meet clean air standards?
- Will your trail enhance safety for senior citizens and children who will use the trail to avoid a dangerous roadway or intersection?
- How will acquisition and development preserve the transportation heritage of the abandoned railway corridor?

If you have not yet done a feasibility study (see chapter 3, "Developing a Feasible Study"), develop one now that details the transportation value of your rail-trail. Use maps to show the important transportation links it provides.

In addition to transportation merit, your trail project must have "political clout" to successfully receive ISTEA funds. Many state DOT's are generally resistant to the idea of spending transportation dollars on any projects other than highways. Because ISTEA legislation is so new, you need to keep the pressure on your DOT to spend money on transportation alternatives such as rail-trails. A strong showing of public support will only help your cause. (See Chapter 2, "Building and Strengthening Your Coalition.")

## **Pointers for ISTEA Project Proposals**

State Transportation Enhancement Programs usually require a special application that serves as the project proposal. Access to STP or CMAQ funds may not require a special application, however; to move your project forward successfully in the planning and political process, you will need a five- to 10-page feasibility study including a map.

Many states only accept enhancement applications from local governments or state agencies, so you will need to find a governmental agency to sponsor your project. After examining your state's enhancement program guidelines and selection criteria, develop a proposal strategy that distinguishes your project from the rest when the state or MPO is reviewing projects and making final recommendations.

- Address such financial factors as the state/local match and operating costs for your trail. All funds from the Surface Transportation Program, Transportation Enhancements Program or CMAQ Program are funded at 80 percent federal money and 20 percent state or local match, however matching rules and ratios vary somewhat from state-to-state.
- Think beyond the transportation value of your project--articulate a broad range of community benefits, such as community and personal health benefits, improved mobility for children, youth and senior citizens, recreational benefits, wildlife and nature preservation, improved community livability, economic development and tourism potential.
- Orient your project to the goals set forth in the state and MPO long-range plans and TIPs.
- Secure organizational endorsements.
- Be thorough and realistic.
- After submitting the proposal to the MPO or the state, offer to work with them to make any adjustments.
- Follow the development process of the state and MPO TIP's carefully. Be sure your project is represented at all public hearings.

### **Update RTC on Your Enhancement Efforts**

As you become involved in developing a trail proposal to present to your state DOT or MPO, let RTC know about your efforts. Share your successes and failures, and tell RTC whether or not your state is cooperative. RTC follows implementation of the Transportation Enhancements Program to share with Congress and to help future rail-trail project sponsors.

### **Prepare for the Long Haul**

Finally, do not be discouraged if, at any point along the way, the response from state or MPO officials is less than enthusiastic. Many state and local transportation planners, engineers and elected officials remain oriented to roads and bridges and do not always recognize the transportation value of trails. Your job is to help them see this value, which may take a persistent effort.

### **Other Federal "Pass-Through" Funding Programs**

In addition to ISTEA, several other federal pass-through funds exist.

*Land and Water Conservation Fund:* This fund, sometimes called LAWCON or abbreviated LWCF, is administered by the US Department of the Interior. This money is usually distributed to state departments of natural resources and can be used as matching funds for rail trail corridor purchase. LWCF funds must be provided at 50 percent federal money, which must be matched with 50 percent local money for trail corridor purchase. In the past, LWCF was a strong source of funding, however, the fund has

steadily dwindled during the past decade, causing increased competition between many qualifying local projects.

*The Wallop Breaux Fund:* Funded at \$140 million annually for the enhancement of sport fishing opportunity and access, Wallop-Breaux is another source of federal pass through money. The funds are administered by the US Fish and Wildlife Service and are available at 75 percent federal funding, which must be matched with a 25 percent state match. This local match usually comes from a state's fish and game agency (often in the Department of Natural Resources). It is based on value, not cash, and can consist of in kind services as well as money. If your proposed rail trail provided access to a sport fishery, your fish and game agency could use Wallop Breaux money for land acquisition and maintenance.

*The Community Development Block Grant Program (CDBG):* A third federal source of funds is the US Department of Housing and Urban Development CDBG program, which directly funds cities and towns for projects with community-wide benefits. Rail trails, particularly those with documentable economic, cultural and historical merit, could qualify for CDBG funding. Seattle's Burke Gilman Trail and the Baltimore and Annapolis Trail in Maryland were both funded through this program. Generally, information on Community Development Block Grants is available through your mayor's office; however, you should know that congressional appropriations to this HUD program have decreased in recent years.

## **State Funding Sources**

The most common sources of state funds include general appropriations to your state Department of Natural Resources (DNR) or the equivalent agency that receives special park-related appropriations from state legislatures, bond issues, lotteries and special taxing mechanisms.

If your state DNR is the likely manager of the rail trail, it may also have funds to acquire the trail. Some DNRs have land acquisition funds, but often other projects are higher on the funding priority list. Moving your rail-trail project up the list is a matter of generating enough public pressure to build the trail. Once this pressure is strong, your trail is more likely to receive funding.

Most DNRs fund park construction and maintenance and salaries not acquisition of new land. Many states have circumvented this situation by using other funding mechanisms such as special dedication of taxes and bond sales to purchase land. Special taxes include cigarette taxes, real estate transfers, retail sales, mineral and gas exploration, taxes on tourism dollars, fees on vanity plates and lottery funds.

Rather than relying on general appropriations, states are depending more on significant infusions from set-asides and voter-approved bond issues. Earmarking funds for specific programs have proven successful because of citizen support for special taxes as opposed to general tax increases.

In addition, you could receive acquisition money from your state DOT. ISTEAs funding is the most obvious, but many state DOTs also have some type of "railbanking" program whereby the state acquires rail rights of way for future rail transportation but allows trail use in the interim. In some states, such as Connecticut, the DOT leases these railbanked corridors at a nominal sum for trail use.

### **City or County Parks Departments**

Cuts in federal spending combined with increased concern by citizens for protecting land have spurred cities and counties to take on a larger role in conservation funding.

The most common sources of funds at the city and county level include allocations from a specific department, such as the park and recreation department, or a line item in a consolidated capital improvement program (CIP) budget. Local revenues may be raised through property taxes or bond issues.

You can persuade local officials to include your rail-trail as a line item in a CIP budget, but you must have strong community support. For example, citizens in support of the Pinellas Trail in Florida lobbied and held demonstrations of public support for 10 months to convince the county to include the trail in the county capital improvement budget. Their efforts paid off, not only for funding the trail, but also for generating greater public support and visibility.

Another large funding source is local voter-supported bond issues. Mounting a successful bond campaign is like running any other campaign; you need strong citizen support, participation by local officials and business leaders in addition to hard work. Such efforts can pay off substantially. For example, a \$125 million citizen-initiated bond passed in King County, Washington, for preservation of open space. Several million dollars were earmarked specifically for rail-trails.

Impact fees, regulated by county and city subdivision policies, require residential, industrial and commercial development projects to provide sites, improvements and/or funds for developing public improvements like open space and trails. Impact fees may be allocated to a particular trail from land development projects in all other areas of a county or city if the fund is a dedicated set-aside account established to help develop a county or city-wide system of trail projects. Call your county or city planner to find out more about Impact Mitigation Funds for your area.

Growth Impact Ordinances are enforced by counties and cities to estimate the impact of all residential, industrial and commercial development on public park and recreational facilities within a development project's local and regional

service zones. The ordinance makes provisions whereby the project developer will set aside the lands or moneys necessary to offset the project's specific park and recreational impacts. Again, call your county or city planner for more information.

### **Foundations and Trust Funds**

In 1993, Rails-to-Trails Conservancy initiated a small land conservancy department to assist critical rail-trail projects that will be lost without RTC's intervention. The preeminent national organization for purchasing open space for recreation is the Trust for Public Land (TPL), which also conducts appraisals, undertakes title searches and legal work, and carries out negotiations. TPL has worked on rail to trail conversions in several states.

Other similar organizations that have helped purchase rail corridors for trail use include the Nature Conservancy, the Western Pennsylvania Conservancy, the Open Lands Project and the Iowa Natural Heritage Foundation. (For addresses of these and other organizations, see Appendix A.)

In addition, at least 13 states have created conservancy programs to give money directly to non-profits to acquire, plan and steward land projects. Such programs exist in California, Connecticut, Delaware, Florida, Iowa, Maine, Michigan, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont and Wisconsin. Call your state Department of Natural Resources for more information.

### **Salvage of Rails, Ties, and Ballast**

The rails, ties, ballast and other improvements made to the corridor have salvage value and should not be overlooked. Revenue generated from the sale of these items varies widely. Depending on local markets, the length of the corridor, and the quantity and quality of salvageable materials, salvage can produce up to \$10,000 per mile for an astute benefactor. You should know, however, that salvageable materials often have been sold by the time a trail corridor is in public ownership.

Conversely, for railroad companies, certain types of railroad improvements (including trestles, tunnels and culverts) have negative salvage value, meaning that the cost to salvage is greater than can be recovered through resale of the salvaged material. Moreover, some state laws require railroads to restore the railroad property to its original contours prior to railroad use. These negative, but obligatory, salvage costs often exceed a railroad's equity interest in the corridor.

In such cases an abandoning railroad may choose to donate the corridor for trail purposes if it is released from its salvage obligations. In some cases, railroads have even turned a liability into an asset by claiming a tax deduction for the up-front value of its improvements. (For more information on salvaging, see Chapter 9, "Negotiating with the Railroad.")

## **Leasing Corridors for Utility Use**

A growing source of trail development funds is the leasing of subsurface rights for fiber-optic cables and other utilities. In 1984, the Wisconsin Department of Natural Resources negotiated with US Telecom to pave the entire 48-mile Glacial Drumlin Trail in exchange for a fiber-optic cable easement, a \$600,000 value. The Washington and Old Dominion Trail in Virginia grants an easement to AT&T for \$250,000 per year (\$7,000 per mile) to help cover maintenance and operations costs.

Other utility deals include donating or leasing corridors for trail use. Michigan Bell bought an abandoned corridor to install fiber optic cables and, after completing the installment, they donated the corridor to the state DNR for trail use.

Other compatible "joint uses" of a rail-to-trail corridor include sewer, water and natural gas. Abandoned corridors can provide key links for utility use; working cooperatively with local utilities can help pay for your trail.

## **Private Sources**

You can raise funds privately in numerous ways, from holding bake sales to soliciting foundation grants. You might organize fundraising events such as dinners, parties, raffles or concerts. Or you could create events along the rail route, such as a hike a thon. Some groups have "sold" pieces of trail at \$10 or \$20 per linear foot, providing each donor with a "deed" for their segment of the trail. In Michigan, Friends of the Kal Haven Trail gave gold plated spikes from the old Penn Central tracks to everyone who gave a large donation to the trail conversion effort.

To obtain larger contributions from foundations or corporations, you will need a full fledged funding proposal that spells out the community wide value of the trail and how it will be developed and maintained.

For additional ideas on how to raise funds within your community, see Chapter 13 on "Working with the Business Community."

## **The Tennessee Valley Authority**

If you are located within the official boundaries of the Tennessee Valley Authority and your county is officially categorized as economically depressed, you may qualify for economic development funds if you can show that the creation of a rail trail will attract tourism dollars to the area. (For further information, write to Community Partnerships, 400 West Summit Hill Drive, Tennessee Valley Authority, Knoxville, TN 37902)

## **Reducing Costs**

In addition to finding funds, think of innovative ways to reduce the trail development costs.

When a rails to trails group in California discovered that constructing a new bridge along a long abandoned right of way would cost about \$65,000, one member hit upon the idea of fashioning a bridge out of an old railroad flat car with its wheels removed and handrails installed. The cost came to about \$13,000. The historic Union Pacific trail in Park City, Utah, saved thousands of dollars because of donations of services, materials and time. For example, volunteers clean-up trash accumulated over the years on the corridor and hauled it away using borrowed farm tractors and trucks donated by Park City and Summit County. The Utah National Guard donated services to cover part of the trail with top-soil and road-base material. Other volunteers helped deck and stain bridges.



## **Chapter 12: Working with Elected Officials**

Working to complete a rail-trail conversion--from the day the railroad files with the ICC to abandon a corridor to the day a politician cuts a ribbon at a rail-trail opening ceremony--is a real-life lesson in "how government works." For your rail-trail project to succeed, you need to learn how elected officials and government agencies make decisions about moving forward on projects like rail-trails.

### **Understanding Elected Officials**

Some people find the political process so glamorous and exciting that they dispense with citizen organizing and head straight for their city hall, county council, state legislature or statehouse; others find politics unappealing and avoid the process entirely.

No matter how you feel about politics, you will need to work within the political process because an elected official's support is essential for your project's success. To gain an official's support, you need to understand the strengths and liabilities of politicians, and then you use the political process to your best advantage.

With so many different possible political situations surrounding rail trail conversions, this manual can neither list them all nor describe all possible strategies. Therefore, this chapter will explain the philosophy needed to develop political support.

In most jurisdictions, a small number of elected officials are visionary. They recognize that a rail-trail is an ingenious way to revitalize an abandoned rail corridor, and they immediately understand how a rail-trail could contribute to the community's quality of life. On the other hand, you may encounter a small number of elected officials who are reactionary. Perhaps their staunch defense of private property rights leads them to oppose virtually any form of public land management, including rail-trails.

The majority of elected officials are somewhere in between. They do not want to "stick out their necks" on an issue that could irritate even a few of their constituents; conversely, they would enjoy being regarded as strong leaders in any effort garnering wide community support.

### **Gaining the Interest of Elected Officials**

For an elected official, judgment day is Election Day. Thus, most politicians have a finely-tuned ability to sense the mood of the voters. To stimulate the interest of most politicians, you have to stimulate the interest of their constituents. Therefore, as a general rule, start with the constituents and make sure they write or call their elected officials.

Once you build a strong citizen base, plan to give a presentation to elected officials. If possible, find a rail trail supporter who is a personal friend of the elected official and is willing to give the presentation. Do not be discouraged if you initially meet with the politician's staff, not the politician. Sooner or later, when the elected official realizes the value of your ideas--as well as the number of constituents behind you--he or she may become more accessible. Meanwhile, keep elected officials informed about your project and the development of the campaign just as you would for other important people.

Assume that convincing elected officials to support your project will take a while. Politicians are often hesitant to show support for any project until they know the basic facts: who will benefit? What are the downsides? How much will it cost? Who will be responsible for maintenance and upkeep? Will it be safe? Where else has this been done? What do key constituents think of the project?

On another level, they may want to learn about your coalition to determine what you can do to help them at campaign time (or how much damage you can cause if you oppose them). Expect these questions from an elected official, and be ready with sound answers.

Also, keep in mind that politicians, particularly at the local level, will tell you they are faced with requests from many different groups for other public projects such as funding for schools, public safety, highways or social programs. Though every jurisdiction has limited resources, you are not necessarily competing against other requests. Do not be thwarted by this common response. Be persistent and present the merits of your rail-trail project. If your project has strong merits--and a large number of backers--it has a good chance of gaining strong support from the officials.

### **How an Elected Official Can Help You**

A friendly elected official will help your cause enormously. At some point, you will succeed in persuading one or more politicians to firmly support your project. (You will have a difficult time building your rail trail if you do not have any support from officials.) Once you have "friends" on the council (or in the state legislature), they can help you complete important steps that are difficult or impossible for a citizens' group to accomplish alone.

Officials have access to useful documents and official records, such as rail corridor status information, that you may not know about and would have difficulty obtaining if you did. Elected officials can often obtain these documents from government agencies and sometimes even from private companies simply by asking for them. In all likelihood, a request from a politician will be answered more promptly than if a citizen asked for the same information.

You may have difficulty stirring up the interest of the press in your campaign. An elected official can gain attention in numerous ways: by introducing legislation, scheduling a public hearing, mentioning your issue in speeches or running an article in the local constituent newsletter. Moreover, if a politician attends one of

your events, such as a meeting or a rally, your chances of press coverage are dramatically improved.

Is your parks agency reluctant to take on a trail project? Political bodies, such as the county board and the state legislature, set the agendas for government agencies. To convince agencies to broaden their agenda and include something new like a rail-trail, they sometimes need to be asked by an elected official.

Elected officials can write letters of inquiry to the agency and expect to receive quick, thorough responses. They can also write letters to the governor asking why a state agency is not carrying out its mandate. In extreme cases, an official may hold an oversight hearing at which the agency will have to explain its position publicly.

Politicians talk to each other, and many of them trust the instincts of a decision maker more than they trust a citizen group. You can ask your friendly politician to speak with or provide you with an introduction to other legislators who might be undecided or unconvinced. Similarly, you can ask for a political reading on his or her colleagues, thus providing you with valuable insights into what type of work must be accomplished to gain a supporter.

In addition, elected officials know other politicians from different levels of government. Your local official may know the governor or your Representative to Congress. Or, your local official may know a state senator who holds a key position on a parks or state transportation committee.

Your local official may also be a member of a regional board that could help your rail-trail project. For example, your local official may sit on a regional planning board that is preparing a transportation plan for your metropolitan area; if your rail-trail is a key transportation corridor, your friendly politician could lobby to include it in the plan. Similarly, your local official may sit on a metropolitan parks board which decides what new parks to add to the system--your rail-trail could be one of them.

### **How You Can Help an Elected Official**

On the other hand, you have to be realistic about your relationship with politicians--even the most friendly of them. Be sure to maintain reasonable expectations of what they can and cannot do for you and your project. Also, make it a point to show how you--and the rail-trail--can help them.

Help politicians by doing all the work. Make it easy for them by researching successful rail-trails in other communities, passing out petitions and collecting signatures and building a strong citizen coalition. Politicians are rarely cause advocates unless their entire constituency is united on a crucially important issue. They must balance among numerous pressures. Generally, you should not expect leadership from them and try not to put them in awkward positions.

Never mislead a supportive elected official with erroneous or incomplete information. If you are aware of detrimental facts (high costs or title problems, for instance) or strategic problems (such as landowner opposition), you should break the news appropriately (with a thoughtful response) and not leave it to a television reporter with the cameras rolling. After all, the politician is the one held accountable for the final decision long after your citizens' coalition has disbanded.

Finally, give credit where it is due. The ability to publicly lavish praise is one of the few marketable assets you have and it is something of tremendous value to a politician. Even if an elected official's contribution seems small to you in the context of all the other people who are helping, think of it from their standpoint--was even that small step politically risky? How did it compare to the actions of other politicians? Was it useful to you? Let the politician take the credit--after all, you have the trail!

Remember, in the end your work will not go unnoticed. Politicians enjoy publicly honoring hardworking citizen groups, especially those who accomplish tangible benefits for the community, like a completed rail-trail.

## **Chapter 13: Working with the Business Community**

The business community is so broad and multi-faceted, it can include everything from your local ice-cream shop to a small law firm to AT&T. Regardless of the size of the business, these groups can help your trail effort in countless ways. The more cooperatively you work with business people, the more likely you will succeed with your trail.

### **How Businesses Can Help You**

If your trail coalition includes business people, or if you are in business yourself, you have instant credibility--use it both publicly and privately. Solicit the advice of business leaders from the start of your organizing campaign, include a variety of business interests on your steering committee or even create a Business Subcommittee.

Once your trail is established and becomes popular, you will have a relatively easy time attracting business support. Companies may mention the trail in their advertising, donate supplies and equipment, arrange special deals involving the trail, contribute to a fundraiser and provide special incentives and opportunities for their employees to improve their fitness by using the trail. In the meantime, you want to encourage as much business support as possible.

### **How to Approach Businesses to Support Your Trail**

Your initial step is to analyze which companies in your community will likely benefit from the creation of a new trail. Some obvious possibilities include shops renting or selling bicycles, skis, roller or in-line skates, running shoes, outdoor sports clothing, binoculars and bird identification books. Other businesses benefitting from a well used trail include nearby restaurants, ice cream stands and snack bars, general stores, souvenir shops, hotels and motels, gas stations and campgrounds.

Approach these types of businesses early in the campaign. Provide some educational material and then solicit them for help. Among other things, they can donate money, post information prominently in their establishments, write letters to the editor and to elected officials and co-sponsor events relating to the trail corridor. Also, do not ignore the advantage of utilizing a trail enthusiast who is an employee of a locally significant corporation. People working for a company even if they are not high level management can impact a company's policies.

Most towns also have companies that can be loosely termed as public spirited. These corporations have a history of helping non-profit citizen groups by providing a meeting room or auditorium in a company building, giving small funding grants, donating some copying or printing services on company equipment or giving free or reduced fee use of the company's special services. For instance, a law firm may give you some "pro bono" (free) legal advice and an accounting firm may donate staff time to help you set-up a simple bookkeeping system.

You will not find an official list of public-spirited corporations, but citizen activists often have a general idea of companies that are approachable; if you do not, you will have to make your best educated guesses. Simply make your requests, first in writing, then by a follow up by phone call, and hope for the best. Although being turned down is not fun, your trail effort will be more than compensated each time your proposal is supported.

Any companies located close to the rail corridor could become key to your effort's success. Make a special attempt to speak with shop owners and company managers, both to educate them about your proposal and to find out where they stand on the issue. If some are not supportive, find out why and keep providing them with information addressing their concerns. Try to convert neutral parties into supporters by explaining potential benefits to their businesses and by keeping them up-to-date with the latest project information.

A company need not have trail related products or be located adjacent to a rail corridor to be interested and supportive. Every town and community has business leaders who are genuinely interested in the area's quality of life after all, they want to attract and keep employees and customers. If you can demonstrate how your rail trail will improve the community's environment (as well as its economy), you will find significant support from area businesses.

Hopefully you will find at least one business person who is enthusiastic about the rail trail conversion; if at all possible, ask him or her to participate in your coalition as chair of the Business Subcommittee. Letters signed by the vice president of a local bank or the well known owner of a hardware store will carry substantially more weight with the business community than a letter from an activist who has never run a cash register or met payroll.

If there is an existing rail trail in your state or region, it might be worthwhile to visit it and interview the business people who operate near it. Some of them might give you opinions, facts or even a letter substantiating your claims that a trail can be good for business. If you compile the facts and letter of endorsement into one document, make sure you circulate it widely--not only to your local, county and state government, but also to the local tourism bureau, chamber of commerce, newspaper and any other business oriented institution in town.

### **Examples of Successful Business Relationships**

Many rail-trail groups have established fruitful relationships with businesses at various stages of the conversion process. One of the best examples of a trail group developing strong partnerships with local businesses is the Pinellas Trails, Inc. in Florida. Local businesses helped this citizen group in two ways. First they supplied start-up capital for the non-profit group, and then they helped fund trail amenities as the trail was built.

When Pinellas Trails, Inc. was still in its infancy, two of the founders approached a business contact who agreed to invite some of his business friends to a small kick-off luncheon where trail advocates could describe their idea of creating a

trail supporter organization. The luncheon participants found the idea interesting and exciting; consequently they donated enough start-up capital to produce membership brochures and to launch the Pinellas Trails, Inc.

Once up and running, Pinellas Trails, Inc. created a highly successful trail amenities program, allowing businesses to buy anything from a bench to a drinking fountain to a row of trees for the trail. In exchange, the trail group agreed to place a plaque on or near the amenity identifying the business as a donor, thereby giving the business permanent advertising space. In four years, Pinellas Trails, Inc. has raised nearly \$200,000 through the trail amenities program, publicized through its newsletter and word-of-mouth.

The same concept can be handled more formally. The Blaine County Recreation District, which manages the Wood River Trails in Idaho, also has created and successfully operated a gifts program. The district produces a catalog highlighting its yearly needs and wishes, and then distributes it as an insert in the local newspaper. They also mail the catalogue to business community friends in December to help prompt end-of-year gifts.

If you start an amenities program, do not feel pressured to ask for large donations. In fact, most contributions for the amenities along the Pinellas and Wood River Trails are gifts in the range of \$500 to \$1,000 from small businesses, such as bike shops and small restaurants that anticipate potential benefits from the trail.

When approaching businesses, particularly sports equipment rental shops, bed and breakfasts, restaurants and general stores for help with your trail, emphasize how the trail will directly benefit them. Supply them with examples. Point out that your trail building efforts will result in good business for them, and encourage them to invest in new business and the community by supporting your trail project. Wherever possible, supply them with economic benefits examples from trails in your state or region. Following are a few samples from around the country of businesses benefitting from open trails.

In Massachusetts, just months after the Minuteman Trail opened, a local oil dealer converted a small industrial building near the trail into a weekend store selling fruit, candy bars and soft drinks. On a single Saturday, 1,800 people stopped at the store--which also has a bike mechanic on duty. In addition, 18 area restaurants paid to advertise in the Minuteman Trail brochure.

Missouri's 200-mile Katy Trail has brought some of the depressed ex-railroad towns back to life. A couple living in one of these towns remodeled an old, unused general store into a quaint cafe. Business is better than they expected, so they are currently adding a small general store. A bed and breakfast owner in another small town has almost doubled her business since the trail opened.

An Ohio couple opened a bike and skate shop along the Little Miami Scenic Trail and receive most of their business from trail users. They sell and rent in-line skates and bicycles from two yellow cabooses that they converted into a shop.

Since the construction of West Virginia's North Bend Trail, 12 new businesses have started along or near the trail.

On any given day between July 4 and Labor Day, all 400 rental bikes in the communities surrounding Idaho's Wood River Trails are rented for trail use. In fact, the trails have generated so much business for the Blaine Recreational District, that the governor gave the recreational district the 1993 Outstanding Achievement in Tourism Award.

Existing trails across the country provide ample proof that trails are good for business. Your job is to convince local businesses that your trail also will generate new business. Encourage them to invest in this new venture--and also give something back to the community--by supporting the trail.



## Chapter 14: "Friends of the Trails" Groups

As your trail comes close to reality, your next step is to start thinking about the future. Although most trail organizers dream of the day they can hang up the telephone, put their files in storage boxes and spend all day enjoying their creation, it never quite turns out that way. The long-term success of your trail may well hinge upon the formation of an ongoing, private "Friends of the Trail" organization.

Regardless of how competent and savvy the governmental trail managing agency, opportunities will always abound for a group of active volunteers to provide the kind of assistance--whether through muscle power or political power--that will noticeably improve your trail.

The single most important function of a Friends organization is to act as an advocate for the trail, defending it when necessary and promoting it the rest of the time.

Ideally, whenever a public hearing is held on anything remotely related to the facility--a nearby road project, your state's policy on parks, local open space preservation, bicycle policies and air pollution reduction--a Friends of the Trail representative should testify and speak on behalf of the trail. If this is not possible, the Friends should at least attend any meeting or hearing concerned with funding for the trail. Funding decisions are highly responsive to public pressure, and money is generally allocated to projects with high public visibility.

Friends groups provide many other services to trails around the country, including:

- Physical labor such as "Adopt-a-Trail" litter clean-up, sweeping, brush-cutting, painting, minor bridge repair and even construction of support facilities such as benches, picnic tables and kiosks.
- "Eyes and ears" surveillance and reporting of any problems, dangers or inappropriate activities taking place on or near the trail.
- Fundraising to pay for trail structures (like bridges), amenities (like trail-side rest areas) or threatened adjacent properties of environmental significance that are not included in the regular budget for the trail.
- Maps, newsletters and other information to educate users and improve the quality of their experience on the trail.
- Promotion of the trail as a tourist destination throughout the state and region.

The trail managing agency should be careful to maintain legal separation from a Friends group--the trail manager, for instance, should not be an officer or a board member of the Friends. However, the two entities should communicate closely and freely, and be careful to coordinate activities and programs so they do not duplicate efforts or pursue divergent goals.

Ideally, your Friends group would grow out of your trail-creating citizen organization which promoted the conversion in the first place. Making this transition, however, often involves the gradual replacement of the original visionary board members and activists by a more broad-based leadership comprised of people from mainstream tourism, corporate, financial and service agency communities. Sometimes changing the group's mission from creating the trail to supporting it, can be painful for the original board members, so it should be handled gradually and diplomatically. Other times, the old leadership is only too glad to turn over the work to the next generation!

### **Friends of the Trail Group Brochure**

Concerned citizens across the country have created friends of the trail groups to help maintain and enhance rail-trails. A key tool for promoting friends groups is a brochure highlighting projects the group plans to undertake followed by a membership form so supporters can donate easily. To generate text from a friends group in Virginia.

The Friends of the Washington and Old Dominion Railroad Trail was created in March 1991 to fund projects that will protect and improve the W&OD Trail, making it safer and more enjoyable for all trail users. The Friends group is a non-profit Virginia corporation and all dues and donations are tax-deductible. Money raised by Friends of the W&OD is directed to the Northern Virginia Recreational Park Authority, earmarked solely for W&OD Trail improvement projects. Projects are chosen on the basis of impact on the W&OD Trail environment, maximum utility to park users and cost.

Our first project is completing fencing for a trail overpass at West Broad Street in Falls Church.

Future projects include::

- Purchasing easements and land adjoining the trail to provide buffer zones against encroachment and development as well as creating or improving connections to other area trails, parks and community facilities such as schools, libraries or mass transit.
- Providing water fountains along the far western and eastern portions of the trail, including water access for horses and riders in the western portions.
- Landscaping in Vienna, the city of Falls Church, Arlington and elsewhere to provide visual barriers to the industrial establishments that abut the trail.
- Providing additional rest areas, park benches, bicycle parking facilities, exercise stations, historical markers and kiosks, horse trailer parking areas, safety signs and other improvements along the trail.
- Providing air pumping stations for bicycle tires where logistically feasible.
- Installing emergency phones along the trail in Loudoun County and western Fairfax County.
- Assisting with the preservation and restoration of the Hamilton and Purcellville stations.
- Preserving vintage railroad arches over streams.