



140
511
THS

THESIS

LIBRARY
Michigan State
University

PLACE IN RETURN BOX to remove this checkout from your record.
TO AVOID FINES return on or before date due.
MAY BE RECALLED with earlier due date if requested.

DATE DUE	DATE DUE	DATE DUE

PLAN B PAPER

Nichols, Kathleen M.

RAILS TO TRAILS
A RECREATIONAL PHENOMENON

BY

KATHLEEN M. NICHOLS

JUNE 1987

A paper as part of the Plan B requirement in the completion of
the Master's degree in the Urban Planning Program in the College
of Social Science at Michigan State University.

THESE

DO NOT DETACH

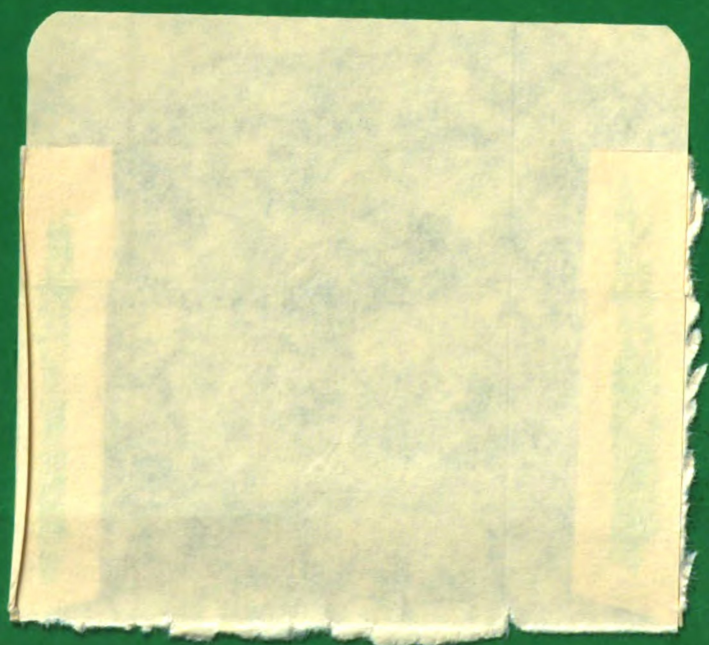


TABLE OF CONTENTS

	PAGE
INTRODUCTION	2
CHAPTER 1 - AN OVER VIEW OF RAILS TO TRAILS	4
Railroad Rights-of-Way as Trails	4
Problems in Achieving Rails-to-Trails Conversions	5
Two Key Issues To Rail Conversion	6
Lack of Notice	6
Remedies Before the I.C.C.	8
Section 8(d) and the Commission	11
Conclusion	12
CHAPTER 2 RAILS TO TRAILS IN MICHIGAN	14
Why Trails in Michigan?	14
Economic Impact	15
Benefits - Historic Preservation and Education	17
Constraints	18
Conclusion	19
CHAPTER 3 BATTLE CREEK - AN EXAMPLE OF LINEAR PARK CONVERTED FROM A RAIL LINE	21
Project Background	21
Analysis of Project	24
Crime Rate and Property Damage	26
Other Cities and Their Problems	28
Future of the Park	28
Conclusion	29
MAPS	
#1 Railroad Rights-of-Way Acquisition Plan	31
#2 Battle Creek Linear Park	32
ENDNOTES	33
BIBLIOGRAPHY	34

INTRODUCTION

Trails are one of the United States most significant outdoor recreational resources. They are multi-purpose in nature, not only useful but also integral to a host of outdoor activities, including hiking, biking, horseback riding, cross country skiing, and general exercise. They provide access to areas suitable for hunting, fishing and camping. They facilitate the kind of low concentration, dispersed type of recreation that is much sought after today. A nationwide movement to convert unused raillines to trails is sweeping the nation. It is accordingly hardly surprising that a national trails act ("Trails Act") has been developed. The Act states a broad national policy in favor of fostering a national trails system. In particular, the Trails Act calls for the establishment of new trails "primarily near the urban areas of the Nation" in order to preserve and to utilize more remotely located outdoor areas and historic resources. (16 U.S.C. §124(a))

The purpose of this paper is three fold:

1. To provide an overview of the national rails to trails movement through a discussion of their goals and problems and demonstrate how their goals are being met and their problems overcome.

2. To investigate the state of Michigan rails to trails movement as an example of the positive economic possibilities, in terms of increased monetary benefits, that are available to states.
3. To describe the City of Battle Creek's, (Michigan) Linear Park as an illustration of the planning and implementation process undertaken, as well as the social and economic benefits connected with a linear park.

CHAPTER ONE

AN OVER VIEW OF RAILS TO TRAILS

RAILROAD RIGHTS-OF-WAYS AS TRAILS

Railroad rights-of-ways (ROW) make excellent trails. They are ideally situated to meet the goals of the Trails Act and accordingly, the recreational needs of the Nation. Conversion of ROW into trails serves another valuable purpose totally apart from providing additional recreational resources, namely, the conservation of transportation corridors for future use, including future rail use.

The magnitude of this potential trails resource is a function of the size of the United States rail system and its rate of abandonment. The United States railroad system initially comprised some 257,000 miles of rights-of-way.¹ This system is being abandoned at a rate of 2,000 to 3,000 miles per year.² Studies acknowledge that about one-third of these miles - some 600 to 1000 miles per year- would be desirable for "alternate uses" and, indeed, that the rights-of-way in question "constitute unique resources which cannot be replaced if lost, particularly in urban settings."³

The importance of railroad ROW has not gone unrecognized in the Trails Act. In fact, the Trails Act states that the Interstate Commerce Commission (I.C.C.), the body that regulates railroads, must cooperate with the Secretary of the Interior "in order to insure, to the extent practicable, that any (about to be

abandoned R.O.W.) have values suitable for trail purposes may be available for such use." (16 U.S.C § 1248 (b)) In this respect the Trails Act is taking a stand for R.O.W. in many cases this stand is the bases for legal controversy.

PROBLEMS IN ACHIEVING RAILS-TO-TRAILS CONVERSIONS

Unfortunately, in most instances, efforts to convert a railroad R.O.W. to trail use begin only after the railroad usage of the R.O.W. is abandoned. At that stage, the I.C.C. does not have jurisdiction. The right-of-way is generally controlled exclusively by state law and by local politics. (Major exception is disposition of federal right-of-way grants §912). Under the law of many states, a railroad R.O.W. which was formally controlled by a railroad goes back to the adjacent land owner when the railline is no longer in use. Accordingly, after abandonment and the reversion back to the landowners, the linear integrity of the R.O.W. is lost. And in most cases the local agencies frequently lack the power of eminent domain to gain access to the right-of-way for recreational use.

There have been attempts to use the I.C.C. assistance to achieve a trails-conversion. So far it has been very frustrating for the trail advocates. The "cooperation" from the I.C.C. envisioned for trail purposes had generally been viewed as a failure. For example, there is a conflict of interpretation of the Trails Act between the I.C.C. and those who wish to convert railines to trails. Under the 1983 amendment to the 1967 National Trails Act, the abandoned trail land is to be converted to recreation trail use. The I.C.C. interprets the amendment to

mean only that the public can ask a railroad to allow trail use at market purchasing rates. Groups who want to build trails on the rights-of-way interpret the Act to say railroads must allow trail use if the managing group can assume all of the costs involved in maintenance of the right-of-way, i.e. taxes, liability, and so on. Another example proposed by rail-trail advocates is that of rail 'banking'. Abandoned rail line corridors are put into a 'rail bank' for interim trail use until they are once again used for their original purpose. But the I.C.C. has ruled that railroads can refuse to 'bank' abandoned corridors. At present there are fewer than 10 voluntary 'rail banking' agreements under law, according to the I.C.C.

TWO KEY ISSUES TO RAIL CONVERSION

Overall, there are two key issues to the rail to trails conversion problem. The first is a lack of notice pertaining to when rails are abandonment and the second is the commissions⁴ hesitance to provide vigorous remedies.

LACK OF NOTICE

The first problem faced by a state or local agency, or a private organization, which is interested obtaining a railroad ROW for public use, is to find out if an abandonment proceeding is underway, and if there is enough time to meaningfully participate. Approximately one third of rail abandonment are so-called "exempt" abandonments. These exempt abandonments come in two basic varieties: petitioned exemptions and notice exemptions. Petitioned exemptions are ad hoc in nature. Noticed exemptions

proceed in accordance with special provisions outlined in I.C.C. regulation. Particularly with respect to the latter, the public gets no notice of the abandonment until it has been granted. The only remedy available is to petition to reopen the proceeding within twenty days for the purpose of imposing public use condition. Twenty days is frequently totally inadequate for a state or local agency to obtain the authorization and commitments necessary, much less prepare and to file the pleading required to invoke I.C.C. assistance in fostering a trail conversion.⁵

Even in "regular" abandonment proceedings, the notice given to potential trail use participants is confusing. For one thing, first inkling that a R.O.W. maybe abandoned is its inclusion in the railroads "system diagram map" as a "Category 1 Line." This is supposed to be done at least four months prior to abandonment. "Notice is served at certain specified state agencies and officials, and a notice (in the form of a map and description) published in a newspaper of general circulation in each county transversed by the line."⁶ At least 15 but no more than 30 days before the abandonment application is filed, the railroad must serve the I.C.C. with a "notice of interest" and publish it at least once a week for three weeks in a newspaper of general circulation, again in each county transversed by the line. Unfortunately, I.C.C. in 1984 stopped its practice of informally advising know proponents of public use of notices of intent.⁷

No general notice of the actual abandonment application is provided, although it must be served on certain specified state agencies. Copies of the application generally may be obtained only by writing the railroad, or conceivably from the Commission.

Once an application is filed, a trails proponent, under ICC's rules, has exactly 30 days to find out about it, obtain a copy, ascertain what must be done and how to do it, obtain necessary clearances and authorizations, prepare a response, and mail or otherwise deliver it so that it is actually received by the agency. Again, this does not afford much time to the trail advocate.

REMEDIES BEFORE THE I.C.C.

Assuming that the proponent of trails use receives notice, can act in time, and meets ICC's pleading requirements, the next question is what can it hope to achieve. Again, unfortunately, there is more confusion than answers to this question.

The I.C.C. has broad general powers, flowing from its authority to regulate rail abandonments in the public interest, to foster rail-to-trail conversions. A key I.C.C. decision in this regard is Burlington Northern Inc. - abandonment Between Fremont and Kenmore, King County, Washington (Docket No. 2238 - Order served April 14, 1973). In that case, trail advocates requested that the Commission impose conditions upon an abandonment in order to secure a R.O.W. for public trail use. Although the Commission took the position that it could not order a transfer for trail use without compensation, it did enter an order in essence barring disposition for purposes other than public use for 180 days. And it further provided a mechanism to set the amount of compensation - namely, binding arbitration of negotiations did not produce a purchase agreement in 90 days.

The Commission's inherent power to compel a transfer for public use was further confirmed by the United States Court of Appeals for the First Circuit in *reed v. Meserve* (10) 487 F.2d 646 (1st Cir. 1973), *aff'd*, 353 F. Sup. 141 (D.N.H. 1973). The court held that I.C.C. could validly condition an abandonment so as to give preference to a purchaser who would keep the right-of-way intact for public use. For example, in the case of a scenic railroad preference would be give to one who would keep it intact. The First Circuit's national merits repeating:

"Even a tiny scenic railroad might be thought to contribute much more to such (national transportation) objectives than uses that would require the tracks and right-of-way's to be destroyed. To assemble a right-of-way in an increasingly populous nation is no longer simple. A scarcity of funds and the adverse consequences of too many motor vehicles suggests that society may someday have need either for railroads or for rights-of-way over which they have built. A federal agency charged with designing part of the transportation policy does not oversleep its authority when it prudently undertakes to minimize the destruction of available transportation corridors painstakingly created over several generations."8

The result reached in I.C.C. *King count* case was codified in Section 809 (c) of the Rail Road Revitalization and Regulatory Reform Act of 1976. ("RR Act"), (49 U.S.C. §10906. This provision authorized I.C.C., upon request, to enter an order barring a railroad from disposing of a R.O.W. for other than public use for up to 180 days unless the R.O.W. is offered for such use on "reasonable terms." I.C.C. nevertheless conceded in *Chicago and North Western Transportation Company - Abandonment*

Between Clintonville and Eland, Wisconsin, that it lacked power to require a carrier to sell its R.O.W. for public purposes. (353 I.C.C. 975, 977 (1981)). This decision, which draws no support from legislative history and renders largely worthless the language about "reasonable terms" in the statute, flies in the face of the commissions own actions in King County and ignores the rationale of Reed v. Meserve. Although the correctness of ICC's current view of Section 809(c) of the Act is thus very much debatable, the bottom line is not: all a trails advocate can currently expect from the Commission under 809(c) is an order barring disposition of the R.O.W. for other than public use for, at most, 180 days. The commission under its current view, cannot be relied upon to compel a public use transfer under the provision, either with or without reasonable compensation.

This leaves two major problems for trails advocates. First, although many railroads have done their utmost to cooperate with potential public uses, some have, for whatever reason, been unwilling to sell the R.O.W. for public use for a reasonable sum. Potential public users have thus been thwarted in attempts to obtain the R.O.W. Second, whatever ICC's attitude with respect to facilitating rail-to-trail conversions, the agency's authority clearly ends upon authorization of abandonment. Once abandonment is effectively authorized, the question of whether the railroad R.O.W. is, with the exception of federal R.O.W. subject to 43 U.S.C. #912, a matter of state law. Much railroad R.O.W. is held in the form of railroad easements which upon abandonment revert to adjacent property owners under state law. Once revision occurs, the linearity of the R.O.W. is lost and the problems

associated with re-assembling the R.O.W. frequently become insurmountable.

These problems have not gone unnoticed. A key legislative response to date (Oct 1986) is manifest in section 8(d) of the Trails Act, (14) 16U.S.C. §1247(d). I.C.C., after prolonged delay, is now in the process of implementing the new provision. Basically, the Commission provides a trail advocated the opportunity to use Section 8(d) if they file an I.C.C. request form stating that they will assume financial responsibility. A brief discussion of Section 8(d) is followed.

SECTION 8(D) AND THE COMMISSION

Section 8(d) of the Trails Act has three operative sentences, each of which is directed at a different problem. The first sentence reiterates the obligation of the I.C.C. to cooperate with the Interior Department and the Transportation Department to encourage state and local agencies and private interests "to establish appropriate trails...". The second sentence preempts state property law providing for reversion of railroad R.O.W. to adjacent property owners when the R.O.W. is employed for trail use but "is subject to restoration or reconstruction for railroad purposes." The final sentence provides that if a public agency or private organization agrees to assume "full responsibility" for management, legal liability and taxes relating to use of the right-of-way as a trail subject to possible future rail use, then the Commission "shall not permit abandonment or discontinue inconsistent or disruptive of

such use."

J.C.C. response to section 8(d) was initially slow. In several individual cases where the provision was invoked, the Commission granted abandonments subject to possible future imposition of condition once it issued regulations to implement the provision. The agency did not propose implementing regulation until February 1985. The regulatory proposal posed three significant issues.

One relates to the applicability of Section 8(d) to Conrail Abandonments. The second involves whether Section 8(d) is, or is not, mandatory. And the third is concerned with the impact of Section 8(c) on reversions of railroad R.O.W. to adjacent property owners under state law. These issues are continuing to be met in court. For example, a group from the Seattle, Washington area has petitioned for review in the D.C. Circuit concerning the Commission's new regulations.

CONCLUSION

There are many problems that face the rails to trails advocates. But there is good news too! Through the hard work of hundreds of dedicated people, an organization called the Rails-to-Trails Conservancy exists. It is a growing organization formed to promote the benefits of rails-to-trails. Since February of 1986 they have been revamping the rules and regulations that slow the conversion process down, assist activists seeking to convert rail lines on the local level, compile statistical information on the rails-to-trails experience and other wise turn the rail crisis into a trails opportunity.

The Rails-To-Trails Conservancy hopes to preserve abandoned corridors through public education, negotiation and, in some cases short-term purchase of old rail lines. They have set up a revolving to assist local agencies or organizations until they have the funds to take them over. Since the non-profit conservancy opened a small office in Washington D.C. conservancy officials say they have been flooded with requests for help from local government agencies and citizen groups. They especially want to be of service in making the legal process less complex and publishing abandonment procedures.

CHAPTER TWO

RAILS TO TRAILS IN MICHIGAN

INTRODUCTION

This aspect of the paper will focus on Rails to Trails in Michigan. Michigan has great potential to provide her citizens with a complete state wide trails system. The Michigan TRails alliance is the cooperative effort of citizens and organization, dedicated to the conversion of abandoned railroad grades to multi-use outdoor recreation trails. Abandoned railroad corridors provide a unique opportunity to create a statewide trails network. This network has great potential for enhancing the quality of life in michigan in several ways, those of which will be discussed in this chapter.

WHY TRAILS IN MICHIGAN?

Michigan has four beautiful and distinct seasons. A network of well-maintained and publicized trails across the state could be utilized year-round by bicyclists, hikers, skiers, equestrians, and other trail users. This type of recreation would provide an environment safe from cars, trucks and other traffic. An even wider range of outdoor activities is possible through additional access to parks, resorts and recreational areas. For example, places that offer horse rentals, canoes, camping and picnic area. In places where existing trails go through developed areas, residents can use them as a safe transportation route to schools, shopping areas, and similar

destinations.

Trails enhance the quality of life by encouraging physical fitness. Bicycling is the second most popular participation sport, and cross county skiing is the fastest growing sport in the United States. A Michigan trail system would accommodate these trends in physical fitness. Furthermore, the trails would provide a place to escape the pressure of everyday living and allow close observation of nature.

Traveling through rural areas and small communities creates opportunities to experience Michigan's hospitality and to participate in regional events and activities. Furthermore, Michigan would have a system that connected regions of high tourist appeal and thus draw visitors from out of state. These visitors could stay at emerging bed and breakfast establishments and hotels.

The Michigan TRRails alliance envisions an interconnected statewide trail system over which a user would be able to transverse the length and width of Michigan using the trails. Such a system would run over 700 miles in length. Trail segments would link communities providing user support services with parks, resorts, and recreation areas. Ultimately, the Michigan network would connect with trails currently being developed throughout the Midwest and Canada.

ECONOMIC IMPACT

The economic return to the State has the potential to be enormous. For example, the Michigan TRRails Alliance published a

report estimating the economic impacts of a trail system based on
the Wisconsin Elroy-Sparta Trail. The Wisconsin Elroy-Sparta Trail
is 38 miles long and had 57,000 adult users in 1984 - half of
which came from out of the state. If Michigan's system were 20
times as long and had even 10 times the users, this would mean
over half a million people annually would use the trail. This
quantity of people need support services such as restaurants,
motels, bike rental services, and the like. Wisconsin calculates
each user of its trails spends an average of \$13 per day, not
including lodging. For comparison use, Michigan is calculated at
\$11 per day. (In addition the number of users that will require
lodging is taken conservatively at one half of the total users,
and per day expenditure will average \$5 per person). Average use
is 2 days per person. An economic ripple effect of \$.78 per
tourist dollar is recommended by the Michigan Department of
Commerce. Therefore, the possible economic impact based on
570,000 users per year is:

570,000 * \$11/day * 2 days/person	\$ 12,540,000
Lodging at \$5/day * 2 days * 285,000	\$ 2,850,000

Subtotal - Direct Tourist Dollars	\$ 15,390,000
Ripple effect \$.78 * \$15,390,000	\$ 12,004,200

Total tourist value per year	\$ 27,384,200
Possible user fee \$2/year of \$.50/day	
570,000 * average of \$1	\$ 570,000

Total Estimate Economic Impact	\$ 27,964,200

Based on the estimates made in this analysis, Michigan would
benefit over \$27 million in tourist dollars spent annually.

Although all these benefits would not be as a direct result of the trail system, a well developed trail would help to distribute tourism dollars throughout the state.

BENEFITS - HISTORIC PRESERVATION AND EDUCATION

The railroads were the main travel and transportation routes for the early settlers in Michigan. To maintain these routes is to preserve a part of the cultural history of Michigan. With the help of local governments, a trail system could connect points of interest such as historical buildings, archaeological sites, geological formations or reestablish prairie areas. These connecting points would encourage users to pause and learn more about a local area.

Trails free of vehicular traffic allow for close observation and interaction with nature. Vegetative screens along routes would not only provide privacy for homeowners, but also attract wildlife. Thus, an excellent setting would exist for walking tours and nature studies by individuals or local groups.

Map number one entitled Railroad Right-of-Way Acquisition Plan illustrates the action plan for abandoned railroad rights-of-ways acquisitions for Michigan. It shows the overall goal of the state trail system developed from the acquisition of abandoned railroad rights-of-way according to the criteria sited in "An Addendum to the State Trails Plan", (Act 74, P.A. 1968). In pursuit of these rights-of-ways, selection criteria were ordered to guide the acquisition effort. The following is a list of the criteria developed by the Department of Natural Resources
10
for this purpose.

PRIORITY

CRITERIA

1. Rights-of-way that would serve as part of the cross trail system.
2. Rights-of-way that would serve as a **base** trail upon which others could be developed, **or** would connect to the state wide trails system.
3. Rights-of-way that would provide trail recreation to through, or between urban areas.
4. Rights-of-way whose acquisition would provide access to public lands or facilities, and/or consolidate or block-in state land.
5. Rights-of-way not presently needed for rail use,, but whose integrity should be maintained for future public transportation needs. Interim use would be trail recreation.

CONSTRAINTS

As mentioned in Chapter 1, Michigan is also faced with acquisition complications resulting from the various ways in which the railroad companies acquired the lands or arranged for the use for railroad purpose. For example, in many instances the R.O.W. has poor title due to the death of the original property owner. Consequently, once abandoned for railroad purposes, the rights-of-way may become broken up by private landowners who exercise reversionary rights.

Literally hundreds of miles of operating trails have already been abandoned and more miles are being offered each year. The principal competitors are the thousands of individual owners of adjacent land who are strongly motivated to capture what they consider a great encumbrance of their estates. Once the grade has been broken up into small segments, it is practically

impossible to reassemble short of condemnation (and the expense of condemnation would be very great). Past policy in Michigan has required the purchase of land only where title evidence satisfactory to the Attorney General could be obtained. The costs of obtaining such title evidence in most cases would make the acquisition unfeasible.

What can Michigan do to help speed up the process? One idea is to adopt in to its state wide recreation plan a policy to support rail to trail programs. Already Michigan is ahead of most states in that they have a rail to trail proposal in action. Furthermore, they have a state wide coalition that serves as a model to other states. But this alone is not enough. They need more money to do more promotional work. Without promotion, controversy can not take place. And without controversy, a fight with the I.C.C. rulings is an even tougher battle.

CONCLUSION

Overall, a change in legislation and enforcement is needed to ensure just conversion. Recently, the Natural Resources Commission adopted a policy to preserve acquisition accepting a degree of calculated risk. Under the authority of Act 17, Public Acts of 1921, as amended, "grants of land and other property" offered by the railroads by acquisition deed shall be accepted, in consideration of payment of the liquidation value to the railroad companies for the desired line or section, if acceptable by administrative review. Since there is a need to maintain these rights-of-way for the present and future use, it is important that their continuity be maintained. Therefore

legislation needs to be developed and implemented that will override reversionary rights and maintain rights-of-way integrity when in the best interest of the public.

In an attempt to address these needs the Rail-to-Trails Conservancy will be of assistance. In matters concerning legal issues and direction it is unlikely that local governments have either the know how or the money to hire legal assistance. The nation conservatory has two publications to help the confused localities. One is the RTC Citizens Manual which explains the entire rails to trails process and describes the activists role in it.

There is also the RTC Legal Manual which instructs agencies and private organizations on their rights and statutory remedies before the I.C.C. This manual is aimed primarily at lawyers, for use before and during and I.C.C. abandonment proceeding.

The best advice a locality can take is to continue to publicize the need for rail-to-trails. Thus, through public support and political pressure, more progress can be made.

CHAPTER THREE

BATTLE CREEK - AN EXAMPLE OF LINEAR PARK CONVERTED FROM A RAIL LINE

INTRODUCTION

During the 1980's the City of Battle Creek made great strides towards improving its socio-economic and its physical environment. Many aspects of the city played a part in this improvement. First, with the merger of the former Battle Creek Township with the City of Battle Creek, and the completion of the Railroad Consolidation Project, (the Grand Trunk and Conrail lines), the timing was right to consider the development of a new city-wide Park System. This chapter will focus on the Battle Creek Metropolitan Linear Park. It will explain the process the City undertook to develop the Park. It will also access the economic and social benefits provided to the City through their new park system.

PROJECT BACKGROUND

The former railroad rights-of-way which passed through the Central Business District created a catalyst for the preservation of the corridor and the development of an improved park system. When entirely completed, (1988) the park system will have twenty-six lineal miles of urban pedestrian pathway connecting most City parks and public school facilities and providing walkway/bikeways where none now exist. (See map #2)

The development of a Park System of this scale during a period of time when both the state and national economics were under severe stress speaks positively for the City's efforts. The City's general fund did not contain any specifically 'ear marked' funds for new park construction and/or improvements. After a thorough review of various sources of funding, a grant application was submitted to the Michigan Department of Natural Resources - Michigan Land Trust Fund and the W. K. Kellogg Foundation which represented the local private source of matching funds.

After many presentations and negotiations involving all of the key parties, seed money was made available for land acquisition and start-up costs from the Michigan Land Trust Fund and the Kellogg Foundation. The City has also agreed to contribute annually towards the maintenance and security of the park system.

Inasmuch as youth unemployment in Battle Creek was running at over twenty-five percent during the 1984-85 summers, the W.K. Kellogg Foundation once again stepped in and provided additional funding to create employment opportunities for youth and infrastructure development. This was done with the understanding that the entire community, through various groups, clubs, and civic organizations, would become involved in their specific capacities with respect to the planning and construction of the entire park system. For example, the City hired youths (16-20 year olds) to work on the construction of the trail during their summer vacation. The Urban League was incharge of overseeing the

hiring and organization of the workers.

Immediately after all grant approvals had been secured, organizational structures were formulated and plans which had been contemplated were activated. The City staff was primarily concerned with the acquisition, planning, and engineering of the "Linear Park". The Battle Creek Urban League agreed to become the administrative agency with hired the youth and directed the work effort in the basic construction of the Park.

In addition to the youth work program, construction companies were engaged to provide for heavy bulldozing operation and black top paving. Playground equipment was placed, gazebo's erected, trees were planted and picnic tables were purchased from a local Junior Achievement group.

An important facet of this unique project was the presentation of plans which not only show the routes of the park but the construction details to as many citizens of the community that could be reached. ¹² It was found that the best way to reach the public was to appear before civic and neighborhood groups, service clubs, and social and church affiliated organizations. Not only did these organizations enthusiastically look forward to being informed, (the public is always skeptical about how the city is spending their tax dollars), but they also provided a vehicle for the City administration to gain inputs for their requests. Their inputs pertained not only to planning for physical needs but also they made available financial contributions toward the extra details making the Linear Park a community project in every case.

The metropolitan Linear Park System is highlighted by the

13

following statistics:

24 miles long

26 miles of 8 foot wide asphalt path, 2--3" thick

Employment of 140 area youth for past 3 summers

12+ skilled position created during the construction phase

15 small park or nodes located at intervals along the route

Each node will contain the following:

A small park shelter or gazebo

Park benches

Security lighting

Trash receptacles

Picnic tables

Bollards and chain for traffic control

Additional trees and shrubs

The park traverses six out of the eight residential neighborhood areas, and several bridges and over passes are planned to meet the needs of both vehicles and pedestrians. The park will eventually connect with the North County Trail which currently is being planned to cross seven states from New York to South Dakota. Eight miles of the path are located along a water system. The Park is planned in subsequent years to be extended throughout the region connecting with many additional communities.

SUMMARY OF FUNDING

\$3.48 million - The W.H. Kellogg Foundation

\$1 million - Michigan Land Trust Fund

\$1 million - City of Battle Creek (Land Contributions)

Construction began in July 1984

ANALYSIS OF PROJECT

The Battle Creek Linear Park manifests all of the direct and indirect benefits of a good railroad trail. The trail completes

many important linkages in the City. First it connects many communities with various parks, lakes and open spaces. (The path runs past the Northwestern Public High School, a private nursing homes, private homes, apartments and condominiums, a church, the University park and the Kellogg factory.

Regarding community image, the Linear Park has generated positive acclaim throughout the City of Battle Creek, which reflects the zeal nearby residents have shown for developing this resource. In terms of tourism, the Linear Park is just beginning to get state wide attention. With its completion (Summer 1987), and continued publicity additional tourism will be brought to the Path and adjacent areas. The extensive use and general success of the Linear Park would bring economic benefits to the adjacent communities. Although the City Engineer could not estimate the number of users (bikers, walkers, runners), he anticipates that the trails usage will continue to increase in the future.

Besides stimulating local business, the Linear Park also stands as a real estate amenity. Through an interview conducted with a well-established realtor in Battle Creek the effect of the Linear Park on adjacent real estate values was determined. The realtor suggested that the Park represents a community asset and attraction that definitely enhances the value of real estate adjacent to the trail, commercial as well as residential property. Thus, he often mentioned the recreation and scenic beauty of the Park when advertising homes near the trail. He believes that living adjacent to the Park might someday carry a bit of prestige, like living near a beach, park or golf course.

For example, one family was sited as selling their home in the area and buying another home on the Park in order to use the Park more readily.

Homeowners overall see the Park as a plus. This opinion was indicated through a opinion survey pertaining to attitudes towards the park. The survey was conducted of seven residents who lived adjacent to the park. Not a single resident felt the trail should be closed. And none indicated any problems they felt were associated with the trail - any that were serious enough to cause them to consider moving.

Finally, a well established fee appraiser was interviewed and also affirmed that the properties near the path will continue to carry a premium in the market place. Although the exact figures were not indicated, in the professional opinion of the appraiser the Park stands as a real estate amenity because it is well maintained, and as such enhances residential property value for homes adjacent to the trail.

CRIME RATE AND PROPERTY DAMAGE

In an attempt to assess change in crime rate and property damage in the area as a result of the park, interviews were conducted with the city engineer responsible for the Park, the Department of Public Service a local police officer. The study indicated that homes immediately adjacent to the trail did not experience an increase in burglaries and vandalism as a result of the trail. In the two years since construction started on the park there has not been a direct linkage between crime on these properties and trail users. Further, the police officer

interviewed stated that there has not been a greater incidence of burglaries and vandalism of homes along the trail. The police officer said that there would not be significant trail problem as long as parking lots were away from the trail and bollards prevented motor vehicles use.

Overall, the park has created four externalities on the community. First, the park requires additional policing, although not more than any other park of its size and type.¹⁴ Three officers are assigned to patrol the park. The city purchased "Scooters" to promote their visibility during patrol hours. Because the Park is only open during day light hours the patrolling is done mainly during the day. The city is liable and takes the same responsibilities for the park as they do all the other parks in Battle Creek.

The second aspect of the park is minor vandalism associated with the gazebos and signs. All persons interviewed felt that this type of vandalism was not unexpected and unfortunately occurs in any city park.

The third aspect related to foul play on the park as a result of speeding bicycles. These persons may be hazardous to pedestrians. The City has constructed bollards and chins for control but in some cases the areas become very dangerous.

The final aspect relates to unanticipated maintenance costs that the City has incurred. The City has taken responsibility for maintenance resulting in \$30,000 to \$190,000 per year.¹⁵ Because the City had not planned for this amount it has created an additional burden on an already strained city budget. The city

Engineer indicated that this burden will be overcome in time. Some additional revenues are currently being generated through special events and tee shirt sales.

OTHER CITIES AND THEIR PROBLEMS

Other cities have been faced with similar problems that Battle Creek has faced. One example is the Cape Cod Rail Trail in Mass. Early in their trail use dirt bikes were banned from the trail. When two youths were arrested by local police and fined \$2000 it discouraged others. No mechanized vehicles may use the trail.. golf carts patrol the trail daily and there is an emergency access point at each cross road.

16

Two major concerns of the Columbia Trail in Hudson, New York (Columbia County) were liability and maintenance. One way of generating funds for the trail was to institute a use fee or trail pass type of system. This system aids in the cost of the trail. And maintenance maybe done by the local organizations such as girl and boy scouts. And in some communities the use of prison inmates can also be used.

17

The Cedar Valley Nature Trail in Iowa had a problem with speeding bicyclist. Because the riders tended to look down when they rode they were missing the posted warnings for approaching intersections. What the park did was paint the warnings on the pavements for the visibility of the riders.

18

FUTURE OF THE PARK

Due to the popularity of the Park the City is currently considering extending the park out to Fort Custer (west of the

City). The addition to the Park will consist of three and one half miles of new park path and will connect to the old path. This aspect of the Park is still in the planning stage.

The city is confident that as the community continues to see the positive aspects associated with the Park, they will become "ownership minded". And through this attitude groups will be persuaded to help in maintenance, upkeep and financial contributions.

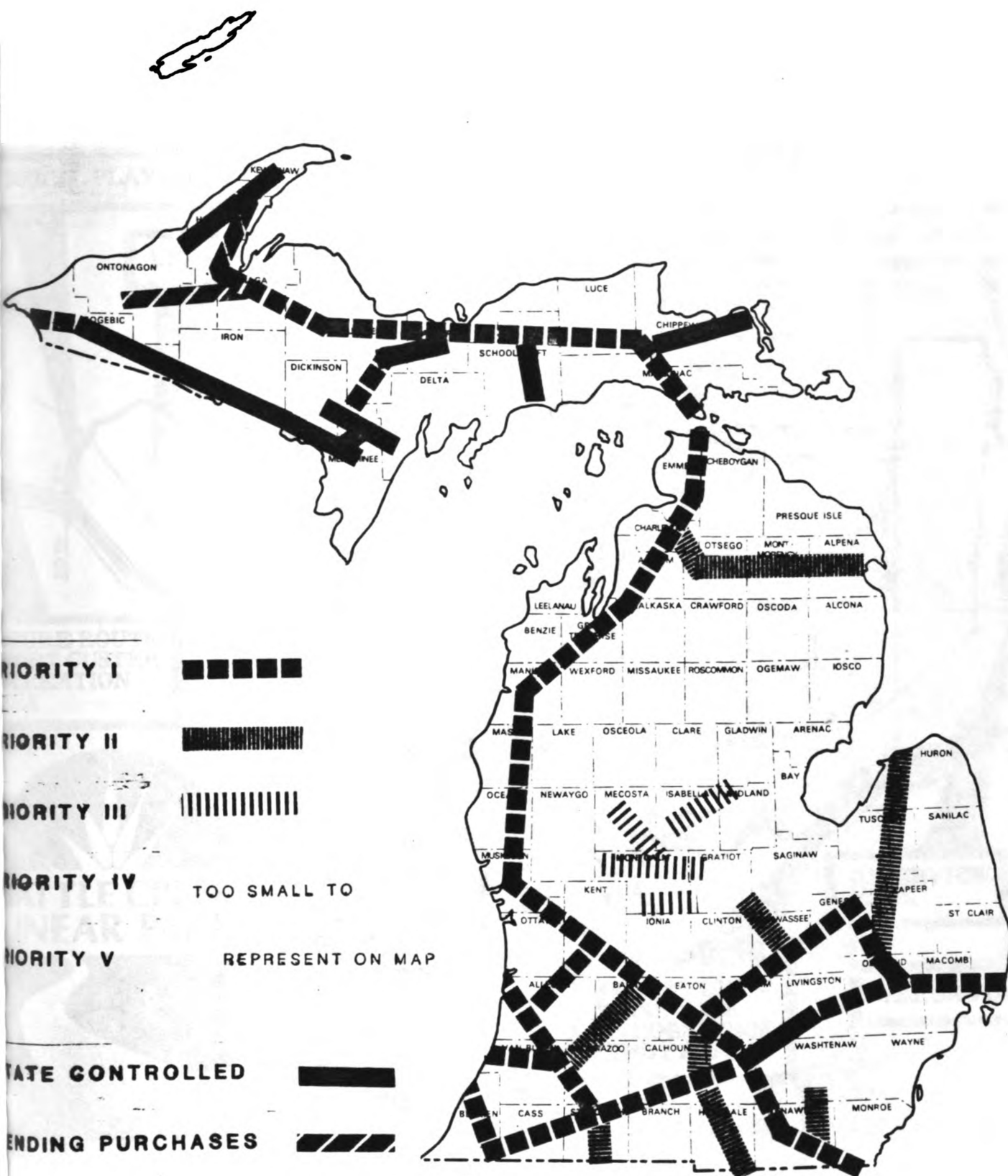
CONCLUSION

The linear Park Trail presented in this study demonstrates the diverse benefits generated by converting abandoned rights-of-way to linear park trails. With different areas of the Park manifesting its own special strengths the entire park accomplishes three overall goals:

- * It offers a broad range of recreational activities.
- * It links together neighborhoods, schools, shopping areas, parks, historical land marks, cultural resources and eventually other bike trails. In this respect, the trail serves as a transit route since these features are linked into a cohesive network.
- * It preserves natural areas such as open spaces. The scientific and educational benefits of developing nature trails cannot be overstated.
- * It is expected to promote tourism and helps to improve the community image which brings economic residuals.

The trail is an immense source of pride for the adjacent communities. The financing and development of the Park is the result of government and private groups efforts. However, the most vital force behind the Park was the army of community support. This support has formed the backbone of the Project. Finally, the planning and development process of converting a R.O.W. in to a linear park can be model for public and private sector partnerships. Indeed, through this process a community moves towards its open space goals while interested citizens get the chance to create a recreational, educational, and natural resource.

RAILROAD RIGHTS-OF-WAY ACQUISITION PLAN

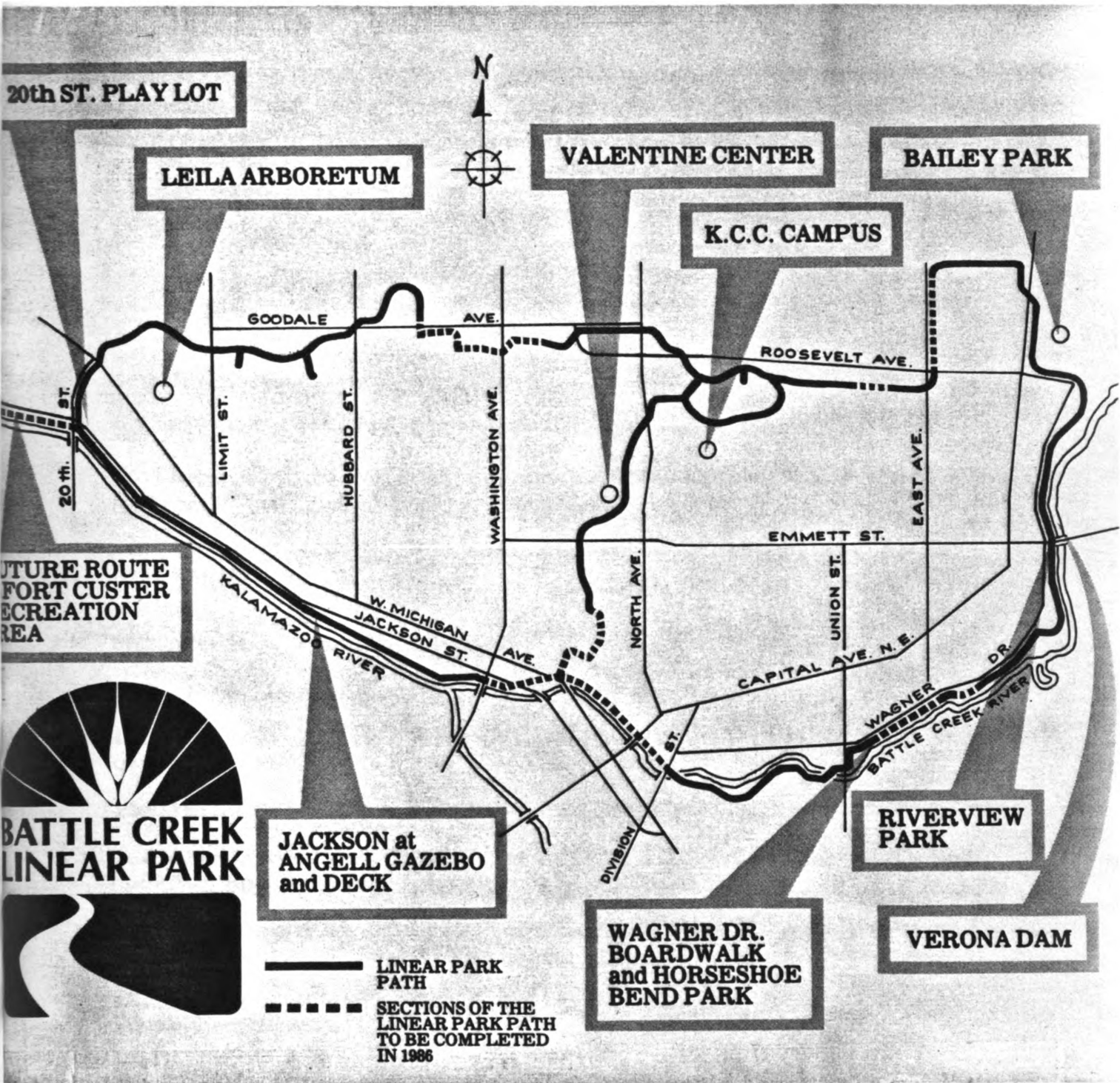


ADDENDUM TO THE STATE TRAILS PLAN

Source:

The Department of

:ST



ENDNOTES

1. David Burwell, "Why Rails to Trails?" Trailblazer, October 1986, p.6.
2. Ibid. Burwell
3. National Park Service, "Rails To Trails Grant Program," August 1985, p.19.
4. Charles H. Montange "Converting About to be Abandoned Railroad Rights-of-Way to Recreational Trails" Intemation Rights of Way Association, October 1986, p. 34.
5. Ibid. Montange
6. Ibid. Montange
7. Ibid. Montange
8. Ibid. Montange
9. Michigan TRRails Alliance - Information Brochure, 1986
10. Department of Natural Resources, "Rail Road ROW Acquisition Plan", 1986.
11. Gordon Jaeger, "The City of Battle Creeks Linear Parks System, 1986.
12. Interview, Mr. Lynn Craft, City of Battle Creek, City Engineering, February 24, 1987.
13. Ibid. Jaeger
14. Interview, Mr. Mike St. John, City of Battle Creek Police officer, February 24, 1987.
15. Ibid. Craft
16. Elinor Mettler, "Cape Cod Rail Trail...A Wonderful Linear Park", Roe Jan Independent, January 1982.
17. Jacquelin La Chance, "Harlem Railbed Said Among Best Site For Recreation Trail." Register Star, November 1982.
18. Micheal Wirth, "Cedar Valley Nature Trail", The Times, September 1986.

BIBLIOGRAPHY

REFERENCES

Information was provided by:

Bicycle U.S.A - League of American Wheelmen. (Founded in 1880),
1325 Massachusetts Avenue NW Washington, DC 20005

Michigan Trails Alliance, P.O. Box 23032 Lansing, MI 48909

Rails-to-Trails Conservancy, Suite 304, 1701 K Street NW
Washington, DE 20006

INTERVIEWS

Draft, Lynn City Engineer for the City of Battle Creek

Ross, Linda Department of Public Service, City of Battle Creek

St. John, Mike Department of Public Safety, City of Battle Creek

Van, John Vanderveer (Appraisers)

York, Walter Vista Reality Inc.

ARTICLES AND BROCHURES

Burwell, David. "Property value Rises Near Rails-trails" The Trailblazer (June 1986).

Burwell, David. "Viewpoint, Rails-to-trails." The Wilderness Society (Winter 1980), p 14-15.

Burwell, David. "Why Rails to Trails?" Trailblazer (October 1986).

Department of Natural Resources. "Railroad Rights-of-Way Acquisition Plan." Recycling Railroads = an Addendum to the State Trails Plan (May 1986).

Department of Natural Resources and the Recreation Facilities Division. "The Michigan Natural Resource Trust Fund - Ten Year of Evolution." (November 1986).

Hahn, Tom and Eubank, David. "An analysis of Five Existing Trails Conversion From Abandoned Railroad Tracks." Adopted from: Old Plank Road Trail = Community Study. An open land project. (Chicago, Ill. 1985).

ENDNOTES

1. David Burwell, "Why Rails to Trails?" Trailblazer, October 1986, p.6.
2. Ibid. Burwell
3. National Park Service, "Rails To Trails Grant Program," August 1985, p.19.
4. Charles H. Montange "Converting About to be Abandoned Railroad Rights-of-Way to Recreational Trails" Intemation Rights of Way Association, October 1986, p. 34.
5. Ibid. Montange
6. Ibid. Montange
7. Ibid. Montange
8. Ibid. Montange
9. Michigan RRails Allience - Information Brochure, 1986
10. Depatment of Natural Resources, "Rail Road ROW Acquisition Plan", 1986.
11. Gorden Jaeger, "The City of Battle Creeks Linear Parks System, 1986.
12. Interview, Mr. Lynn Craft, City of Battle Creek, City Engineering, Febuary 24, 1987.
13. Ibid. Jaeger
14. Interview, Mr. Mike St. John, City of Battle Creek Police officer, Febuary 24, 1987.
15. Ibid. Craft
16. Elinor Mettler, "Cape Cod Rail Trail...A Wonderful Linerar Park", Roe Jan Independent, January 1982.
17. Jacquelin La Chance, "Harlem Railbed Said Among Best Site For Recreation Trail." Register Star, November 1982.
18. Micheal Wirth, "Cedar Valley Nature Trail", The Times, September 1986.

BIBLIOGRAPHY

REFERENCES

Information was provided by:

Bicycle U.S.A - League of American Wheelman. (Founded in 1880),
1325 Massachusetts Avenue NW Washington, DC 20005

Michigan Trails Alliance, P.O. Box 23032 Lansing, MI 48909

Rails-to-Trails Conservancy, Suite 304, 1701 K Street NW
Washington, DE 20006

INTERVIEWS

Craft, Lynn City Engineer for the City of Battle Creek

Ross, Linda Department of Public Service, City of Battle Creek

St. John, Mike Department of Public Safty, Cily of Battle Creek

Van, John Vanderveer (Appraisers)

York, Walter Vista Reality Inc.

ARTICLES AND BROCHURES

Burwell, David. "Property value Rises Near Rails-Trails" The Trailblazer (June 1986).

Burwell, David. "Viewpoint, Rails-to-trails." The Wilderness Society (Winter 1980), p 14-15.

Burwell, David. "Why Rails to Trails?" Trailblazer (October 1986).

Department of Natural Resources. "Railroad Rights-of-Way Acquisition Plan." Recycling Railroads - an Addendum to the State Trails Plan (May 1986).

Department of Natural Resources and the Recreation Facilities Division. "The Michigan Natural Resource Trust Fund - Ten Year of Evolution." (November 1986).

Hahn, Tom and Eubank, David. "An analysis of Five Existing Trails Conversion From Abandoned Railroad Tracks." Adopted from Old Plank Road Trail - Community Study. An open land project. (Chicago, Ill. 1985).

Jaeger, Gordon. "The City of Battle Creek Metropolitan Linear - Park System". (1986).

King County, Washington. "The Effects of the Burke-Gilman Trail upon Property Values of Adjacent and Nearly by Properties and upon the Property Crime Rate in the vicinity of the Trail." Seattle Engineering Department (September 1986).

Harnik, Peter. "Rails Into Trails." The Washington Post, Letter to the Editor (June 21, 1986).

Hillinger, Charles. "Rail Routes Become Sportsman's Domain." The Los Angeles Times (July 21, 1986).

La Chance, Jacqueline, "Harlem Railbed Said Among Best Sites for Recreation Trail." Register Star, November 1986, Bol 35, No71.

Mettler, Elinor. "Cape Cod Rail Trail...A Wonderful Linear Park." Box Jan Independent, Jan 1982, Vol 1X, NO33.

Michigan TRRails Alliance- Informantion and membership application. 1986.

Montange, Charles. "Converting About-to-be-Abandoned Railroad Rights-Of-Way to Recreational Trails." International Right of Way Association (October 1986).

Rails-To-Trails Conservancy. "How To Write the I.C.C.." (June 1986).

Wirth, Michael. "Cedar Vally Nature Trail", The Times, September 1986, Vol 1256, NO70.

_____. "RYC Sues Icc Over Rails to Trails Rules". Trailblazer (October 1986).

_____. "Trail group Leads Efforts to Use Abandoned Land." The Leader vol 7 no. 12 (December 1986).

_____. "Trails Network of 1000 Miles Eyed for State." The Kalamazoo Gazette (November 30, 1986 - section A1).



MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 02656 8828