



Gainesville-Hall Metropolitan Planning Organization

# Gainesville Trail Study APPENDIX

February 2019

PREPARED BY:





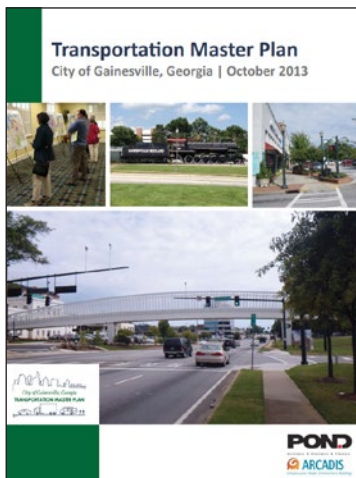


## Previous plan review

Available plans and studies were reviewed to gain an understanding of how the study area has evolved in the in terms of land use and transportation within the last few years. A summary of the plans reviewed are included below.

### City of Gainesville Transportation Plan (2013)

In December 2012, the consultant team of Pond & Company and Arcadis prepared



the City of Gainesville Transportation Plan. The goal of this plan was to make travel easier, safer, and more efficient for people to walk, bike use transit, and drive. The Planning Team

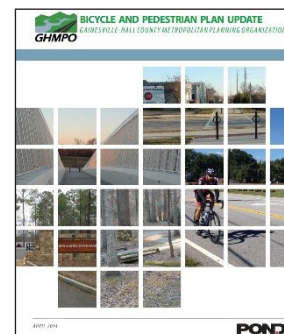
worked through a participation process with a transportation Focus Group comprised of stakeholders and citizens. Three community meetings were conducted. **Several walking and biking projects were recommended as part of this plan, including expanding the shared-use trail network in downtown Gainesville** by including a 10-foot-wide trail along Pearl Nix Parkway from the existing Rock Creek Greenway to the existing Midtown Greenway at Martin Luther King Jr. Boulevard. A second 10-foot-wide trail is proposed in the

midtown area of Gainesville as part of a new roadway connection from Industrial Boulevard to Jesse Jewell Parkway, northeast of Downey Boulevard.

### GHMPO Bicycle and Pedestrian Plan Partial Update (2014)

Created by POND, this Plan is a partial

update to the 2006 GHMPO Bicycle and Pedestrian Plan which focuses on the development of shared-use trails to provide off-road facilities for people walking and biking.



Among its main objectives, this partial update **establishes the creation of destination trails connecting to and through major passive parks**. The plan proposes a shared path which begins at Clarks Bridge Park, follows Clarks Bridge Road north to an undetermined point, and then turns east towards the Don Carter State Park. This plan supports city redevelopment plans through bicycle and pedestrian connections within the county. For example, the plan recommends a desirable location for a multi-use side path along Thurmon Tanner Parkway between Flowery Branch and Oakwood. This segment of trail would serve as an important connection between the two cities as part of the linear spine trail but would also serve the high demand area centralized around the University of North Georgia and Lanier Technical College. The plan also recommends a single connected trail from Gainesville to Buford which would



serve the cities of Gainesville, Oakwood, Flowery Branch and Buford. As a future goal, this linear trail/path should continue north of Gainesville and extend to the White County line. GHMPO estimates the projects in this plan to cost \$146,493,000 and be designed and completed between 2014 and 2040.

### Gainesville-Hall Regional Transportation Plan (2015)

This plan was conducted by combining a review of previous transportation planning efforts in the region. Among the most important evaluation methods was a robust community engagement process that incorporated traditional public meetings with online surveys, targeted engagement



efforts, and coordination with local transportation officials to vet plan development. These evaluation methods

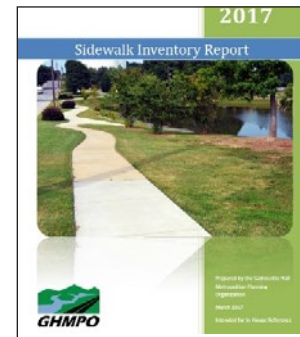
were combined in a transportation project evaluation mechanism that balanced quantitative and qualitative inputs by incorporating technical data, needs categories and direct community support.

**The plan recommends designating a portion (\$54.1 million) of the transportation dollars exclusively for walking and biking infrastructure,** making it possible to implement all of the highly prioritized projects from the GHMPO Bicycle and Pedestrian Plan Update.

### GHMPO Sidewalk Inventory Report (2017)

This Sidewalk Inventory Report was created to identify where current sidewalk infrastructure exists within the GHMPO planning area. This data was collected by GHMPO staff using a mix of on the ground inventory collection and analyzing

high quality aerial imagery recently obtained in 2015. The document reports that Gainesville has the most evidence of an existing sidewalk network. The



downtown square has an excellent array of sidewalks, crosswalks, lights, and benches. However, a lack of connectivity is noticeable along Browns Bridge, Atlanta Highway, Highway 53, Highway 60, and Highway 129. The City of Oakwood has done an excellent job of providing sidewalk infrastructure along the main thoroughfares. Sidewalks are present along the main portion of the business district of Mundy Mill. Almost five miles of continuous linear sidewalks on both sides of the roadway are present from Walmart down to Chestnut Mountain. The City of Flowery Branch has a good sidewalk inventory around downtown and along many major routes. Sidewalks are also found along the Spout Springs Road business district and throughout the business complex that houses Kohl's, Chick-Fil-A, and Chili's.

This inventory shows Hall County has approximately 350 miles of sidewalk mostly concentrated around the downtown cores of

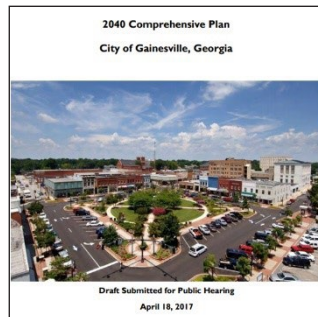
Gainesville, Oakwood, and Flowery Branch. Over 200 miles of residential sidewalks have also been accounted for, mostly concentrated within neighborhoods or along business fronts.

## 2040 City of Gainesville Comprehensive Plan (2017)

This 2040 comprehensive plan of the City of Gainesville, Georgia, is an update of the 2030 comprehensive plan adopted in June 2012.

**This plan includes an overarching walking and biking goal for 2040: to create and maintain a safe, accessible, and convenient environment for bicycling and walking while improving the quality of life.** This goal will be reached through the provision of a walking and biking network with supporting amenities. Major projects:

- Washington Street complete street and shared lane markings (Tier 1, 2013-2020) project
- Main Street Complete Streets project, from Martin Luther King, Jr. Boulevard to Jesse Jewell Parkway
- Rock Creek Greenway trails, a series of paved trails roughly one mile in length that connect downtown with Longwood Park and Lake Lanier.
- The Midtown Greenway will eventually connect to the downtown square, the Elachee trail system, and the Rock Creek Greenway, and it is also desirable



to extend the Midtown Greenway to Newtown and New Holland.

- Another shared-use trail project, the Central Hall Multi-Use Trail (GH-051), is a cooperative venture between Gainesville, Hall County and the City of Oakwood. It consists of several proposed trails along Flat Creek and Balus Creek that when completed will form a loop between Gainesville, the Elachee Nature Center, Gainesville State College and southwestern Gainesville and intersect with other existing and proposed trails, including the Midtown Greenway.
- Shared-use trails are also proposed along Pearl Nix Parkway.

## Hall County Comprehensive Plan (2017)

The importance of pedestrian trails and bikeways in Hall County is repetitively mentioned throughout the Comprehensive Plan. This plan mentions that an update to the 2008 Hall County Parks and Recreation Master Plan can provide an opportunity to address and integrate greenspace and trails into the county-wide plan. This comprehensive update to the existing recreation plan can help Hall County identify potential opportunities for permanently protecting greenspace and evaluate greenway opportunities and trail connections, including expansion of the Highlands to Islands Trail system. The Future Development chapter outlines the intention to enhance and maintain well-functioning, attractive corridors that facilitate vehicular traffic flow and active transportation connectivity, serve local needs, and coordinate land use patterns without

encroaching on adjacent neighborhoods. In the Capital Improvement Elements section, the Plan reaffirms the intention is to construct walking trails and bikeways where feasible to provide linkages between residential areas, activity centers and county parks. The County would like to extend trails and passive recreational use by using: wetlands, floodplains and Lake Lanier resources.



# Operations and Maintenance

## Reference Publications and National Standards

The following publications should be referenced for trail design and maintenance considerations:

- AASHTO Guide to the Development of Bicycle Facilities, 4th Edition, AASHTO, 2012
- The Manual on Uniform Traffic Control Devices, Federal Highway Administration (FHWA), 2009
- Americans with Disabilities Act
- Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, US Access Board, 2011
- Guide for Maintaining Pedestrian Facilities for Enhanced Safety, FHWA, 2013
- Marin County, California Bike Paths Maintenance: Future Maintenance Costs of Class I Multi-Use Paths in Marin County, Alta Planning + Design, 2007
- American River Parkway Trail Assessment, Sacramento, California, Alta Planning + Design, 2011
- Palmetto, South Carolina Trail Maintenance and Management Plan, Alta Planning + Design, 2013
- East Bay, California Greenway Maintenance Memo, Alta Planning + Design, 2014

## Maintenance

Maintenance tasks should be conducted more frequently for trail facilities where use is the most concentrated. Methods such as trail use counts, sketch plan analysis methods for estimating demand, public survey results, and public meeting comments can be used to determine which areas are the most heavily used and may require the most maintenance attention. The frequency of required maintenance tasks should be established as new phases are implemented and should be reviewed and updated annually to reflect any changes in usage, safety issues, etc.

### ROUTINE MAINTENANCE DEFINED

Routine maintenance refers to the day-to-day regimen of litter pick-up, trash and debris removal, graffiti removal, weed and dust control, trail sweeping, sign replacement, tree and shrub trimming, and other regularly scheduled activities. Routine maintenance also includes minor repairs and replacements, such as fixing cracks and potholes or repairing a broken hand railing.

### Suggested Maintenance Schedule

An important note about graffiti. Rapid abatement of graffiti is a key component to a maintaining a safe trail. Rapid removal signals to the “taggers” and the community that the trail is cared for and being regularly observed. Data shows that graffiti removal within 24 to 48 hours results in a nearly zero rate of recurrence. At minimum, a graffiti reporting phone number should be prominently displayed on regulatory signage along the trail. Website and/or a QR code listed on signage, along with a phone number, would

provide alternative reporting opportunities that appeal to a broader audience.

### **REMEDIAL MAINTENANCE DEFINED**

Remedial maintenance refers to correcting significant defects in the network, as well as repairing, replacing, or restoring major components that have been destroyed, damaged, or significantly deteriorated from normal usage and old age. Some items (“minor repairs”) may occur on a five to ten year cycle, such as repainting, seal coating asphalt pavement, or replacing signage. Major reconstruction items will occur over a longer period or after an event such as a flood. Examples of major reconstruction include stabilization of a severely eroded hillside, repaving a trail surface or a street used for biking, or replacing a footbridge. Remedial maintenance should be part of a long-term capital improvement plan.

### **MAINTENANCE SAFETY CHECKLIST**

A maintenance safety checklist should be generated to assist trail maintenance crews and trail patrol volunteers in identifying potential problems. The safety checklist should include, but not be limited to, the following:

- Are shrubs and other vegetation, including the vegetation on the top and sides of the embankments, trimmed down to 24” in height (with the exception of vegetated screening in specified locations to provide privacy to residential lots)?
- Is the vegetative screening no more than four feet in height?
- Are tree branches, including the trees on the top and sides of the embankments,

trimmed up to provide 8’ (min.) vertical clearance from the ground?

- Are tree canopies blocking lighting fixtures?
- Is there any graffiti or vandalism present?
- Are all pedestrian mile marker signs present?
- Are there off-trail worn pathways in undesired locations?
- Is the trail in good condition (no crumbling edges, washed out areas, excessive debris, pavement marking visible, etc.)

## **Operations & Maintenance Costs for Trail Systems**

Operations and maintenance costs for trails are variable across organizations and places. Most organizations had difficulty providing a breakdown of their annual expenditures. Often times, operations and maintenance costs for a trail do not have a specific budget, but are part of a park system’s overall general operations and maintenance budget. Also, many maintenance needs are unpredictable and completed “as needed”. These costs are context dependent and can include things such as snow removal, fallen tree removal, pothole repair among other maintenance needs that may be less regular. However, some activities are routine and can be regularly planned. These include the following (but not limited to):

### **ROUTINE MAINTENANCE**

Vegetation management

- Mowing
- Litter clean-up
- Pruning, trimming, weeding



- Invasive species management
- Tree removal as needed
- Planting

Drainage Cleaning and Maintenance (ditches, gullies, culverts, sloped trails)

- Flushing
- Raking
- Other mechanical means

Trailhead, amenity, and signage maintenance

- Parking
- Toilet facilities
- Informational kiosks
- Picnic tables/benches
- Maps
- Trail rules and regulations
- Traffic control for trail users
- Mile markers
- Directional signs
- Fencing

Trail Inspection/patrolling

- Walking
- Driving
- Surface Investigation

The following routine maintenance schedule provides guidelines on how frequently various maintenance activities are required to ensure a safe trail experience.<sup>1</sup> It should be noted the research used to inform this schedule involved stream/river based multi-use paths, which typically require more care than sidepaths. Stream/river based multi-use paths in urban areas will see higher levels of usage, additional interfaces with street crossings and other city structures, and will face additional logistical challenges in being part of a riparian corridor. This research provides the following

<sup>1</sup> Flink, Chuck, Kristine Olka, and Robert M. Searns. 2001. Trails for the Twenty-First Century: Planning, Design and Management Manual for Multi-Use Trails. 2nd ed. Island Press.

guidelines regarding maintenance frequency:

- Drainage/channel maintenance: 3 - 5 times per year
- Sweeping/blowing debris: 16 - 24 times per year
- Trash removal: 16 - 24 times per year
- Vegetation management: 8 - 12 times per year
- Mowing of shoulders: 8 - 24 times per year

Variability is displayed in this example and Gainesville will develop its own routine operations and maintenance schedule based on the extent of the mileage, use, climate, and available resources, including volunteers.

## **NON-ROUTINE (REMEDIAL) MAINTENANCE**

Non-routine operations and maintenance activities and costs that may not be included in an annual budget and may not be regular, but need to be planned for, can include trail resurfacing/repaving, bridge repairs, grading, and other larger repairs. These costs sometimes come out of capital improvement budgets, and other times they are moved into the trail organization's annual budget. Such improvements and their subsequent costs can also cause fluctuation in an organizations budget.

## **VARIATION IN OPERATIONS AND MAINTENANCE COSTS**

Some of the factors that can affect per mile operations and maintenance costs for a trail can include the following (but not limited to):

- Intensity of use
- Rural vs. urban sections of the trail – in addition to a higher intensity of use, urban

sections will likely include additional interfaces with other town infrastructure (roads, bridges, etc.), and will require maintenance attention

- What is specifically included in the operations and maintenance budget? Are larger projects like sealing, resurfacing (or smaller resurfacing projects) going to be included? Are other funds or funding sources going to be created or planned for to handle those costs? The answer to these questions can be affected by other town/park capital improvement projects competing for funds
- Use of volunteers – public agency management vs non-profit/volunteer management
- Some trails are owned and managed by non-profit organizations; operations and maintenance costs for these trails will likely be lower due to the extent of volunteer use (however, liability risks are more easily dealt with when trails are owned and managed by a public agency)
- Cost of living in the area
- Other contextual characteristics - i.e.: snow removal in northern states, sweeping during “mulberry season”, etc.

## Operational Policies

### PUBLIC ACCESS AND USE

Residents and visitors shall have access to and use of the Gainesville trail system during normal hours of operation as defined herein. All access and use is governed by a Trail Ordinance (described herein). The use of the Trail is limited to non-motorized users, including hiking, bicycling, in-line skating, running, jogging, equestrian use

(where provided), and wheelchair use. The only motorized vehicles permitted to use the pathway are those owned or licensed for maintenance purposes by the City of Gainesville.

### Accessibility, Mobility Aids and Other Power Driven Mobility Devices

The United States Department of Justice published revised final regulations governing the implementation of the Americans with Disabilities Act for Title II and Title III on March 15, 2011.

Specifically, people with mobility, circulatory, respiratory or neurological disabilities use many kinds of devices to assist with mobility and travel, such as walkers, canes, crutches and/or braces. Others depend on manual or power wheelchairs or electric scooters. Technology has resulted in new devices, including Segways, which can be used to aid in mobility and travel.

It is recognized by City of Gainesville officials that trail users have the right to choose whatever mobility device best suits their needs in order to access and use the trail facilities, including Other Power-Driven Mobility Devices (OPDMD), including electric powered wheelchairs, Segways and other electronic personal assistance mobility devices. The operators of such OPDMD's are expected to use their devices in full compliance with all rules and regulations governing shared use of the Gainesville trail system.

### HOURS OF OPERATION

The Gainesville trail system will be operated as a non-lighted linear park and recreation

facility, and shall be open for public use from dawn to dusk, 365 days a year, except as specifically designated by the City of Gainesville. Lighting may be located in strategic locations adjacent to existing lighted areas to increase security and safety. Residents and tourists that are found using these facilities after dusk or before dawn shall be deemed in violation of these hours of operation and subject to fines and/or prosecution.

### **CARE AND MANAGEMENT OF THE TRAIL**

The City of Gainesville shall be responsible for the care and upkeep of the trails and all lands, drainage features, signage, fences, bridges, trail heads, landscape plantings and trail amenities.

### **FENCING AND VEGETATIVE SCREENING POLICY**

The City of Gainesville will work with adjacent landowners on an individual basis to determine fencing and vegetative screening requirements of the Gainesville trail system. The care of fences and screening outside of the trail right-of-way or not on City of Gainesville property is the responsibility of the adjacent landowner.

### **TRAIL SAFETY**

*“CPTED is the proper design and effective use of the built environment which may lead to a reduction in the fear and incidence of crime, and an improvement of the quality of life.” - National Institute for Crime Prevention*

CPTED is a proactive crime fighting technique in which the design and effective use of the

built environment can lead to a reduction in the fear of and incidents of crime and asocial behavior, and an improvement in quality of life. In contrast to the approach of addressing crime concerns by implementing visually affronting security or target-hardening measures such as locks, hard barriers, security gates, and security patrols, CPTED promotes high quality and visually pleasing solutions as first responses that aim to enhance the legitimate use of space. CPTED can be applied without interfering with the normal use of the space. It is easy to apply and can be economical to implement, especially if it is done early at the planning and design stages of a project. It is very important to realize CPTED principles only reduce the opportunity for crime; crime prevention and social programs should be implemented to tackle the underlying cause of crime in communities. These steps work in conjunction to create a safe environment to work, live or play.

The Principles of CPTED are:

- Natural Surveillance
- Natural Access Control
- Territorial Reinforcement
- Maintenance

### **Natural surveillance**

Increasing visibility by occupants, neighbors and casual observers increases the detection of unwanted behavior. For instance, if a high opaque fence blocks the view of a trail, the lack of visibility may invite bad behavior. Conversely, the use of transparent fencing that allows an unobstructed view of the area by users or passers-by may



discourage unwanted behavior. Positive natural surveillance along trails includes maintaining open sightlines both laterally and longitudinally, using transparent fencing where fencing is desired, keeping vegetation maintained, and working with adjacent businesses, residents, and other uses to provide unobstructed views to the trail (“eyes on the trail”). Trail lighting, used in combination with other CPTED principles, can be a successful strategy for improving natural surveillance by other users and adjacent uses.

#### **Natural access control**

Natural access control employs both real and symbolic barriers—including fences, berms, and vegetation—to define and limit access to an adjacent building or other use along trails. For example, if there are adjacent apartments along a trail, a low berm or vegetated buffer could be planted that still allows natural surveillance from the buildings onto the trail but provides user access control between the apartments and the trail, delineating the two uses.

#### **Territorial reinforcement**

This is the process of establishing a sense of ownership, responsibility, and accountability for the public trail, and to impress upon visitors that a space is cherished by its neighbors. Users pay more attention to and defend a particular space if they feel psychological ownership of it. Territorial reinforcement measures, which may be physical or symbolic, tell people they are in a defined public space. Territorial reinforcement along trails can use color, texture, and hardscape variations to signify that the trail is public. Branding techniques are also successful strategies,

such as signage and wayfinding systems. Public art on trails is also a positive method of territorial reinforcement, as it provides a message of public or civic space to users.

#### **Maintenance**

Neglected property can encourage mistreatment, while well-maintained property will elicit proper treatment. This strategy directly impacts the fear of crime in a community due to residents’ perceptions of responsibility and caring in the neighborhood. Examples of proper maintenance include the immediate removal of graffiti or repair of vandalism, keeping landscape regularly maintained to limit areas of concealment, weed abatement, tread repair and painting worn adjacent buildings.

#### **SECURITY LIGHTING ON TRAILS**

When used in combination with other CPTED principles, lighting can be an effective tactic for improving security and reducing the likelihood of unwanted behavior. Lighting provides a choice for how to use trails during non-daylight hours. The goal of lighting trails for security is to make a place unattractive or uncomfortable to offenders while also providing a sense of security and attracting the intended use of trails. Properly lit trails should be easy to observe, eliminate potential hazards at intersections or access points, attract use and enhance other environmental design techniques.

When considering lighting on trails, the appropriate quality and quantity of lighting must be used. Artistic or low-level landscape lighting, while attractive, is not security lighting. Security lighting must be able

to aid in the identification or detection of potential unwanted behavior. Contrast, glare, illumination, lighting controls and color rendering will provide the best opportunity to reduce unwanted behavior and welcome the intended use of the trail.

## **RESOURCE STEWARDSHIP AND ENHANCEMENT**

A well-managed trail is critical to the long-term success of this plan. This involves stewardship, the oversight of resources, and operations and maintenance. Stewardship might range from cleaning up litter to assuring that a project does not visually scar the surrounding landscape.

The stewardship process must consider both the private sector (such as land subdivision and development) and public sector activities, such as the construction of roads and utilities. In pursuit of this, coordination among agencies at the local, regional, state, and federal level is vital to assure that these activities are supportive of the plan and complementary to each other. Long-term stewardship also calls for the enduring commitment of agency staff, elected officials, and concerned citizens all working together. This suggests the need for a shared community vision and value system centered on the protection of trail, bicycle, pedestrian, and outdoor recreational resources. This plan and similar plans can help coordinate and guide that action.

## **Trail Liability: Concerns and Solutions**

There are two primary categories of people who might be concerned about liability issues

presented by a trail: the trail managing and owning entity (typically a public entity) and private landowners. Private landowners can be divided into two categories, those who have provided an easement for a trail over their land and those who own land adjacent to a trail corridor.

Similarly, there may be a pre-existing corridor traversing or lying adjacent to their property such as a former rail corridor that has been converted to a trail. In either situation, private landowners may have some concerns about the liability should a trail user stray onto their land and become injured. In the first instance, where an easement is granted, the concern may be over injuries on both the granted right-of-way as well as injuries that may occur on land under their control that is adjacent to the trail. Under the latter condition, where the landowner has no ownership interest in the trail, the landowner will only be concerned with injury to trail users wandering onto their property and getting hurt or perhaps a tree from their property falling onto the trail.

In general, people owning land adjacent to a trail -- whether the trail is an easement granted by them or is held by separate title -- foresee that people using the trail may be endangered by a condition on their land. Potential hazards such as a pond, a ditch, or a dead tree may cause the landowner to worry about liability for a resulting injury. The landowners may reduce their liability by taking the following actions.

- Work with trail designers to have the trail located away from hazards that cannot be corrected,
- Make it clear that trail users are not invited

onto the adjoining land. This can be aided by having the trail designer develop signs, vegetative screening, or fencing,

- If a hazardous condition does exist near the trail, signs should be developed to warn trail users of the hazard if it cannot be mitigated.

Of particular concern to adjacent landowners are attractions to children that may be dangerous, such as a pond. Many states recognize that children may trespass to explore an attractive nuisance. These states require a legal responsibility to children, even as trespassers, that is greater than the duty of care owed to adults.

If a landowner provides an easement for a public-use-trail, the easement contract should specify that the managing agency will carry liability insurance, will design the trail to recognized standards and will develop and carry out a maintenance plan. The landowner may also request that an indemnification agreement be created in their favor.

Abutting property owners frequently express concerns about their liability to trail users. In general, their liability, if any, is limited and is defined by their own actions in relation to the trail. If an abutting property owner possesses no interest in the trail, then he or she does not have any right or obligation to warn trail users about defects in the trail unless the landowner creates a dangerous condition on the trail by his own act or omission. In that event, the abutting landowner would be responsible for his own acts or omissions that caused the injury to a third party using the trail, just as the operator of one car is responsible to the operator of another for an accident he caused

on a city street.

## FORMS OF PROTECTION

There are three legal precepts, either alone or in combination, that define and in many cases limit liability for injury resulting from trail use.

The first is the concept of duty of care, which speaks to the responsibility that a landowner (private or public) has to anyone on his or her land. Second is the Recreational Use Statute (RUS), which is available in all 50 states and provides protection to private landowners and some public landowners who allow public free access to land for recreational purposes. For those public entities not covered by a RUS, states tend to have a tort claims act, which defines and limits governmental liability. Third, for all private and public parties, liability insurance provides the final line of defense. Trail owners can also find much protection through risk management.

### Duty of Care

Tort law, with regard to finding fault for an incident that occurs in a particular location is concerned with the “class” of person who incurs the injury, and the legal duty of care that a landowner owes a member of the general public varies from state to state but is generally divided into four categories. In most states, a landowner’s responsibility for injuries depends on the status of the injured person. A landowner owes increasingly greater duties of care (i.e.; is more at risk) if the injured person is a “trespasser”, a “licensee”, an “invitee”, or a “child”.

Trespasser -- a person on land without the landowner’s permission, whether intentionally or by mistaken belief that they are on public



land. Trespassers are due the least duty of care and therefore pose the lowest level of liability risk. The landowner is generally not responsible for unsafe conditions.

The landowner can only be held liable for deliberate or reckless misconduct, such as putting up a trip wire. Adjacent landowners are unlikely to be held liable for injuries sustained by trespassers on their property.

Licensee -- a person on land with the owner's permission but only for the visitor's benefit. This situation creates a slightly higher liability for the landowner. For example, a person who is permitted to hunt on a farm without paying a fee, if there were no RUS, would be classified as a licensee. If the landowner charged a fee, the hunter would probably be classified as an invitee. Again, the landowner is not responsible for discovering unsafe conditions; however, the landowner must provide warning of the known unsafe conditions.

Invitee -- a person on the owner's land with the owner's permission, expressly or implied, for the owner's benefit, such as a paying customer. This is the highest level of responsibility and therefore carries the highest level of liability. The owner is responsible for unknown dangers that should have been discovered. Put in a different way, the landowner has a duty to:

- 1) Inspect the property and facilities to discover hidden dangers;
- 2) Remove the hidden dangers or warn the user of their presence;
- 3) Keep the property and facilities in reasonably safe repair; and

- 4) Anticipate foreseeable activities by users and take precautions to protect users from foreseeable dangers.

The landowner does not insure the invitee's safety, but must exercise reasonable care to prevent injury. Generally, the landowner is not liable for injuries caused by known, open, or obvious dangers where there has been an appropriate warning. For example, customers using an ice rink open to the public for a fee would be invitees.

Children -- even if trespassing, some states accord children a higher level of protection. The concept of "attractive nuisance" is particularly relevant to children. Landforms such as ponds can be attractive to children who, unaware of potential danger, may be injured if they explore such items.

Prior to the widespread adoption of RUS' by the states, this classification system defined the liability of adjacent landowners. Even now, trail managers or private landowners who charge a fee are at greater risk of liability because they owe the payee a greater responsibility to provide a safe experience.

Thus, where no RUS exists or is unavailable, trail users would be of the licensee class, provided the trail manager does not charge an access fee. If a trail manager charges a fee, the facility provider tends to owe a greater duty of care to the user and thus has a greater risk of liability if a trail user is injured due to a condition of the trail.

### **Recreational Use Statutes (RUS)**

The Council of State Governments produced

a model recreational use statute (RUS) in 1965 in an effort to encourage private landowners to open their land for public recreational use by limiting the landowner's liability for recreational injuries when access was provided without charge.

Recreational use statutes are now on the books in all 50 states. These state laws provide protection to landowners who allow the public to use their land for recreational purposes. The theory behind these statutes is that if landowners are protected from liability they would be more likely to open up their land for public recreational use and that, in turn, would reduce state expenditures to provide such areas. To recover damages, an injured person must prove "willful and wanton misconduct" on the part of the landowner, essentially the same duty of care owed to a trespasser. However, if the landowner is charging a fee for access to the property, the protection offered by the recreational use statute is lost in most states.

The preamble of the model RUS is clear that it was designed for private landowners but the actual language of the model legislation does not differentiate between private and public landowners. The result is that while some states have followed the intent of the model statute and limited the immunity to private landowners, other states have extended the immunity either to cover public landowners legislatively or judicially.

Under the Federal Tort Claims Act, the federal government is liable for negligence like a private landowner under the law of the state. As a result, RUS's intended for private individuals have been held applicable to the

federal government where it has opened land up for public recreation.

Under lease arrangements between a public agency and a private landowner, land can be provided for public recreation while the public agency agrees to defend and protect the private landowner. The private landowner may still be sued but the public agency holds the landowner harmless, taking responsibilities for the cost of defending a lawsuit and any resulting judgments.

While state RUS's and the court interpretations of these laws vary somewhat, a few common themes can be found. The statutes were created to encourage landowners to make their land available for public recreation purposes by limiting their liability provided they do not charge a fee. The RUS limits the duty of care a landowner would otherwise owe to a recreational licensee to keep his or her premises safe for use. It also limits a landowner's duty to warn of dangerous conditions provided such failure to warn is not considered grossly negligent, willful, wanton, or reckless. The result of many of these statutes is to limit landowner liability for injuries experienced by people partaking in recreational activities on their land. The existence of a RUS may also have the effect of reducing insurance premiums for landowners whose lands are used for recreation.

These laws do not prevent somebody from suing a trail manager/owner or a private property owner who has made his or her land available to the public for recreational use; it only means the suit will not advance in court if certain conditions hold true. Thus, the trail manager/owner may incur costs to defend

himself of herself. Such costs are the principal reason for purchasing liability insurance.

## **RISK MANAGEMENT**

All of the above-mentioned forms of protection aside, perhaps the best defense a trail manager has are sound policy and practice for trail maintenance and usage. Developing a comprehensive technique is the best defense against an injury-related lawsuit.

Trails that are properly designed and maintained go a long way to ward off any potential liability. There are some general design guidelines (AASHTO and MUTCD) that, if adhered to, can provide protection by showing that conventional standards were used in designing and building the trail. Trails that are designed in accordance with recognized standards or “best practices” may be able to take advantage of any design immunities under state law. Within the spectrum of public facilities, trails are quite safe, often less risky than roads, swimming pools and playgrounds.

The managing agency should also develop a comprehensive maintenance plan that provides for regular maintenance and inspection. These procedures should be spelled out in detail in a trail management handbook and a record should be kept of each inspection including what was discovered and any corrective action taken. The trail manager should attempt to ward off or eliminate any hazardous situations before an injury occurs. Private landowners that provide public easements for a trail should ensure that such management plans are in place and used to reduce their own liability.

Key points include:

During trail design and development:

- Develop an inventory of potential hazards along the corridor;
- Create a list of users that will be permitted on the trail and the risks associated with each;
- Identify all applicable laws;
- Design and locate the trail such that obvious dangers are avoided. Warnings of potential hazards should be provided, and mitigated to the extent possible;
- Trail design and construction should be completed by persons who are knowledgeable about design guidelines, such as those listed in AASHTO and MUTCD documents;
- Trail regulations should be posted and enforced.

Once the trail is open for use:

- Perform regular inspections of the trail by a qualified person who has the expertise to identify hazardous conditions and maintenance problems.
- Maintenance problems should be corrected quickly and documented. Where a problem cannot be promptly corrected, warnings to trail users should be erected.
- Procedures for handling medical emergencies should be developed. The procedures should be documented as well as any occurrence of medical emergencies.
- Records should be maintained of all inspections, what was found, and what was done about it. Photographs of found hazardous conditions can be useful.
- These risk management techniques will



not only help to ensure that hazardous conditions are identified and corrected in a timely manner, thereby averting injury to trail users, but will also serve to protect the trail owner and managing agency from liability. Showing that the agency had been acting in a responsible manner can serve as an excellent defense in the event that a lawsuit develops.

### **USE OF VOLUNTEERS FOR TRAIL WORK**

Trail managers often use volunteers for routine trail maintenance or even for trail construction. What happens if the volunteer is injured while performing trail-related work? What happens if an action taken by a volunteer leads to an injury of a trail user? First, make sure your insurance covers volunteer workers. Second, the trail manager should be protected from any user injury created by an act of a volunteer provided the act is not one of willful or reckless misconduct. The Federal Volunteer Protection Act of 1997 protects the volunteer worker. This act protects volunteers of nonprofit organizations or governmental entities. The Act states that such volunteers are not liable for harm caused by their acts of commission or omission provided the acts are in good faith.

### **Funding the Operations & Maintenance Program**

Identifying funding sources, creating funding sources and sustaining reliable funding over the long term is critical to the overall success of operations and maintenance and, ultimately, the success and growth of the regional greenway and trail network. Several types of funding sources can be identified

and a combination of these might offer the best solutions. The following are potential sources for operations and maintenance. The Funding section of this Appendix identifies funding sources for project design and implementation.

### **BUDGET ALLOCATIONS**

Budget Allocations are funds coming directly from existing agency and department programs as part of annual budget contributions. Typically this is the base revenue source for operations and management. Note that on most projects around the nation, private donors or other potential partners will want to see a strong long-term public side commitment to management as a condition of awarding grants for capital trail improvements and management programs.

### **MULTI-OBJECTIVE PARTNERSHIPS**

Most trails serve multiple public and private benefits including access for floodway and ditch upkeep, utility access, street maintenance, and enhancement of adjacent private properties. This may pose a number of opportunities for task sharing and cost sharing among the various beneficiaries, particularly with respect to storm drainage management along river, creek, and wetland corridors.

### **IN-KIND SERVICES**

In-kind services involve people, such as volunteers, youth and student labor, and seniors to provide routine maintenance practices to network facilities. In-kind services may also include donations of material and equipment. Another consideration is

the adopt-a-trail program, which works with service clubs, scouts, school groups, businesses and others. Adopt-a-trail programs should include credit signage and written agreements with the adopting group. Note, however, that volunteer and in-kind participation will likely meet only a fraction of the operations and maintenance needs and funding of these programs may be sporadic. The management program will still need a base of trained professionals and proper equipment. Use of in-kind services requires staff time for coordination.

### **CREATING AN ENDOWMENT**

An endowment is a set-aside account held strictly to generate revenue from investment earnings. The endowment could be held by a non-profit and could be established for the region, rather than for a single municipality's trail. Funding of the endowment could come from a percent of capital grants and from an endowment campaign. The endowment could also be funded by bequests and deferred giving such as donations of present or future interests in stocks or real estate. To have an effective impact, the endowment should have several million dollars in its "corpus" (asset holding). This endowment could be built up gradually in tandem with project development. Contributions to the fund would be solicited from greenway advocates, businesses, civic groups, and other foundations. Special events could be held whose sole purpose is to raise capital money for the endowment. The resulting fund would support long-term operations and maintenance of the trail and can also be used in the acquisition of high-

priority properties that may be lost if not acquired by private sector initiative.

### **EARNED INCOME AND USER FEES**

Gainesville should work with Highlands to Islands to capture and direct fees and revenues that are derived from trail events and activities into an account that can be dedicated to operating and managing the trail. Revenues could be used to support the endowment. User fees for amenities of the trail or user permits for trail and open space facilities can add to the revenue stream. Leasing trail rights-of-way for fiber-optic and other utility corridors can also generate earned income. For example, Grand Forks, North Dakota has demonstrated that a properly operated greenway can generate upwards of \$225,000 in direct revenues annually for use in offsetting the cost of operations and maintenance costs.<sup>2</sup>

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2 City of Grand Forks, ND, and City of East Grand Forks, MN. 2012. "The Greenway 2012 Supplement." <http://www.greenwayggf.com/uploads/2/0/1/8/20183519/finalgreenwaysupplementdocument.pdf>.

# Acquisition

## Overview

There are many different ways to secure trail right-of-way for greenway systems. The proposed Gainesville trail network will utilize existing public lands including GDOT right-of-way (ROW) and other public lands. It will be necessary to work with some landowners to secure trail easements where it does not exist. Easements along existing sewer and power lines can also be helpful along those sections of trail that overlap utilities on private property.

The following sections detail a list of specific strategies including the formation of partnerships and a toolbox of acquisition options during implementation for the managing jurisdictions of northwest Georgia. Funding sources for acquiring right-of-way and trail development are described in the next section of this Appendix.

## Partnerships

The managing agency should pursue partnerships with land trusts and land managers to make more effective use of their land acquisition funds and strategies. The following offers recommendations on how these partnerships could be strengthened

## Land Trusts

Land trust organizations are valuable partners when it comes to acquiring land and rights-of-way for greenways. These groups can work directly with landowners and conduct their business in private so that sensitive land

transactions are handled in an appropriate manner. Once the transaction has occurred, the land trust will usually convey the acquired land or easement to a public agency, such as a town or county for permanent stewardship and ownership.

## Private Land Managers

Another possible partnership that could be strengthened would be with the utility companies that manage corridors throughout Northwest Georgia. Trails and greenways can be built on rights-of-way that are either owned or leased by electric and natural gas companies. Electric utility companies have long recognized the value of partnering with local communities, non-profit trail organizations, and private land owners to permit their rights-of-ways to be used for trail development. This has occurred all over the United States and in Georgia.

The managing agency should actively update and maintain relationships with private utility and land managers to ensure that a community wide greenway system can be accommodated within these rights-of-way. The managing agency will need to demonstrate to these companies that maintenance will be addressed, liability will be reduced and minimized and access to utility needs will be provided.

## Government Regulation

Regulation is defined as the government's ability to control the use and development of land through legislative powers. Regulatory methods help shape the use of land without transferring or selling the land. The following



types of development ordinances are regulatory tools that can meet the challenges of projected growth and development as well as conserve and protect greenway resources.

### **Growth Management Measures (Concurrency)**

Concurrency-based development approaches to growth management simply limit development to areas with adequate public infrastructure. This helps regulate urban sprawl, provides for quality of life in new development, and can help protect open space. In the famous case with the Town of Ramapo (1972), the Town initiated a zoning ordinance making the issue of a development permit contingent on the presence of public facilities such as utilities and parks. This was upheld in Court and initiated a wave of slow-growth management programs nationwide. This type of growth management can take the form of an adequate public facilities ordinance.

### **Performance Zoning**

Performance zoning is zoning based on standards that establish minimum requirements or maximum limits on the effects or characteristics of a use. This is often used for the mixing of different uses to minimize incompatibility and improve the quality of development. For example, how a commercial use is designed and functions determines whether it could be allowed next to a residential area or connected to a greenway.

### **Incentive Zoning (Dedication/Density Transfers)**

This mechanism allows greenways to be dedicated for density transfers on development of a property. The potential for improving or subdividing part or all of a parcel can be expressed in dwelling unit equivalents or other measures of development density or intensity. Known as density transfers, these dwelling unit equivalents may be relocated to other portions of the same parcel or to contiguous land that is part of a common development plan. Dedicated density transfers can also be conveyed to subsequent holders if properly noted as transfer deeds.

### **Conservation Zoning**

This mechanism recognizes the problem of reconciling different, potentially incompatible land uses by preserving natural areas, open spaces, waterways, and/or greenways that function as buffers or transition zones. It can also be called buffer or transition zoning. This type of zoning, for example, can protect waterways by creating buffer zones where no development can take place. Care must be taken to ensure that the use of this mechanism is reasonable and will not destroy the value of a property.

### **Overlay Zoning**

An overlay zone and its regulations are established in addition to the zoning classification and regulations already in place. These are commonly used to protect natural or cultural features such as historic areas, unique terrain features, scenic vistas, agricultural areas, wetlands, stream corridors, and wildlife areas.

## Negotiated Dedications

This type of mechanism allows municipalities to negotiate with landowners for certain parcels of land that are deemed beneficial to the protection and preservation of specific stream corridors. This type of mechanism can also be exercised through dedication of greenway lands when a parcel is subdivided. Such dedications would be proportionate to the relationship between the impact of the subdivision on community services and the percentage of land required for dedication-as defined by the US Supreme Court in *Dolan v Tigard*.

## Reservation of Land

This type of mechanism does not involve any transfer of property rights but simply constitutes an obligation to keep property free from development for a stated period of time. Reservations are normally subject to a specified period of time, such as 6 or 12 months. At the end of this period, if an agreement has not already been reached to transfer certain property rights, the reservation expires.

## Planned Unit Development

A planned unit development allows a mixture of uses. It also allows for flexibility in density and dimensional requirements, making clustered housing and common open space along with addressing environmental conditions a possibility. It emphasizes more planning and can allow for open space and greenway development and connectivity.

## Cluster Development

Cluster development refers to a type of development with generally smaller lots and homes close to one another. Clustering can allow for more units on smaller acreages of land, allowing for larger percentages of the property to be used for open space and greenways.

## Land Management

Land Management is a method of conserving the resources of a specific greenway parcel by an established set of policies called management plans for publicly owned greenway land or through easements with private property owners. Property owners who grant easements retain all rights to the property except those which have been described in the terms of the easement. The property owner is responsible for all taxes associated with the property, less the value of the easement granted. Easements are generally restricted to certain portions of the property, although in certain cases an easement can be applied to an entire parcel of land. Easements are transferable through title transactions, thus the easement remains in effect perpetually.

## Management Plans

The purpose of a management plan is to establish legally binding contracts which define the specific use, treatment, and protection for publicly owned greenway lands. Management plans should identify valuable resources; determine compatible uses for the parcel; determine administrative needs of the parcel, such as maintenance, security,

and funding requirements; and recommend short-term and long-term action plans for the treatment and protection of greenway lands.

## **Conservation Easement**

This type of easement generally establishes permanent limits on the use and development of land to protect the natural resources of that land. When public access to the easement is desired, a clause defining the conditions of public access can be added to the terms of the easement. Dedicated conservation easements can qualify for both federal income tax deductions and state tax credits. Tax deductions are allowed by the Federal government for donations of certain conservation easements. The donation may reduce the donor's taxable income.

## **Preservation Easement**

This type of easement is intended to protect the historical integrity of a structure or important elements in the landscape by sound management practices. When public access to the easement is desired, a clause defining the conditions of public access can be added to the terms of the easement. Preservation easements may qualify for the same federal income tax deductions and state tax credits as conservation easements.

## **Public Access Easements**

This type of easement grants public access to a specific parcel of property when a conservation or preservation easement is not necessary. The conditions of use are defined in the terms of the public access easement.

## **Abandoned Rail**

Abandoned rail lines are excellent candidates for trail development due to gentle grading and linear open space connectivity through developed and undeveloped areas. In Georgia, once a rail line is abandoned, full ownership is transferred to the adjacent landowner unless the corridor is railbanked prior to abandonment.

## **Acquisition**

Acquisition requires land to be donated or purchased by a government body, public agency, greenway manager, or qualified conservation organization.

## **Donation or Tax Incentives**

In this type of acquisition, a government body, public agency, or qualified conservation organization agrees to receive the full title or a conservation easement to a parcel of land at no cost or at a "bargain sale" rate. The donor is then eligible to receive a federal tax deduction of up to 30 to 50 percent of their adjusted gross income. Also, property owners may be able to avoid any inheritance taxes, capital gains taxes, and recurring property taxes.

## **Fee Simple Purchase**

This is a common method of acquisition where a local government agency or private greenway manager purchases property outright. Fee simple ownership conveys full title to the land and the entire "bundle" of property rights including the right to possess land, to exclude others, to use land, and to alienate or sell land.

## **Easement Purchase**

This type of acquisition is the fee simple purchase of an easement. Full title to the land is not purchased, only those rights granted in the easement agreement. Therefore the easement purchase price is less than the full title value.

## **Purchase / Lease Back**

A local government agency or private greenway organization can purchase a piece of land and then lease it back to the seller for a specified period of time. This lease may contain restrictions regarding the development and use of the property.

## **Bargain Sale**

A property owner can sell property at a price less than the appraised fair market value of the land. Sometimes the seller can derive the same benefits as if the property were donated. Bargain Sale is attractive to sellers when the seller wants cash for the property, the seller paid a low cash price and thus is not liable for high capital gains tax, and/or the seller has a fairly high current income and could benefit from the donation of the property as an income tax deduction.

## **Installment Sale**

An installment sale is a sale of property at a gain where at least one payment is to be received after the tax year in which the sale occurs. These are valuable tools to help sellers defer capital gains tax. This provides a potentially attractive option when purchasing land for open space from a possible seller.

## **Option / First Right of Refusal**

A local government agency or private organization establishes an agreement with a public agency or private property owner to provide the right of first refusal on a parcel of land that is scheduled to be sold. This form of agreement can be used in conjunction with other techniques, such as an easement to protect the land in the short-term. An option would provide the agency with sufficient time to obtain capital to purchase the property or successfully negotiate some other means of conserving the greenway resource.

## **Purchase of Development Rights**

A voluntary purchase of development rights involves purchasing the development rights from a private property owner at a fair market value. The landowner retains all ownership rights under current use, but exchanges the rights to develop the property for cash payment.

## **Land Banking**

Land banking involves land acquisition in advance of expanding urbanization. The price of an open space parcel prior to development pressures is more affordable to a jurisdiction seeking to preserve open space. A municipality or county might use this technique to develop a greenbelt or preserve key open space or agricultural tracts. The jurisdiction should have a definite public purpose for a land banking project.

## **Condemnation**

The practice of condemning private land

for use as a greenway is viewed as a last resort policy. Using condemnation to acquire property or property rights can be avoided if private and public support for the greenway program is present. Condemnation is seldom used for the purpose of dealing with an unwilling property owner. In most cases, condemnation has been exercised when there has been an absentee property ownership, when the title of the property is not clear, or when it becomes apparent that obtaining the consent for purchase would be difficult because there are numerous heirs located in other parts of the United States or different countries.

## Eminent Domain

The right of exercising eminent domain should be done so with caution by the community and only if the following conditions exist: 1) the property is valued by the community as an environmentally sensitive parcel of land, significant natural resource, or critical parcel of land, and as such has been defined by the community as irreplaceable property; 2) written scientific justification for the community's claim about the property's value has been prepared and offered to the property owner; 3) all efforts to negotiate with the property owner for the management, regulation, and acquisition of the property have been exhausted and that the property owner has been given reasonable and fair offers of compensation and has rejected all offers; and 4) due to the ownership of the property, the timeframe for negotiating the acquisition of the property will be unreasonable, and in the interest of pursuing a cost effective method for acquiring the

property, the community has deemed it necessary to exercise eminent domain.

## Trail Funding Sources Overview

Due to the cost of most construction and trail development activities, it may be necessary to consider several sources of funding, that when combined, would support these costs. This appendix outlines sources of funding at the federal, state, and local government levels and from the private sector. These sources cover a variety of costs related to trail and community development in northwest Georgia along proposed trail connections and surrounding areas. The following descriptions are intended to provide an overview of available options and do not represent a comprehensive list. Funding sources can be used for a variety of activities, including: planning, design, implementation and maintenance. It should be noted that this section reflects the funding available at the time of writing. The funding amounts, fund cycles, and even the programs themselves are susceptible to change without notice.

## Federal Funding Sources

Federal funding is typically directed through state agencies to local governments either in the form of grants or direct appropriations, independent from state budgets, where shortfalls may make it difficult to accurately forecast available funding for future project development. Federal funding typically requires a local match of approximately 20%, but there are sometimes exceptions; the American Recovery and Reinvestment



Act stimulus funds did not require a match. The following is a list of possible Federal funding sources that could be used to support construction of many trail improvements. Most of these are competitive, and involve the completion of extensive applications with clear documentation of the project needs, costs, and benefits.

### **MOVING AHEAD FOR PROGRESS IN THE TWENTY-FIRST CENTURY (MAP-21)**

The largest source of federal funding for bicycle and pedestrian is the US DOT's Federal-Aid Highway Program, which Congress has reauthorized roughly every six years since the passage of the Federal-Aid Road Act of 1916. The latest act, Moving Ahead for Progress in the Twenty- First Century (MAP-21) was enacted in July 2012 as Public Law 112-141, and has been extended through May 31, 2015. The Act replaces the Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU), which was valid from August 2005 - June 2012.

MAP-21 authorizes funding for federal surface transportation programs including highways and transit for the 27 month period between July 2012 and September 2014 (with an extension to May 31, 2015). It is not possible to guarantee the continued availability of any listed MAP-21 programs, or to predict their future funding levels or policy guidance. Nevertheless, many of these programs have been included in some form since the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991, and thus may continue to provide capital for active transportation projects and programs.

In Georgia, federal funds are administered through the Georgia Department of Transportation (GDOT) and Regional Planning Commissions, such as the Georgia Mountains Regional Commission (GMRC). Most, but not all, of these programs are oriented toward transportation versus recreation, with an emphasis on reducing auto trips and providing inter-modal connections. Federal funding is intended for capital improvements and safety and education programs, and projects must relate to the surface transportation system. Georgia has been flexing 50% of TAP.

There are a number of programs identified within MAP-21 that are applicable to bicycle and pedestrian projects, such as the Recreational Trails Program and Safe Routes to Schools.

More information: <http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm>

### **TRANSPORTATION ALTERNATIVES**

Transportation Alternatives (TA) is a new funding source under MAP-21 that consolidates three formerly separate programs under SAFETEA-LU: Transportation Enhancements (TE), Safe Routes to School (SR2S), and the Recreational Trails Program (RTP). These funds may be used for a variety of pedestrian, bicycle, and streetscape projects including sidewalks, bikeways, multi-use paths, and rail-trails. TA funds may also be used for selected education and encouragement programming such as Safe Routes to School, despite the fact that TA does not provide a guaranteed set-aside for this activity as SAFETEA-LU did.

Average annual funds available through TA over the life of MAP-21 equal \$81.4 million nationally, which is based on a two percent set-aside of total MAP-21 allocations. Note that state DOT's may elect to transfer up to 50 percent of TA funds to other highway programs, so the amount listed on the website represents the maximum potential funding. Remaining TA funds (those monies not re-directed to other highway programs) are disbursed through a separate competitive grant program administered by GDOT. Local governments, school districts, tribal governments, and public lands agencies are permitted to compete for these funds.

Each state governor is given the opportunity to "opt out" of the Recreational Trails Program. However, as of the writing of this plan, only Florida and Kansas have "opted out" of the RTP. For all other states, dedicated funds for recreational trails continue to be provided as a subset of TA. MAP-21 provides \$85 million nationally for the RTP.

For the complete list of eligible activities, visit: [http://www.fhwa.dot.gov/environment/transportation\\_enhancements/legislation/map21.cfm](http://www.fhwa.dot.gov/environment/transportation_enhancements/legislation/map21.cfm)

For funding levels, visit: <http://www.fhwa.dot.gov/MAP21/funding.cfm>

### **HIGHWAY SAFETY IMPROVEMENT PROGRAM**

MAP-21 doubles the amount of funding available through the Highway Safety Improvement Program (HSIP) relative to SAFETEA-LU. HSIP provides \$2.4 billion nationally for projects and programs that help communities achieve significant reductions

in traffic fatalities and serious injuries on all public roads, bikeways, and walkways. MAP-21 preserves the Railway-Highway Crossings Program within HSIP but discontinues the High-Risk Rural roads set-aside unless safety statistics demonstrate that fatalities are increasing on these roads. Bicycle and pedestrian safety improvements, enforcement activities, traffic calming projects, and crossing treatments for non-motorized users in school zones are eligible for these funds.

More information: <http://safety.fhwa.dot.gov/hsip/>

### **SURFACE TRANSPORTATION PROGRAM (STP)**

The Surface Transportation Program (STP) provides states with flexible funds which may be used for a variety of highway, road, bridge, and transit projects. A wide variety of pedestrian improvements are eligible, including trails, sidewalks, crosswalks, pedestrian signals, and other ancillary facilities. Modification of sidewalks to comply with the requirements of the Americans with Disabilities Act (ADA) is also an eligible activity. Unlike most highway projects, STP-funded pedestrian facilities may be located on local and collector roads which are not part of the Federal-aid Highway System. 50 percent of each state's STP funds are allocated by population to the MPOs; the remaining 50 percent may be spent in any area of the state.

More information: <http://www.fhwa.dot.gov/map21/guidance/guidestprev.cfm>

### **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ)**

The Congestion Mitigation/Air Quality Improvement Program (CMAQ) provides funding for projects and programs in air quality non-attainment and maintenance areas for ozone, carbon monoxide, and particulate matter which reduce transportation related emissions. States with no non-attainment areas may use their CMAQ funds for any CMAQ or STP eligible project. These federal dollars can be used to build bicycle and pedestrian facilities that reduce travel by automobile. Purely recreational facilities generally are not eligible. Communities located in attainment areas who do not receive CMAQ funding apportionments may apply for CMAQ funding to implement projects that will reduce travel by automobile.

More information: [http://www.fhwa.dot.gov/environment/air\\_quality/cmaq/](http://www.fhwa.dot.gov/environment/air_quality/cmaq/)

### **FEDERAL TRANSIT ADMINISTRATION ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES**

This program can be used for capital expenses that support transportation to meet the special needs of older adults and persons with disabilities, including providing access to an eligible public transportation facility when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs.

For more information: [http://www.fta.dot.gov/documents/MAP-21\\_Fact\\_Sheet\\_-\\_Enhanced\\_Mobility\\_of\\_Seniors\\_and\\_Individuals\\_with\\_Disabilities.pdf](http://www.fta.dot.gov/documents/MAP-21_Fact_Sheet_-_Enhanced_Mobility_of_Seniors_and_Individuals_with_Disabilities.pdf)

### **PARTNERSHIP FOR SUSTAINABLE COMMUNITIES**

Founded in 2009, the Partnership for Sustainable Communities is a joint project of the Environmental Protection Agency (EPA), the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Transportation (USDOT). The partnership aims to “improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide.” The Partnership is based on five Livability Principles, one of which explicitly addresses the need for bicycle and pedestrian infrastructure (“Provide more transportation choices, develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation’s dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health”).

The Partnership is not a formal agency with a regular annual grant program. Nevertheless, it is an important effort that has already led to some new grant opportunities (including both TIGER I and TIGER II grants). Georgia jurisdictions should track partnership communications and be prepared to respond proactively to announcements of new grant programs. Initiatives that speak to multiple livability goals are more likely to score well than initiatives that are narrowly limited in scope to pedestrian improvement efforts.

More information: <http://www.sustainablecommunities.gov/>

### **NATIONAL SCENIC BYWAYS DISCRETIONARY GRANT PROGRAM**

The National Scenic Byways Discretionary Grants program provides merit-based funding for byway-related projects each year, utilizing one or more of eight specific activities for roads designated as National Scenic Byways, All-American Roads, State scenic byways, or Indian tribe scenic byways. The activities are described in 23 USC 162(c). This is a discretionary program; all projects are selected by the US Secretary of Transportation.

Eligible projects include construction along a scenic byway of a facility for pedestrians and bicyclists and improvements to a scenic byway that will enhance access to an area for the purpose of recreation. Construction includes the development of the environmental documents, design, engineering, purchase of right-of-way, land, or property, as well as supervising, inspecting, and actual construction.

For more information: <http://www.bywaysonline.org/grants/>

### **FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT**

Community Development Block Grant (CDBG) funds are allocated through the States to local municipal or county governments for projects that enhance the viability of communities by providing decent housing and suitable living environments and by expanding economic opportunities, principally for persons of low and moderate income. The program provides communities with resources to address a wide range of unique community development needs.

Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG program provides annual grants on a formula basis to 1209 general units of local government and States. Federal CDBG grantees may use Community Development Block Grants funds for activities that include (but are not limited to): acquiring real property; reconstructing or rehabilitating housing and other property; building public facilities and improvements, such as streets, sidewalks, community and senior citizen centers and recreational facilities; paying for planning and administrative expenses, such as costs related to developing a consolidated plan and managing Community Development Block Grants funds; provide public services for youths, seniors, or the disabled; and initiatives such as neighborhood watch programs.

More information: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/programs](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs)

### **ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS**

The Department of Energy's Energy Efficiency and Conservation Block Grants (EECBG) may be used to reduce energy consumptions and fossil fuel emissions and for improvements in energy efficiency. Section 7 of the funding announcement states that these grants provide opportunities for the development and implementation of transportation programs to conserve energy used in transportation including development of infrastructure such as bike lanes and pathways and pedestrian walkways. Although the current grant period has passed, more opportunities may arise in the future.

For more information: <http://www1.eere.energy.gov/wip/eeecbg.html>

### **RIVERS, TRAILS, AND CONSERVATION ASSISTANCE PROGRAM**

The Rivers, Trails and Conservation Assistance Program (RTCA) is a National Parks Service (NPS) program providing technical assistance via direct NPS staff involvement to establish and restore greenways, rivers, trails, watersheds and open space. The RTCA program provides only for planning assistance—there are no implementation funds available. Projects are prioritized for assistance based on criteria including conserving significant community resources, fostering cooperation between agencies, serving a large number of users, encouraging public involvement in planning and implementation, and focusing on lasting accomplishments. This program may benefit trail development in Georgia locales indirectly through technical assistance, particularly for community organizations, but is not a capital funding source.

More information: <http://www.nps.gov/ncrc/programs/rtca/>

### **State Funding Sources**

Unlike many states, Georgia has no consistent funding source that supports acquisition, development and rehabilitation of outdoor recreation areas. While the State of Georgia operated a Recreation Assistance Fund from 1978-1999, the state is currently one of fourteen states with no consistent source of funds for parks and recreational agencies. Lacking state assistance for recreation, many of the programs operated in Georgia

are derived from federal funding sources administered at the state level.

### **TRANSPORTATION IMPROVEMENT PROGRAMS (TIP)**

Transportation Improvement Programs (TIPs) in Georgia are administered by Metropolitan Planning Organizations (MPOs) within metro areas. These TIPs can contain a variety of transportation projects, including bicycle and pedestrian facilities. Outside of metro areas, Georgia maintains a Statewide Transportation Improvement Program (STIP). However, bicycle and pedestrian planning in non-MPO areas are typically funded through Regional Commissions (RCs). The distinctions between MPOs and RCs are discussed below.

Metropolitan Planning Organizations (MPOs) are federally designated agencies created in urban areas containing more than 50,000 people. Fifteen MPOs operate within Georgia. They are charged with conducting comprehensive, coordinated planning processes to determine the transportation needs of their respective constituencies, and prioritizing and programming projects (including bicycle and pedestrian projects) for federal funding. The MPOs conduct open public meetings annually for input into the development of the Long Range Plans and Transportation Improvement Programs.

The Georgia State Planning Act of 1989 included key provisions for the creation of Regional Development Commissions throughout the state intended to assist local governments in planning and coordinate regional planning. These entities were later consolidated into twelve Regional Commissions (RCs). GDOT contracts with



Regional Commissions (Except the Atlanta Regional Commission) to provide bicycle and pedestrian transportation services. Sample projects include:

- Regional bicycle and pedestrian plans
- Safe Routes to School Plans
- Purchasing bike route signage and coordinating their installation
- Bike route and trail mapping
- Walkable community design workshops

Georgia Statewide Transportation Improvement Program: <http://www.dot.ga.gov/InvestSmart/Pages/STIP.aspx>

### **GOVERNOR'S OFFICE OF HIGHWAY SAFETY**

The Governor's Office of Highway Safety (GOHS) is Georgia's advocate for highway safety. This office works with law enforcement, judicial personnel and community advocates to coordinate activities and initiatives relating to the human behavioral aspects of highway safety. The GOHS's mission is to develop, execute and evaluate programs to reduce the number of fatalities, injuries and related economic losses resulting from traffic crashes on Georgia's roadways. The office works in tandem with the National Highway Safety Administration to implement programs focusing on occupant protection, impaired driving, speed enforcement, truck and school bus safety, pedestrian and bicycle safety and crash data collection and analysis. Programs administered by the Governor's Highway Safety Office are 100% federally funded.

More information: <http://www.gahighwaysafety.org/>

### **GEORGIA RECREATIONAL TRAIL PROGRAM**

In Georgia, the administration of the Recreational Trail Program is handled by the Department of Natural Resources (DNR), Division of Parks, Recreation, and Historic Sites. Under this program, the Grants Administration and Planning Unit of Georgia DNR provides 80/20 grant assistance for eligible applicants for land acquisition, development of public recreational trails, non-routine maintenance, and assessment of existing public trails.

The Georgia Recreational Trail Program has several criteria for applicants of trail funding. Lands and facilities that receive funding must be for public trails or the direct support of trail usage. In order to satisfy the public requirement, trail facilities must be open to the general public without discrimination during reasonable times and hours, and must be maintained and operated for public recreational usage. Eligible applicants must be legally constituted entities such as state and federal agencies, cities, counties, recreational commissions, or recreational authorities with legislative sanction. Applicants must also demonstrate that proposed trail projects are identified or further a specific planning goal of Georgia's Statewide Comprehensive Outdoor Recreation Plan (SCORP). Likewise, the proposed trail project should be consistent with needs identified in the sponsor jurisdiction's local comprehensive plan.

Annual grant cycles begin with applications in the fall and grant awards announced in early March of the following year.

More information: <http://gastateparks.org/grants/rtp#application>

### **GEORGIA SAFE ROUTES TO SCHOOL**

Funded by the Federal Safe Routes to School (SRTS) program, Georgia's SRTS program is designed to encourage more kids to walk and bike to school safely. Program activities and funding are for projects within a 2-mile radius of primary and middle schools (grades K-8). SRTS funding for infrastructure is no longer available in Georgia; the state only continues to fund the SRTS Resource Center.

The Safe Routes to School Program is organized around 5 ideas – also called the 5 Es:

- Engineering: Making the environment safer for walking and bicycling
- Encouragement: Encouraging kids to walk and bike
- Education: Teaching kids and parents safe ways to walk and bike
- Evaluation: Checking to see how many kids are walking and biking as a result of the program
- Enforcement: Changing driver, walker and bicyclist behavior as they travel together along the road

More information: <http://www.saferoutesga.org/content/georgia-srts-basics>

### **LAND AND WATER CONSERVATION FUND**

The Land, Water & Conservation Fund (LWCF) program is a federally funded, state administered grant program and provides matching grants to local governments and

state agencies that provide recreation and parks, for the acquisition and development of public outdoor recreation areas and facilities. All grant projects must be on publicly owned land. In Georgia, the LWCF has helped finance land acquisition for linear parks, such as the Chattahoochee River National Recreation Area.

The Georgia Department of Natural Resources (DNR) Division of Parks, Recreation, and Historic Sites conducts a Statewide Comprehensive Outdoor Recreation Plan (SCORP) every five years to articulate state recreational policy and maintain eligibility for federal funds from the Land and Water Conservation Fund (LWCF). LWCF grants support state, county, and managing agency outdoor recreation projects for land acquisition, development, and rehabilitation.

The most recent iteration of the SCORP covers the planning period of 2008-2013. Under this plan, three key priorities are identified as follows:

- Promote Health / Fitness and Livability of All Communities
- Enhance Economic Vitality
- Conserve and Properly Use Natural Resources

Of these three primary goals, the promotion of health, fitness, and livability appears to apply the most closely to trail development. For example, one key recommendation under this goal is to explore ways of connecting existing parks and recreational facilities for pedestrians and non-motorized vehicles, such as bikes and in-line skates.

Georgia Land & Water Conservation Fund Grants: <http://gastateparks.org/grants/lwcf>

Georgia Statewide Comprehensive Outdoor Recreation Plan: <http://www.gastateparks.org/item/152835>

## Local Government Funding Sources

Municipalities often plan for the funding of pedestrian and bicycle facilities/improvements through development of Capital Improvement Programs (CIPs). For example, the Managing agency of Powder Springs has financed local extensions connecting to the Silver Comet Trail through municipal general funds. CIPs should include all types of capital improvements (water, sewer, buildings, streets, etc.) versus programs for single purposes. This allows municipal decision-makers to balance all capital needs. A variety of possible funding options available to Georgia jurisdictions for implementing bicycle and pedestrian projects are described below. However, many will require specific local action as a means of establishing a program, if not already in place.

### CAPITAL RESERVE FUND

Other states have created statutory authority for municipalities to create capital reserve funds for any capital purpose, including bicycle and pedestrian facilities. The reserve fund must be created through ordinance or resolution that states the purpose of the fund, the duration of the fund, the approximate amount of the fund, and the source of revenue for the fund. Sources of revenue can include general fund allocations, fund balance

allocations, grants and donations for the specified use.

More information: <http://www.osc.state.ny.us/localgov/pubs/lgmg/reservefunds.pdf>

## COMMUNITY IMPROVEMENT DISTRICTS (CIDs)

Community Improvement Districts (CIDs) are a voluntary self-taxing mechanism for funding governmental services, such as parks and recreation, road construction, storm water and waste water systems, water systems, public transportation, and other services. CIDs can levy taxes, fees and assessments on non-residential properties and apply the funds to governmental services and facilities within the CID boundary. CIDs can also fund improvements through issuing bonds. However, CID-issued bonds may not be considered an obligation of the state or local government other than the CID itself. The Georgia General Assembly may create a CID by local legislation, with conditional approval of the managing agency or county government where the CID is located. In addition, the creation of a CID is contingent on receiving the written consent of a majority of the property owners within the CID that would be subject to CID taxes, fees and assessments. The governing body of each CID as designated by the Legislature must include representatives from each managing agency or county within the CID.

More information: Georgia Constitution Article IX, Section VII <http://www.lexisnexis.com/hottopics/gacode/>

### **TAX ALLOCATION DISTRICTS (TADS)**

Tax Allocation Districts (TADs), often called Tax Increment Financing (TIF) in other states, are a mechanism for funding improvements in blighted or underutilized areas based on future property value increases. TADs operate by establishing a current tax base floor for a given TAD district area and applying future taxes over and above the tax floor for a given period of time to pay the costs of infrastructure. Most often, but not always, TADs issue bonds to fund infrastructure improvements that are aimed at spurring redevelopment and property value increases. TAD funds may be used for a wide range of development activities. Cities, counties and school systems may decide independently whether to participate in a TAD. Managing agency or county TADs require a jurisdiction-wide referendum for approval and the creation of a local redevelopment agency to administer the TAD. The local redevelopment agency is tasked with identifying a specific redevelopment area and public improvements needed to help the area attract new private development. Since a determination of blight is required, TADs generally apply to urbanized “brownfield” or “grayfield” sites rather than undeveloped rural property. One prominent example of TAD financing for bicycle/pedestrian infrastructure is the Atlanta Beltline TAD.

More information: <https://www.investatlanta.com/development/commercial-incentives/tax-allocation-districts/tax-allocation-districts-frequently-asked-questions/>

### **INSTALLMENT PURCHASE FINANCING**

As an alternative to debt financing of capital improvements, communities can execute installment or lease purchase contracts for improvements. This type of financing is typically used for relatively small projects that the seller or a financial institution is willing to finance or when up-front funds are unavailable. In a lease purchase contract the community leases the property or improvement from the seller or financial institution. The lease is paid in installments that include principal, interest, and associated costs. Upon completion of the lease period, the community owns the property or improvement. While lease purchase contracts are similar to a bond, this arrangement allows the community to acquire the property or improvement without issuing debt. These instruments, however, are more costly than issuing debt.

### **TAXES**

Many communities have raised money for general transportation programs or specific project needs through self-imposed increases in taxes and bonds. For example, Pinellas County residents in Florida voted to adopt a one cent sales tax increase, which provided an additional \$5 million for the development of the overwhelmingly popular Pinellas Trail. Sales taxes have also been used in Allegheny County, Pennsylvania, and in Boulder, Colorado to fund open space projects. A gas tax is another method used by some municipalities to fund public improvements. A number of taxes provide direct or indirect funding for the operations of local governments and public improvement

projects that can be used for bicycle and pedestrian facilities. Some of them are:

### **Special Purpose Local Option Sales Taxes (SPLOST)**

In Georgia, sales tax is imposed on all retail sales, leases and rentals of most goods, as well as taxable services (occupancy taxes fall under this category as well). Georgia cities and counties have the option of imposing an additional Special Purpose Local Option Sales Tax (SPLOST). State law requires approval of a resolution to establish a SPLOST by a countywide referendum with a defined end date. SPLOST funds can only be applied to specified capital improvement projects. At this time, Hall County, Georgia voters have approved seven SPLOST referendums to generate revenues for a variety of projects including transportation infrastructure improvements, community amenities, public works projects, and other local infrastructure improvements.

More information about Hall County SPLOST referendums: <https://www.hallcounty.org/398/SPLOST-Law>

### **Property Tax**

Property taxes generally support a significant portion of a municipality's activities. However, the revenues from property taxes can also be used to pay debt service on general obligation bonds issued to finance trail system acquisitions. Because of limits imposed on tax rates, use of property taxes to fund trails could limit the municipality's ability to raise funds for other activities. Property taxes can provide a steady stream of financing while broadly distributing the tax burden. In other parts of the country, this mechanism has been

popular with voters as long as the increase is restricted to parks and open space. Note, other public agencies compete vigorously for these funds, and taxpayers are generally concerned about high property tax rates.

### **Excise Taxes**

Excise taxes are taxes on specific goods and services. These taxes require special legislation and funds generated through the tax are limited to specific uses. Examples include lodging, food, and beverage taxes that generate funds for promotion of tourism, and the gas tax that generates revenues for transportation related activities.

### **FEES**

A variety of fee options have been used by local jurisdictions to assist in funding pedestrian and bicycle improvements. Enabling actions may be required for a locality to take advantage of these tools.

### **In-Lieu-Of Fees**

As an alternative to requiring developers to dedicate on-site greenway or pedestrian facility that would serve their development, some communities provide a choice of paying a front-end charge for off-site protection of pieces of the larger system. Payment is generally a condition of development approval and recovers the cost of the off-site land acquisition or the development's proportionate share of the cost of a regional facility serving a larger area. Some communities prefer in-lieu-of fees. This alternative allows community staff to purchase land worthy of protection rather than accept marginal land that meets the quantitative requirements of a developer dedication but falls short of qualitative interests.



## **BONDS AND LOANS**

Bonds have been a very popular way for communities across the country to finance trail projects. A number of bond options are listed below. Contracting with a private consultant to assist with this program may be advisable. Since bonds rely on the support of the voting population, an education and awareness program should be implemented prior to any vote. Billings, Montana used the issuance of a bond in the amount of \$599,000 to provide the matching funds for several of their TEA-21 enhancement dollars. Austin, Texas has also used bond issues to fund a portion of its bicycle and trail system.

### **Revenue Bonds**

Revenue bonds are bonds that are secured by a pledge of the revenues from a specific local government activity. The entity issuing bonds pledges to generate sufficient revenue annually to cover the program's operating costs, plus meet the annual debt service requirements (principal and interest payment). Revenue bonds are not constrained by the debt ceilings of general obligation bonds, but they are generally more expensive than general obligation bonds.

### **General Obligation Bonds**

Cities, counties, and service districts generally are able to issue general obligation (G.O.) bonds that are secured by the full faith and credit of the entity. A general obligation pledge is stronger than a revenue pledge, and thus may carry a lower interest rate than a revenue bond. The local government issuing the bonds pledges to raise its property taxes, or use any other sources of revenue, to generate sufficient revenues to make the debt

service payments on the bonds. Frequently, when local governments issue G.O. bonds for public enterprise improvements, the public enterprise will make the debt service payments on the G.O. bonds with revenues generated through the public entity's rates and charges. However, if those rate revenues are insufficient to make the debt payment, the local government is obligated to raise taxes or use other sources of revenue to make the payments. Bond measures are typically limited by time, based on the debt load of the local government or the project under focus. Funding from bond measures can be used for right-of-way acquisition, engineering, design, and construction of pedestrian and bicycle facilities. Voter approval is required.

### **Special Assessment Bonds**

Special assessment bonds are secured by a lien on the property that benefits from the improvements funded with the special assessment bond proceeds. Debt service payments on these bonds are funded through annual assessments to the property owners in the assessment area.

### **State Revolving Fund Loans**

Initially funded with federal and state money, and continued by funds generated by repayment of earlier loans, State Revolving Funds (SRFs) provide low interest loans for local governments to fund water pollution control and water supply related projects including many watershed management activities. These loans typically require a revenue pledge, like a revenue bond, but carry a below market interest rate and limited term for debt repayment (20 years).

## Funds From Private Foundations & Organizations

Many communities have solicited trail infrastructure funding assistance from private foundations and other conservation-minded benefactors.

### PATH FOUNDATION

The PATH Foundation is a non-profit organization that partners with state and local governments to fund the construction and maintenance of trails in Georgia. Since its inception, the PATH foundation has constructed more than 160 miles of hiking, biking, and walking trails, including the Silver Comet Trail. PATH foundation staff provides assistance to local governments in planning, designing, building and maintaining trail projects. The foundation has created a “PATH Standard” for trail facilities to provide regular specifications for trails. The PATH Foundation has conducted several successful capital campaigns to solicit donations from charitable foundations and individual donors. In some cases, PATH provides matching funds to finance the development of trails. The PATH foundation also sponsors an “Adopt a Trail” program to coordinate volunteers for supplemental maintenance programs. Numerous local charitable organizations and business interests have provided support for the PATH foundation, including the James M. Cox Foundation, Arthur M. Blank Family Foundation, Georgia-Pacific Foundation, Georgia Power Foundation, Northside Hospital Foundation, SunTrust Bank Atlanta Foundation, Turner Broadcasting System, The Wachovia Foundation, and the Robert W. Woodruff Foundation.

More information: <http://pathfoundation.org/>

### THE ROBERT WOOD JOHNSON FOUNDATION

The Robert Wood Johnson Foundation was established in 1972 and today it is the largest U.S. foundation devoted to improving the health and health care of all Americans. Grant making is concentrated in four areas: To assure that all Americans have access to basic health care at a reasonable cost; To improve care and support for people with chronic health conditions; To promote healthy communities and lifestyles; To reduce the personal, social and economic harm caused by substance abuse (tobacco, alcohol, and illicit drugs).

More information: <http://www.rwjf.org/grants/>

### REI GRANTS

REI is dedicated to inspiring people to love the outdoors and take care of the places they love. REI focuses philanthropic efforts on supporting and promoting participation in active volunteerism to care for public lands, natural areas, trails and waterways. This focus engages a full spectrum of REI resources to mobilize communities around outdoor stewardship. The store teams cultivate strong partnerships with local non-profit organizations that engage individuals, families and entire communities in outdoor volunteer stewardship. REI stores use their public visibility, staff support and online communication tools to connect people to the stewardship opportunities hosted by their partners. These store resources thereby

drive customers' attention, awareness and involvement in support of partner programs and needs. REI also supports local partners financially with grant funding. The grants program begins with nominations from store teams who select the local non-profits with whom they've developed enduring and meaningful partnerships. Nominated partners are then invited to submit applications for grant funding. REI grants provide partner organizations with the resources and managing agency to organize stewardship activities and get volunteers involved.

More information: <http://www.rei.com/stewardship/community.html>

#### **WALMART STATE GIVING PROGRAM**

The Walmart Foundation financially supports projects that create opportunities for better living. Grants are awarded for projects that support and promote education, workforce development/ economic opportunity, health and wellness, and environmental sustainability. Both programmatic and infrastructural projects are eligible for funding. State Giving Program grants start at \$25,000, and there is no maximum award amount. The program accepts grant applications on an annual, state by state basis.

More information: <http://foundation.walmart.com/?p=8979>

#### **THE RITE AID FOUNDATION GRANTS**

The Rite Aid Foundation is a foundation that supports projects that promote health and wellness in the communities that Rite Aid serves. Award amounts vary and grants are awarded on a one year basis to communities

in which Rite Aid operates. A wide array of activities are eligible for funding, including infrastructural and programmatic projects.

For more information: <https://www.riteaid.com/about-us/rite-aid-foundation>

#### **BANK OF AMERICA CHARITABLE FOUNDATION, INC**

The Bank of America Charitable Foundation is one of the largest in the nation. The primary grants program is called Neighborhood Excellence, which seeks to identify critical issues in local communities. Another program that applies to greenways is the Community Development Programs, and specifically the Program Related Investments. This program targets low and moderate income communities and serves to encourage entrepreneurial business development.

More information: <http://www.bankofamerica.com/foundation>

#### **THE TRUST FOR PUBLIC LAND**

Land conservation is central to the mission of the Trust for Public Land (TPL). Founded in 1972, the Trust for Public Land is the only national nonprofit working exclusively to protect land for human enjoyment and well being. TPL helps conserve land for recreation and spiritual nourishment and to improve the health and quality of life of American communities.

More information: <http://www.tpl.org>

#### **NATIONAL TRAILS FUND**

American Hiking society created the National Trails Fund in 1998 as the only privately supported national grants program

providing funding to grassroots organizations working toward establishing, protecting, and maintaining foot trails in America. The society provides funds to help address the \$200 million backlog of trail maintenance. National Trails Fund grants help give local organizations the resources they need to secure access, volunteers, tools and materials to protect America's cherished public trails. To date, American Hiking has granted more than \$240,000 to 56 different trail projects across the U.S. for land acquisition, constituency building campaigns, and traditional trail work projects. Awards range from \$500 to \$10,000 per project.

- Projects the American Hiking Society will consider include: Securing trail lands, including acquisition of trails and trail corridors, and the costs associated with acquiring conservation easements.
- Building and maintaining trails that will result in visible and substantial ease of access, improved hiker safety, and/or avoidance of environmental damage.
- Constituency building surrounding specific trail projects, including volunteer recruitment and support.

More information: <http://www.americanhiking.org/national-trails-fund/>

### THE CONSERVATION ALLIANCE

The Conservation Alliance is a non-profit organization of outdoor businesses whose collective annual membership dues support grassroots citizen-action groups and their efforts to protect wild and natural areas. Grants are typically about \$35,000 each. Since its inception in 1989, The Conservation

Alliance has contributed \$4,775,059 to environmental groups across the nation, saving over 34 million acres of wild lands. The Conservation Alliance Funding Criteria:

- The Project should be focused primarily on direct citizen action to protect and enhance our natural resources for recreation.
- The Alliance does not look for mainstream education or scientific research projects, but rather for active campaigns.
- All projects should be quantifiable, with specific goals, objectives, and action plans and should include a measure for evaluating success.
- The project should have a good chance for closure or significant measurable results over a fairly short term (one to two years).
- Funding emphasis may not be on general operating expenses or staff payroll.

For more information: <http://www.conservationalliance.com/grants>

### PEOPLE FOR BIKES

The PeopleForBikes Community Grant Program provides funding for important and influential projects that leverage federal funding and build momentum for bicycling in communities across the U.S. These projects include bike paths and rail trails, as well as mountain bike trails, bike parks, BMX facilities, and large-scale bicycle advocacy initiatives.

Since 1999, they have awarded 272 grants to non-profit organizations and local governments in 49 states and the District of Columbia. The investments total nearly \$2.5

million and have leveraged \$650 million in public and private funding.

More information: <http://www.peopleforbikes.org/pages/community-grants>

### **LOCAL TRAIL SPONSORS**

A sponsorship program for trail amenities allows smaller donations to be received from both individuals and businesses. Cash donations could be placed into a trust fund to be accessed for certain construction or acquisition projects associated with the greenways and open space system. Some recognition of the donors is appropriate and can be accomplished through the placement of a plaque, the naming of a trail segment, and/or special recognition at an opening ceremony. Valuable in-kind gifts include donations of services, equipment, labor, or reduced costs for supplies.

### **CORPORATE DONATIONS**

Corporate donations are often received in the form of liquid investments (i.e. cash, stock, bonds) and in the form of land. Municipalities typically create funds to facilitate and simplify a transaction from a corporation's donation to the given municipality. Donations are mainly received when a widely supported capital improvement program is implemented. Such donations can improve capital budgets and/or projects.

### **PRIVATE INDIVIDUAL DONATIONS**

Private individual donations can come in the form of liquid investments (i.e. cash, stock, bonds) or land. Municipalities typically create funds to facilitate and simplify a transaction from an individual's donation to the given

municipality. Donations are mainly received when a widely supported capital improvement program is implemented. Such donations can improve capital budgets and/or projects.

### **FUNDRAISING / CAMPAIGN DRIVES**

Organizations and individuals can participate in a fundraiser or a campaign drive. It is essential to market the purpose of a fundraiser to rally support and financial backing. Often times fundraising satisfies the need for public awareness, public education, and financial support.

### **LAND TRUST ACQUISITION AND DONATION**

Land trusts are held by a third party other than the primary holder and the beneficiaries. This land is oftentimes held in a corporation for facilitating the transfer between two parties. For conservation purposes, land is often held in a land trust and received through a land trust. A land trust typically has a specific purpose such as conservation and is used so land will be preserved as the primary holder had originally intended.

### **VOLUNTEER WORK**

Residents and other community members are excellent resources for garnering support and enthusiasm for a greenway corridor or pedestrian facility. Furthermore, volunteers can substantially reduce implementation and maintenance costs. Individual volunteers from the community can be brought together with groups of volunteers from church groups, civic groups, scout troops and environmental groups to work on greenway development on special community workdays. Volunteers can also be used for fund-raising, maintenance, and programming needs.