APPENDIX E – Case Studies

Whistler Valley Trail

Overview
The Valley Trail is a 30 km+ paved pedestrian/bicycle route linking several parks, beaches, neighbourhoods, and playgrounds to Whistler Village. It is popular with cyclists, strollers, walkers, dogs, families, and even healthy enviro-friendly commuters!

Community Engagement Strategy
They conducted open houses, went out into the community many times, and had strong relationship with the cycling community (about 10% of the community).

Outcome
The consultation process (stated above) created momentum and then they seized that momentum to continue.

Contacts
Dave Patterson**,** Manager of Resort Park and Village Operations
dpatterson@whistler.ca, 604-935-8306

Gordon McKeever, Project Manager - Sea To Sky Trail
gordon@RainbowRetreats.com, 604-932-1343

Frank Savage, Parks Planner, Chair of the Cycling Committee
fsavage@whistler.ca, 604-935-8165

http://www.whistler.com/pdf/maps/whistler_bike_trails.pdf

Greenways for the Olympics and London (Northeast)

Overview
Feasability study to identify potential routes, priority sections and public concerns for a network of multi use pathways linking 5 London area boroughs to be completed by the 2012 London summer Olympics.

Community Engagement Strategy
Questionnaire canvassing input on 5 relevant questions sent to 260 key groups and individuals, with responses and respondants fully reported and summarised.

Outcome
Responses identified routing sections to be eliminated, "Quick win" easy sections for immediate implentation, and a delivery schedule to guide funding applications for more detailed planning work to address the issues of concern identified for the more challenging sections.

Contacts
http://www.sustrans.org.uk/what-we-do/goal-greenways-for-the-olympics-and-london

Westhill Trail, Port Moody, BC

Overview
The Westhill Trail in Port Moody, B.C., is a 2.2 km round trip trail which connects to the larger Trans Canada Trail.

Community Engagement Strategy
Port Moody provided information, held two public open houses giving an opportunity to collect feedback from the community, and then responded to the residents' concerns and questions.

Outcome
The trail was successfully completed and is well used.

Contact
Bill Granger, Manager Parks & Environmental Services
bill.granger@cityofportmoody.ca, 604-469-4530

www.cityofportmoody.com/Parks/Trails/Westhill+Greenway+Trail.htm

Galloping Goose Trail

Overview
The Galloping Goose Trail is a 55 km trail from Victoria to Sooke and is part of the Trans Canada Trail.

Community Engagement Strategy
The public engagement conducted was an information newsletter first, followed by a series of public workshops with feedback collected and those concerns were addressed.

Outcome
Since 1987, the trail has been highly used and brings great enjoyment to the communities.

Contact
Jeanette Molin, Visitor Services and Community Development, Capital RD, Regional Parks
250.360.3000
www.crd.bc.ca/parks/galloping-goose/index.htm

http://gallopinggoosetrail.com/

Edmonton Multi-Use Trail Corridor Study

Overview
62 kilometre network of city wide trail corridors that run alongside both abandoned and active rail lines, through utility and other rights-of-way, and adjacent to a few residential properties.

Community Engagement Strategy
Prior to city approval of the plan, extensive public consultation was conducted to determine feasibility of various links. Information sharing since the project approval in 2002 has consisted of open houses where staff have displays are able to discuss ideas with the public on a one-on-one basis.

Outcome
Work still in progress due to funding issues.

Contact

Claire Ellick, E.I.T. Transportation Engineer, Sustainable Transportation
780-496-2615

http://edmonton.ca/transportation/RoadsTraffic/MUTC_Executive_Summary.pdf

Burke Gilman Trail, North Seattle Lake Forest Area

Overview
As part of a 2008 redevelopment, 2.3 miles of the 1975 trail was redesigned to widen the trail and replace a bridge.

Community Engagement Strategy
Community involvement included 2 public hearings where residents could sign up for 2 minute speaking periods. There was also a box for written submissions and a 30 day comment period to the County. A very detailed project webpage was also set up.

Outcome
A Friends of Burke Gilman Trail continue to monitor progress as funding is sought and the project gets underway.

Contact
Seattle Bicycle & Pedestrian Program: 206-684-7583

http://www.ci.seattle.wa.us/parks/BurkeGilman/bgtrail.htm

http://www.burkegilmantrail.org/

Lyons to Boulder Regional Trail –Colorado

Overview

The **Lyons to Boulder Regional Trail** is a proposed 13-mile soft surface, multi-use trail that will connect the City of Boulder trail system with the Town of Lyons. The proposed routing for the Lyons-Boulder segment along the Boulder Feeder Canal has been a controversial issue for many residents living in close proximity to the trail.

Community Engagement Strategy
A master planning process was developed with the intent of working closely with the public to identify a preferred trail alignment that takes into account the needs and concerns of property owners, neighbourhood residents, user groups, and

other public entities. The plan includes four key phases that started in November 2008 and is projected to conclude in Fall 2009. A series of stakeholder outreach meetings (including one-on-one meetings with concerned residents), public workshops and open houses are being used to engage residents.

Outcome
The project is on schedule and a second open house was completed in June 2009. According to Julie McKay, consultant for the project, while there is still considerable concern among residents many of them appreciate having numerous opportunities to voice concerns and be listened to. The website listed below provides detailed information about the engagement tools used in the different phases as well as samples of handouts and displays employed during the most recent open house. Of particular significance is a chart that shows the tools/resources/background used to address voiced concerns. Julie McKay, has considerable experience in public engagement and conflict resolution and could be a valuable resource for West Vancouver.

Contact
Julie McKay (303) 441-3900 email: jmckay@bouldercounty.org

www.lyonstobouldertrail.com

Trail-related Community Impact Studies

Several studies researched common concerns related to how a trail would affect property values and crime. Studies confirmed that property values generally increase and crime is reduced when a multi-use trail is established in a community.

1. http://www.americantrails.org/resources/adjacent/sumadjacent.html

To quote one 2007 report on “Impacts of Trails and Trail Use –Trail Effects on Neighborhoods: Home Value, Safety, Quality of Life” by National Trails Training Partnership;

“But studies in various parts of the United States seem to show that concerns about trails lowering property values and increasing crime are unfounded. In fact, Trails have consistently been shown to increase (or have no effect on) property values, to have no measurable effect on public safety, and to have an overwhelming positive influence on the quality of life for trail neighbours as well as the larger community.”

2. http://www.brucefreemanrailtrail.org/pdf/LA-Metro-Bike-paths-safety-property-values.pdf

Another 2007 report by the Los Angles County Metropolitan Transportation Authority quotes other studies in 2000, 1998, 2006 and 2004 which report similar conclusions.

3. http://www.mtwatercourse.org/Realtors/Greenway_economic_study.pdf

Lastly, a 1999 UBC study prepared for the Department of Fisheries & Oceans reviews several studies related to environmental and economic impacts of trails, and concludes;

“This study also confirms that greenways appear to be valued by people of all ages, and across a variety of cultures. Statistics demonstrate a clear economic value demonstrated by increased residential property prices.There also appears to be an indication that both the economic and the intrinsic value of greenways increase as people have the time and resources to understand and better manage this important element of residential suburban landscapes.”

Portland Rails with Trails (RWT) Case Study

Summary

Based on the lessons learned reviewed, it is clear that well-designed RWTs can bring numerous benefits to both the communities and the railroads. Working closely and in cooperation with CN and other railway corridor stakeholders is crucial to a successful RWT. Nurturing the relationship between the municipality and the railway stakeholders is paramount.

Trail proponents need to understand railroad concerns, expansion plans, and operating practices. They also need to assume the liability burden for the sections of trail that will be proposed on CN right of way. Limiting new at-grade trail-rail crossings, setting trails back as far as possible from tracks, and providing physical separation through fencing, vertical distance, vegetation, and/or drainage ditches can help create a well-designed trail. Trail planners need to work closely with CN to allow for the development of strong maintenance and operations plans, and educate the public about the dangers of trespassing on tracks.

CN, for its part, needs to understand the people's desire to create safe walking and bicycling spaces within their topographically challenged communities. CN may be able to derive a number benefits from RWT projects in terms of reduced trespassing, reduced dumping, and reduced vandalism, as well as financial compensation and a transfer of liability. Together, trail proponents and CN can help strengthen available legal protections, trespassing laws and enforcement, seek new sources of funding to improve railroad safety, and keep the railroad industry thriving and expanding in its freight and passenger services

Contact

Catherine Ciarlo, Transportation Director, Office of Mayor Sam Adams , catherine.ciarlo@ci.portland.or.us, 503.823.4290

http://www.fhwa.dot.gov/environment/RecTrails/rwt/toc.htm

Railway's typical arguments against RWT:

- Trails are not related to railroad business;
- Will not generate revenue for railroad;
- Poor trail design could lead to increased trespassing;
- Increase in pedestrian traffic proximate to rail could lead to increased trespassing;
- Constricts adding future rail capacity;
    - Double tracking ;
    - Sideline for passing;
- Constrictions increase difficulty and drives up cost of rail maintenance;
- Trail users may be injured by railroad activities, such as falling or protruding objects, hazardous materials, or a derailment;
- Providing safety to increased pedestrian traffic challenges maintenance crews;
- Legal transfers of liability to community have not been tested in courts;

- Legal costs must still be born to defend increased frequency of cases; and
- Despite any legal agreements, courts may hold railways to a higher standard in terms of protection of safety of pedestrians versus trespassers, especially if number of crossings are increasing

Benefits to Railway:

- Financial compensation;
- Reduced liability costs;
- Reduced petty crime, trespassing, dumping, and vandalism;
- Reduced illegal track crossings through the funneling of users to well-designed at-grade crossings;
- Increased public awareness of railroad company service;
- Increased tourism revenue;
- Increased adjacent property values; and
- Improved access to transit for law enforcement and maintenance vehicles.

Set Back Factors:

- Type of rolling stock;
- The speed, and frequency of trains in the corridor;
- Type of separation barrier used;
- Topography;
- Sight distance;
- Maintenance requirements for railway; and
- Historical problems.

Minimum/Maximum Setbacks

- Constrained areas along a low frequency & speed ROW- 3 (10 ft) m from centerline assuming that:
    - the municipality has no other practicable options;
    - the municipality indemnifies the railroad for all RWT-related incidents;
    - separation (e.g., fencing or a solid barrier) is provided;
    - the railroad has no plans for additional tracks or sidings that would be impacted by the RWT; and
    - the RWT is available to the railroad for routine and emergency access.
- In contrast, along a high speed line located on private property, the railroad may require as much as 15 m (50 ft).

RWT Development Process

The current RWT development process varies from location to location, although common elements exist. Trail advocacy groups and public agencies often identify a desired RWT as part of a bikeway master plan. They then work to secure funding prior to initiating contact with the affected railroad. However, the RWT that have had the most success got the railways involved at the initial planning stages. It should be kept in mind that railroads typically lack an established,

accessible review and approval processes for RWT. While some RWTs move forward quickly (typically those where the trail development agency owns the land), many more are outright rejected or involve a lengthy, contentious process. The RWT process typically take three to ten years from concept to construction.

Involving the Stakeholders
Involving the railroad and affected agencies early in the process is a common theme heard from surveys and interviews on existing RWTs around the country.

Creating Value
Public agencies considering RWTs should be prepared to identify financial incentives for a railroad to consider. This may be in the form of land transfers, tax breaks from donated land, cash payments, zoning bonuses on other railroad non-operating property, taking over maintenance of the trail right-of-way and structures, and measurably reducing the liability a railroad experiences.

Indemnification
Easement and license agreements that indemnify the railroad owner against certain or all potential claims. In most cases, the railroad will retain property control, thus the form of legal agreement will be an easement or license agreement that, to the extent permissible under provincial law, reduces the railroad's liability exposure. Because of the many jurisdictions that have some involvement in an RWT—including the owner of the right-of-way, the operator of the railroad, and the trail manager(s)—the license or easement agreement should identify liability issues and responsible persons through indemnification and assumption of liability provisions.

Insurance
Railroads may be concerned that trail users might sue them regardless of whether the injuries were related to railroad operations or the proximity of the trail. In most instances, the trail management entity should provide or purchase comprehensive liability insurance in an amount sufficient to cover foreseeable railroad liability and legal defense costs.

Case Precedence
There doesn't appear to be any case history of crashes or claims on the existing RWTs. There is only one known case of a specific RWT claim (in Anchorage, Alaska). The railroad was held harmless from any liability for the accident through the terms of its indemnification agreement. Research on other relevant cases in the US found that the State statutes do, in fact, hold up in court.