

MA & PA Community Greenway Feasibility Study

York County, PA

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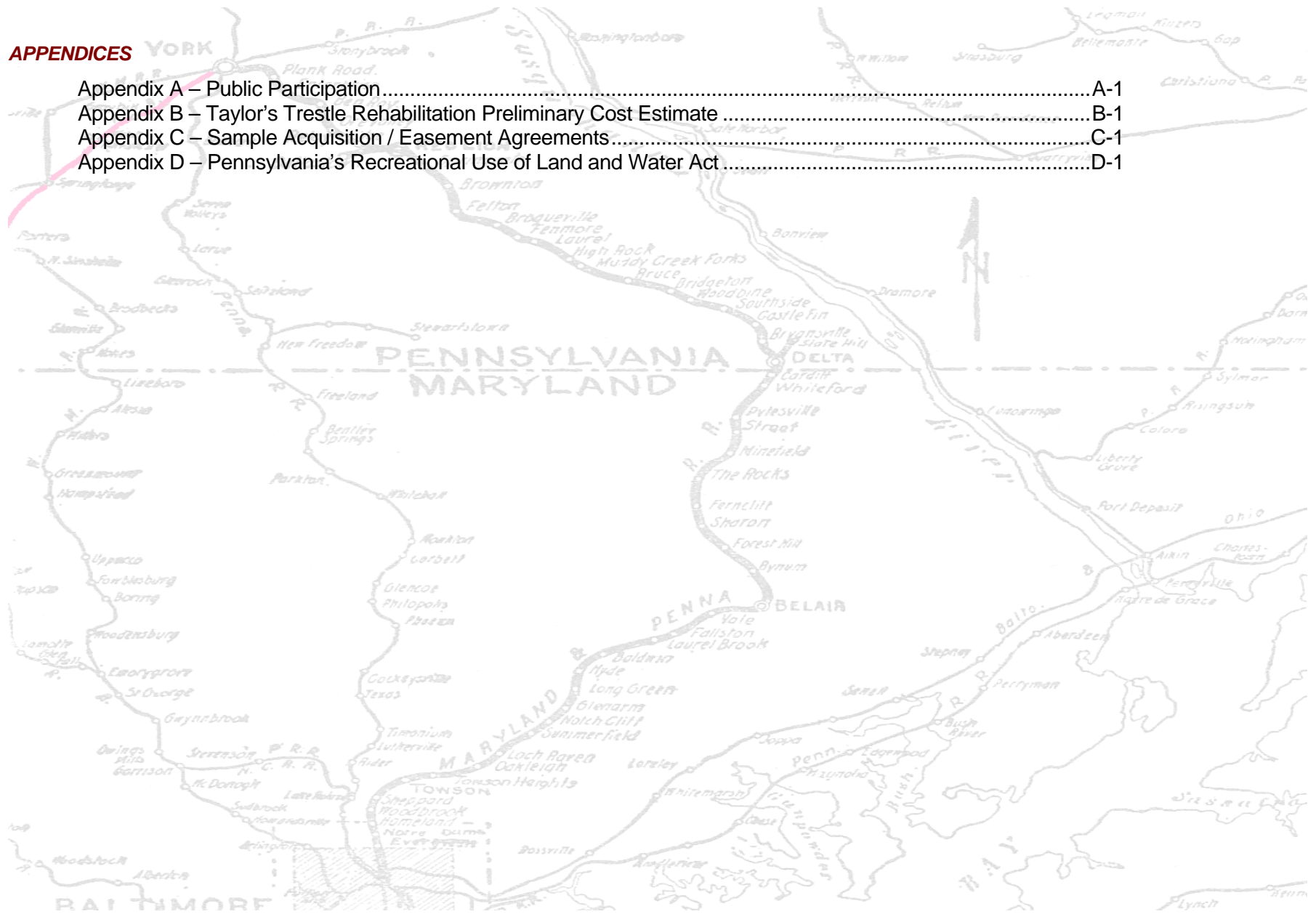
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Chapter 1
Introduction

Introduction

The MA & PA Community Greenway is a 12.4-mile rail-to-trail conversion project located in York County, Pennsylvania. The MA & PA Community Greenway study corridor spans 11.34-miles between Mount Rose Avenue in Spring Garden Township and the northern boundary of Felton Borough. A 1.07-mile spur corridor connects Dallastown Borough to the main corridor. The corridor passes through seven municipalities including Spring Garden, York, Windsor and Chanceford Townships and the Boroughs of Yoe, Red Lion, and Dallastown. The study corridor was formally part of the Maryland and Pennsylvania Railroad, a 77.2-mile narrow gauge line connecting York, Pennsylvania and Baltimore, Maryland. The narrow gauge provided a slender 3-foot wide track and historic railroad VAL maps illustrate the former railroad right-of-way between 50 and 60 feet wide. The railroad tracks south of York City were dismantled between 1986 and 1987.

At the time of this study, a short three mile rail line exists between Laurel and Muddy Forks in southern York County. In Hartford County, Maryland, a 6-mile long section of the right-of-way has been converted to a recreation trail. Within the study corridor, two segments have been converted to a trail: the Red Lion Mile in Red Lion Borough and the trail at Mill Creek Preserve in York Township. The success of the Red Lion Mile and Mill Creek Preserve trail has generated interest and momentum for the MA & PA Community Greenway.

This study explored the feasibility of converting 12.4 miles of the former railroad corridor into a recreation trail. The seven communities located in the study area worked together as the MA & PA Community Greenway Partners to explore the legal, physical, and operational feasibility of developing the trail. The study answers the following questions:

- Legal feasibility – Who owns the corridor and has it been fully abandoned?

- Physical Feasibility – Can a recreational trail be developed on the corridor as it currently exists?
- Operations and Management Feasibility – If a trail can be developed in whole or in part, how will it be operated and maintained?



Introduction

The Planning Process

The MA & PA Community Greenway Partners retained the consultant team of Yost Strodoski Mears, Toole Recreation Planning, and C.S. Davidson Inc. to prepare the feasibility study. The team included individuals with a wide range of expertise including landscape architecture, engineering, recreation planning and law. The study was based upon an extensive citizen participation process that included key person interviews, public meetings, community forums, an open house, landowner survey, and work sessions with a study committee. The purpose of the public participation process was to gather information, identify issues, seek out opportunities, build stewardship, and identify potential partners. The planning team conducted extensive field studies to explore the existing conditions of the corridor and adjacent lands and identify potential connections to community destinations.

Summary of Plan Findings

A summary of the plan findings include the following:

Physical Feasibility

The majority of the former rail corridor, from Mount Rose Avenue to Felton Borough is discernible in the field, although overgrown in many locations. The narrow width of the corridor and steep banks on each side in some locations will limit the development area and confine the trail to on multi-purpose tread for portions of the corridor. The majority of the culverts and bridges remain and could be rehabilitated for trail use. There are stream and road crossings and wet areas that will need to be addressed to accommodate a recreation trail. Alternative routes for the trail are suggested for areas of extensive wetlands, at the Taylor's Trestle, and areas with physical encroachments.

Legal Feasibility

The railroad right-of-way has been formally abandoned and title to land encompassing the former rail corridor has reverted to the contiguous property owners. The following summaries the legal findings:

- The railroad right-of-way has been formally abandoned as evidenced by: 1) removal of the tracks with the consent of the railroad company, 2) issuance of certificate of abandonment by the Public Utility Commission, and 3) formal relinquishment of the right-of-way by the railroad company by way of quit-claim deeds.
- There are approximately 290 individual properties contiguous to the right-of-way and 27 landowners have received quit-claim deeds from the railroad company.
- Per Pennsylvania law, the land encompassing the right-of-way becomes owned by the landowners on either side of the right-of-way upon formal abandonment.
- The railroad right-of-way has been extinguished and title to the land encompassing the easement has reverted to the contiguous property owners.

Operations and Management Feasibility

The operations and management feasibility assessment for the MA & PA Community Greenway provides baseline information for organizing, funding, and completing tasks that will need to be undertaken by the MA &PA Community Greenway Partners to develop the recreation trail. This plan recommends a series of work items and tasks needed to develop and maintain the trail as a community asset: one that is an attractive, safe, and secure amenity. Chapter 7 of this report addresses, trail management, safety and security, risk management and liability, maintenance, and funding.

The Maryland and Pennsylvania Railroad History

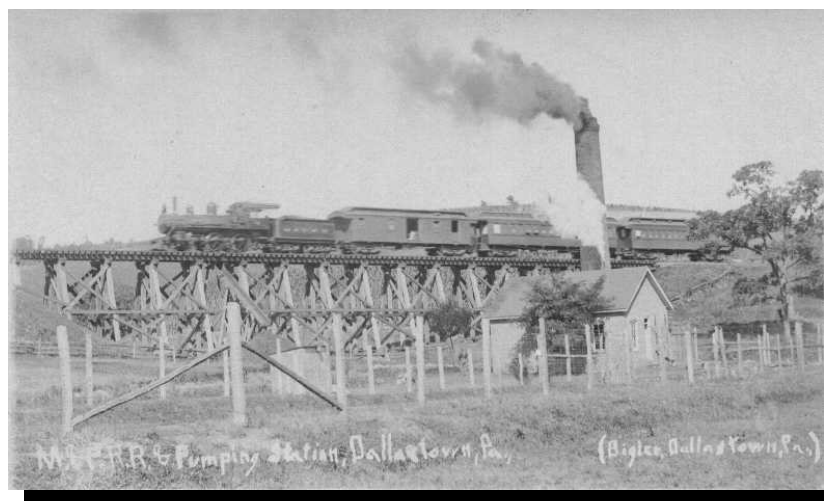
*(Affectionately known as the "MA & PA RR")
February 12, 1901 to December 1, 1999*

The Maryland and Pennsylvania Railroad was formed on February 12, 1901 by the merger of the Baltimore and Lehigh Railway Company in MD and the York Southern Railroad in PA, both with a long drawn out evolution of plans, constructions, consolidations, receiverships, foreclosures, bankruptcies, and abandonments.

The MA & PA RR's circuitous and picturesque main line connecting Baltimore and York, through Delta, was 77.2 miles long, although these cities were only 47 miles apart. There were 12 summits, 476 curves (almost one half of the total mileage), 111 trestles and bridges, 27 stations, and 31 flag stops in the early 1950's. It required over four hours to complete the York to Baltimore run at an average speed of 18-½ mph. Today, that trip by automobile on Interstate 83 takes about 50 minutes. A round-trip passenger ticket cost \$1.50 in the 1930's & 40's.

At its peak in the early 1900's, the MA & PA RR owned 16 steam locomotives, 160 railcars, and had 573 employees, most in Baltimore, and 100 of which were for track maintenance alone. At that time, more than half the company's revenue came from passenger, mail, and express freight services, followed by milk, coal, and slate.

Source: "The Maryland and Pennsylvania Railroad History"
<http://www.redlionpa.org/history.htm> (accessed December 29, 2008).



The Communities

The seven communities of the MA & PA Community Greenway Partners have been working over several years to make the vision of a trail along the corridor of the former MA & PA Railroad from Felton Borough to Spring Garden Township a reality. The recently completed sections of the trail in Red Lion Borough and York Township has generated momentum for the eventual long distance trail connecting the seven municipalities over 12.4 miles.

The growth and development in York County has been prolific for the past decade and this trend is expected to continue into the future. The combined growth rate for the seven communities over the decade between 1990 and 2000 was over 17 percent, with each community growing, with the exception Red Lion Borough. The need to plan for recreation facilities and alternative modes of transportation is now, before growth and development impedes the opportunities that currently exist.

Introduction

York County

York County has a professional Parks and Recreation Department that oversees eleven park sites. Each park offers a different experience and setting. Additionally, York County maintains the Heritage Rail Trail County Park, a 21-mile long trail traveling north from the Mason Dixon line just south of the Borough of New Freedom through Glen Rock Borough and Seven Valleys Borough, terminating at the Colonial Courthouse in the City of York. The trail connects to Maryland's 20-mile long Northern Central Railroad Trail.

The county also benefits from the York County Rail Trail Authority (YCRTA). The YCRTA is a volunteer, ten-member authority formed in 1990 under the direction of the York County Board of Commissioners. The YCRTA's mission is to enrich York County communities and countryside through the development of a network of public trails.

York County communities are enriched through the existing trail network and park system. The MA & PA Community Greenway would be a significant addition to the county network, providing recreational opportunity to the southeastern portion of the county and connecting communities along the corridor.

Community Benefits

While the benefit of trails and greenways are primarily viewed as recreational and environmental, the big picture is more encompassing. Trails and greenways can provide greater benefits to communities including improving public health through wellness and fitness opportunities, stimulating local economies and revitalizing communities through trail related businesses, providing alternative transportation options, preserving local history, and engendering community pride. When seen as a whole, the far-reaching benefits of trails and greenways are compelling.

Typically trails can be developed through modest investment, when compared to construction of other community facilities and are the least expensive recreation facility to maintain.

Trail enthusiasts encompass the full spectrum of a community, from young children to seniors and persons with disabilities. Trail activities are primarily self-directed, allowing individuals, families, community groups to fit them into their busy schedules. Trails often host special events, bringing a community together to celebrate.

Chapter 2

Inventory & Analysis

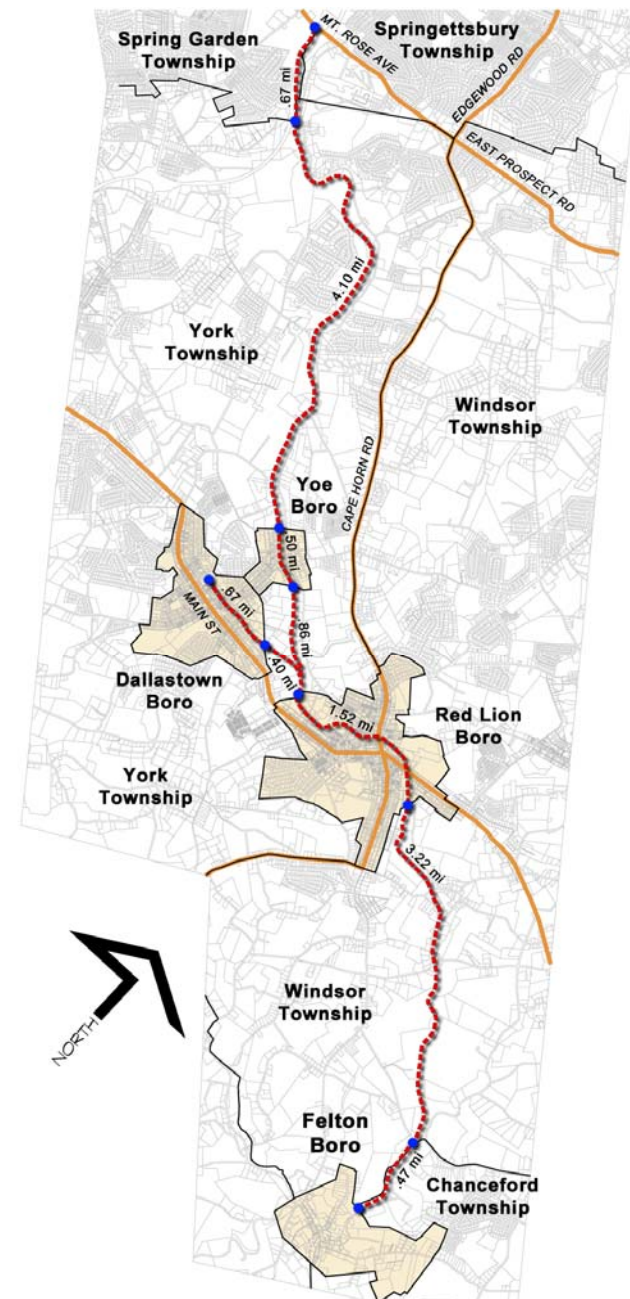
Project Area Inventory and Analysis

A comprehensive project-area inventory and analysis was completed at the outset of the project to evaluate the physical characteristics of the greenway corridor. This analysis is critical for any planning project. For the MA & PA Community Greenway, a thorough inventory and analysis is critical for the following reasons:

- To ascertain development opportunities and concerns regarding the corridor and adjacent lands.
- To become familiar with the context of the region.
- To determine development costs which are influenced by the ease of construction and compatibility of the proposed development with the corridor's physical features.

The MA & PA Community Greenway is located in York County, Pennsylvania. The corridor starts at Mount Rose Avenue in Spring Garden Township and travels south through Yoe Borough and Red Lion Borough to the northern boundary of Felton Borough. Just south of Yoe Borough, the rail corridor splits and a 1-mile spur extends to Dallastown Borough. The overall greenway corridor is 12.4 miles line including the Dallastown spur.

The site analysis process included field viewing the corridor and reviewing available aerial photography and archival information. General analysis is documented in the following text and Site Analysis Maps.



Inventory & Analysis

Physical Resources

Topography

Information

Source – United States Geographic Survey (USGS), topographic quads; and field investigation.

Design Intent – The American with Disabilities Act (ADA) regulates a maximum slope for public facilities. The trail slope should not exceed 5-percent slope (1:20). In transition areas the maximum slope should not exceed 8-percent (1:12) and in areas between 5 and 8 percent, handrails are required on both sides of the trail.

Findings – From Spring Garden Township south, the corridor proceeds uphill at 0.8% – 1.7% to the highpoint in Red Lion Borough, climbing 350 vertical feet from elevation 400 to 750. From Red Lion Borough south, the corridor slopes downhill 190 vertical feet between 0.7% and 2.0% grade to the Felton Borough northern boundary.

Conclusions – The topography of the trail corridor is compatible with the development of a recreation trail with the exception of the bridge removal area at Springvale Road. A guiderail will be required in some areas to alert users of steep side slopes along the corridor's embankment. Pedestrian links to nearby facilities may require additional measures to achieve accessible connections. All trails must comply with the slope standards of the ADA.

Drainage

Information

Source – Field investigation and USGS mapping.

Design Intent – The existing drainage patterns should be maintained along the trail and the trail surface should be graded to provide positive drainage and eliminate ponding water and wet conditions. A 2-percent cross slope should be created along the trail tread.



Findings – The trail was field viewed at numerous times throughout the year. The majority of the trail tread was dry. Noteworthy drainage concerns exist at each stream crossing. Former railroad

bridges are in various states of disrepair and require attention. Additionally, numerous drainage concerns including soft soils, wetlands, and stream bank/trail tread erosion is evident along the Mill Creek and Pine Run.

Conclusions – The majority of the trail remains relatively free of drainage problems. Generally, the rail bed is furnished with established drainage patterns dating from the rail bed construction to include drainage swales and culverts. Typical of Pennsylvania railroad construction, drainage collection and conveyance facilities were well developed. The urbanized settings of the three Boroughs have impacted some of the drainage patterns. Along much of the corridor, stormwater is captured and conveyed along small channels adjacent to the railroad bed. Drainage modifications, such as underdrain and cross pipes, will be necessary to reduce the potential for standing water. Underdrain should be directed to existing natural drainage ways, where practical. Runoff should be conveyed to the original downstream drainage area.

Soils

Information

Source – United States Department of Agriculture, Soil Conservation Service, Soil Survey of York County, Pennsylvania.

Design Intent – Determine the compatibility of the soils within the proposed area of the trail and ancillary facilities.

Findings – Typical of railroad development, the trail bed soil materials have been moved or disturbed by excavation or filling so that the natural orderly

arrangement of horizons of the soils has been destroyed. The majority of the trail tread appears stable due to the existing ballast and compaction resulting from the former railroad operation. Soft areas were noted adjacent to streams and along low lying portions of the corridor.

Conclusions – Because the majority of the trail will be built on existing railroad ballast along the old rail bed, the soils are not a limiting factor in development of the trail. In many areas, the rail bed has been raised above the level of the native soils. In the area where ballast has been removed, an adequate base course of stone will be required to develop the trail over compacted subgrade.

Plant Ecology

Information

Source – Field investigation.

Design Intent – The vegetation within the corridor should be species that are compatible with public trail use. Native plant material should be preserved whenever possible. Plant material should be low maintenance, non-invasive, native species that provide shade and interest along the trail. Vegetation along steep embankments should stabilize slopes.

Findings – The trail corridor bisects a mix of rural, suburban, and urban environments throughout its 12.4-mile length. Numerous invasive species have re-vegetated the former corridor and its edges in these areas. The trail corridor south of Red Lion Borough is a very natural and wooded section, void of manmade disturbance. This southern section offers a natural respite from the

Inventory & Analysis

- more developed northern section.
- Conclusions –** The trail tread offers a variety of natural and urban settings. As development continues in the boroughs and suburbs, efforts should be made to curb the establishment of non-native, invasive species and limit their proliferation. Care should also be taken to respect any sensitive vegetation along the trail. This vegetation may be appropriate for educational purposes if presentation can be accomplished without degradation to the resource. Trail development should limit vegetation clearing to the minimum necessary area to develop needed facilities, limiting breaks in the vegetative cover that could provide footholds for invasive species.

Water Features

Information

- Source –** Field investigation and USGS mapping.
- Design Intent –** To develop the trail in a manner that is compatible with the existing water features. Additionally, water feature may add interest to the trail corridor.
- Findings –** The Pine Run and Mill Creek and their tributaries are the only mapped watercourses to cross the rail corridor. Mill Creek parallels the trail's northern sections from Mount Rose Avenue to its turn south at the Taylor's Trestle. Pine Run follows the corridor from the northern end of Windsor Township, south to Felton Borough. Crossings of each creek are necessary along the corridor. Both streams are classified as Warm Water Fishes (WWF). The associated floodplain for each stream impacts the rail corridor.

- Conclusions –** Each creek and its associated floodplain are in constant contact with the greenway corridor. The railroad provided drainage structures along the way to safely coexist. Most of the existing structures will require attention to provide a safe, accessible crossing. The scenic beauty and quality of each watercourse should be highlighted where they interact with the corridor and visual access should be provided where appropriate.



Trail Encroachments

Information

- Source –** Field investigation.
- Design Intent –** To identify areas of encroachment to the corridor which may impact the development of a

Cultural and Regional Resources

Community Facilities

Schools – A number of schools are in close proximity to the rail corridor. York Suburban Senior High School, Dallastown Elementary and Middle School, Red Lion Senior High School, and Pleasant View Elementary School are all within one mile of the rail corridor.

Existing facilities contain complimentary recreation facilities.

Historic Structures – Taylor’s Trestle, Trestle 689, which signifies its 68.9 mile distance from the Baltimore Train Station, is better known as Taylor’s Trestle, a hidden gem within the corridor located just east of the Dallastown spur intersection. The structure is historically significant because it is a rare example of a still-standing wooden railroad trestle from the late nineteenth and early twentieth centuries. It is especially unique because it is a curved layout. The trestle is overgrown with vegetation and in a state of disrepair and structural instability.

Red Lion Train Station - The Red Lion Area Historical Society owns and operates the station and is in the process of renovating and preserving the station as a museum for future generations. It was the only all brick station ever built by this railroad. It contains a passenger waiting room, the original ticket window, an office area with telegraph station, a railroad express freight room, and a freight warehouse. An O-Gauge model railroad layout

public recreation trail.

Findings – Numerous physical encroachments were noted along the trail. The Boroughs of Yoe, Red Lion, and Dallastown have gradually overcome the trail tread. As the towns have developed, the corridor has been replaced with paved alleys and structures and the former rail bed is difficult to follow through these developed areas. The rural and suburban areas have also incurred many developments and structures that occupy the trail tread. The southern most section is the most undeveloped and offers the most contiguous, non disturbed section of greenway.

Numerous adjacent landowners have expressed opposition to the trail. Portions of the trail have been posted by surrounding landowners as private property. Obvious physical encroachments are noted north of Yoe Borough. Encroachments include utility sheds and vehicle



Corridor in Dallastown

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and railroad artifacts are located in the express freight room operated by the Red Lion Train Station Model Railroaders. The station will be a focal point of the rail-trail and serve as a reminder of the area's rich railroad history.



Parks –

There are several parks and recreation opportunities in the vicinity of the trail corridor. Dallastown Community Park, Yoe Borough Park, Nitchky Field, Fairmount Park (Red Lion Borough), and Red Lion Community Center offer public recreation opportunities. Additionally, Heritage Hills Golf Course and Springwood Golf Course straddle the trail corridor in York Township. Spring Garden Township owns the land and corridor north of Mount Rose Avenue, which is targeting for development as a community park.

Zoning/Land Use

Land use along the trail corridor varies throughout the length of the corridor. Multiple land uses pepper the urbanized areas including residential, commercial, and industrial uses. Because the corridor passes through several zoning districts in each municipality, each phase of development should work with the various municipalities to incorporate ordinance language that allows trail use by right.

Utilities

The trail corridor bisects urbanized areas. Utilities such as water, sanitary, gas, electric, and telephone are readily available throughout the trail corridor. Many utilities cross the trail at the existing street intersections. As development occurs, utility companies must be contacted to explore opportunities and to protect the existing lines, as necessary.

Access and Circulation

Along the length of the MA & PA Community Greenway there are numerous opportunities for access. The trail corridor is located within easy access of many residential areas, particularly the borough's population. The dense residential areas give way to more isolated segments beyond the boroughs. Much of the existing sidewalk system within each borough comes in close proximity to the trail corridor and the trail should link to the sidewalk as possible. The sidewalk systems provide convenient access to nearby shops, businesses, and residential areas.

Road Crossings

Numerous at-grade road crossings exist along the length of the rail corridor. The majority of the crossings occur within the urban boundaries associated with the Boroughs of Yoe, Red Lion, and Dallastown. In most cases, these are well-traveled local streets with curb and sidewalk. Future crossings should carefully evaluate safety

and accessibility. A number of minor road crossings occur intermittently along the more remote section of the trail. These are typically rural roads with moderate to heavy traffic. Adequate safety provisions should be developed.



Nine major road crossings that require detailed study are listed below:

- Mount Rose Avenue – Heavily traveled, high speed, four lane arterial road in close proximity to the I-83 interchange. At the time of this report, PennDOT is investigating design options for a major reconstruction of the I-83 interchange. The crossing is important to connect the trail to Township-owned land north of Mount Rose Avenue.
- Interstate I-83 – Currently the rail corridor passes beneath I-83 via a large concrete culvert. At the time of this study, the planned redesign of the interstate is considering demolition of the culvert, which would make I-83 a barrier to the south.

Should the culvert be removed, Mill Creek, passing below I-83 will need to be accommodated in the design. Trail connections along Mill Creek should be accommodated in the intersection design.

- Camp Betty Washington Road – Heavily traveled collector road with abrupt dangerous curves.
- Springwood Road – Heavily traveled collector road with abrupt dangerous curves. Greenway crosses at a very sharp angle.
- Main Street, Yoe Borough - Primary north/south thoroughfare connecting Yoe and Dallastown Boroughs. The street is a well known local short cut to destinations south. Sight distance, traffic speed and traffic volume are a concern.
- Main Street (Route 24), Red Lion Borough - Main thoroughfare through Red Lion. A heavily urbanized intersection. Traffic speed and volume are a concern.
- East Broadway Street (Route 74), Red Lion Borough – Main east/west thoroughfare through Red Lion. A heavily urbanized intersection. Traffic speed and volume are a concern.
- Springvale Road – Moderately traveled two lane road. The railroad crossed overhead via a bridge, which has been removed. The rail bed is significantly elevated above the road. A grade-down or new bridge is required to develop an accessible crossing.
- Brownnton Road – Lightly travelled rural road. The trail crossing is difficult due to extremely limited sight distance and steep road grades.

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Linkages/Trail Extensions

Trail linkages are important to connect the trail with residential areas and community facilities such as schools, town centers, parks, and other points of interest. These connections provide safe, non-motorized routes between facilities and the trail corridor.

Additionally, the urban portions of the trail are served by a sidewalk system. The sidewalk system connects to commercial shopping centers, convenience stores, restaurants, businesses, and points of interest in the area. Routes from the trail to points of interest should be identified. Linkages to these community facilities should be sought.

The 12.4-mile trail corridor is part of a larger historic rail network that continues south into Maryland. The potential for expanding the recreation trail to the south should be explored, in the future as opportunities arise.

Segment Descriptions

The 12.4-mile length of the MA & PA Community Greenway spans seven municipalities. Following is an inventory of the segments by municipality followed by the overall Site Analysis Maps depicting key findings.

Spring Garden Township

Data –

Corridor Length – 0.67 miles

Road Crossings –

- Mt. Rose Avenue (4 lane, Route 124, PennDOT)
- Interstate 83 (underpass)

Adjacent Land Uses – Primarily undeveloped riparian corridor along Mill Creek

Connections/Opportunities –

- Spring Garden municipal land on the north side of Mt. Rose Ave.
- Undeveloped land on the west side of corridor, adjacent to Mt. Rose Ave.

Physical Issues/Concerns –

- Share corridor with sewer maintenance access.
- Narrow corridor with steep slopes and proximity to creek.
- Heavy road noise from Interstate 83.
- Security issues of enclosed underpass.
- High traffic volumes on Mt. Rose Avenue makes at grade crossing challenging.
- Large undeveloped stream crossing (approx. 30-foot wide).
- Large pockets of standing water in corridor.

York Township

Data –

Corridor Length – 4.1 miles north of Yoe, 0.86 miles south of Yoe.

Road Crossings –

North of Yoe

- Chestnut Hill Road (moderate volume)
- Camp Betty Washington Road (high speed, high volume)
- Springwood Road (high speed, high volume)
- Fruitlyn Drive (narrow, low volume, rural road)
- N. Walnut Street (low to moderate volume rural road)

South of Yoe

- Locust Street (low to moderate volume rural road)

Corridor Characteristics and Adjacent Land Uses – Primarily undeveloped riparian corridor along Mill Creek with scattered

single family residences and industrial uses.

Connections/Opportunities –

- Mill Creek Preserve, a York Township park with developed 0.23-mile trail segment on the west side of Mill Creek. A second trail extends from a parking to Chestnut Hill Road on the east side of the stream.
- Large undeveloped stretch provides peaceful setting.
- A stormwater management facility is visible from trail and has wildlife interest east of Yoe.
- Corridor separates at the Dallastown Spur.



Physical Issues/Concerns –

- Undeveloped portions are overgrown and will require clearing.
- Crossings at Camp Betty Washington and Springwood Roads are a concern.
- Numerous ownership issues and close proximity to private homes and drives.
- Minor bridge replacement required.
- Corridor is developed and impassible on each side of Locust Street due to development.
- Loss of timber trestle north of Locust Street.

Yoe Borough

Data –

Corridor Length – 0.50 miles

Road Crossings –

- Maple Street (narrow, low volume)
- Mason Avenue (narrow, low volume)
- Main Street (high volume connector)

Corridor Characteristics and Adjacent Land Uses – Urban area mainly residential.

Connections/Opportunities –

- Former railroad corridor is visible through town.
- Corridor used as undefined parking area. Opportunity to define and organize to create a focal point.
- Street, alley, and sidewalk systems can provide passage where corridor is lost.
- Corridor south of Main Street is clear and separate from residences.

Physical Issues/Concerns –

- Heavily urbanized areas.

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- Shed, structures, and parking within corridor.
- Private residences very close to corridor.
- Main Street crossing has limited sight distance on a heavily traveled road and difficult intersection.
- Numerous minor street crossings.



Red Lion Borough

Data -

Corridor Length – 1.52 miles

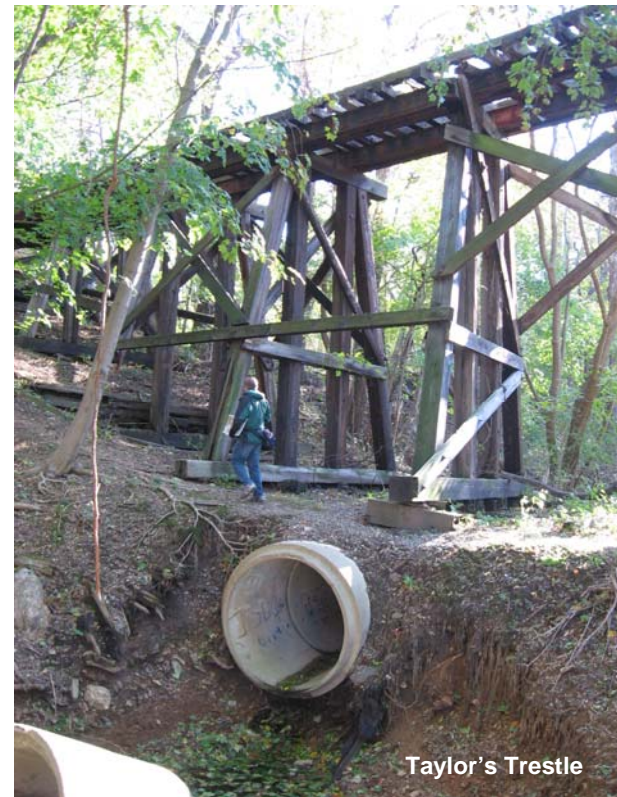
Road Crossings –

- Franklin Street (high volume)
- North Park Street (low volume)
- North Charles Street (underpass)
- North Main Street (Route 24, PennDOT, high volume)
- Broadway Street (Route 74, PennDOT, high volume)

Corridor Characteristics and Adjacent Land Uses – Urban area with mix of residential and commercial.

Connections/Opportunities –

- Municipal lands in area of Vulcan Lane and Maple Street
- Interpretative/educational opportunities - Red Lion Train Station, old Red Lion jail, Taylor's Trestle.
- 0.36-mile of Red Lion Mile trail developed between Franklin Street and Taylor's Trestle.
- Charles Street underpass is an interesting structure.
- Street, alley, and sidewalk systems can provide passage where corridor is lost or inappropriate. In particular, sidewalk system along Main and Broadway provide convenient access to the town square.



Physical Issues/Concerns

- Structural integrity of Taylor's Trestle and safety concerns.
- Security issues beneath the Charles Street underpass.
- Drainage issues beneath the Charles Street underpass.
- Numerous street crossings, many are heavily traveled roads.
- Commercial impact on corridor. Trail north of East Broadway is fenced for commercial use.
- Area west of the train station lost to commercial enterprise.

Windsor Township

Data –

Corridor Length – 3.22 miles

Road Crossings –

- Marshall Street (farm lane)
- Springvale Road (heavily traveled rural road)
- Circle Drive (low volume)
- Bahns Mill Road (low volume)
- Brownton Road (rural road)

Corridor Characteristics and Adjacent Land Uses – Majority undeveloped natural area with wooded riparian stream corridor.

Connections/Opportunities –

- Corridor parallels Zion Church Road and offers potential trailhead access.
- Corner of Bahns Mill Road associated with the re-alignment is currently for sale and could offer potential trailhead opportunity.
- The 1.6-mile section between Bahns Mill Road and Brownton Road is a peaceful wooded corridor with minimal visual impacts. Great visual access to Pine Run Creek along the stretch. Diverse woodlands with limited understory. Former rail corridor is readily identified and in fair condition with limited growth.



Physical Issues/Concerns –

- Corridor crosses Pine Run five times. Each crossing requires bridge/structure rehabilitation.
- Streambank erosion along portions of Pine Run.
- Springvale Road was a former above grade crossing. Bridge or grade down required.
- Corridor immediately adjacent to Bahns Mill Road is developed in each direction. Road realignment has altered the former corridor path.
- Corridor is immediately adjacent to the commercial printing company located along Boxwood Road. Security concerns behind the building due to length, obscurity, and steep topography.
- The 1.6-mile section between Bahns Mill Road and Brownton Road is isolated. Safety and security is a concern.
- The stream corridor on the adjacent private property is an attractive nuisance as it may attract interest from trail users.

Inventory & Analysis

Chanceford Township

Data –

Corridor Length – 0.47 miles

Road Crossings –

- N/A

Corridor Characteristics and Adjacent Land Uses – Majority fenced pasture for livestock with minimal riparian vegetation along the stream corridor.

Connections/Opportunities –

- Large segment of right-of-way is held in single ownership.
- Runkle Road is a low volume, rural road that may offer an alternate route. Great views of the valley are provided.

Physical Issues/Concerns –

- Crosses Pine Run at Township/Borough line. Former rail crossing is undefined and creek erosion has severely deteriorated the corridor. The steep side slopes of Runkle Road and proximity to the creek at the road curvature challenges the connectivity of the trail corridor.
- Pine Run is an un-vegetated corridor with eroded banks.
- The majority of the land is fenced and maintained for livestock.
- The majority of pasture land is shallow sloped with evidence of standing water throughout.
- A farm pond near the residence creates a pinch point along the corridor. The pond berm restricts passage along the historic corridor.

Dallastown Borough

Data –

Corridor Length – 0.67 miles

Road Crossings –

- North Park Street (high volume)
- Fern Avenue (low volume)
- Pleasant Avenue (Route 74, PennDOT, high volume)

Adjacent Land Uses – Heavily urbanized area, residential and industrial uses.

Connections/Opportunities –

- Great access to the corridor from the dense urban population.
- Proximity to the northern spur through Yoe Borough offers potential connections via streets and sidewalks to create a loop through the downtown areas.

Physical Issues/Concerns –

- Heavily urbanized area.
- Former corridor is developed and difficult to distinguish.
- Numerous street crossings.
- Residences in close proximity to the corridor.



Railroad Storage Bins in Dallastown

MA & PA Community Greenway Feasibility Study - Site Analysis

Spring Garden Township to Felton Borough
January 2009



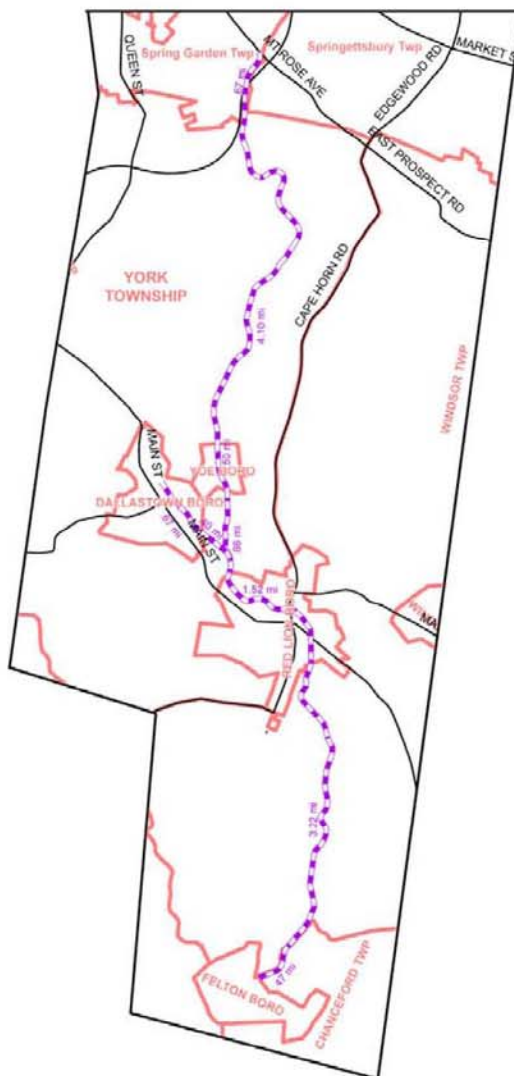
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No to Scale

Legend

Political Boundary

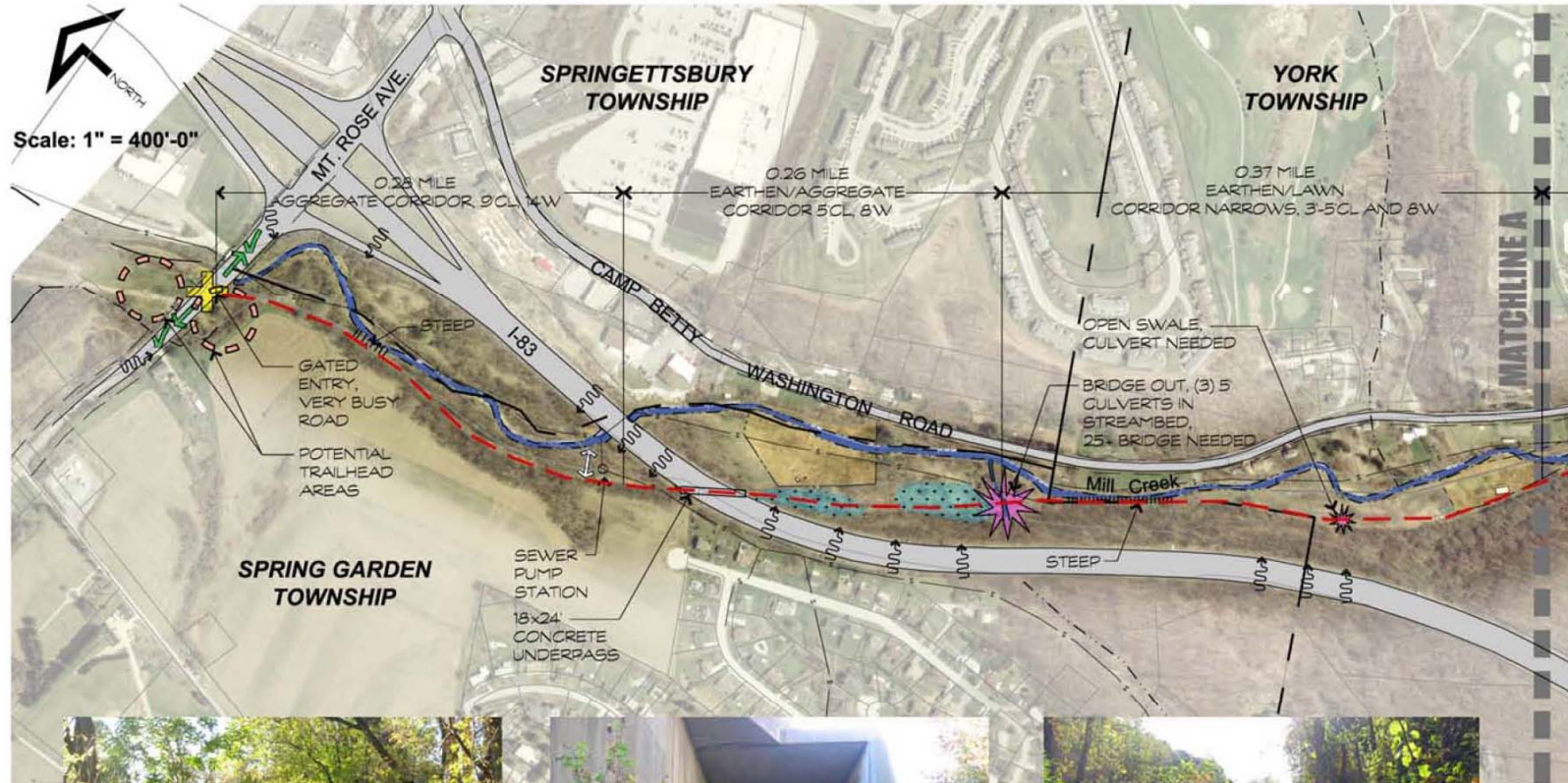
Ma and Pa Rail Location



Legend

- HISTORIC MA PA RAIL CORRIDOR
- OVERHEAD CABLES
- UNDERGROUND CABLES
- GAS LINE
- WATER LINE
- SANITARY LINE
- ADEQUATE SITE DISTANCE
- LIMITED SITE DISTANCE
- VEHICULAR ROAD CROSSING
- POTENTIAL TRAIL HEAD AREA
- STANDING WATER OR WET AREAS
- NATIONAL WETLAND INVENTORY IDENTIFIED WETLAND
- RAIL CORRIDOR IMPASSABLE WITH OVERGROWTH
- STEEP SLOPES
- STREAM ACCESS AREA
- HAZARD
- STREAMBANK EROSION
- FENCE
- NOISE
- QUIT CLAIM DEED PROPERTIES
- POSTED PRIVATE PROPERTY SIGNS/ CORRIDOR PRIVATELY OCCUPIED
- PRIVATE STRUCTURE ADJACENT TO CORRIDOR
- OPEN VIEWS

MA & PA Community Greenway Feasibility Study Site Analysis



MA & PA Community Greenway Feasibility Study Site Analysis

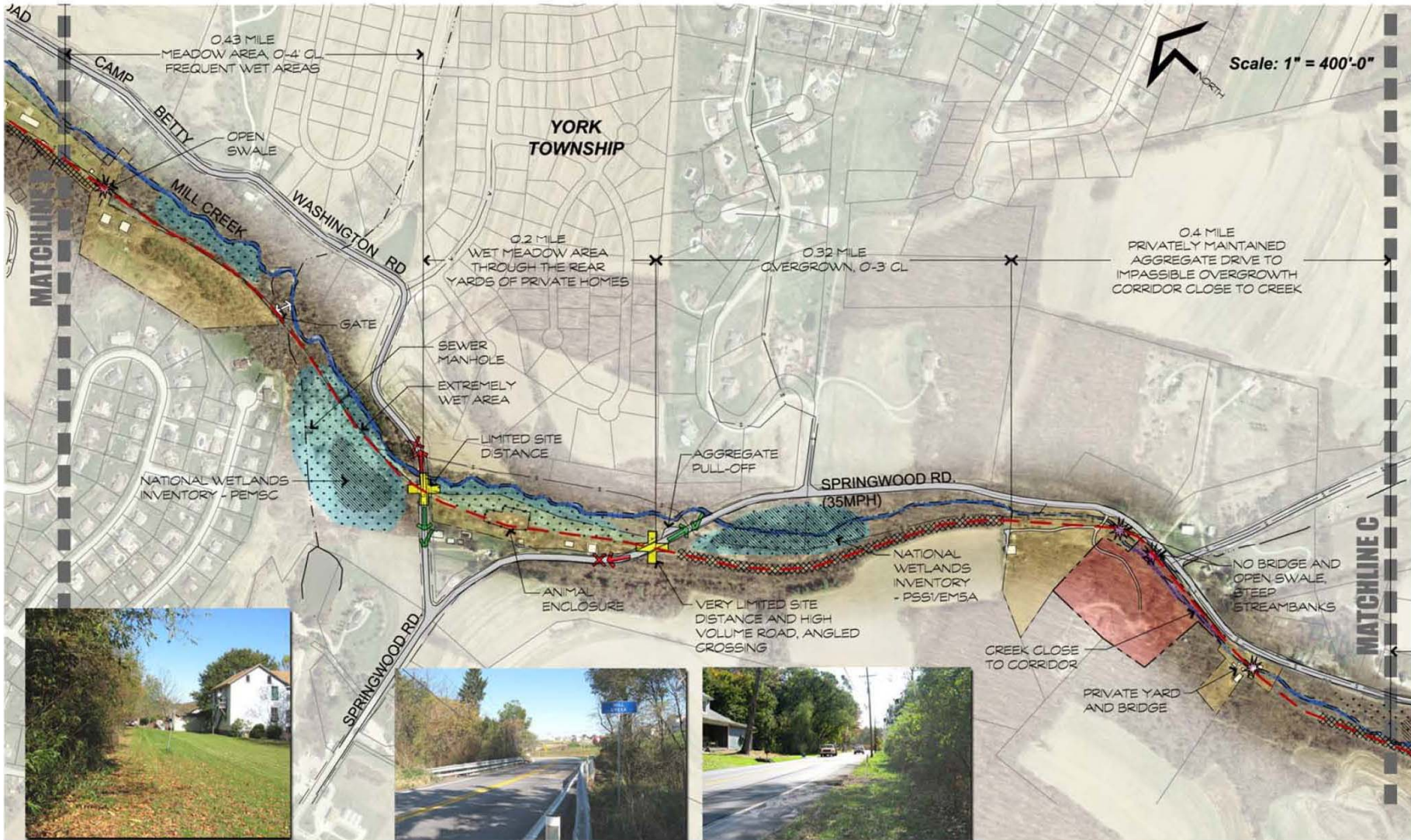
SHEET B

Scale: 1" = 400'-0"



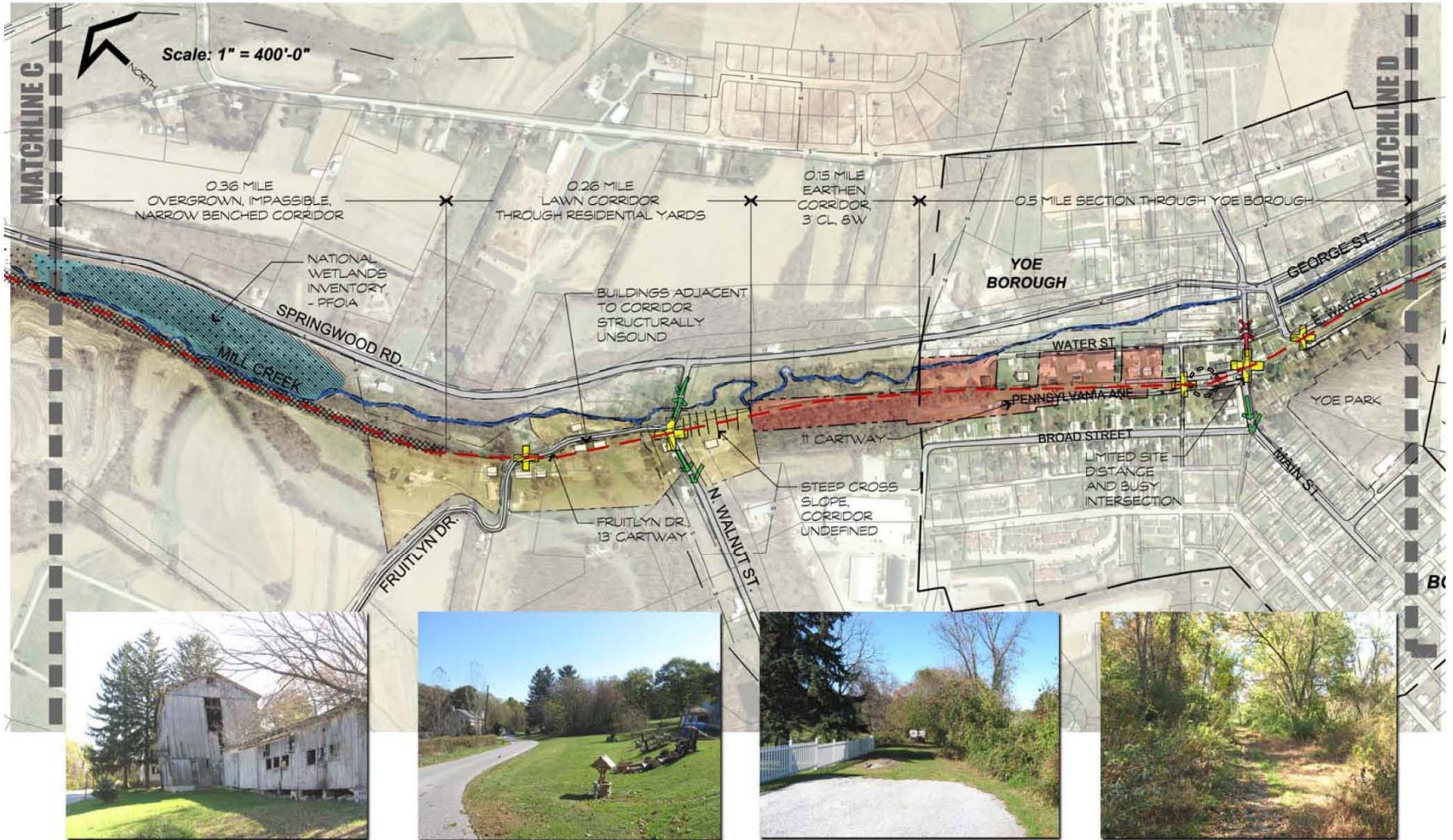
MA & PA Community Greenway Feasibility Study Site Analysis

SHEET C



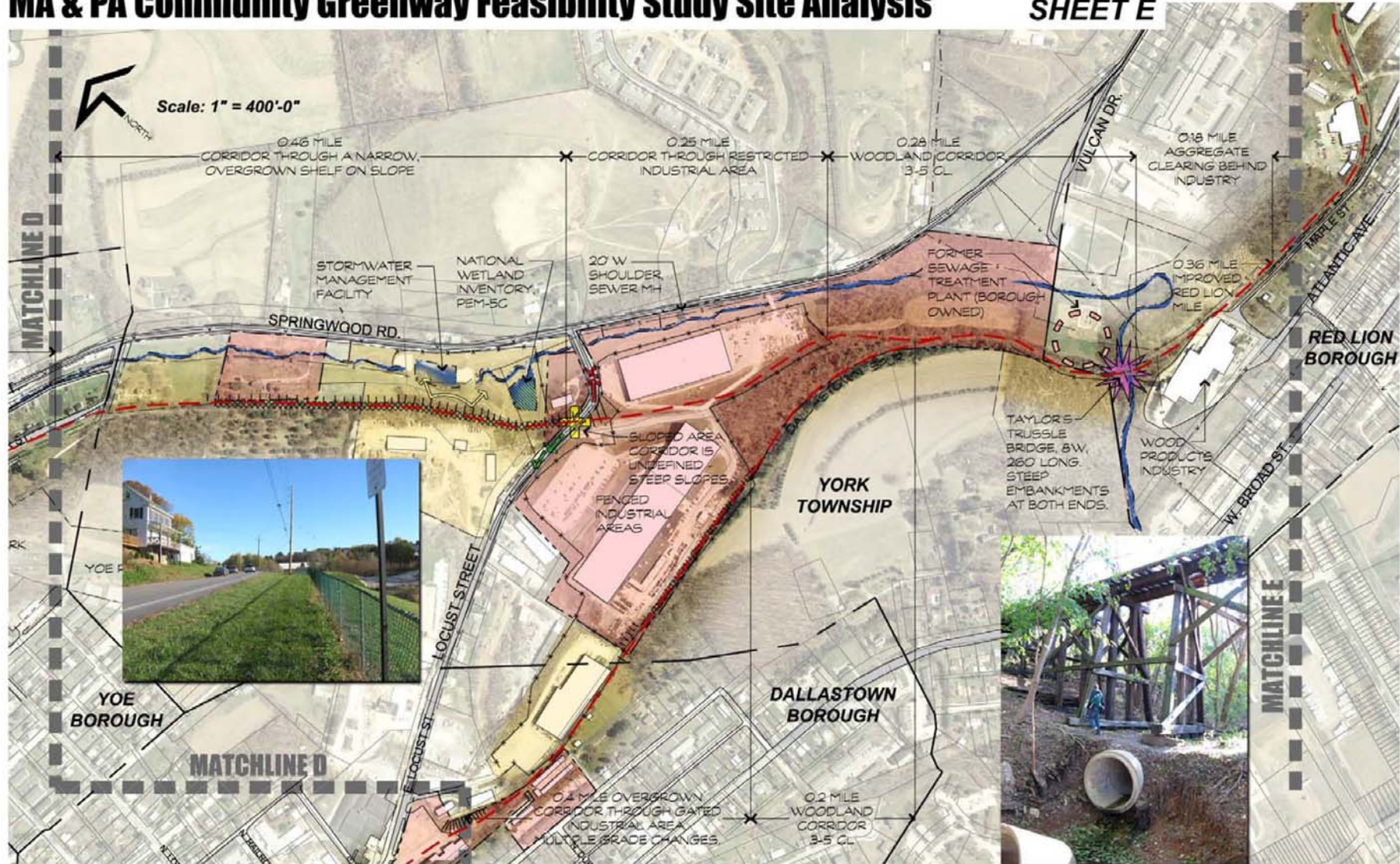
MA & PA Community Greenway Feasibility Study Site Analysis

SHEET D



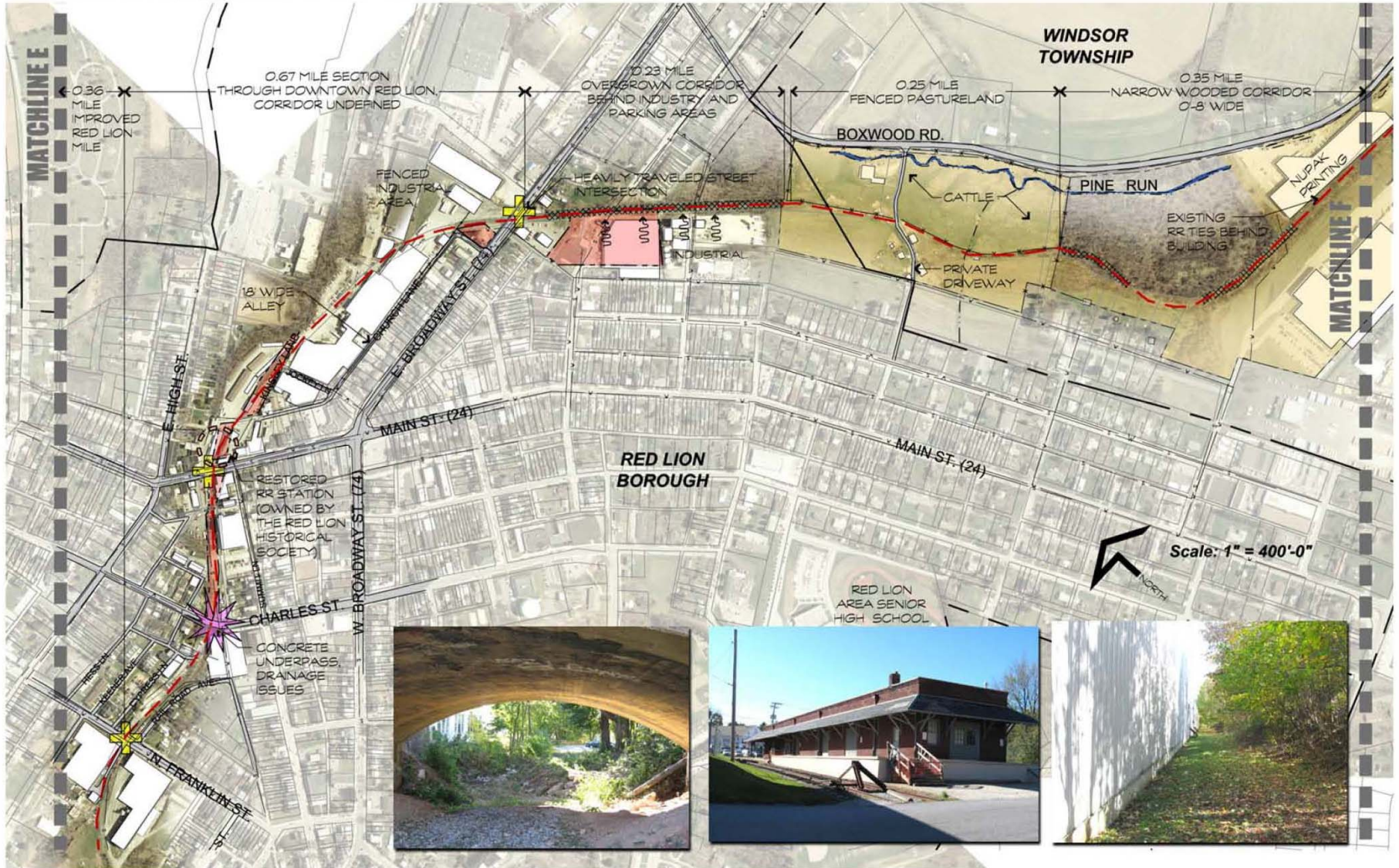
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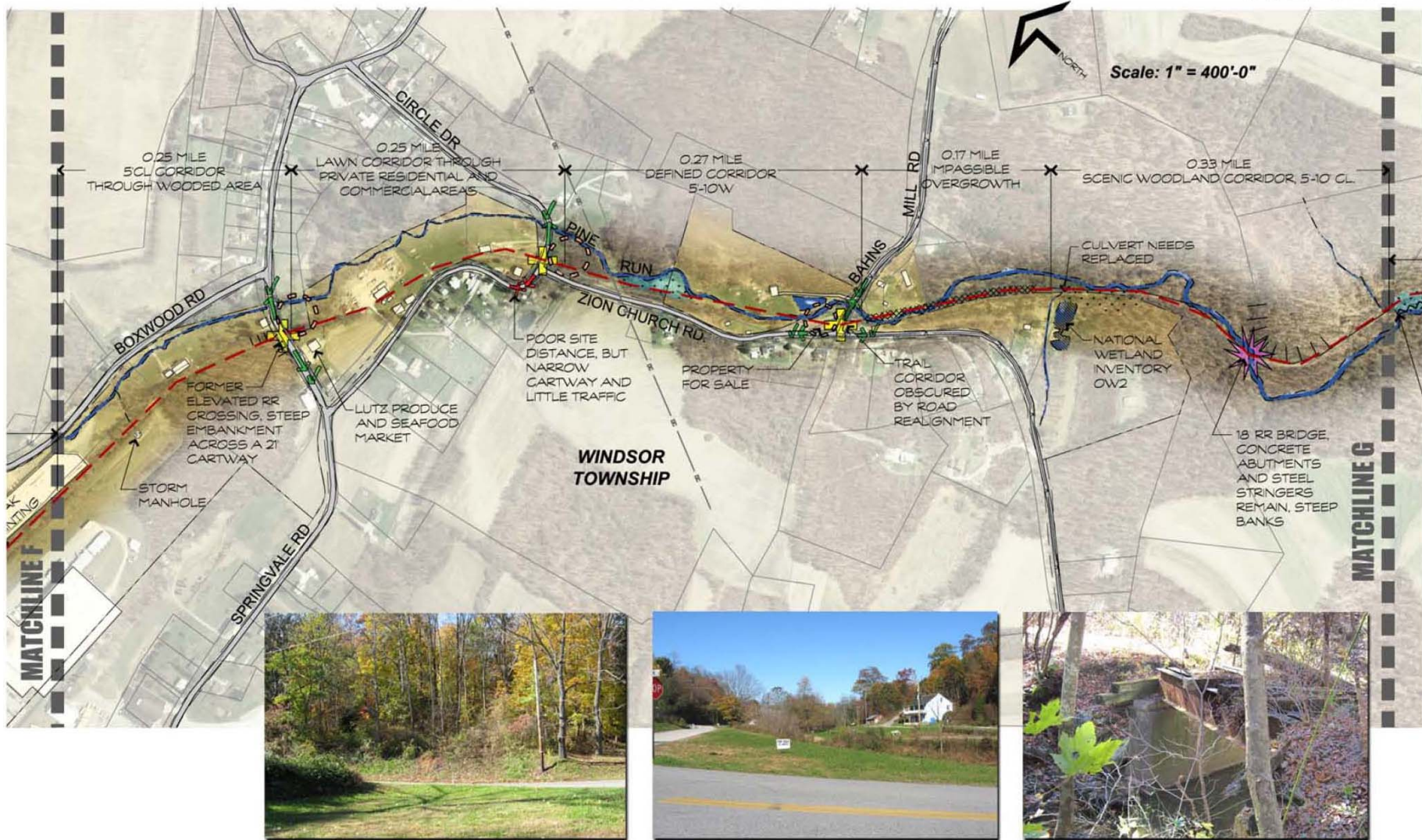
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SHEET F



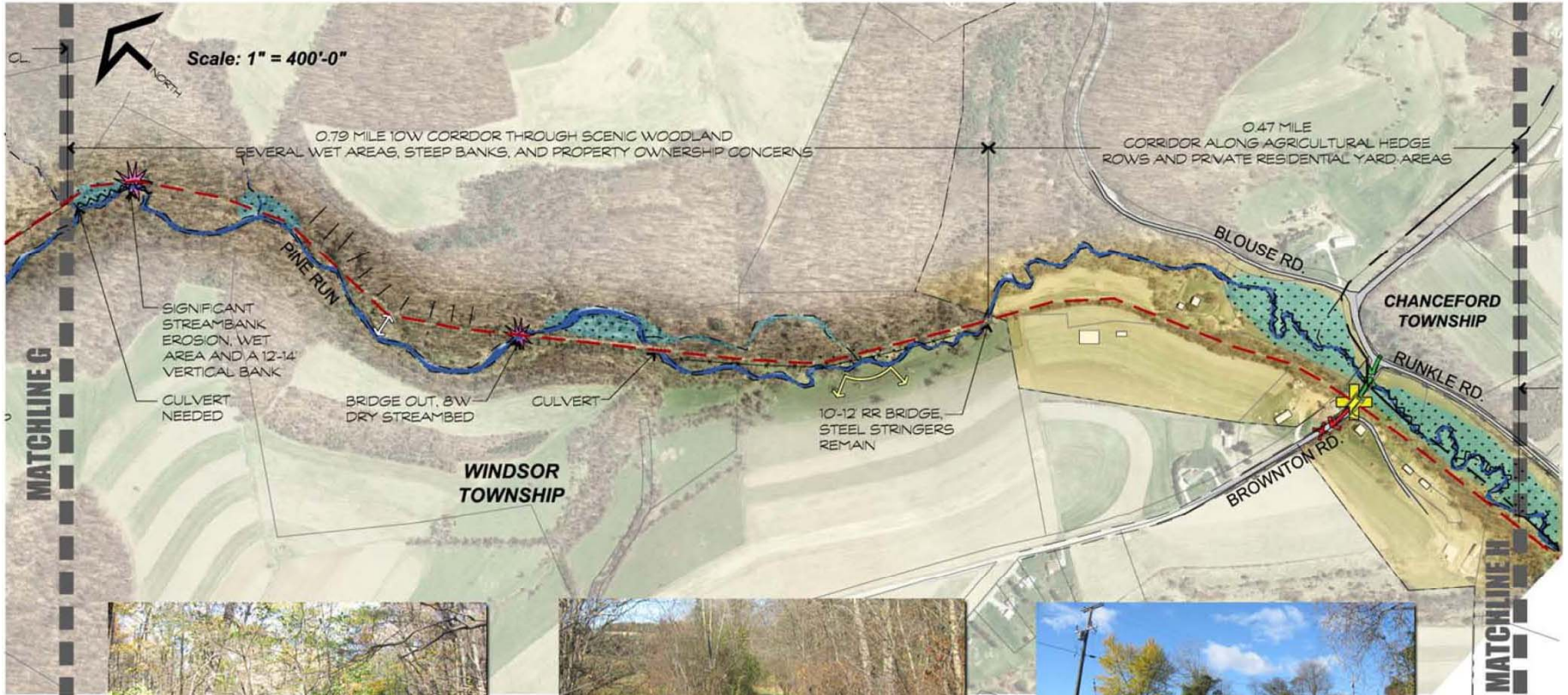
MA & PA Community Greenway Feasibility Study Site Analysis

SHEET G



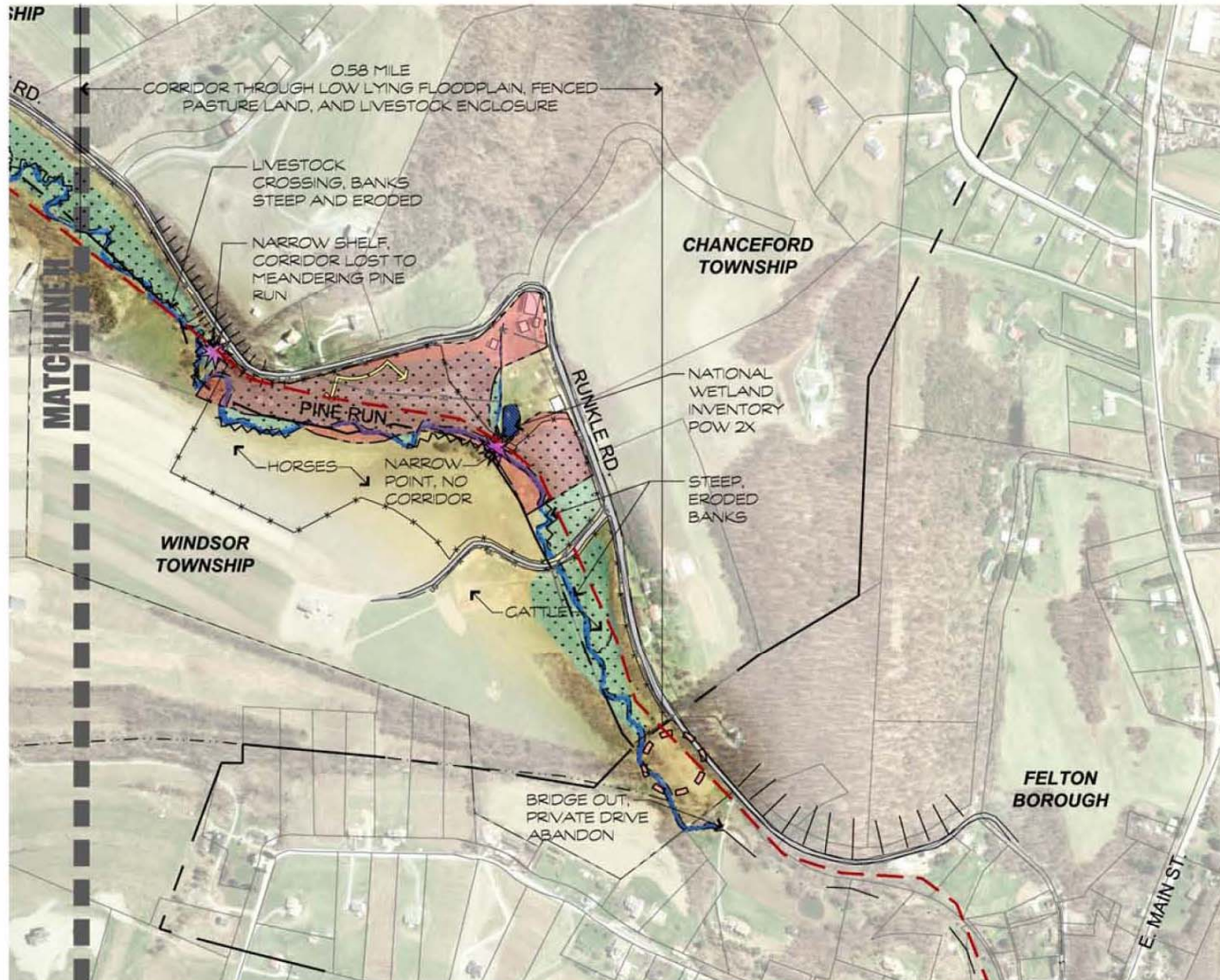
MA & PA Community Greenway Feasibility Study Site Analysis

SHEET H



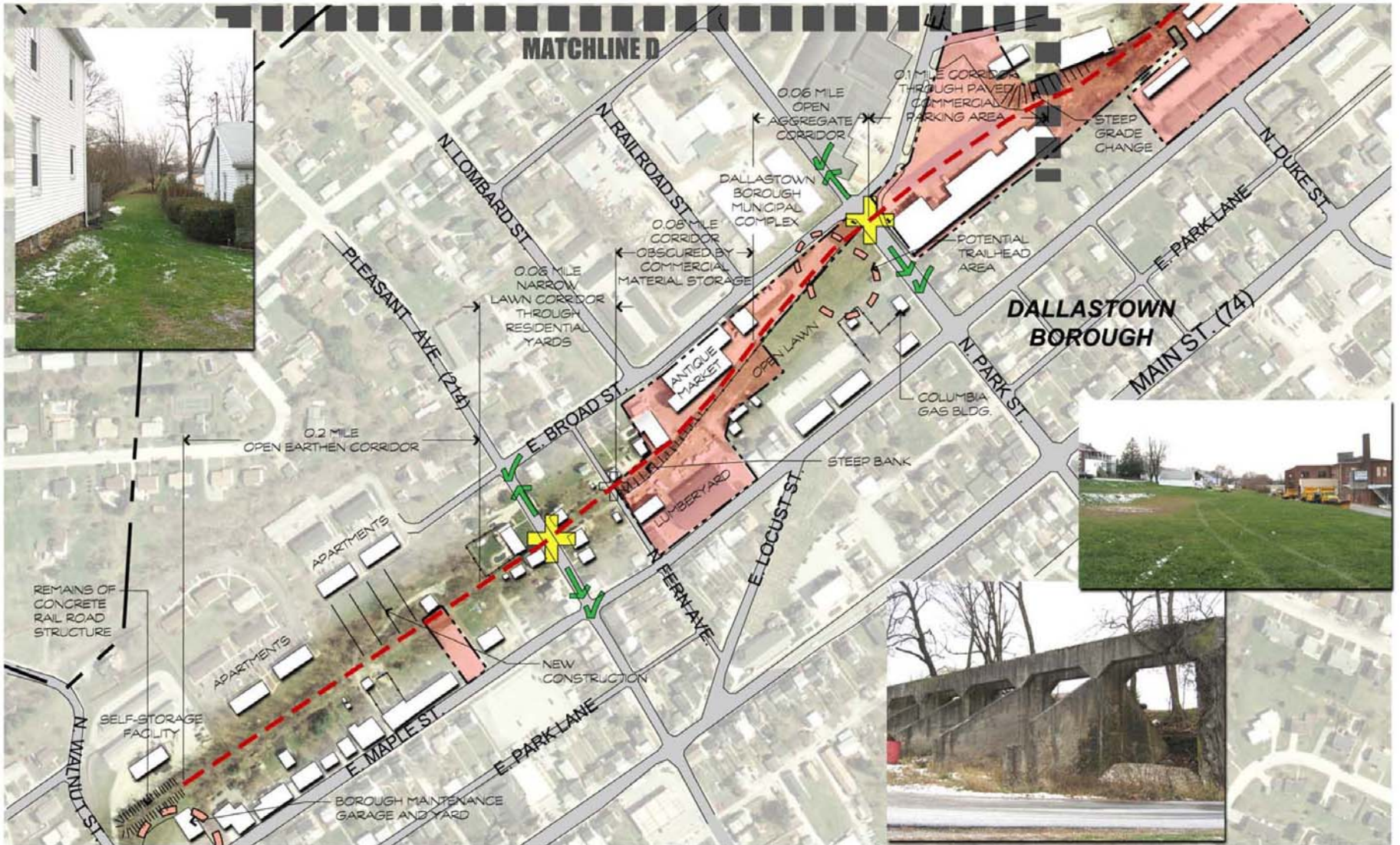
MA & PA Community Greenway Feasibility Study Site Analysis

SHEET I



MA & PA Community Greenway Feasibility Study Site Analysis

DALLASTOWN SPUR



Inventory & Analysis

Conclusions of the Physical Analysis

- The original seventy-seven mile corridor offers tremendous opportunity for a regional trail. Extension of the trail south of the study area is a possible long term goal.
- The existing narrow rail bed offers opportunity to provide an 8 to 10 foot wide trail tread, without significant grading efforts. A 10 foot width is adequate for a multi-use trail, 12 foot is desirable. A paved trail will accommodate bicycles, strollers, in-line skating, walkers, hikers and joggers. An aggregate trail would limit trail users to walking, hiking, jogging, and off road bicycles. Due to the narrow width, equestrian use would be on trail tread, and have an impact on maintenance, depending on the frequency of use.
- The seven municipalities involved each have their own identity and offer diversity to the trail experience. The urban setting transitioning to natural segments with creeks and woodlands offer a mix of scenery. The urban areas offer nearby establishments that offer food and sundry items for trail users.
- The gentle slopes of the corridor can establish a trail to accommodate all ages and abilities. These slopes align with the requirements of the Americans with Disabilities Act (ADA). Compliance with the ADA is necessary and will require special attention at road crossings, within the urban areas, and at future trail head facilities.
- While the rail bed is generally available, the integrity of the bed structure is unknown. Generally, in the undeveloped areas the former ballast appears to be in place although overgrown with vegetation. Significant clearing and grubbing will be required to establish the trail.
- The numerous drainage ways, traversing the trail tread, will require bridge, culvert, and drainage swale improvements.
- The twenty-eight different road crossing will require proper signage and traffic calming to provide safe pedestrian/ bicycle crossing. The Springvale Road crossing will require a bridge or significant grading to convey trail users across the road and meet ADA requirements.
- Taylor's Trestle is a gem for the trail. Special consideration for structural renovation or an alternate path must be made. The trestle is a historic treasure that should be maintained, even if it is not used as a bridge. The structural integrity and extent of deterioration of the trestle will require additional study. A preliminary study of the structure is provided Appendix B.
- The Interstate 83 underpass is a safety concern that must be addressed. Its configuration may change based on discussions with PennDOT and the anticipated reconfiguration of the Mount Rose Avenue interchange. Ongoing contacts with PennDOT and monitoring of their plans for the intersection will be necessary to retain the trail as part of the proposed intersection improvements.
- The long segment of undeveloped lands in Windsor Township is remote and isolated. Safety of trail users must be considered.
- Work-arounds may be necessary to create a continuous trail in areas of unsupportive land owners, physical obstructions within the historic corridor, and/or unsafe conditions.
- The Red Lion Mile is a great start to the trail that illustrates the vision for the trail.
- The historical features along the trail including Taylor's Trestle, the Red Lion Train Station, Charles Street underpass, and numerous historic structures tell a story of the former railroad operations and its impact on the local communities. Local commerce such as furniture, tobacco, cigars, and dairy products relied on the railroad. These stories could be conveyed to future generations through interpretive signage and design features.

Chapter 3

Citizen Participation

Citizen Participation

Rail-trail projects, by their linear nature, affect many people. A comprehensive understanding of the opportunities, benefits, and concerns related to their development is important to communicate from the very outset. Ultimately, a rail-trail will be a facility for public use and enjoyment. To assure the public's needs and concerns have been met, it is critical to include citizens in the decision making process. The public participation process included six parts: working with a study committee, interviewing key people and organizations, landowner surveys, community focus group meetings, public meetings and an open house.

MA & PA Community Greenway Partners Study Committee

The MA & PA Community Greenway Partners Study Committee was established to act as a sounding board, provide input and guidance, and review the findings as the feasibility study was developed. The committee included representatives of each municipality representing the geographic areas of the trail.

Key Person Interviews

Key person interviews were conducted throughout the planning process to provide critical insight into the concerns and issues surrounding the potential development of the MA & PA Community Greenway. Interviewees were identified by the study committee. Interviewees included York County Parks Department, York County Rail Trail Authority, local historical societies, residents, landowners, business owners, businesses along the York County Heritage Rail Trail, PennDOT officials, and local running, hiking and bicycle clubs. In addition to these interviews, a planning team member working on the operations and management plan conducted on-site meetings in each municipality with the municipal manager and elected officials in order to obtain information and foster stewardship

for a partnership/multi-municipal agreement for the long term management and operation of the trail.

Property Owner Survey

A public survey was completed for the project. Every household that owns property that was once the railroad corridor of the MA & PA Railroad was identified and sent a survey. Additionally, properties in the area of anticipated work-around routes were sent surveys. A total of 335 property owners were sent surveys. The process generated a response of 110 completed surveys for a response rate of 34 percent. Surveys were also available at the community focus group meetings and to attendees of the open house. Survey results were tabulated and the information was used in the design process. Survey results can be found in Appendix A.

Community Focus Group Meetings

Each municipal representative serving on the study committee was asked to identify up to 25 key people in each of the seven communities to attend a community focus group meeting. The participants included of municipal representatives, landowners, farmers, trail and conservation groups, recreation enthusiasts, cyclists, frequent trail users, businesses such as cycle shops, and others that have specific insights into the project. The focus group meetings provided an opportunity to hear directly from key stakeholders so that their concerns and ideas are understood. Ultimately, six community focus group meetings were held with the community partners, in every municipality except Chanceford Township. The few property owners in Chanceford were contacted directly with phone interviews. Attendees were individually invited to attend. The format of the meeting explored community issues and opportunities. The goal of each meeting was to address questions and concerns directly while involving stakeholders in the planning process. A summary of the findings can be found in Appendix A.

Citizen Participation

Public Meetings

Two public meetings were held during the planning process to share information about the project with citizens and seek their input. The first meeting was held on January 14, 2009, early in the planning process and conducted as an interactive forum where citizens are encouraged to share their ideas and concerns about the MA & PA Community Greenway. Approximately 25 citizens attended the meeting. The meeting included a PowerPoint presentation about the York County Heritage Rail Trail 2007 Users Survey and Economic Impact Analysis. On October 20, 2010, approximately 32 citizens attended a second meeting to listen to the findings of the feasibility study and view the preliminary trail concept plan. Each meeting was widely promoted with press releases in local publications and graphic meeting announcements posted in public venues.

Open House

An open house was held on November 18, 2009, mid-way through the project to present the preliminary trail concept plan and alternative work-around options. The open house, held at the Dallastown Rescue Fire Company, was publicly advertised and each landowner along the trail and potential work-arounds received a personal invitation. Approximately 77 interested citizens attended the open house which ran from noon to 8:00 pm to give the public convenient opportunities to visit. Site analysis and conceptual trail maps were provided for review and comment. Design team and municipal representatives were available to provide background and answer questions. Attendee input was actively sought and participants were asked to identify opportunities and concerns on the maps. A survey was available at the meeting and input received was documented in a summary included in Appendix A of this report.

Findings of the Public Participation Process

General

- The key person interviews, public meetings, community focus group meetings, and open house reveal the public as somewhat evenly split on their opinion of the project with attendees voicing both support and opposition.
- The response to the survey sent to property owners along the former rail corridor and potential work-arounds showed greater support for the trail. Thirty-four-percent (34%) of respondents indicated support for the trail while another 19-percent support the development of the trail except for sections of the trail where they have concerns such as dangerous crossings, areas of heavy traffic, or where the trail crosses their property. Since these respondents generally support the trail, about 59-percent of the property owners responding to the survey support the trail on a continuum from complete support to support if areas of concern can be resolved and property owner issues resolved or worked around.
- The planning process and the community forums and outreach were instrumental in changing peoples' attitudes about the potential trail. Initially, people came to the forums really upset and concerned, with distrust of the process. The process allowed time to listen to everyone's concerns, explain the process and the people's attitudes visibly changed. Attendees went from being obstacles to partners on potential work arounds and explaining potential scenarios that might work for a trail.
- Residents clearly want to see taxpayer money spent wisely. The plan should define "Can it be built?" and "Is it worth building?" Weigh the positive and negative economic impact of the trail development.

- Residents are most concerned about how the trail will impact individual properties. What are the effects on property values specific to York County?

Opportunities

- Residents see the benefits of a continuous trail as it would provide local recreation and safe passage for children.
- The trail can help build a sense of community.
- Commuting opportunity and safe connections to local destinations.
- Promote the benefits to include:
 - Economic boost to local economy
 - Tourism
 - Natural beauty
 - Health and wellness
 - Historic preservation

Concerns

- Residents do not want to duplicate other recreation facilities in the area, noting that York County already has a rail trail.
- The use of eminent domain for recreation.
- Conflicting users (trails/driveways/etc).
- Loss of parking area in Yoe Borough. Business owners from downtown Yoe expressed concern about the potential loss of parking and disruption of vehicular access that would impair business.
- Costs and public funding.
- Infringement of privacy and property rights.
- Ability to create safety at each road crossings.
- Increased, noise, trash, vandalism, and inappropriate use.
- Environmental impacts caused by trail development.
- Who would patrol the trail?

- Flooding.
- Hunting/safety.

Conclusions

Citizens of York County are generally in favor of the development of the MA & PA Community Greenway. Participants of the public input, dominated by landowners summarized above, were fairly split between support and opposition, although support grew under certain circumstances. Issues and concerns raised during the planning process are of real importance to citizens and must be considered and addressed, as appropriate, in this plan. Many citizens voiced their support for the project and excitement of having the recreation resource in the area. The Red Lion Mile and Mill Creek Preserve trail have created momentum for the project. Municipalities should continue to capitalize on this positive public sentiment through an ongoing outreach program. It is important for each municipality to have effective working relationships with the community and especially adjacent landowners.

It is important to note that trail projects normally come with opposition that requires a great deal of work to overcome. The MA & PA Community Greenway corridor contains a significant number of landowners peppered throughout the length of the corridor in opposition to the project. The MA & PA Community Greenway should be developed with willing landowners only. There should be no taking of private property for the creation of a trail. The MA & PA Community Greenway Partners should strive to work with each individual landowner to seek amicable solutions to the opposition and address specific concerns. The MA & PA Community Greenway Partners are developing a long-term vision for the future. Although obstacles may exist now, efforts should be made to maintain the vision into the future. Once the trail undergoes development, it will be important for each municipality to be vigilant in its community outreach to insure that the positive reception of the trail is sustained and any future concerns are addressed in a timely fashion.

Chapter 4

Conceptual Trail Plan

The MA & PA Community Greenway Partners have taken the logical step to formalize a vision for the MA & PA Community Greenway. The consultant team developed the conceptual trail plan based upon the overall project goals established by the MA & PA Community Greenway Partners study committee and input from the general public. The conceptual design incorporates practical solutions to issues identified through the planning process. The Conceptual Trail Plan proposes the MA & PA Community Greenway as a public recreation trail.

Project Goals

The common themes that emerged as project goals are summarized as following:

- Develop a non-motorized, multi-use recreation trail for pedestrians, joggers, hikers, nature enthusiasts, equestrians, and cyclists on the 12.4-mile corridor to serve as a public recreation resource as well as a non-motorized transportation corridor to link communities.
- Develop the trail with the cooperation of willing landowners. Work cooperatively with landowners.
- Develop the trail as a recreational resource that will contribute to the local economy and become a destination within the region.
- Promote nearby regional attractions such as the Red Lion Train Station and Taylor's Trestle to highlight the area attractions and enhance the region as a destination.
- Develop a trail that is safe and convenient to use.
- Incorporate connections with other destinations along the corridor such as parks, schools, and commercial destinations.
- Establish, sustain, and enhance partnerships for trail development, operation, and maintenance between the various municipalities.



Trail Users

The MA & PA Community Greenway is located in the south central portion of York County. The historic corridor generally follows the Mill Creek and Pine Run. The population base within this corridor will provide a ready audience for the trail. The trail length, setting, and connection to population hubs will likely generate interest from York County and beyond. Recreation surveys consistently identify trail use as one of the most popular recreation activities in the Commonwealth and are enjoyed by a broad cross-section of the population.

It is anticipated that the MA & PA Community Greenway will be used during all four seasons of the year by a variety of users to include walkers, hikers, joggers, birders, nature enthusiasts, equestrians, cyclists, and cross-country skiers. The majority of the use will occur during non-winter months. Winter trail use will include cross-country skiing. Motorized vehicles will not be permitted on the trail except for maintenance, emergency, and security purposes. The trail must meet the requirements of the Americans with Disabilities Act (ADA) and the American Association of State Highway Transportation Officials (AASHTO) for its entire length. Trail users and user criteria are identified on the next page.

Conceptual Trail Plan



Pedestrians/Persons w/ Disabilities

Travel Speed – 3 to 7 miles per hour

Vertical Clearance –8 feet

Sight and Stopping Distance –50 feet

ADA Requirements – Maximum 5% grade (1:20) w/o handrail, maximum 8% grade (1:12) w/ handrail

Trail Width –5 feet minimum

Trail Surface Preference – Compacted aggregate (pedestrians), bituminous (persons w/ disabilities)

Trail Support Facilities – Rest rooms, benches, drinking fountains, picnic tables.



Bicyclists

Travel Speed –20 miles per hour

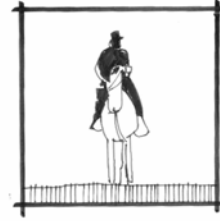
Vertical Clearance –10 feet

Sight and Stopping Distance –150 feet

Trail Width –10 feet w/ 2-foot shoulders (8 feet minimum)

Trail Surface Preference – Compacted aggregate or bituminous

Trail Support Facilities – Rest rooms, benches, drinking fountains, picnic tables, telephones, bike racks/lockers



Equestrians

Travel Speed –5 to 15 miles per hour

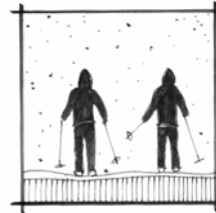
Vertical Clearance –12 feet

Sight and Stopping Distance –100 feet

Trail Width –4 feet (tread) with 8 feet clear

Trail Surface Preference – Grass

Trail Support Facilities – Rest rooms, benches, drinking fountains, picnic tables, telephones, hitching posts



Cross-Country Skiers

Travel Speed –2 to 8 miles per hour

Vertical Clearance –8 feet above average snow level

Sight and Stopping Distance –50 feet

Trail Width –7 feet

Trail Support Facilities – Restrooms, benches, drinking fountains, picnic tables, telephones, shelter

The York Heritage Rail Trail County Park

2007 User Survey and Economic Impact Analysis

The York Heritage Rail Trail is a 21-mile trail corridor that runs from the Pennsylvania/Maryland state line to downtown York, Pennsylvania. During 2007, the fourth User Survey and Economic Impact Analysis was conducted on the trail. The highlights of the survey are outlined below:

Trail Users

- 60.8% trail users are York County Residents.
- 80% are over the age of 35
- 72% are cyclists
- 18% are walkers
- 5% joggers
- 1% equestrian

Perception of Trail

- 94% rated the trail cleanliness as excellent or good
- 92% rate trail safety and security as excellent or good

Economic Impact

- 85% purchased hard goods (bikes and bike accessories) in conjunction with use of the trail.
- 72% purchased soft goods (snacks, drinks)
- Average spending on hard goods = \$367
- Average spending on soft goods = \$12.66 (per person/ per trip)

Overall, the York County Heritage Rail Trail resulted in a \$6 million Economic Impact for York County.



Conceptual Trail Plan

MA & PA Community Greenway Conceptual Plan

A conceptual plan for the MA & PA Community Greenway was developed early in the planning process to align with the opportunities and constraints identified in the inventory and analysis phase of the planning process. The design considered the project goals, public input, and needs of the various user groups identified. The conceptual plan for the trail illustrated the preliminary design ideas. Trail terminus locations were determined, access points were identified, and trail linkages and work-arounds were identified. The Conceptual Plan was reviewed with the study committee, presented at a public meeting, and shared at the open house. Interested citizens and committee members provided their thoughts and comments regarding the concept plan. The MA & PA Community Greenway Conceptual Plan is illustrated on the following pages followed by a description of the proposed trail facilities. The plan is color coded to illustrate the initial conclusions of feasibility of developing a recreation trail along the historic rail corridor:

- Tan = existing trail = 0.6 mile / 4.8% of the corridor
- Green = feasible trail segments with owner cooperation = 1.6 mile / 12.9% of corridor
- Yellow = possible or unknown determination of feasibility = 5.6 miles / 45% of corridor
- Red = Resistant to public support = 3.3 miles / 26.6% of corridor
- White = unfeasible = 1.3 miles / 10.5% of corridor

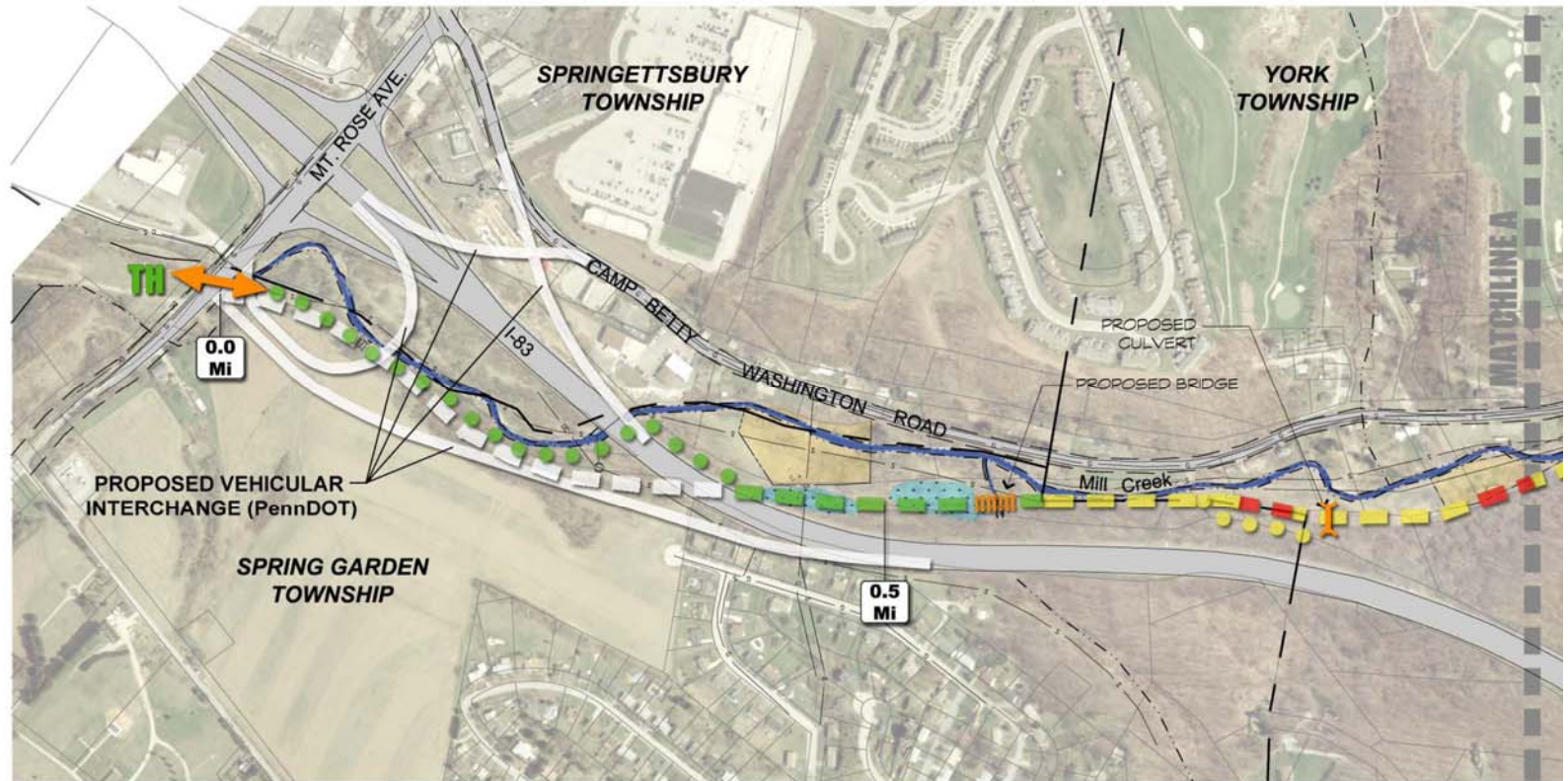
Together the tan and green segments = 2.2 miles or 17.7% of the 12.4 mile corridor. Potential work-arounds are shown in yellow/green dots.



Mill Creek Preserve Trail

MA & PA Community Greenway Conceptual Plan

Sheet A



Legend

Historic Railroad Corridor

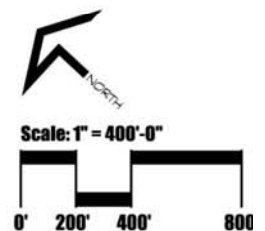
- Existing Trail
- Feasible with Public Support
- Feasible with Potential Public Support
- Resistant to Public Support
- Unfeasible

Alternate Trail Corridor

- Feasible Alternate Route with Potential Public Support
- Feasible Alternate Route with Public Support

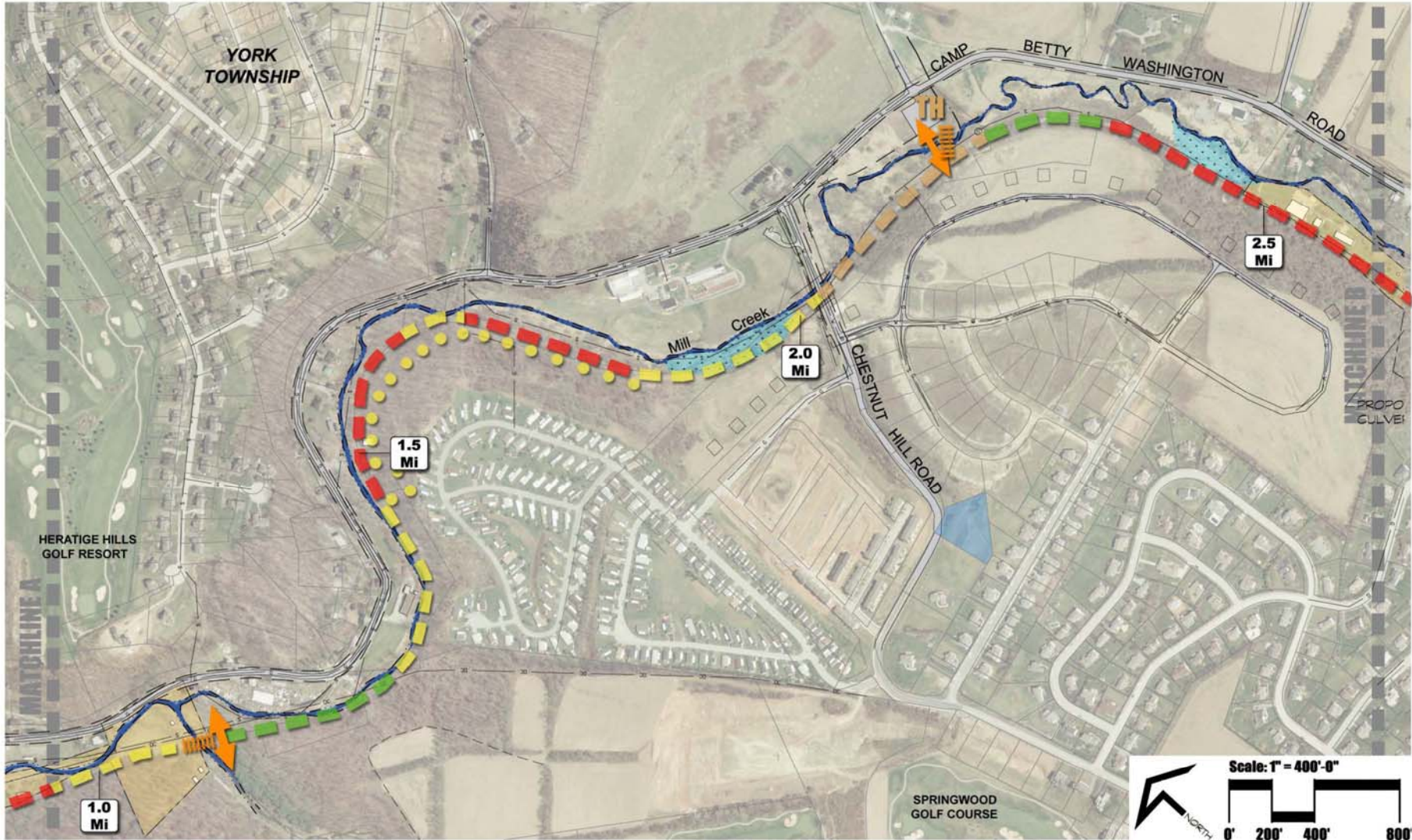
- Proposed/Potential Trail Head
- Connect to Exist./Proposed Trail/Park
- Proposed Restroom
- Mile Marker
- Interpretive Signage Opportunity

- Proposed Barrier
- Proposed Culvert
- Proposed Fence or Barrier
- Existing Standing Water or Wet Area
- National Wetland Inventory
- Proposed/Rehabilitated Bridge



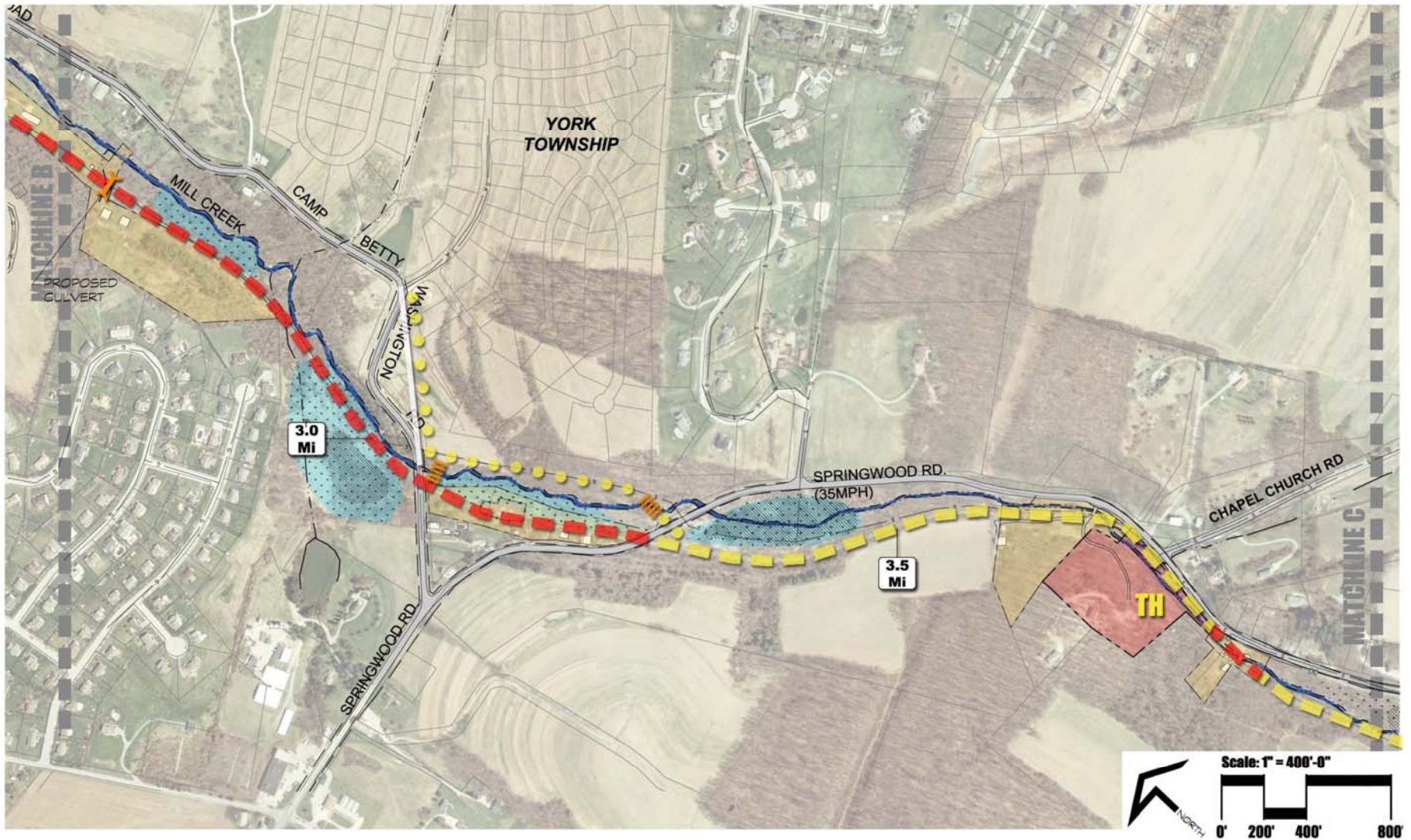
MA & PA Community Greenway Conceptual Plan

Sheet B

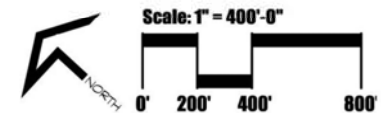
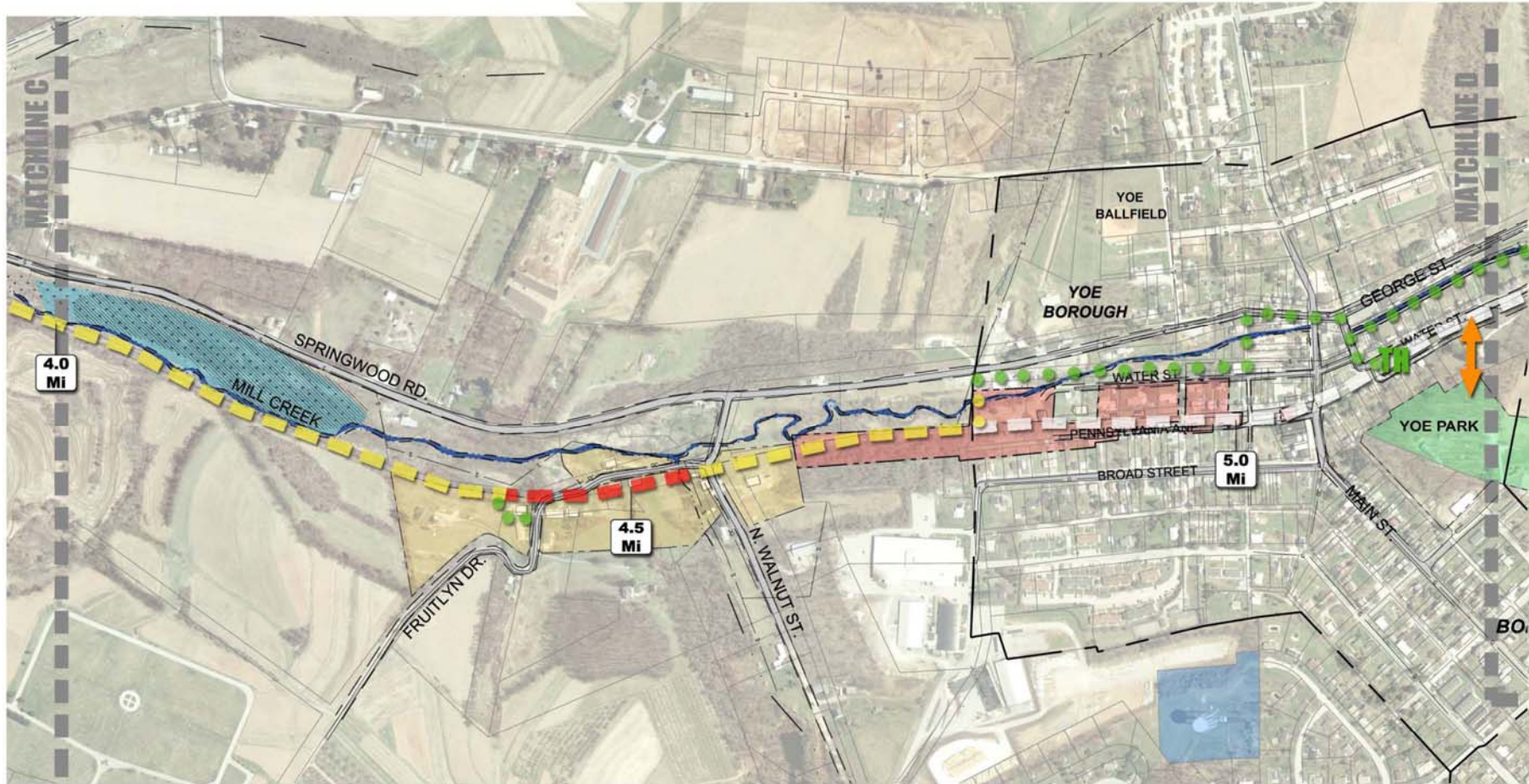


MA & PA Community Greenway Conceptual Plan

Sheet C

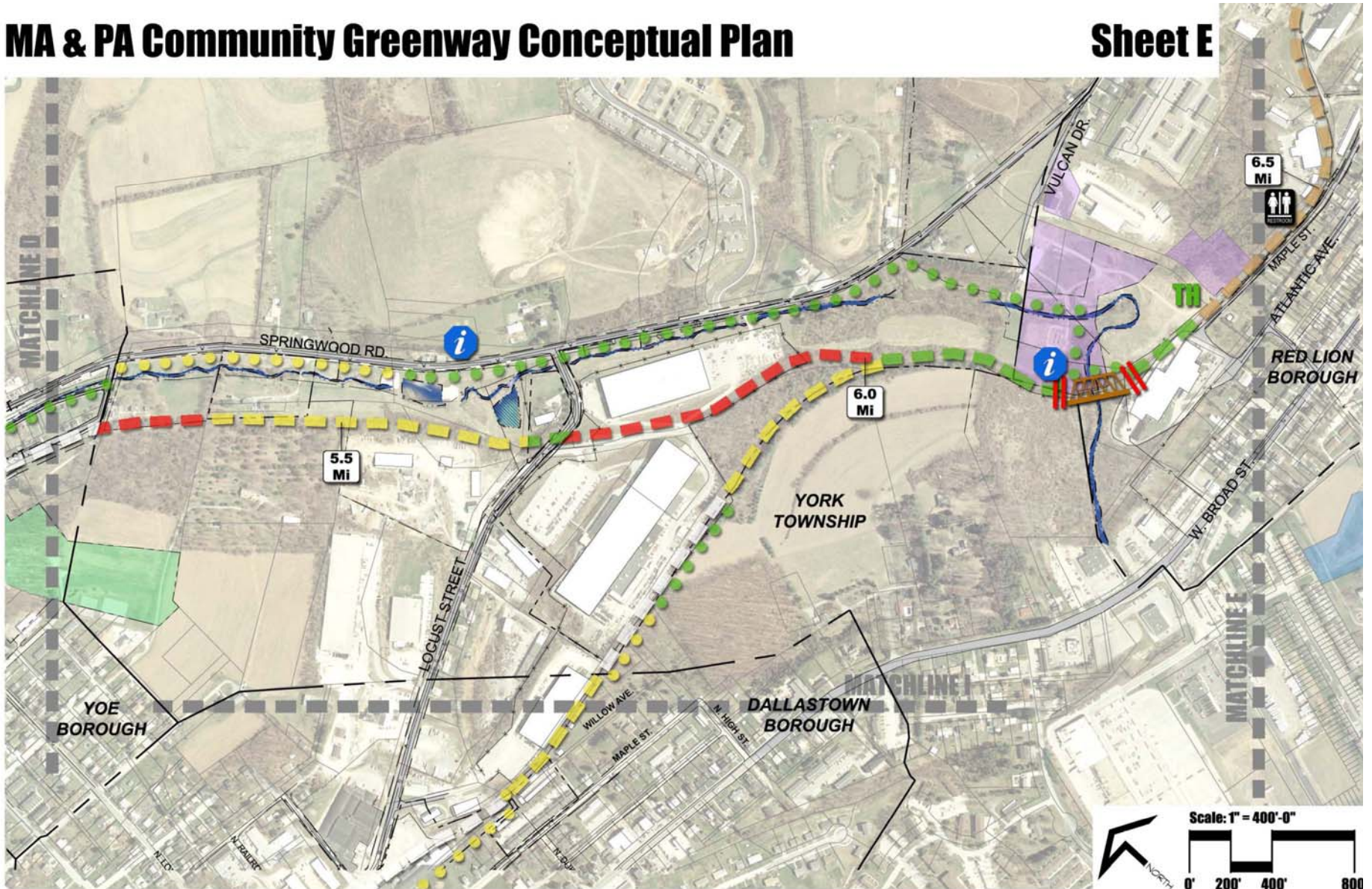


MA & PA Community Greenway Conceptual Plan

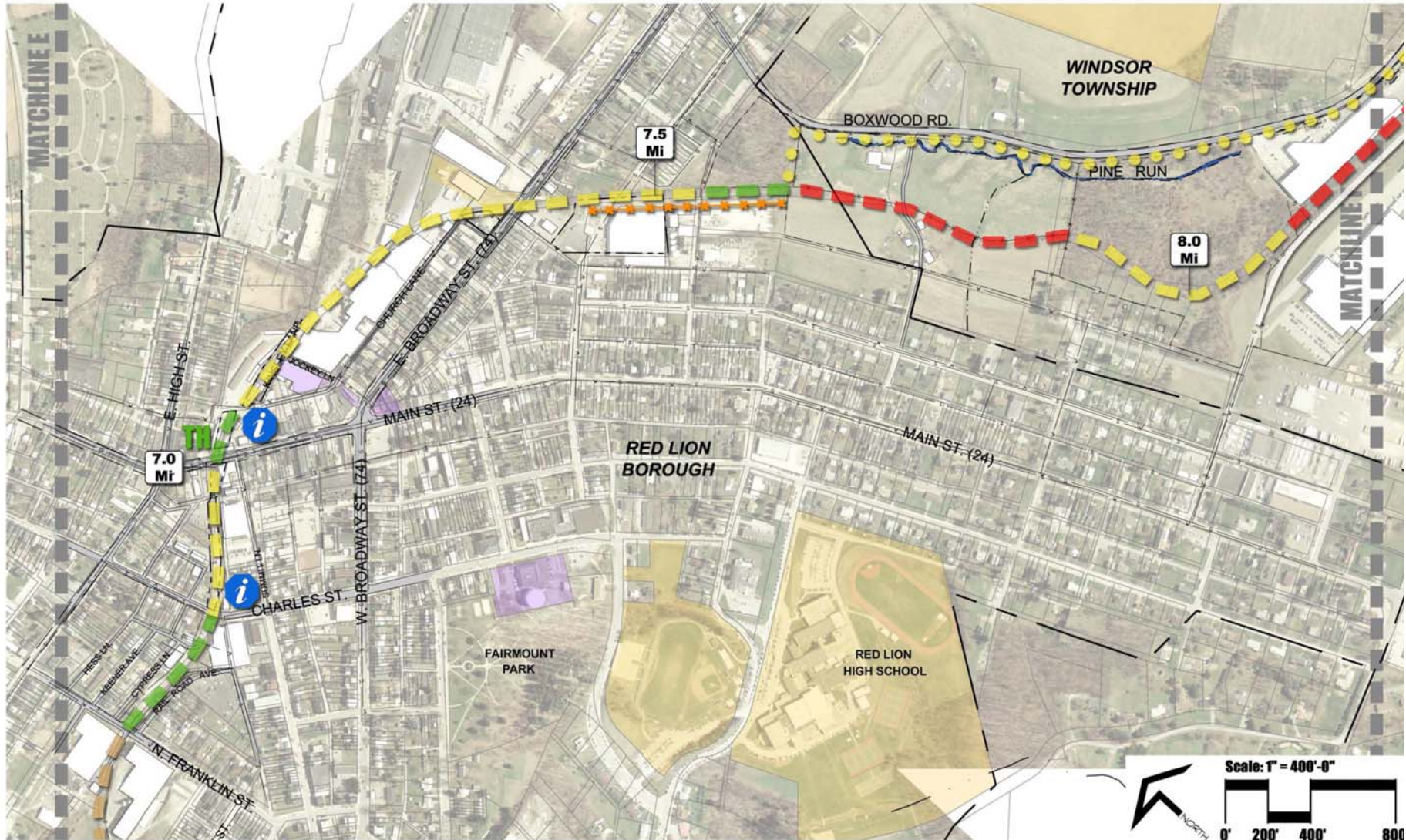


MA & PA Community Greenway Conceptual Plan

Sheet E

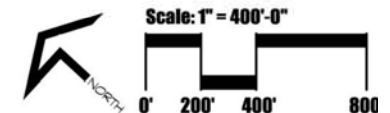
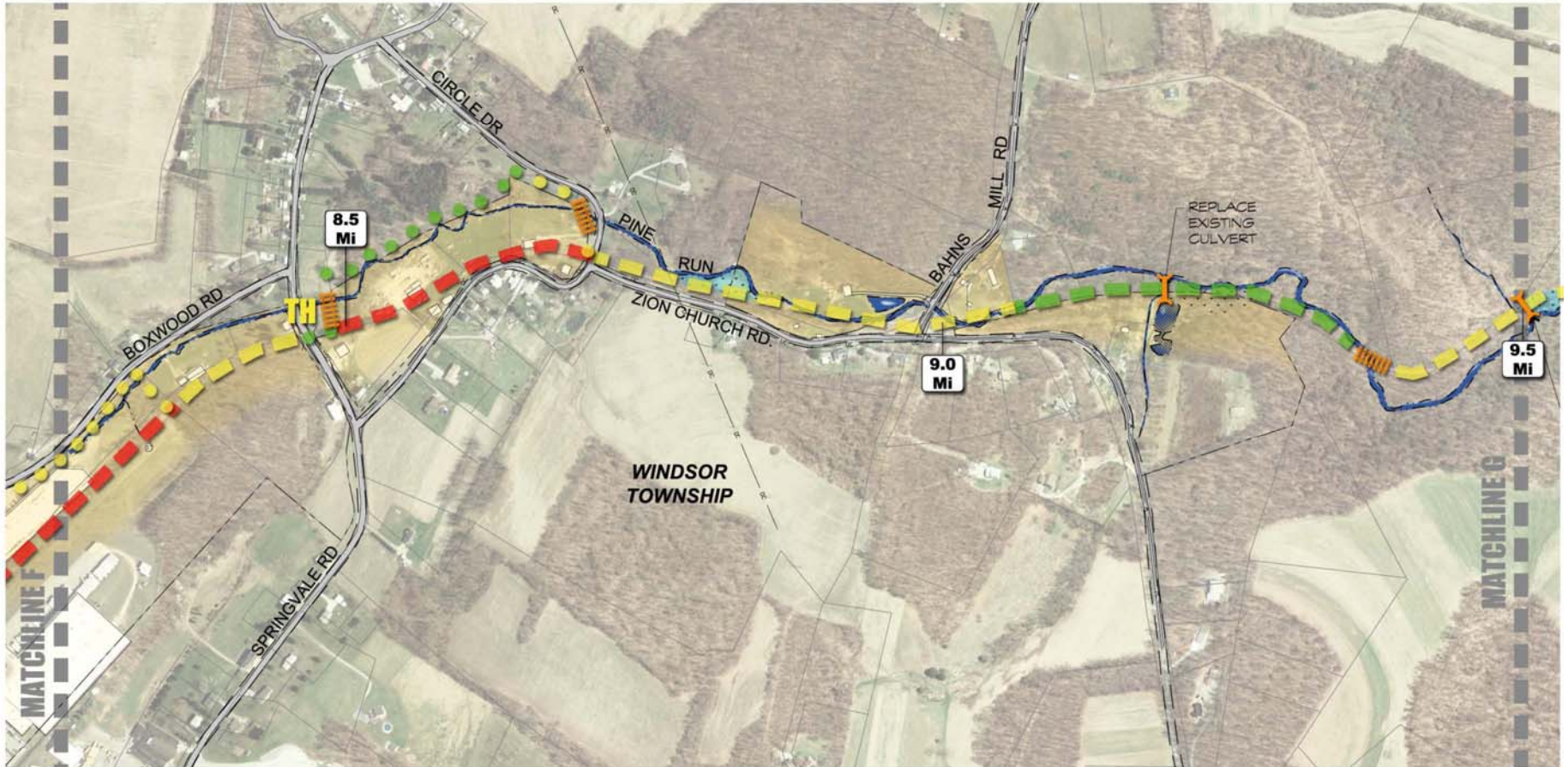


MA & PA Community Greenway Conceptual Plan



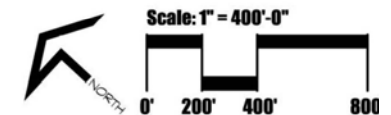
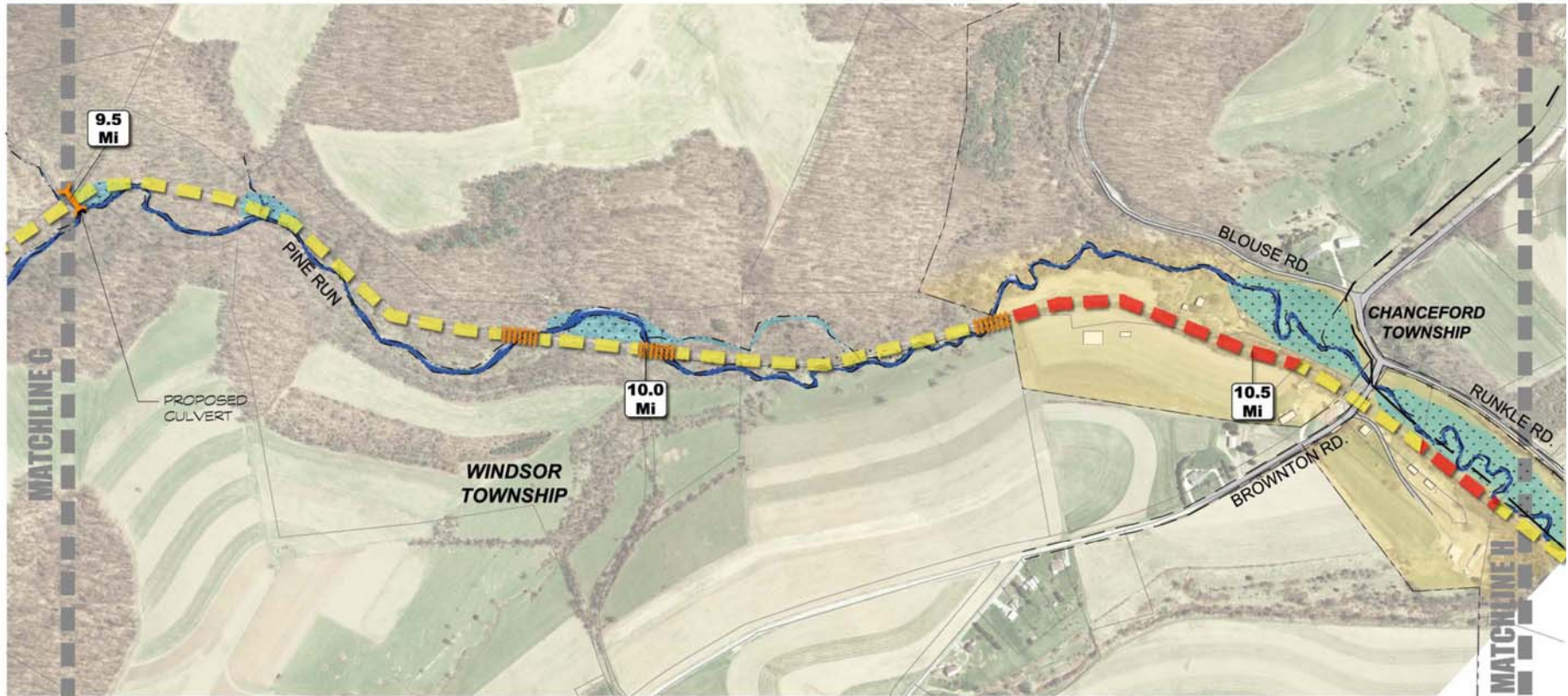
MA & PA Community Greenway Conceptual Plan

Sheet G



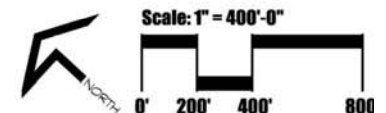
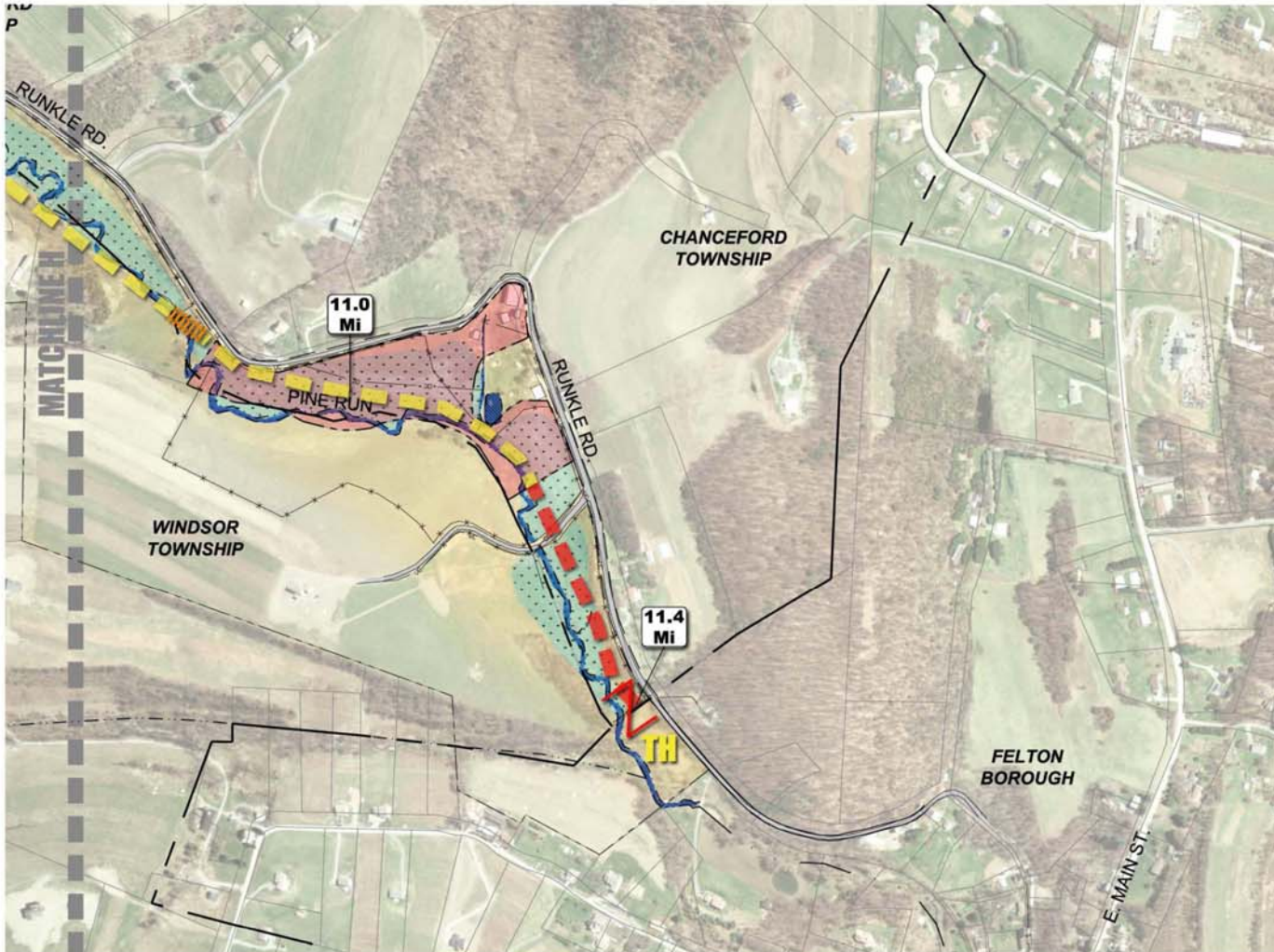
MA & PA Community Greenway Conceptual Plan

Sheet H



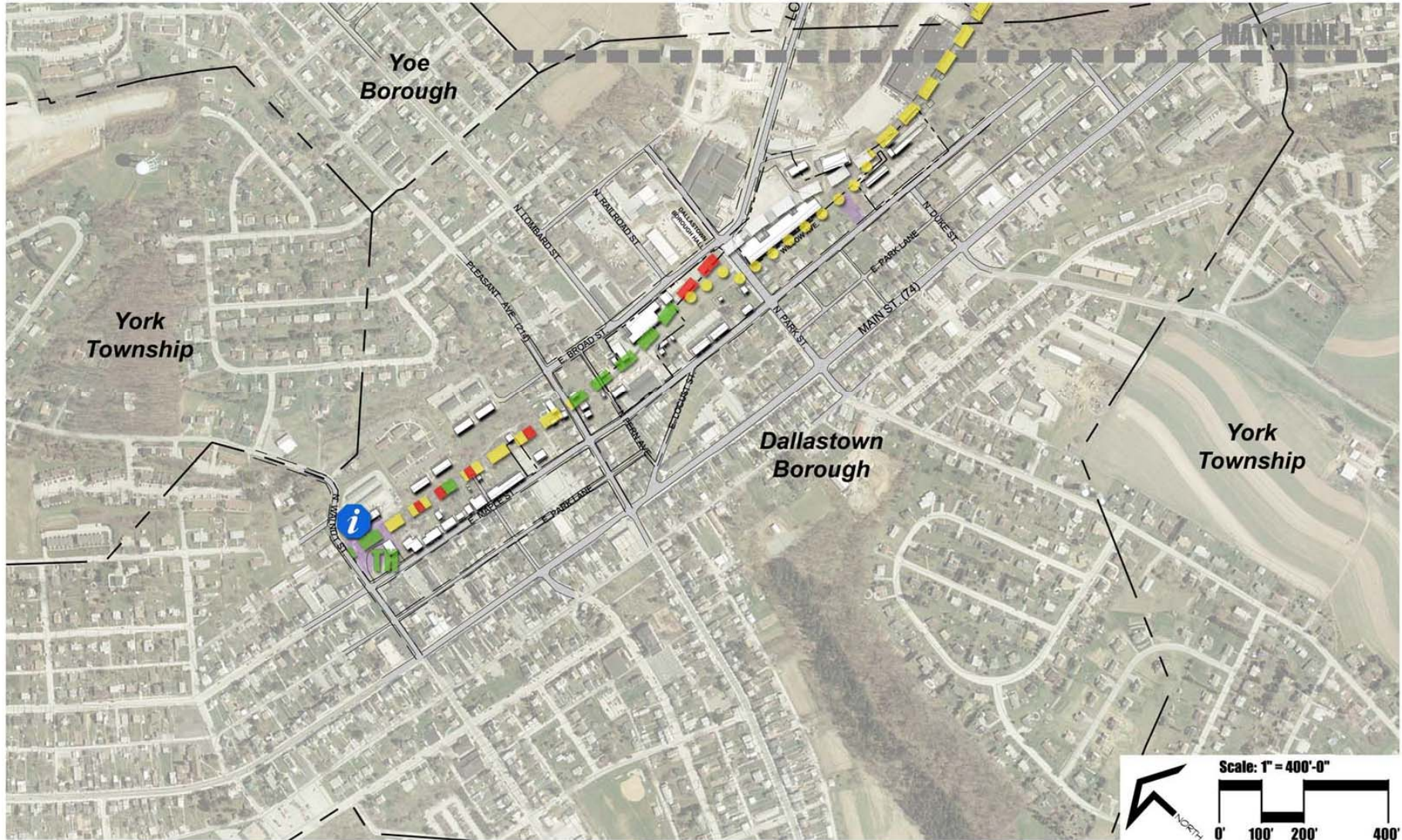
MA & PA Community Greenway Conceptual Plan

Sheet I



MA & PA Community Greenway Conceptual Plan

Dallastown Spur



Trail Tread

The trail will be developed for multiple users. Identified users include pedestrians and persons with disabilities, cyclists, equestrians, hikers, nature enthusiasts, and cross-country skiers. These multiple users have differing trail requirements. To meet the needs of multiple users, a 10-foot wide trail is proposed, where possible. The former rail bed is narrow in many areas, particularly where benched into hillsides. Actual trail width should be field verified to align with the existing plateau and accessory drainage facilities. A compacted aggregate trail is proposed for the majority of the corridor. Portions of the trail in the urban areas and within flood prone areas may benefit from a hard surface bituminous trail. A second parallel earthen tread should be provided, where practical, in the southern end, for equestrians. Equestrians prefer the earthen tread in-lieu-of paved or aggregate. A separate earthen tread will also reduce damage to the trail tread caused by horses. The entire length of trail should be developed to allow travel by maintenance, emergency, and security vehicles and will meet the regulations of the ADA.

Trailheads

Nine potential trailheads are proposed for the MA & PA Community Greenway. Each trailhead should include a small parking area, authorized vehicle access, and directional signage. Accessible facilities and accommodations should be provided to include parking spaces, trail gate openings, etc. Five of the trailheads are proposed within existing municipal parks or municipal owned lands (Spring Garden Township land, Mill Creek Preserve, Yoe Borough land, Dallastown Borough maintenance facility, Red Lion Borough Park). Mill Creek Preserve exists with a stabilized parking area but requires a pedestrian crossing of the Mill Creek. Proposed trailheads from north to south along the trail include:

- Spring Garden Township Trailhead
- Mill Creek Preserve Trailhead

- Chapel Church Road Trailhead
- Yoe Borough Trailhead
- Dallastown Borough Trailhead
- Red Lion Borough Park Trailhead
- Red Lion Train Station Trailhead
- Springvale Road Trailhead
- Felton Borough Trailhead

Alternate Routes

Limited physical interruptions occur along the 12.4-mile corridor. Wet areas, development, and streambank erosion pose physical restrictions to trail development throughout the corridor. Urbanization of the town centers has impacted the corridor in locations and the loss of the Springvale Road bridge will require a physical solution for a safe crossing. Taylor's Trestle will require special consideration that provides opportunities for interpretation of the structure while connecting the trail on a separate route around the structure. Additionally, a number of small railroad bridges spanning the creeks will require rehabilitation. Solutions to each of the physical constraints can be addressed through design and engineering and will not alter the route of the historic corridor.

Ownership disputes may impact the ultimate trail alignment. Numerous landowners have expressed opposition to the trail on their property. Opportunities for alternate routes or work-arounds exist, should conversion of the former railroad corridor to a recreation trail be unfeasible in certain locations. The maps on the previous pages indicate potential routes that may provide an alternative to the original rail line route should the historic corridor become unfeasible.

Connections

Connections to the surrounding street network, sidewalk system, and points of interest should be established along the length of the trail. Signs should promote connections to town centers so that trail users can safely access businesses. Connections to the various parks,

Conceptual Trail Plan

schools, and community facilities should be established to promote a connected community. Future extensions of the trail corridor north into the City of York and south into Felton Borough and beyond should be promoted.

Drainage

The existing drainage swales along the length of the corridor should be cleaned out to provide positive flow where possible, eliminating standing water. Where positive drainage is not practical, a drainage swale with stone trench and underdrain is recommended. Outlets for the underdrain should be provided beneath the trail and designed to daylight to an existing drainage way, inlet, or storm sewer. Where drainage is not possible, a constructed wetland is recommended. The constructed wetland with water loving plants will help to absorb excess run-off. The wetland areas should be engineered to relieve run-off not readily absorbed.

Road Crossings

Numerous road crossings occur along the trail corridor between Mount Rose Avenue and the Felton Borough line. All crossings are proposed at grade. Each crossing requires study to address safety issues and must be properly signed and gated to prevent unauthorized vehicles from entering the proposed trail. There are nine significant road crossings (listed in Chapter 2) along the 12.4-mile length of the trail that require additional engineering studies to address traffic calming, sight distance, road geometry, and warning devices.

Support Facilities

Support facilities are critical components of a successful, enjoyable recreation trail. Trail users desire support facilities that make the trail convenient to use, such as benches placed in a shady location to provide a respite for users. Support facilities serve the additional purpose of connecting the trail through a vocabulary of elements with similar design characteristics. Benches and bollards and other

facilities that are similar in design and detail unify the trail. Typical support facilities were identified with each user group. The MA & PA Community Greenway should have the following support facilities:

- Restrooms - Restrooms within adjacent parks should be open for trail users. No new restrooms are proposed.
- Benches - Benches are placed at each trailhead and at strategic locations along the trail for resting. Locations should be chosen for their interest, views, or setting and provided at approximately one-half to one mile intervals at a minimum.
- Drinking Fountains - Drinking fountains placed at trailheads where public water is available.
- Picnic Tables - Picnic tables provided at trailheads and key locations along the trail to take advantage of views and settings.
- Bike Racks - Bike racks placed at each trailhead.
- Trash Receptacles - Trash receptacles should be provided at trailheads only. The trail corridor should be developed as a “carry in/carry out” facility.
- Guide Rail - Guide rail is placed as necessary to control access and identify safety concerns, such as areas of steep side slopes, stream culverts, and road crossing.
- Bollards - Bollards should be placed at access points to control traffic and prohibit unauthorized vehicles entering the trail corridor. Bollards shall be removable type for access by emergency, security, and maintenance vehicles.
- Gates - Gates placed at at-grade road crossings to stop trail users prior to crossing a road.

Signage System

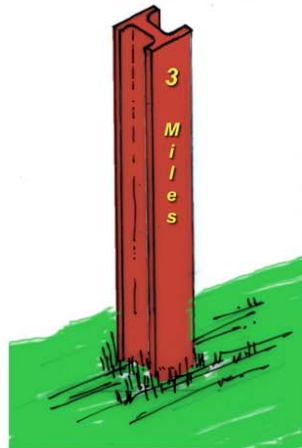
A comprehensive signage system is important to trail design. Signs serve many functions along a trail: to provide information and direction, to identify points of interest, to identify the trail mileage, and to alert users of safety concerns. Proposed signs shall align with the Americans with Disabilities Act (ADA) and include length of trail or trail segment, surface type, typical trail width, typical and maximum running and cross slopes. Just as with support facilities, signs should be developed with similar design details to create a vocabulary of signs. See Figures 4-A and 4-B on the following pages for signage types, placement, and design concept.

Mile Markers - Markers located at one-half mile intervals along the length of the corridor. Mile identification numbers should be visible for both directions.

- Informational -** Information signs located at trailheads to provide information about the trail, such as trail use policies, trail map, and other graphic displays. A phone number should also be posted for emergency contact, trail maintenance issues, and concerns.
- Interpretative -** Interpretative signs placed at points of interest along the trail for educational and general interest purposes.
- Directional -** Directional signs placed at trailheads and access points to identify distance and direction to points of interest.
- Traffic -** Traffic signs placed on the trail and roads that cross the trail to warn trail users and vehicles of



Concept: Relate the signage to the iconic trestle found along the trail. Use the trestle form to develop framework for sign supports.



Mile Marker: Metal I beam



Trailhead, Interpretive and Directional Signs: Include MA&PA logo, trail map, policy and rules, historical or interpretive information, phone number for problems/concerns, and trail map handouts. Directional signs shall identify features from the trail and identify the trail from surrounding roads.

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Entrance Sign: Include logo, and trail head designation to identify designated trail parking areas.



Note: Trail and traffic signage within PennDOT and municipal rights-of-way shall have a 7 foot minimum clearance from cartway unless otherwise specified.



Keys to Success

The MA & PA Community Greenway has great potential to expand trail opportunities in York County. Numerous challenges exist along the historic corridor. The main challenge is ownership, as the corridor has been abandoned by the railroad and reverted to the contiguous landowners. However, the feasibility study has explored various opportunities and alternative routes to develop a continuous trail from Spring Garden Avenue to Felton Borough with a spur trail to Dallastown Borough. Achieving this long-term goal will require hard work, planning, and perseverance. Noteworthy keys to a successful project include:

- PennDOT accommodations at the Mount Rose Avenue intersection are necessary to provide passage beneath Route 83 and connection to Mount Rose Ave. The Township-owned land north of Mount Rose Ave. would make an ideal northern trailhead and a safe crossing of Mount Rose Avenue must be accommodated in the interchange design. Ongoing communication with PennDOT about the trail will be required as PennDOT finalized the intersection improvements.
- Work with the owner of the Heritage Hills Golf Resort to solidify support and explore opportunities for cooperation and mutual goals.
- The alternate route through Yoe Borough suggests crossing Main Street at George Street. This crossing offers the best opportunity to create a safe crossing. Improvements at this intersection to accommodate pedestrians would enhance the overall intersection safety. Additionally, improvements to the corner properties could beautify the intersection, creating a town square.
- The proposed Camp Betty Washington Road realignment, just north of the Springwood Road intersection should include a separate shoulder for the trail and connections to the nearby residential area.
- The historic corridor in Yoe, south of Main Street, is being considered for municipal parking. Should the parking become a reality, trail signage and connections should promote the trail and encourage trail parking downtown, boosting the local economy.
- Work with Gichner's to gain their support for locating the trail along their property frontage.
- Taylor's Trestle is a key historic feature that will draw attention to the trail. Explore opportunities to highlight and interpret the trestle to generate interest and momentum for the trail. Measures should be taken to assure that access to the structure is prohibited.
- Meet with the commercial/industrial property south of the Red Lion Train Station. The historic corridor behind the buildings is interrupted by fencing, and private parking area. Provisions for safe access are important, as alternate routes are limited.
- Secure easement from Springvale Road to Circle Drive from willing adjacent neighbor, as the historic route is opposed by landowners and close to residential structures.
- Meet with the owner of the large land holding between Bahns Mill Road and Brownton Road to secure support. A majority of the historic corridor in this area is under single ownership. Trail development in that area is critical as it will create over one-and-one-half miles of contiguous trail. The landowner initially was open to the trail, but is now concerned about privacy, vandalism, and liability.
- Secure an access easement from N/F Klunk in the southern end and discuss trailhead opportunities.

Conceptual Trail Plan

Feasibility Concerns along the Historic Corridor

Numerous concerns were raised throughout the feasibility study as highlighted below.

- Numerous property owners of the 290 total property owners have expressed opposition to the trail on their land. This opposition is sporadic and spread throughout the length of the trail.
- The Interstate 83 interchange project may remove the existing concrete underpass and create multiple road/ramp intersections. The creek bed will be the most direct way to make the connection between Mount Rose Ave and the rail corridor east of Interstate 83.
- Trail corridor from Mill Creek Preserve to Springwood Road has numerous ownership opposition, difficult road crossings, and wet soils. This mile long section has limited work around opportunities. Long term consideration should be given to Springwood Road shoulder improvements.
- The majority of the historic corridor through Yoe Borough is lost to residential and commercial development. Traffic patterns and volume, narrow streets and crossings, and business owner opposition make the historic corridor thru the Borough unfeasible.
- South of Yoe Borough, the upland trail corridor south of the stormwater basins is not feasible due to development and loss of railroad trestle. Additionally, landowner opposition exists in both directions from the stormwater basins creating a long segment of the corridor, from Yoe Borough to the Dallastown spur, which appears unfeasible.
- The rail bed through the Gichner property is unfeasible due to development and steep topography.

Chapter 5

Conclusions & Recommendations

Introduction

The MA & PA Community Greenway has the potential to provide a 12.4-mile recreational trail from Mount Rose Avenue in Spring Garden Township, south to the Borough of Felton. The corridor traverses interesting towns and neighborhoods and offers a visual story of the historic railroad. This feasibility study documents the corridor and presents findings and recommendations on the potential for trail development. The recommendations are based on the public input received at the MA & PA Community Greenway study committee meetings, public meetings, community focus group meetings, open house, property owner surveys, and the results of research and field investigation to field-test the conceptual design. In addition to the recreational aspects, the trail can have far reaching benefits to the local communities.

Benefits of Trails and Greenways

Re-purposing an abandon railroad corridor is an effective means of protecting the history, character and landscape setting of a community while connecting population centers with local destinations. Greenways and trails provide an array of direct and indirect benefits that add to the quality of life of both a place and region. Protection of green corridors and open spaces provides numerous economic, social, transportation, recreation, environmental, education, and ecological benefits as identified below.

Social Benefits

- Provides access to historically and culturally significant features in our communities.
- Helps to preserve the character and aesthetic appeal of a place or landscape.
- Improves health and wellness of greenway and trail recreation users.

- Provides significant new public places which can help to connect people and communities.
- Provides opportunities to reconnect with the natural environment and urban fabric of our communities.
- Heightens sensitivity to the natural environment by providing for interaction between people and nature.
- Increases quality of life.

Transportation Benefits

- Promotes non-motorized transportation.
- Provides emergency access via trails to undeveloped areas.
- Provides safe alternative transportation routes for pedestrians and bicyclists which will lessen dependency on automobiles.
- Reduces roadway congestion through redistribution of users to alternative transportation routes.

Ecological Benefits

- Preserves and protects vital wildlife, plant, and aquatic habitats.
- Promotes plant and animal species diversity.
- Improves air quality and reduces noise.
- Stores and conveys floodwaters.
- Protects natural areas.
- Connects fragmented landscapes.
- Cleans up abandoned corridors.
- Provides corridors for wildlife migration and movement.
- Reduces stormwater damage and promote flood mitigation within protected floodplains.

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- Serves as a filtering zone; wetlands absorb pollutants and nutrients and slow surface run-off.

Recreation Benefits

- Serves as sites for passive pursuits such as picnicking, fishing, and enjoying nature.
- Provides areas to jog, walk, bike, and ride horses.
- Connects existing and planned trails.
- Encourages ecotourism.
- Provides landscapes for environmental education.
- Provides connections between parks and other protected lands.

Economic Benefits

- Increases nearby property values.
- Precipitates new and expanded businesses related to greenway and trail use. New businesses will provide employment opportunities and revenues.
- Creates tourist destinations which will generate expenditures on food, services, and lodging.
- Reduces damage and financial loss from flooding by providing buffer areas along stream and river corridors.

The MA & PA Community Greenway Feasibility Study explored the opportunity of creating a linear connection through the seven municipalities to harness these benefits and connect the communities with a recreation trail.

Assessment of Feasibility

The following summarizes the physical, legal, and operations and management findings.

Physical Findings

- The majority of the trail corridor, from Mount Rose Avenue to Felton Borough remains in place and is in fair to good condition and could easily be converted to a recreational trail. The narrow width of the existing corridor and steep banks on each side in some locations will limit the development area and confine the trail to a single multi-purpose tread.
- Numerous road crossings are encountered. All but two (I-83 and Springvale Road) are at-grade crossings. Currently, the corridor passes below I-83 via a large concrete culvert. The Springvale Road was formerly an overpass, and will require a “grade down” to accommodate a safe, accessible crossing. The majority of the crossings occur within the dense street network of the three boroughs. Minor at-grade crossings are encountered in the stretches beyond the urbanized areas.
- Navigation and street crossings through the boroughs will require additional study.
- Accessibility requirements should be easily accommodated along the trail length, due to the shallow grade of the former railroad. Accessibility through the urban areas will require additional planning to provide sidewalks, curb cuts, and other features required to meet the ADA.
- Localized drainage issues were noted along portions of the trail. Drainage solutions will be required to address each instance. No significant issues were noted.
- Bridge and structure rehabilitation will be necessary to complete the trail. A minimum of seven bridges are required along the corridor to accommodate stream crossings. Each bridge is in various states of repair and will require upgrades to verify stability of abutment foundations and structural supports. New decking and guide rails are required for each structure. One additional bridge is required to connect the

Conclusions & Recommendations

existing trailhead parking area at Mill Creek Preserve. Additional bridges and structures may be required in areas of designated work-arounds. The bridges are illustrated on the maps.

- The Taylor's Trestle is a significant physical obstacle to the historic corridor. The structure is in disrepair and unsound for trail use. Significant improvement and financial investment are required to upgrade the structure. An independent study of the trestle is provided in Appendix B which describes potential rehabilitation efforts. Ownership is also an issue as the trestle sits on lands of four different owners. Fortunately, one of the owners is Red Lion Borough. The Red Lion Borough property is targeted for development as a park and offers the potential to provide access around the trestle and view it from below, within the proposed park.
- There are portions of the historic corridor that are unfeasible due to existing development. Work-arounds are required.

Legal Findings

The railroad has abandoned ownership of the corridor and the historic corridor traverses over 290 individual property owners. Twenty-seven owners have received quit-claim deeds from the Maryland and Pennsylvania Railroad Company for portions of the right-of-way adjacent to their individual tracts. The legal review investigated two important questions.

1. How can a railroad easement be extinguished?
2. What happens to the ownership of the land which encompassed the right-of-way once that right-of-way has been conclusively extinguished?

As to Question No. 1, a railroad easement can only be extinguished by formal abandonment. Formal abandonment can be established from a combination of factual circumstances.

- The tracks over the right-of-way have been removed by or with the consent of the rail road company. In this situation, the tracks along the right-of-way were removed many years ago.
- The railroad company can apply for and receive from the Public Utility Commission a certificate granting the right to remove the railroad.
- A formal relinquishment of the right-of-way by the railroad company to contiguous property owners by way of quit-claim deeds.

As to Question No. 2, Pennsylvania law provides that upon the establishment of formal abandonment of a railroad easement, the land encompassing the easement becomes owned by the land owner on either side of the railroad right-of-way without formal action or documentation on the part of the railroad company or the adjacent property owners.

Based on the above stated facts, there is sufficient evidence to conclude the railroad easement of the Maryland and Pennsylvania Railroad Company, as delineated, has been extinguished and that the title to the land encompassing the easement has vested in the contiguous property owners either by quit-claim deed or operation of law.

With the understanding that the right-of-way is extinguished and is separated into 290 separate lots, cooperation of these multiple landowners is a paramount challenge for the development of a continuous trail following the former right-of-way.

Operations and Management Findings

Exploration of management, maintenance, and financing feasibility is detailed in Chapter 7 – Operations and Management.

Conclusions & Recommendations

Common Design Issues and Elements

There are design elements of the MA & PA Community Greenway that are consistent for the entire length of the 12.4-mile corridor. These elements are discussed below.

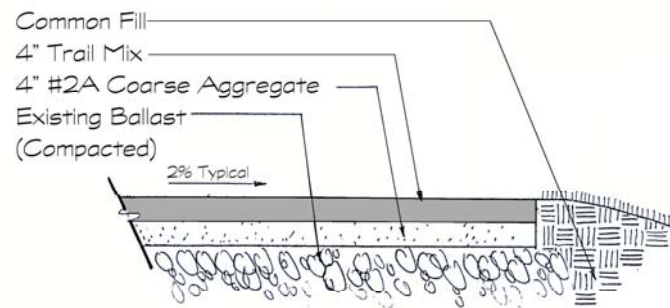
Accessibility

The trail, as a public recreation facility, must be fully accessible to persons with varying mobility and abilities as required by the Americans with Disabilities Act (ADA). The ADA requires that the development of the MA & PA Community Greenway provide a barrier free path of travel for all trail users. This accessible path must be provided from designated access points and along the entire length of the trail. Public trailheads must have designated accessible parking spaces that connect to an accessible route that leads to the trail corridor. Additionally, an accessible route must connect all public facilities located at the trailheads and along the corridor, to include, picnic areas, playground, rest rooms, etc. Restrooms, picnic pavilions, and playgrounds servicing the trail must comply with ADA regulations. The graded slope of the trail tread cannot exceed five percent.

The ADA also requires provisions at public facilities for persons with eyesight impairment. Braille lettering should be provided on all informational signs and maps. The design and location of all support facilities should be accessible to all persons. Picnic tables should accommodate persons in a wheel chair and height of drinking fountains should be compatible with ADA requirements.

Trail Tread

The trail tread should vary in material and width based on its location. An aggregate pavement is proposed (Figure 5A) throughout the majority of the trail corridor. An aggregate pavement surface developed at a 10-foot width is proposed. This width provides adequate room for multiple users to pass (Figure 5C).

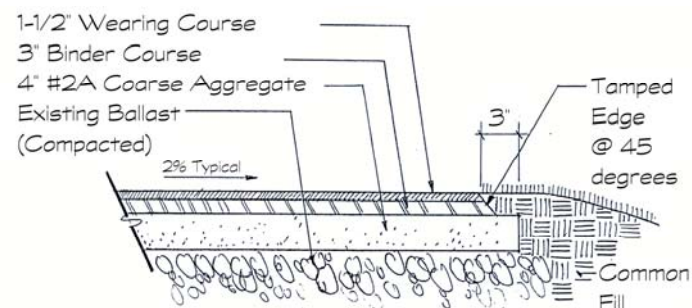


Note: In areas where ballast does not exist, provide a minimum depth of 6" of #2A coarse aggregate

Figure 5A - Aggregate Trail Section

A cleared, 4-foot wide turf shoulder should be developed adjacent to the trail to accommodate equestrian use south of Dallastown, where equestrian use is most appropriate due to the rural characteristics of the area.

A hard surface, bituminous trail (Figure 5B) is suggested in the urbanized areas, which will accommodate additional user types such as road cyclists and in-line skaters, and better fit the surrounding land use. Paved portions should also be considered in segments prone to periodic flooding.



Note: In areas where ballast does not exist, provide a minimum depth of 6" of #2A coarse aggregate

Figure 5B - Bituminous Trail Section

Conclusions & Recommendations

Trail surface materials are to be placed on top of the compacted ballast that has been graded to a minimum 2-percent cross slope for surface drainage. Field observations revealed areas of poor drainage along portions of the trail corridor. This study recommends cleaning out the existing drainage swales to promote positive flow where possible. Where positive flow is impractical, the drainage swale shall be provided with a stone trench and underdrain to relieve standing water (Figure 5D). The underdrain shall be conveyed and day lighted to existing drainage ways, inlets, or storm sewers. Shallow drainage swales may also be planted with water loving plants to absorb excess run-off.

Drainage improvements will be required at trailheads and other areas to direct drainage away from improvements. Drainage solutions should use best management practices and promote stormwater infiltration. Specific information on drainage requirements will be completed at the engineering and construction document stage of the project. Where the trail is proposed in areas without ballast, field investigation and soil and compaction testing should be undertaken to assure adequate sub-grade compaction and drainage can be achieved prior to placing the stone base course.

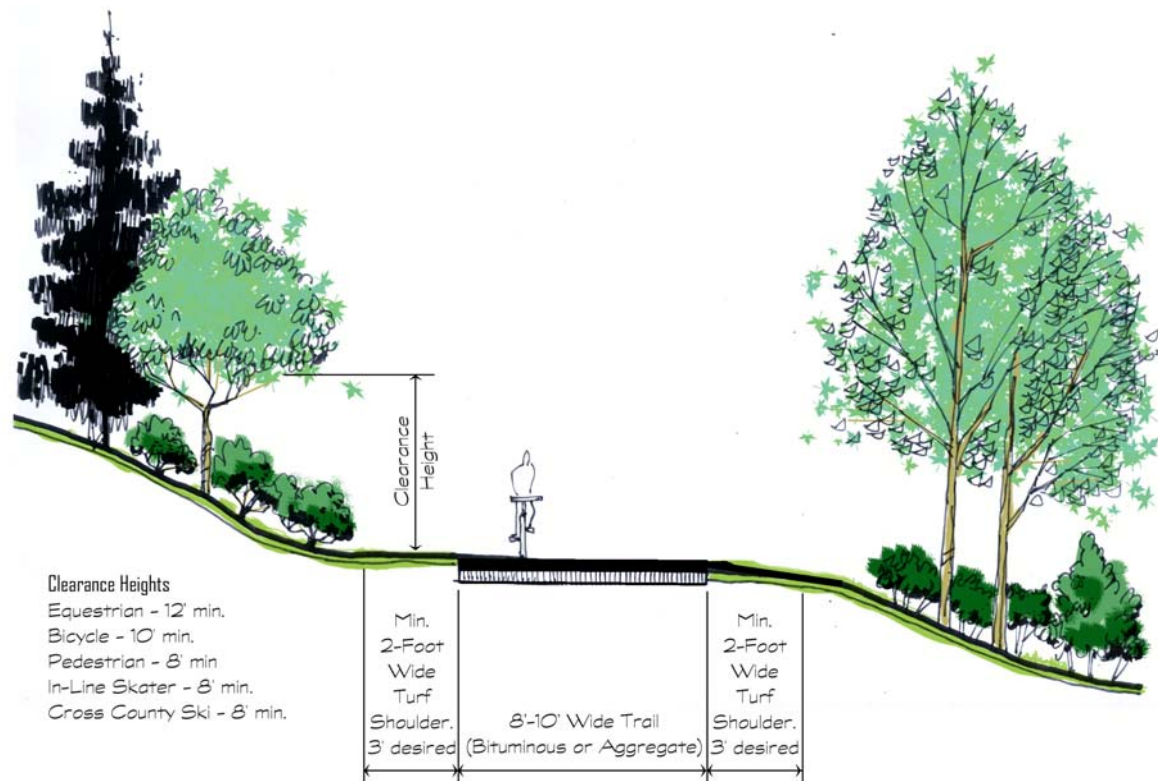


Figure 5C – Typical Multi-Use Trail Section

Conclusions & Recommendations

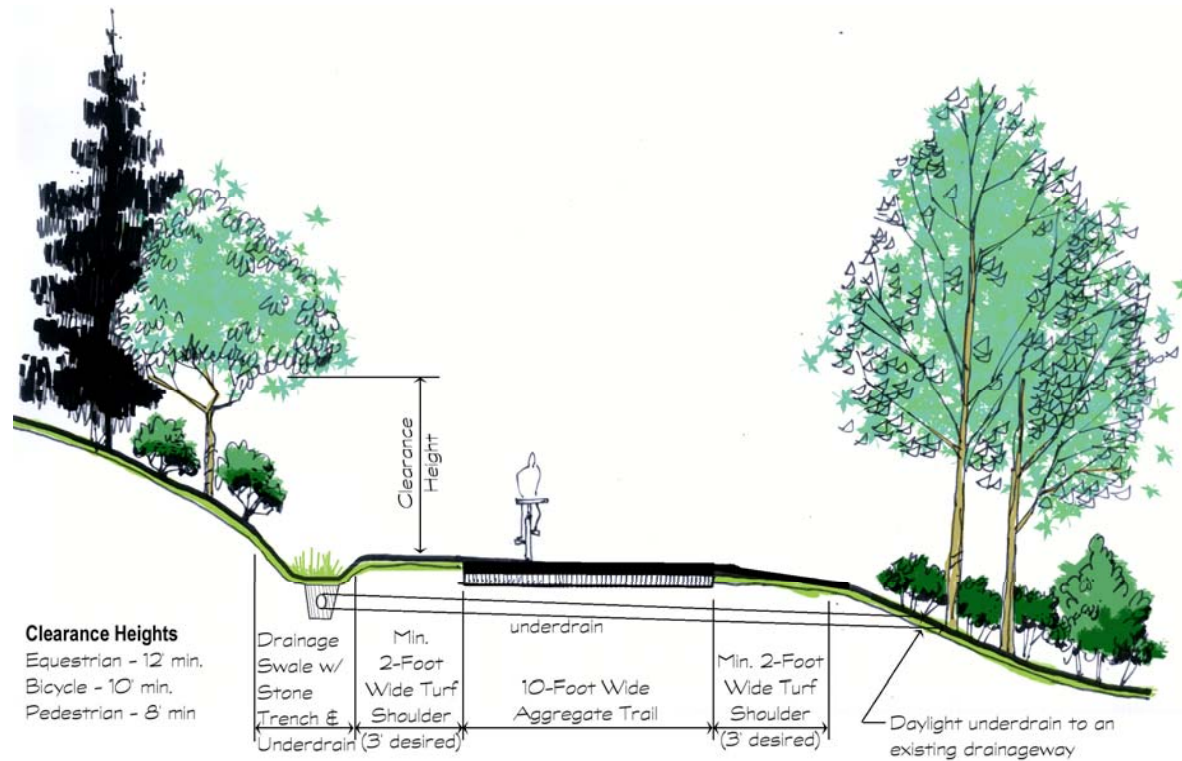


Figure 5D – Typical Cross Section with Underdrain

Trailheads

Trailheads are proposed at nine locations along the trail corridor. These facilities have features in common such as parking, signage, benches, bike racks, and a designated path directing the trail user to the main trail corridor. The facilities within the trailhead should match and complement the other elements along the trail to unify the design. Building materials for facilities should tie to the local surroundings and the flavor of the rail history. Trailheads should orient the trail user, be convenient to use, be readily accessible from the trail, and designed with low maintenance in mind.

Road Crossings

Crossings include both local and Pennsylvania Department of Transportation (PennDOT) roads. Trail users are required to stop at all at-grade intersections between a public road and the trail and yield to crossing traffic. Each at-grade road crossing will have design elements which will warn trail users of the crossing and promote safe crossing. The trail at each side of an at-grade crossing should have a change of alignment that requires trail users to slow down and stop prior to crossing the road. All users will be funneled to a six-foot opening between a bollard and gate. Both sides of the

Conclusions & Recommendations

trail approach to the crossing will have a guide rail to direct users to the designated crossing. A *stop ahead* sign will be placed prior to the crossing if the stop sign is obscured from view. A *stop sign* and road name sign will be placed on the gate. A minimum 150-foot clear sight triangle must be provided on both sides of the crossing. PennDOT will make the final assessment and decision regarding the installation of roadway signs.

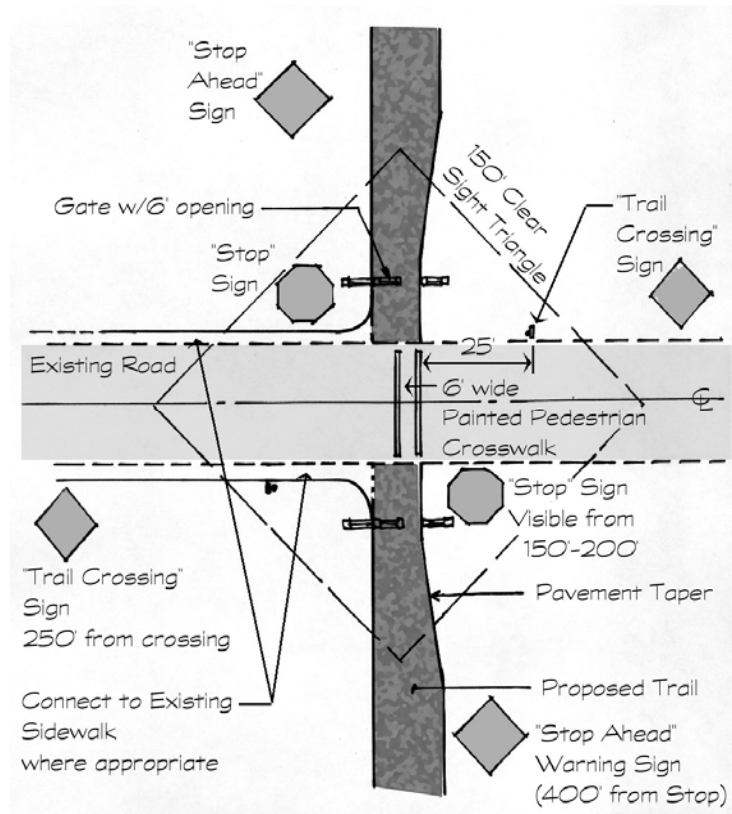


Figure 5E – Typical At-Grade Crossing

Figure 5-E illustrates a typical at-grade crossing. Crosswalk markings may be provided at the crossings as determined by PennDOT or the municipality having jurisdiction of the roadway.

PennDOT or the municipality having jurisdiction of the road will maintain the road crossing improvements.

Pilot Project

A sound way to build support for the project is the development of a pilot project. The Red Lion Mile has provided a great start for the trail and created momentum in the community. The pilot project is envisioned to extend the existing trail to connect the three Boroughs of Red Lion, Yoe, Dallastown, and portions of York Township. Trailhead opportunities exist at each end of the pilot segments. The section of trail was chosen due to the dense population it will serve and its urban context. Most of proposed trail through Yoe is established on existing borough sidewalks and Clark Alley, reducing construction costs and combining trail and street maintenance costs. Rehabilitation of Clark Alley will improve the existing cartway, and promotes a separate pedestrian corridor enhancing both vehicular and pedestrian use. The segments form a "Y", with each leg terminating in a Borough owned facility. Numerous points of interest are found within the pilot area, adding to its character. The pilot project proposes approximately 3.3 miles of trail.

Yoe Borough to Red Lion Borough

Trail Tread – The trail tread varies through out this section. The trail from the northwestern end to Red Lion Borough Park follows existing roads and alleys in the borough and frontage along Springwood Road, abandoning the historic alignment. The trail will use existing streets and newly constructed trails and sewer easements to connect to the park in the proximity of the Taylor's Trestle. The historic corridor is generally followed from the Taylor's Trestle to the eastern terminus at the Red Lion Train Station.

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Trailheads – Yoe Borough Trailhead – The narrow strip of the historic corridor south of East Water Street is Borough Owned property. The strip of land was targeted by the Borough for a municipal parking area. This proposed parking area would serve as a trailhead for Yoe Borough. The trailhead offers parking and trailhead signage to orient visitors and direct them to the corridor.

Red Lion Borough Park – The Borough Park is undeveloped borough owned land. The Borough is targeting development of this parcel as a passive park with trails and disc golf course. The park offers a vehicular entrance from Springwood Road, via Vulcan Drive and pedestrian access via an existing sewer easement. Parking, restrooms, and comfort facilities should be provided.

Red Lion Train Station –The former railroad station makes a natural trailhead, central to Red Lion Borough. The station will become a focal point of the trail, offering historic interpretation and records. The installation of a restored caboose and other train exhibits will anchor the eastern end of the pilot segment.

Facilities – Facilities proposed in this segment include the following:

Signage – Information and directional signs are proposed at the trailheads and at each road crossing.

Support Facilities – Bike racks should be provided in each trailhead. Benches and picnic tables should be strategically placed along the trail at shaded locations to provide a comfortable rest area for trail users. Bench and table

locations should take advantage of views. An elevated crossing is proposed to cross the drainage way traversed by Taylor’s Trestle. An observation area with interpretive signage regarding the trestle should be incorporated along the trail.

Points of Interest /Linkages –

Man-Made Wetlands – The proposed work-around following Springwood Road passes the constructed stormwater management ponds and wetlands constructed by Yoe Borough. The ponds offer water and cover for wildlife and have attracted unique bird species. An overlook area with interpretive signage should be established.

Taylor’s Trestle –Due to the existing state of disrepair and structural instability, the pilot project proposes that the trail by-pass the trestle, and allows users to view the structure while prohibiting direct access. Access to the top of the structure should be blocked. Efforts are underway to raise funds necessary to restore the trestle as a historic engineering element of the former railroad. Interpretive signage and a designated viewing area should be developed at a safe location to view the structure.

Red Lion Train Station – The Red Lion Train Station will be a focal point of the trail and serve as a reminder of the area’s rich railroad history. Its attractions provided by the Historical Society and location in the hub of Red Lion Borough will make it a popular destination.

Yoe Borough and Red Lion Borough – These urbanized areas provide a variety of opportunities for trail users. Local stores,

Conclusions & Recommendations

restaurants, shops, and accommodations found in these hubs provide convenient facilities for trail users.

Christ United Methodist Church – The pilot project will direct trail users past this unique church which is built over Mill Creek.

Charles Street Underpass – An interesting decorative concrete structure was built to allowed passage of the railroad beneath its curved arch.

Red Lion Prison – This historic red brick building offers a historic look at Red Lion’s early days. Signage should be provided to highlight the structure.

Dallastown Spur

Trail Tread – The trail tread varies throughout this section. The trail from the spur intersection follows the historic corridor for a brief time before transitioning into the built environment of Dallastown. Once in the borough, the trail will generally follow the historic corridor to the western terminus at North Walnut Street.

Trailheads – Dallastown Borough Trailhead – The property at the corner of North Walnut Street and East Maple Street is Borough owned property. The Borough has recently installed a maintenance garage and parking area on the property, and envisioned a portion of the parking area serving as trailhead parking. The trailhead offers parking and trailhead signage to orient visitors and direct them to the corridor.

Facilities – Facilities in this segment include the following:

Signage – Information, interpretive, and directional signs are proposed at the trailhead and at each road crossing.

Support Facilities – Bike racks should be provided at the trailhead to facilitate trail use. Benches and picnic tables should be strategically placed along the trail at shaded locations to provide a comfortable rest area for trail users. Bench and table locations should take advantage of local views.

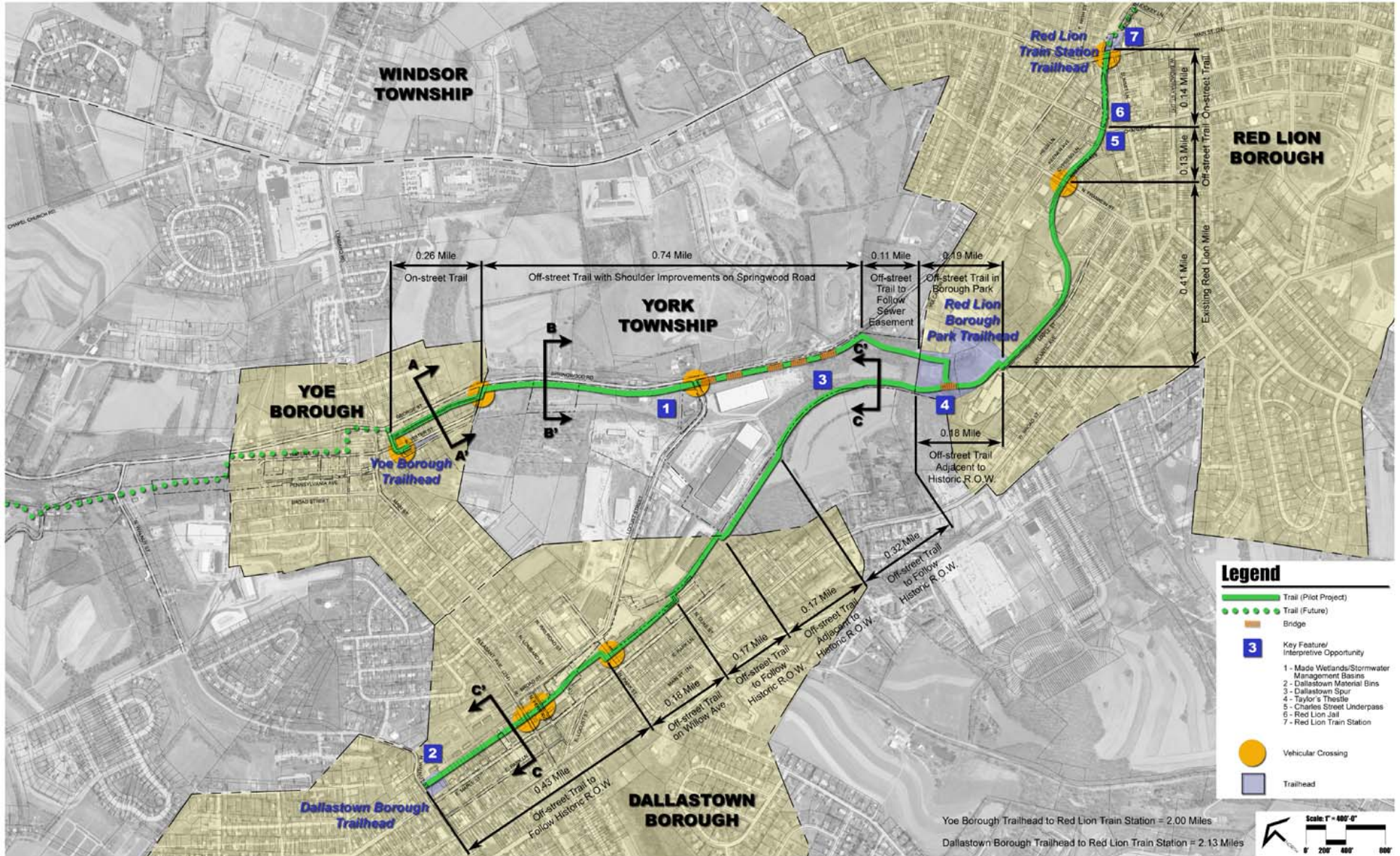
Points of Interest /Linkages –

Material Bin Structure – The unique concrete structure is a great terminus to the Dallastown Spur. The structure helps one visualize its past use, to transfer product from the rails to the roadways. Due to height and openness of the structure, the elevated portions should be blocked off to prevent users from gaining access to the top. The trail should provide access to the area below and provide interpretive signage to tell the structures history and role in the railroad.

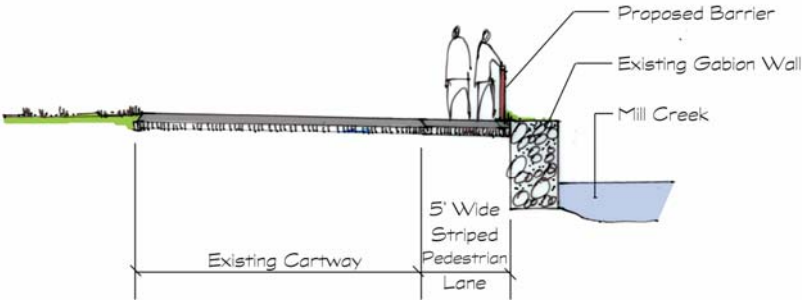
Dallastown – The Dallastown area provides a variety of opportunities for trail users. Local stores, restaurants, antique shops, and accommodations are found throughout the town.

MA & PA Community Greenway

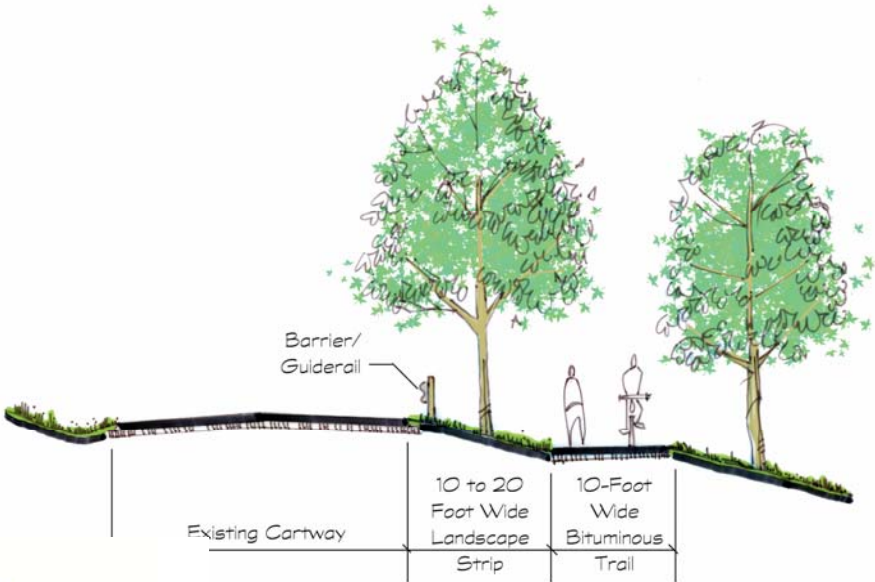
Pilot Project



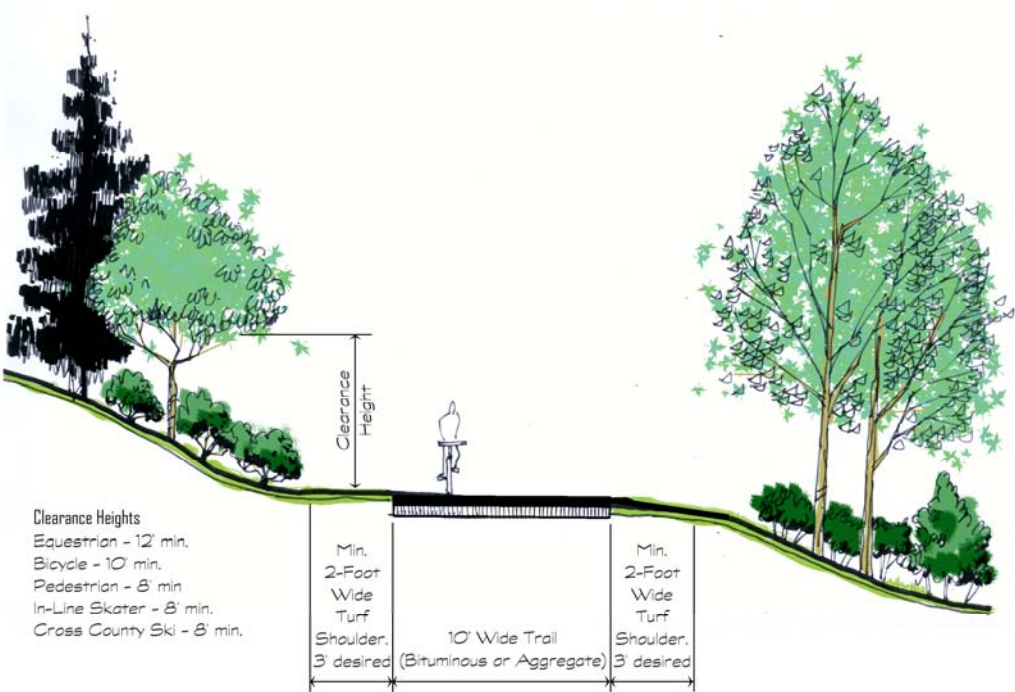
Conclusions & Recommendations



Section A - A' - On-Road Trail



Section B - B' - Off-Street Trail

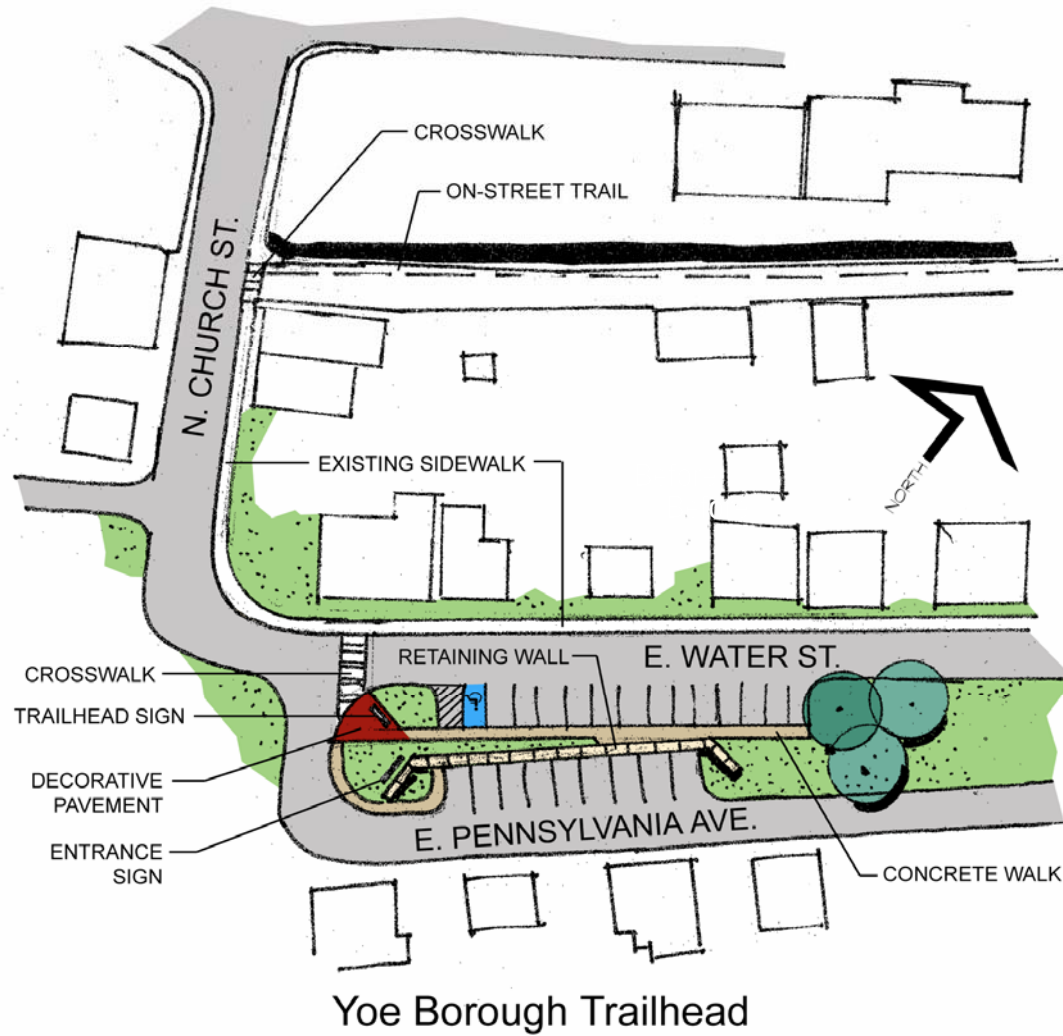


Clearance Heights
 Equestrian - 12' min.
 Bicycle - 10' min.
 Pedestrian - 8' min.
 In-Line Skater - 8' min.
 Cross Country Ski - 8' min.

Min. 2-Foot Wide Turf Shoulder. 3' desired	10' Wide Trail (Bituminous or Aggregate)	Min. 2-Foot Wide Turf Shoulder. 3' desired
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Section C - C' - Typical Trail Section

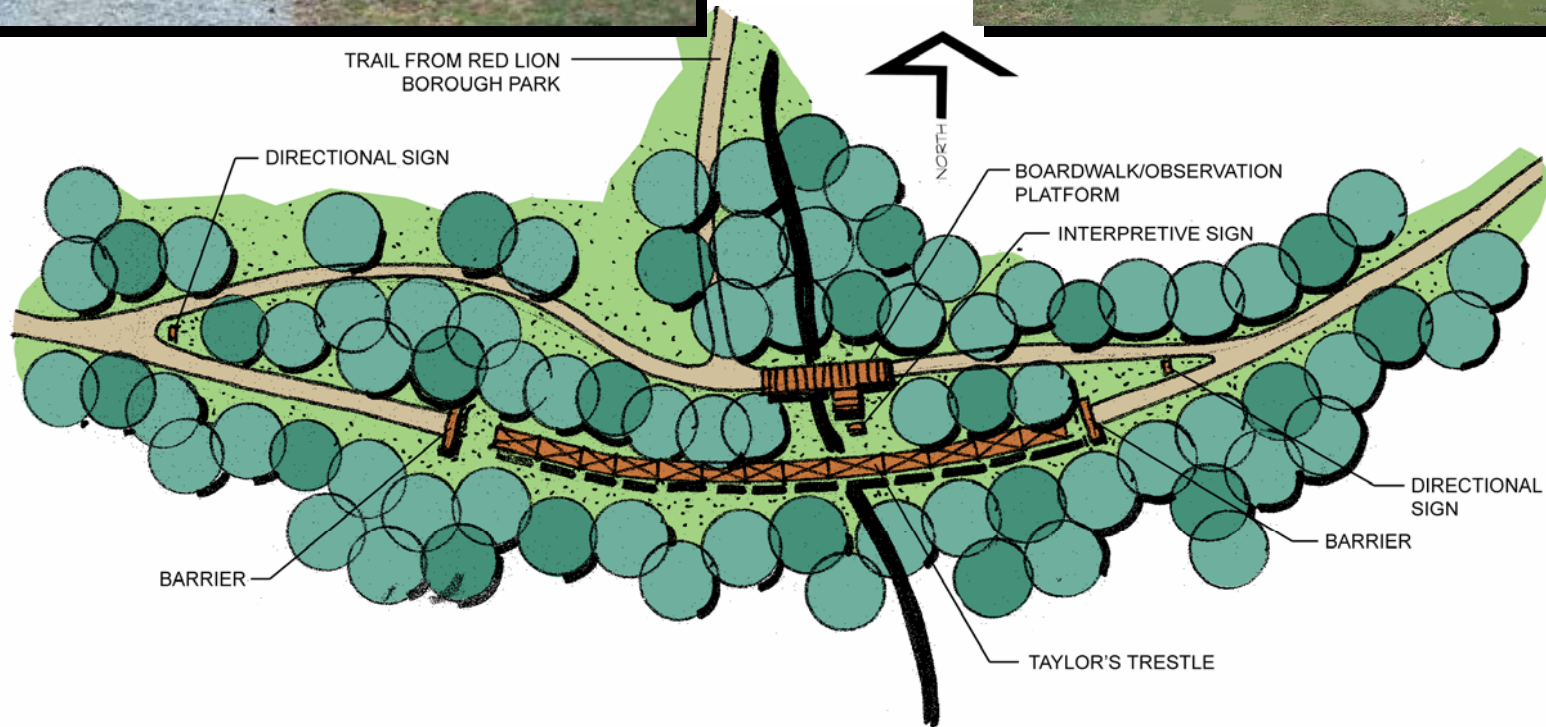
Conclusions & Recommendations



Conclusions & Recommendations

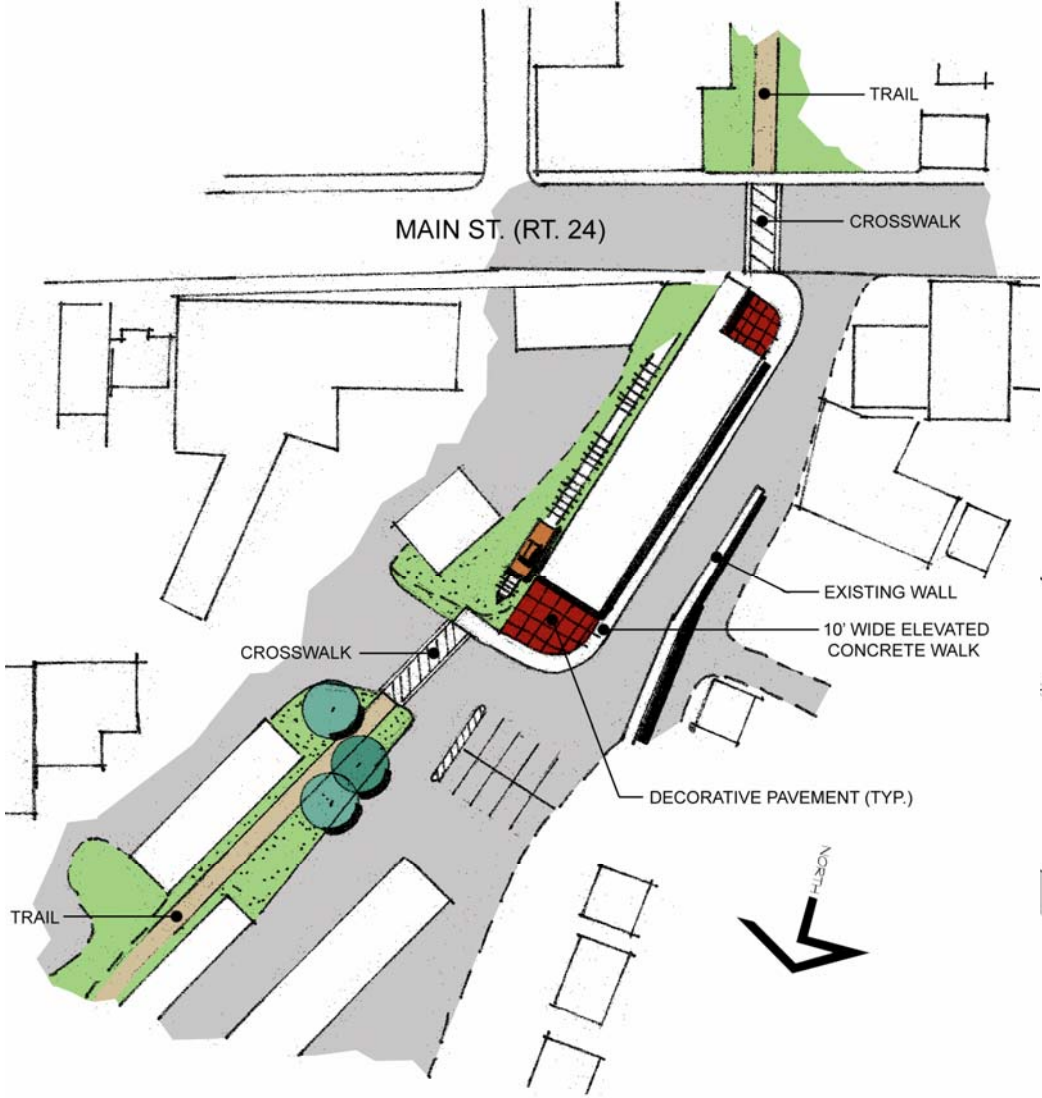


Conclusions & Recommendations

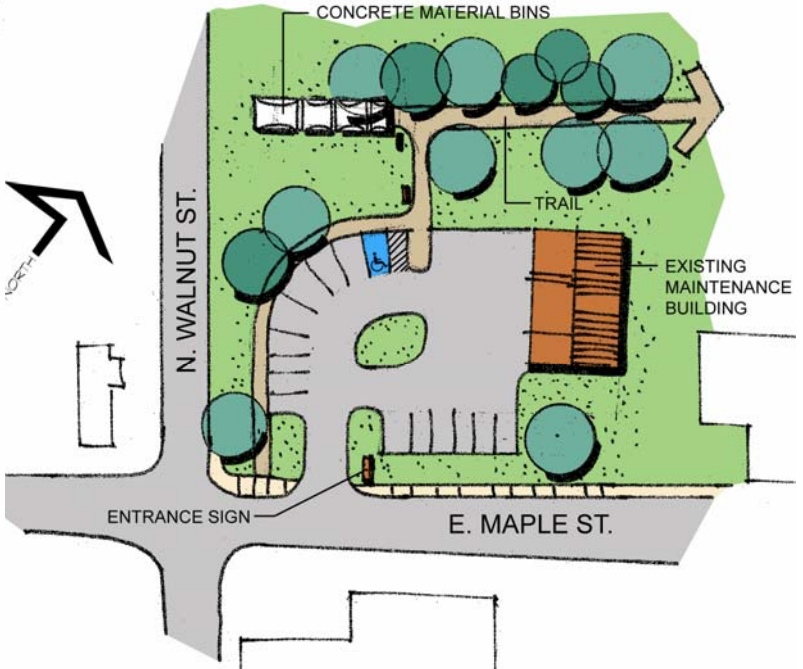


Red Lion Borough Park Trailhead

Conclusions & Recommendations



Red Lion Train Station Trailhead



Dallastown Borough Trailhead

Conclusions & Recommendations

Implementation

MA & PA Community Greenway Partners are at an exciting point in the planning process for the MA & PA Community Greenway. The vision for the recreation trail is established and the partners are working to secure the trail corridor for public use. There is support in the community for trail and this study addresses physical, legal, and management feasibility associated with the development and operation of the trail.

There are many challenges defined by this plan and not everything can be accomplished at once. The implementation plan has been designed to provide MA & PA Community Greenway Partners with a guide to move ahead with the incremental development of the trail. Development of the pilot project is a positive step to move the plan forward.

The MA & PA Community Greenway will require additional planning, securing easements, and design and engineering prior to development. The following is a listing of tasks and action items that typically precede trail development. These recommended tasks are separate and in addition to the operations and management tasks outlined in Chapter 7.

- Begin to work with willing property owners to secure easements for trail development and use. (Sample acquisition and/or easement agreements are provided in Appendix C).
- Work with affected property owners to resolve encroachments and issues and opportunities of mutual interest.
- Complete deed research, boundary and topographic survey of the trail corridor and areas of proposed improvements, to verify ownership and define areas for required easement or acquisition.
- Apply for grants to fund trail master planning for the pilot project section.

- Develop a master plan for trail segments. The master plan will translate the findings of this feasibility study and further define proposed improvements and trail layout.
- Work with municipalities along the trail and trail extensions to adopt zoning that will permit the development of the trail. Consider placing the trail corridor on an “official map” for affected municipalities.
- Work on the pilot project. Define a detailed action plan for implementation.
- Complete a wetland delineation of the corridor to determine if the proposed improvements will impact waters of the Commonwealth. Improvements such as bridge/culvert rehabilitation may impact Pine Run and Mill Creek.
- Develop construction documents. Construction documents shall detail and engineer the trail improvements and associated amenities. Engineering shall include structural design of bridges, culverts, railings, and pavements; traffic studies; and detailed crossing improvements. Prepare a project manual including specifications for bidding.
- Prior to construction, the project must obtain approvals from the various governing agencies. The following is a listing of typical approvals for a development of this nature, but may not be all-inclusive. Each of these permits and approval are typically involved and will require advance planning to facilitate the process. Adequate preparation and review time should be allotted.
 - Land development plan approvals from municipalities, if required.
 - York County Conservation District approval for erosion and sedimentation control plans and NPDES Permit.
 - Pennsylvania Department of Transportation approval for any work within a PennDOT right-of-way.

Conclusions & Recommendations

- Pennsylvania Department of Environmental Protection approval for any work within the waters of the Commonwealth, including delineated wetlands and stream encroachments and crossings.
- Pennsylvania One Call. Pennsylvania law requires three working days notice for construction phase and ten working days in design stage.
- Approval from public utilities impacted by the trail.
- Upon acceptance of all required approvals and permits and completion of the trail construction documents, the project should be publicly bid for construction.

Chapter 6

Cost Analysis & Phasing

Development Costs

The development of the MA & PA Community Greenway will be an investment in recreation opportunities for residents of the surrounding communities and region. These opportunities will require considerable investment of capital resources. To guide the development of the trail, generalized cost estimates are provided based on a typical one-mile trail segment. The cost of a typical trailhead is also provided. These estimated costs are based on an average of actual costs from similar trail development projects. The estimate assumes that portions of the existing stone ballast from the former rail corridor can be reused, as is typical on many rail-to-trail conversion projects.

All costs provided in this plan are estimates based on the findings of this feasibility study and knowledge of trail and associated facility development. Topographic or planimetric surveys were not completed or available as part of the feasibility study and as such, detailed grading studies and site engineering design have not been completed. The development of the trail is expected to occur in phases over several years. As the trail is developed, consideration should be given to escalation costs over the base cost provided herein.

The cost of developing the trail and its amenities can be off-set by a variety of means to include utilizing volunteer labor for generalized tasks; partnering with municipal, agency, and/or other work forces for in-kind services; acquiring materials through donations or government funded programs; and obtaining development funds through grants.

Trail Development Costs		
Item	Assumptions	Estimated Unit Cost
Trail tread development	One mile of 10' wide trail with 3' wide shoulders <ul style="list-style-type: none"> ▪ Clear and grub shoulders ▪ Scarify existing trail surface ▪ Fine grade and compact existing ballast ▪ Furnish and install pavement <ul style="list-style-type: none"> - Aggregate (rural areas) - Bituminous (urban areas) ▪ Re-establish drainage swales and facilities ▪ Erosion and sedimentation control facilities ▪ Signage ▪ Typical road crossing improvements ▪ Site amenities (benches, trash receptacles, bicycle racks, traffic control gates, bollards, etc.) ▪ Fine grading, seeding, and landscape restoration ▪ Bond mobilization and layout 	\$95,000 ± per mile in rural area \$175,000 ± per mile in urban areas
Trailhead development	Trailheads assume 12 stabilized parking spaces, access drive, signage, landscape, and site amenities.	\$55,000 per trailhead
Professional fees	Design and engineering fees	\$12,000 - \$24,000 per mile
Construction observation	Field view and administer the construction contract at strategic intervals of construction	\$12,000 - \$18,000 per mile

Cost Analysis & Phasing

Assumptions

Numerous assumptions were made to complete construction cost estimates due to the lack of accurate mapping for the trail corridor and design and engineering solutions to stream and road crossings and other specific development issues. The estimates include items and unit costs for customary improvements, typical to trail projects. Unique items, such as stream crossings, road crossings, bridge/culvert replacement, guide rails at steep embankments and crossings, ADA improvements, and renovation to the trailheads within the existing parks are not included in the estimate. Trail accommodations in urban areas such as street crossings, traffic calming, signage, crosswalks, and curb cuts are not included in the estimate.

Development Phasing

The development of the MA & PA Community Greenway is a multi-phase project that will be implemented over many years as funding and financial resources become available. Phases should be developed based on consideration of how the trail will function, the desire to create momentum for the project, community need, funding opportunities, and logical sequence of construction. As funding is available or opportunities change, the development sequence of the trail may change. The pilot project proposes development of the trail from Yoe Borough to the Red Lion Train Station and the spur trail to Dallastown as the initial trail phase. These centrally located segments of the trail are convenient to population centers and build upon the momentum of the Red Lion Mile. This first phase will generate excitement in the community for future phases and provide a trail that links Yoe, Red Lion, and Dallastown Boroughs.

A Probable Construction Costs Opinion is provided for the pilot project on the following pages.

Costs Analysis and Phasing

Commonwealth of Pennsylvania Department of Conservation and Natural Resources Bureau of Recreation and Conservation PROBABLE COSTRUCTION COST OPINION MA & PA Community Greenway - Pilot Project				
Grantee:		Date Prepared <u>10/1/2010</u>		
Project Title: <u>MA & PA Community Greenway</u>		DCNR Project No.		
Item No.	Work Item	No. of Units	Unit Cost	Total Cost
1	Dallastown Borough Trailhead			\$51,400
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$500	\$500
	B. Excavation & Earthmoving	700 CY	\$4	\$2,800
	C. 1.5" Wearing Course	1,000 SY	\$7	\$7,000
	D. 2" Binder Course	1,000 SY	\$7	\$7,000
	E. 8" 2A Coarse Aggregate	200 SY	\$10	\$2,000
	F. Handicap Parking Striping and Signage	1 SP	\$500	\$500
	G. Concrete Wheel Stops	10 EA	\$100	\$1,000
	H. Interpretive Sign	1 LS	\$2,500	\$2,500
	I. Wayfinding/Directional Sign	1 LS	\$1,000	\$1,000
	J. Trailhead Sign	1 LS	\$2,000	\$2,000
	K. Gates/Barriers	2 EA	\$2,000	\$4,000
	L. Benches	2 EA	\$1,200	\$2,400
	M. Trash Receptacle	1 LS	\$1,000	\$1,000
	N. Bike Rack	1 EA	\$1,200	\$1,200
	O. Lighting Improvements	1 LS	\$8,000	\$8,000
	P. Lawn Seeding and Restoration	10,000 SF	\$0.15	\$1,500
	Q. Landscape Planting Allowance	1 LS	\$3,000	\$3,000
	R. Erosion Control/BMP Measures	1 LS	\$2,000	\$2,000
	S. Drainage Improvements	1 LS	\$2,000	\$2,000
2	Red Lion Borough Park Trailhead			\$56,700
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$1,500	\$1,500
	B. Excavation & Earthmoving	1,000 CY	\$4	\$4,000
	C. Elevated Boardwalk/Crossing	650 SF	\$45	\$29,250
	D. Trestle Access Barriers	2 EA	\$1,200	\$2,400
	E. Interpretive Sign	1 LS	\$2,500	\$2,500
	F. Wayfinding/Directional Sign	1 LS	\$1,000	\$1,000
	G. Trailhead Sign	1 LS	\$2,000	\$2,000
	H. Gates/Barriers	1 EA	\$1,200	\$1,200
	I. Benches	2 EA	\$1,200	\$2,400
	J. Trash Receptacle	1 LS	\$1,000	\$1,000
	K. Bike Rack	1 EA	\$1,200	\$1,200
	L. Lawn Seeding and Restoration	15,000 SF	\$0.15	\$2,250
	M. Erosion Control/BMP Measures	1 LS	\$2,500	\$2,500
	N. Drainage Improvements	1 LS	\$2,500	\$2,500
	O. Landscape Planting Allowance	1 LS	\$1,000	\$1,000

Cost Analysis & Phasing

3	Red Lion Train Station Trailhead			\$85,400
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$8,000	\$8,000
	B. Excavation & Earthmoving	200 CY	\$4	\$800
	C. Concrete Curb	350 LF	\$18	\$6,300
	D. Concrete Sidewalk	3,000 SF	\$6	\$18,000
	E. Decorative Pavement	1,000 SF	\$15	\$15,000
	F. Handicap Parking Striping and Signage	1 SP	\$500	\$500
	G. Interpretive Sign	1 LS	\$2,500	\$2,500
	H. Wayfinding/Directional Sign	1 LS	\$1,000	\$1,000
	I. Trailhead Sign	1 LS	\$2,000	\$2,000
	J. Gates/Barriers	1 EA	\$1,200	\$1,200
	K. Benches	2 EA	\$1,200	\$2,400
	L. Trash Receptacle	1 LS	\$1,000	\$1,000
	M. Bike Rack	1 EA	\$1,200	\$1,200
	N. Lighting Improvements	1 LS	\$18,000	\$18,000
	O. Erosion Control/BMP Measures	1 LS	\$2,500	\$2,500
	P. Drainage Improvements	1 LS	\$5,000	\$5,000
4	Yoe Borough Trailhead			\$138,820
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$1,500	\$1,500
	B. Excavation & Earthmoving	4,000 CY	\$4	\$16,000
	C. 1.5" Wearing Course	580 SY	\$7	\$4,060
	D. 2" Binder Course	580 SY	\$7	\$4,060
	E. 8" 2A Coarse Aggregate	580 SY	\$10	\$5,800
	F. Concrete Curb	250 LF	\$18	\$4,500
	G. Concrete Sidewalk	850 SF	\$6	\$5,100
	H. Decorative Pavement	300 SF	\$15	\$4,500
	I. Handicap Parking Striping and Signage	1 SP	\$500	\$500
	J. Painted Crosswalk and Signage	2 LS	\$4,000	\$8,000
	K. Pre Engineered Block Retaining Wall	1,600 SF	\$35	\$56,000
	L. Wayfinding/Directional Sign	1 LS	\$1,000	\$1,000
	M. Trailhead Sign	1 LS	\$2,000	\$2,000
	N. Benches	1 EA	\$1,200	\$1,200
	O. Trash Receptacle	1 LS	\$1,000	\$1,000
	P. Bike Rack	1 EA	\$1,200	\$1,200
	Q. Lighting Improvements	1 LS	\$12,000	\$12,000
	R. Lawn Seeding and Restoration	6,000 SF	\$0.15	\$900
	S. Landscape Planting Allowance	1 LS	\$2,500	\$2,500
	T. Erosion Control/BMP Measures	1 LS	\$3,000	\$3,000
	U. Drainage Improvements	1 LS	\$4,000	\$4,000
5	10' Wide Off-street Aggregate Trail (2.42 Miles)			\$246,000
	A. Excavation & Earthmoving	9,000 CY	\$4	\$36,000
	B. Trail Mix Course	15,000 SY	\$3	\$45,000
	C. 6" 2A Coarse Aggregate	15,000 SY	\$9	\$135,000
	D. Erosion Control/BMP Measures	1 LS	\$15,000	\$15,000
	E. Drainage Improvements	1 LS	\$15,000	\$15,000

Costs Analysis and Phasing

6	Red Lion Mile Aggregate Trail (2,165 LF)			\$12,050
	A. Existing Aggregate Preparation	2,410 SY	\$2	\$4,820
	B. Trail Mix Course	2,410 SY	\$3	\$7,230
7	Yoe Borough Alley Improvements (1,300 LF)			\$88,700
	A. Existing Aggregate Preparation	2,200 SY	\$2	\$4,400
	B. 1.5" Wearing Course	2,200 SY	\$7	\$15,400
	C. 2" Binder Course	2,200 SY	\$7	\$15,400
	D. 8" 2A Coarse Aggregate Widening	750 SY	\$10	\$7,500
	E. Guiderail/Barrier	1000 LF	\$45	\$45,000
	F. Erosion Control/BMP Measures	1 LS	\$1,000	\$1,000
8	10' Wide Trail Charles St. to Main St. (.27 Miles)			\$38,580
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$5,000	\$5,000
	B. Excavation & Earthmoving	1,000 CY	\$4	\$4,000
	C. Trail Mix Course	1,590 SY	\$3	\$4,770
	D. 6" 2A Coarse Aggregate	1,590 SY	\$9	\$14,310
	E. Erosion Control/BMP Measures	1 LS	\$2,500	\$2,500
	F. Drainage Improvements	1 LS	\$8,000	\$8,000
9	Site Amenities			\$493,600
	A. Miscellaneous Demolition and Site Preparation	1 LS	\$6,000	\$6,000
	B. Painted Crosswalk and Signage	6 EA	\$4,000	\$24,000
	C. Pre Engineered Block Retaining Wall	4,000 SF	\$35	\$140,000
	D. Wayfinding/Directional Sign Allowance	1 LS	\$10,000	\$10,000
	E. Interpretive Sign Allowance	1 LS	\$10,000	\$10,000
	F. Benches	16 EA	\$1,200	\$19,200
	G. Bollards/Gates	12 SET	\$1,200	\$14,400
	H. Guiderail along Springwood Road	4,000 LF	\$45.00	\$180,000
	I. Pedestrian Footbridges along Springwood Road	6 EA	\$15,000	\$90,000
10	Bond Mobilization and Layout			\$145,350
	A. Bond Mobilization and Layout (12%)	1 LS	\$145,350	\$145,350
11	Contingency			\$203,490
	A. 15% Contingency	1 LS	\$203,490	\$203,490
12	Professional Design and Engineering Fees			\$234,014
	A. Design and Engineering (15%)	1 LS	\$234,014	\$234,014
Total				\$1,794,104

Cost estimate does not include any utility connection fees, utility location and/or relocation, off site trail extensions, mitigation of unstable soils, sink hole remediation, rock removal, soil ammendments, and construction inspection fees.

YSM is not a construction contractor and therefore probable construction cost opinions are based solely upon our experience with construction. This requires YSM to make a number of assumptions as to actual conditions which will be encountered on the site; the specific decisions of other design professionals engaged; the means and methods of construction the contractor will employ; contractors' techniques in determining prices and market conditions at the time, and other factors over which YSM has no control. Given these assumptions which must be made, YSM states that the above probable construction cost opinion is a fair and reasonable estimate for construction costs.

Chapter 7

Operations & Management

This operations and management feasibility assessment for the MA & PA Community Greenway provides baseline information for organizing, funding, and undertaking tasks by the participating municipalities and/or their partners. To develop the information for the feasibility of maintaining the MA & PA Community Greenway once developed, the planning team contacted each municipality to hold work sessions on operations and management. This plan recommends a series of work items and tasks needed to maintain the trail as a community asset: one that is an attractive, safe, and secure amenity. The following section addresses liability concerns and protection, design and maintenance as a risk management tool, trail management, estimated maintenance costs, trail benefits, what to do next, and funding sources.

The Municipalities of the MA & PA Community Greenway

The MA & PA Community Greenway lies within seven municipalities as shown in Table 1. They include the Townships of Spring Garden, York, Windsor and Chanceford and the Boroughs of Yoe, Dallastown and Red Lion. With a total area population of 65,585, the municipalities range in size from the Borough of Yoe with 1,020 citizens to York Township with 23, 637 citizens. The townships are continuing to increase in population while the boroughs have been losing population.

**Table 1
MA & PA Community Greenway by Municipality**

Municipality	Population	Trail Length Under Study
Spring Garden Township	11,974	0.67 miles
York Township	23,637	5.36* miles
Yoe Borough	1,020	0.50 miles
Dallastown Borough	4,081	0.67 miles
Red Lion Borough	6,093	1.52** miles
Windsor Township	12,807	3.22 miles
Chanceford Township	5,973	0.47 miles
TOTAL	65,585	12.41 miles

* includes .21 miles established trail **includes .41 miles established trail

Municipal Facility Management

Each one of the municipalities operates individually and autonomously in the management and maintenance of municipal facilities. While all levels of government are experiencing the challenges of the economic downturn, each of the municipalities has a varying level of capacity. The fact that all seven municipalities joined forces to undertake the feasibility study for the MA & PA Community Greenway bodes well for future collaborative efforts with the trail as it is developed in the future.

Spring Garden Township

Spring Garden Township operates with a Public Works Department and a Recreation Department. The Recreation Commission consists of five commissioners representing the wards of the Township and a Spring Garden Township Commissioner as the sixth member.

York Township

York Township has a full time parks and recreation department. The Department is already maintaining 1.2 miles of walking trails in York Township Park. This includes regular inspections and weekly mowing in addition to emergency repair when needed after a storm. The trail is not plowed. Maintenance staff includes three full-time and two part-time seasonal workers. The park foreman has a forestry degree. With the addition of new parks and the potential trail, there will be an increased workload for township maintenance staff and management. A potential intergovernmental agreement for the management and maintenance of the trail is of interest to York Township with consideration either to maintaining its own section of the trail or through shared resources. The key factor for the Township is not becoming responsible for more than their fair share of the trail management and maintenance.

Yoe Borough

Yoe Borough is a very small jurisdiction with little more than a

Operations & Management

thousand citizens. With an extremely small staff (one maintenance person), the Borough has expressed concern about not having any capacity to undertake trail maintenance. The Borough would be interested in exploring an intergovernmental agreement in which participants could contribute to a centralized organization for trail management and maintenance due to their limited capacity to perform additional maintenance tasks.

Dallastown Borough

Dallastown Borough has a Parks and Recreation Board and had a part-time recreation coordinator until last year. The Board provides a slate of activities year round. The Borough reports the good fortune of volunteer support for community projects. The parks and recreation budget funds itself through program revenues, sponsorships, and partnerships and is about \$3,000 annually. The maintenance division covers park maintenance with its crew and budget. The Township has a beautification committee that may be a potential partner/lead organization for trail maintenance. The Borough would be interested in an intergovernmental agreement for the maintenance and management of the MA & PA Community Greenway.

Red Lion Borough

Red Lion Borough maintains all public facilities including the Red Lion Mile and the public parks with the Highway Department. The total budget for parks and recreation is \$35,000. The Borough uses a portion of the \$13,000 line item budget for maintenance for the Red Lion Mile. This includes mowing and the gates. The Red Lion Mile Committee serves as the major community organization in support of the trail here. They provide information about the Red Lion Mile on the Borough website and hold special events such as an Earth Day Clean up. The Borough would be interested in discussing an intergovernmental agreement for the management of the MA & PA Community Greenway with the Borough being responsible for its own section of the trail.

Windsor Township

Windsor Township operates with very limited staff through the Public Works Director with one full-time and two part time seasonal positions. The Township is a partner in WARC (Windsor Area Recreation Commission) along with Borough of Windsor and the Red Lion Area School District through an Intergovernmental Agreement. WARC focuses on recreation and does not undertake facility maintenance. The Township contributes \$43,410 annually to support WARC. In a public opinion survey for the Township's parks and recreation plan, respondents identified walking and biking trails as among the most needed facilities. The Township would be interested in the consideration of an intergovernmental agreement for managing and maintaining the MA & PA Community Greenway through a pooled system of contributions.

Chanceford Township

Chanceford Township is willing to discuss trail operation and management after a full report on the feasibility for construction of the trail and configuration of the corridor through Chanceford is determined. The Township operates with a Road Master and a Road Crew of six workers. The seven member Recreation Board maintains the recreation areas at Brogue, New Bridgeville, and Chanceford Crossings. These areas are open for public use, as well as Youth Softball and Baseball Programs.

York County and Trails

York County Parks Department

The York County Parks Department is responsible for maintaining the 23.5-mile Heritage Rail Trail County Park. The Department maintains it, provides special events and programs, and manages the Park Ambassador Program. The Park Ambassadors program is a volunteer based program organized to assist park and trail visitors and to provide a visible county presence in these facilities during

times of peak use. Over the last ten years, York County government has faced difficult economic challenges. As a result, the Parks Department experienced significant reductions in budget and staff. While the Department would not be opposed to adding the MA & PA Community Greenway to the county trail system, current fiscal and staffing limitations are not sufficient to add the responsibility for the MA & PA. York County would need to allocate additional resources to the Parks Department to care for the MA & PA Community Greenway. It may be possible for the MA & PA Community Greenway organization to work with the County Parks Department in volunteer training for the MA & PA in association with the York County Trail Ambassadors program. This would need to be determined on a case-by-case basis depending on the staff resources the county would have at the time.

York County Rail Trail Authority

The York County Rail Trail Authority (YCRTA) is a volunteer, ten-member Authority formed in 1990 under the direction of the York County Board of Commissioners. The Authority's mission is to enrich York County communities and countryside through the development of a network of public trails. YCRTA provides technical support, undertakes fundraising, conducts trail planning, manages trail development projects, secures grant funding, provides programs and events, publishes a newsletter, and maintains a website. YCRTA is a national model as an organization devoted to advancing community trails. The extent of the projects undertaken by YCRTA is at the direction of the County Commissioners.

YCRTA has limited staffing capacity with one professional director on staff and no maintenance staff. YCRTA could offer the MA & PA Community Greenway support through use of their website, newsletter, and speakers for public events. Support in the form of extensive technical assistance, trail management, maintenance, volunteer training, grantsmanship, and so on would be beyond the capacity of the Authority with its present level of resources and obligations. YCRTA is developing a countywide trail plan that would be important for the MA & PA Community Greenway to be a

part of with respect to planning, development, maintenance and operations. YCRTA is a significant asset in York County; finding ways of working together with respect to available resources could be fruitful in advancing the MA & PA Community Greenway.

Safety and Security

Providing for the health, safety and welfare of the trail visitors has been a major component of planning for the MA & PA Community Greenway from the outset. Each municipality has concerns about exposure to liability and protection of trail user, property, and adjoining landowners. The MA & PA Community Greenway organization should continue to work in cooperation with the York Area Regional Police and other trail partners, such as the York County Parks Department and community organizations, in the development of a trail safety plan and procedures.

This plan should define a cooperative law enforcement strategy for the trail, the regional police force, and the capacity of the municipalities to support trail-patrolling functions. The York Area Regional Police should be involved in each of the numerous phases of development throughout its development over time; they expressed appreciation for being consulted in the course of the feasibility study. All phases should illustrate: points of access to the trail; approved design details for making these access points safe, secure, and accessible to law enforcement officials; and potential locations for a system of cellular-type emergency phones. The York Area Regional Police has a bicycle patrol, an ATV, and motorcycle patrols. Each municipality contracts with the regional police force for services that they want and are willing to fund. Ideally, the safety program would be unified along the length of the trail and consist of well-defined safety and security policies; the identification of trail management, law enforcement, emergency and fire protection policies; and a system that offers timely response to the residents and visitors for issues or problems related to safety and security. Important components of the safety and security program should include:

Operations & Management

1. Institution of user rules and regulations. Strive to use the same ones in place in other York County trails as shown in Figure 1 for the York Hanover Trolley Trail,
2. Development and implementation of regular maintenance programs;
3. Establishment of an ongoing inspection system with reports on conditions and resolution of issues,
4. Preparation of a trail safety manual,
5. Development of trail emergency procedures both for trail conditions and visitors in need of help,
6. Preparation of a safety checklist for the trail,
7. Preparation of a trail-user response form,
8. A system for accident reporting and analysis,
9. Site and facility development and review,
10. Public educational and information programs,
11. Employee training programs for safety and emergency response,
12. Regular evaluation of program objectives, and
13. Development of a risk management plan as shown below and establishment of a safety committee and/or coordinator.



Liability Concerns and Protection¹

Liability regarding trails is a concern of many individuals and organizations ranging from the private landowner all the way up to the Commonwealth of Pennsylvania. While concerns about liability are understandable, real-world experience shows that neither public nor private landowners have suffered from trail development. Adjacent landowners are not at risk as long as they abstain from “willful and wanton misconduct” against trespassers such as recklessly or intentionally creating a hazard. Trail managers minimize liability exposure provided they design and manage the trail in a responsible manner and do not charge for trail access. The Rails to Trails Conservancy has published a primer on liability related to rail trails which serves as the basis for the information in this section of the feasibility study. It can be downloaded on the Internet by logging onto the following website:

http://www.railstotrails.org/resources/documents/resource_docs/tgc_liability.pdf.

The Pennsylvania Recreation and Park Society (PRPS) is the lead agency in Pennsylvania dedicated to training and information dissemination about park and recreation related issues. PRPS provides current information about training programs, information, publications, and contacts regarding trails and liability. York Township and Spring Garden Township are already PRPS members and can serve as the conduit for providing information to the MA & PA Community Greenway committee. Organizations such as PRPS, the Department of Conservation and Natural Resources, the Pennsylvania Rail Trail Conservancy, and the Pennsylvania Association of Land Trusts are constantly working on addressing trail issues, especially liability, in order to establish trails while making them safe, enjoyable and with minimal exposure to liability to trail and property owners. These are good sources of information on current endeavors on liability. A number of protective measures are already in place and discussed below.

¹ Morris, Hugh. (2000). A Primer on Trail-Related Liability Issues & Risk Management Techniques. Washington, D.C: Rails to Trails Conservancy. p 6-9.

Trail Managers and Private Landowners²

Two primary categories of people have liability concerns 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.

Private landowners may have some concerns about their liability should a trail user stray onto their land and become injured. Where an easement is granted, the concern may be over injuries both on the granted right-of-way as well as injuries that may occur on land under their control that is adjacent to the trail. 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 landowner 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

² Ibid. p 3.

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 carryout a maintenance plan. The landowner may also request that an indemnification agreement be created in their favor.

Abutting property owners frequently express concern 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 public street.

Limiting Liability

Three legal precepts, either alone or in combination, define, and in many cases limit liability for injury resulting from trail use. They include:

- **Duty of Care** - speaks to the responsibility that a landowner (private or public) has to anyone on his or her land.
- **Recreational Use of Land and Water Act** - provides protection to private landowners and some public landowners who allow public free access to land for recreational purposes.
- **Liability Insurance** - for all private and public parties, provides the final line of defense. Trail owners can also find much protection through risk management.

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Duty of Care³

Tort law, with regard to finding fault for an incident that occurs in a particular location, is concerned with the “class” of person who sustained the injury and the legal duty of care owed to a person in that class. The legal duty of care that a landowner owes a member of the general public is generally divided into four categories. 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 land-owners 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 Recreational Use of Land and Water Act, 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 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 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 ensure 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.

Child - 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.

Pennsylvania Recreational Use of Land and Water Act

This state statute, as shown in Appendix D, provides protection to landowners who allow the public to use their land for recreational purposes at no charge. 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

³ Morris, Hugh. (2000). A Primer on Trail-Related Liability Issues & Risk Management Techniques. Washington, D.C: Rails to Trails Conservancy. p 6-9.

a fee for access to the property, the protection offered by the recreational use statute is lost.

The Recreational Use of Land and Water Act (RULWA) 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 the statute is to limit landowner liability for injuries experienced by people partaking in recreational activities on their land. The existence of a RULWA may also have the effect of reducing insurance premiums for landowners whose lands are used for recreation.

This law does 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 him or her. Such costs are the principal reason for purchasing liability insurance. At this time, the Pennsylvania Land Trust Alliance (PALTA) is working on a project that would establish a pool of funding to be used to defend landowners who have provided easements for the public use of their land. Consideration could be extended to property owners providing trail easements. If the landowner were to be found not liable, then this pool would cover their litigation costs. However, if the landowner were to be found liable then the fund would not pay their legal costs. If this pool were to come to fruition, it would be one more important step in protecting landowners who provide easements for use of their property.

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. The York County Planning Commission, York County Rail Trail Authority, MA & PA

Community Greenway communities, and other organizations in York County should consider working together to contact PALTA to determine if there is anyway to support PALTA's efforts on innovative ways of addressing liability concerns and supporting landowners who are willing to provide easements for public recreational access to their land.

Liability Insurance

Liability Insurance protects property owners from liability claims. Because RULWA is in place, such lawsuits do not go far because of the immunity to the landowner. In some instances, owners of the trail or trail easement cover the liability costs of the landowner for the trail. Such funds are often generated through private fundraising efforts if it is a private non-profit organization. In most cases, the liability insurance is covered by the property owner.

Design and Maintenance as Risk Management Tool

Even with the preceding forms of protection described, the best defense a trail organization has is sound policy and practice for trail maintenance and usage. Developing a comprehensive management and operations plan 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. If adhered to in the MA & PA Community Greenway design, the American Association of State Highway and Transportation Officials (AASHTO), the Pennsylvania Department of Transportation (PennDOT), and the Manual on Uniform Traffic Control Devices (MUTCD) general design guidelines 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" might be able to take advantage of any design immunities under state law. Within the spectrum of public facilities, trails are

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quite safe, often less risky than roads, swimming pools and playgrounds.

A comprehensive maintenance plan should provide for regular maintenance and inspection. These procedures should be spelled out in detail in a MA & PA Community Greenway Management Handbook and a record should be kept of each inspection including what was discovered and any corrective action taken. The trail manager must be designated and 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. 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, PennDOT and MUTCD documents, and
- Trail regulations should be posted and enforced.

Once segments of the MA & PA Community Greenway are open for use:

- Conduct regular inspections of the trail by a qualified person who has the expertise to identify hazardous conditions and maintenance problems.

- Correct maintenance problems quickly and document the work. Where a problem cannot be promptly corrected, erect warnings to trail users.
- Develop procedures for handling medical emergencies. Document any occurrence of medical emergencies and the procedures used.
- Maintain records of all inspections, what was found, and what was done about it. Include photographs that are helpful in illustrating the conditions and resolutions.

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 organization 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 that the MA & PA Community Greenway 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.

Trail Management

Managing the trail includes all activities undertaken to plan, direct, undertake, and evaluate trail maintenance, programming, funding, advertising, and visitor services. The challenge with the MA & PA Community Greenway is that seven municipalities are involved, along with numerous municipal departments and advisory boards, thereby creating a complex scenario. Specifics on the planning, operations and management of the MA & PA Community Greenway that can be determined and negotiated ahead of time should result in a smooth and harmonious operation.

Organizational Structure

At present, the Study Committee for this feasibility is providing an organizational structure for the trail as yet undeveloped. Any questions about the trail would now go to the municipality in which the trail segment is located. At present, York Township is serving as the project administrator for the MA & PA Community Greenway project, specifically, the Director of Parks and Recreation. The Township is concerned about the possibility of this role continuing by default, which is not sustainable with York Township resources alone.

A formal organization needs to be established to oversee trail operations. The purpose of the organizational structure would be to define roles and responsibilities along with their respective relationships. It will provide an easily understandable structure for people both within and outside of the organization to communicate about the MA & PA Community Greenway. Ideally the identification of a single point of contact would enable the public to easily and conveniently make contact with the organization about the trail. It is essential that the MA & PA Community Greenway have a trail manager. Unless a specific person is designated as the trail manager, it is likely that no one will actually assume the responsibility for trail management functions or that the responsibilities would be so dispersed that major responsibilities and tasks to protect the property and keep visitors safe would fall through

the cracks. Example: Who will go out to look at the trail to check for damage and then oversee the repair work to make sure that it conforms with the trail design and construction after a storm event?

The Study Committee could be re-constituted as the MA & PA Community Greenway Committee or Board. An intergovernmental agreement could formalize the structure, membership appointments, roles, responsibilities, operating guidelines, and contributions.

Trail Maintenance

Trail maintenance includes practices to make the trail safe clean and attractive, including the removal of all debris, trash, litter, undesirable and unsafe structures, vegetation, and other foreign matter. Trail heads, points of public access, rest areas, and other activity areas shall be maintained in a clean and usable condition at all times. The primary concern for trail maintenance is first and foremost public safety. Nearly equal in concern is the desire to maintain this trail as a continuous even and clean surface. This is very important along a trail corridor traversing seven jurisdictions, all with the responsibility, yet varying resources and capacity for trail maintenance. All trail facilities shall be maintained in a safe and usable manner during hours of operation. Rough edges, severe bumps or depressions, cracked or uneven pavement, gullies, rills, and washed out tread surface shall be repaired immediately.

Property and Vegetation Management

Controlling growth of vegetation is essential to maintaining clear and open lines of sight along the trail, at intersections with roadways and driveways, and along roadways. Right-of-way and property that is deemed to be part of the MA & PA Community Greenway should be maintained in a way that promotes safety and security for trail users and adjacent property owners and that preserves the aesthetic beauty of the area. Vegetation within the trail corridor should be managed to:

- Promote safety.

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- Preserve the unique aesthetic values of the landscape and communities of the MA & PA Community Greenway.
- Buffer private land owners from trail visitors.
- Provide wildlife habitat.
- Enhance water quality.

Estimated Maintenance Cost of MA & PA Community Greenway

Trail maintenance is conducted in a variety of ways, the most common of which is government ownership with a mix of maintenance by government forces and volunteers. Trail volunteers are essential in creating an affordable maintenance scenario. In 2010, the York Heritage Rail Trail Authority had 12 groups waiting to adopt segments of the York Hanover Trolley Line. The York County Parks Department often has a waiting list for the Park Ambassadors Program. These examples bode well for the potential volunteer support of the MA & PA Community Greenway.

Examples of rail trail and bicycle trail maintenance costs elsewhere provide some guidance for projecting potential maintenance costs for the MA & PA Community Greenway. Close to home examples often work best due to cost of living, purchasing, labor, and other values being similar within the area. While some trail maintenance is performed in the MA & PA study area, this is for walking trails in parks. The Heritage Rail Trail County Park offers a close to home estimate of the cost of trail maintenance. Since many factors influence the cost of managing trails, the estimate of potential costs itemized herein is based on trail industry averages using contract labor, materials, and industry practices. Long-term maintenance of the MA & PA Community Greenway will require an annual source of funding phased in over time as segments of the trail are developed. **Table 2** presents the maintenance cost estimate per mile of trail in the MA & PA Community Greenway.

The use of volunteers will benefit the trail by improving it and by

reducing costs. Trail users and volunteers provide security for the trail, alert trail managers about conditions, alert police when something suspicious is occurring, and deter undesirable use.

Task	Estimated Annual Cost Per Mile
Drainage maintenance (6 x/year)	\$500
Maintenance of trail surface (40 x/year)	\$3,000
Weed control and vegetation management (12 x/year)	\$1,200
Mowing of 3-ft grass safe zone (20 x/year)	\$1,630
Pavement, symbol and signage markings & kiosks	\$1,000
Bridge and crossing inspections	\$400
Minor repairs to trail furniture/safety features	\$300
Maintenance supplies	\$300
Equipment fuel and repairs	\$1,000
TOTAL	\$9,330

Trail Benefits

The benefits of trails have been documented for decades nationally. For this particular project, some of the municipalities wanted specific examples of the benefits of trails to the community. The York Heritage Rail Trail Authority has been documenting these benefits through three studies conducted since 2000 that demonstrated that the York Heritage Rail Trail generates over \$4 million annually in economic benefit to York County. Anecdotal information supports the concept that people have moved to York County to be in convenient proximity to the Rail Trail. Advertisements on local radio stations feature the rail trail as a favorite recreational activity of families. Businesses such as Serenity Station have reported that 70 percent of their business comes from Rail Trail visitors. No studies on property values have been formally conducted.

What to Do Next

1. Reconstitute the MA & PA Community Greenway Committee. Create a mission for the organization along with roles, responsibilities, and an annual work program. Identify a meeting schedule and locations for the next fiscal year. Develop an annual report of accomplishments.
2. Work on the pilot project. Strive to address the segments with the most likelihood of success. Develop trail master plans for identified segments.
3. Determine who will own, monitor, and manage the easements for the MA & PA Community Greenway. Different entities may be responsible for each aspect of trail easements. For example, a government entity could own the easements while a community organization could monitor and manage the easements.
4. Work with the York County Rail Trail Authority to make the best use of the services they can provide, such as website information, newsletter articles, and speakers for identified occasions and audiences.
5. Begin to work with property owners in securing easements for rights-of-way for the trail.
6. Apply for grants to fund master planning and trail construction.
7. Identify a list of trail management and operational issues, procedures, and policies that should be worked out before any segment of the trail is open. This includes the development of an organizational structure for trail management and operations, addressing a potential intergovernmental agreement, and the development of a maintenance plan to provide a seamless uniform appearance to the trail.
8. Consider applying for a Peer Study grant under PADCNR to

work on an agreement among the seven municipalities for working together. Work out if the maintenance and management structure will be one centralized organization with the partners contributing a fair and equitable share or if the agreement will have each municipality operating on its own. This is a major point for discussion. No matter the final outcome, there must be one trail manager or single point of contact for the organization. Funding formulas could be based upon the length of trail segment in the jurisdiction or per capita fee or a combination of the two.

9. Plan events and activities on the trail corridor. Strive to have one major signature event for the MA & MA Community Greenway. The name of the MA & PA Community Greenway could possibly be the inspiration for such an event. Have a few seasonal events to get people using and aware of the trail.
10. Consider reaching out to other trail organizations in York County that operate on their own to have periodic meetings with them to share information, solutions and ideas.

Funding

The following section offers a description of funding sources that can be used to support the acquisition of land and development of the MA & PA Community Greenway. The sources are organized and defined by local, state and federal resources and agencies.

Taxation Options

The following taxation options are presented with the understanding that their use in the current economic conditions is unlikely.

Local Funding Sources

The municipalities along the MA & PA Community Greenway corridor have in place a number of local resources required to

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finance a community trails program. It is important that a local, dedicated source of revenue be established and utilized to attract state and federal funding. Below are listed other possible sources of local revenue for the trails program.

Property Tax - Property taxes are assessments charged to real property owners based on a percentage (millage rate) of the assessed property value. These taxes generally support a significant portion of stakeholders or municipality's non-public enterprise activities. However, the revenues from property taxes can also be used for public enterprise projects and to pay debt service on general obligation bonds issued to finance open space system acquisitions. Because communities are limited in the total level of the millage rate, use of property taxes to fund open space could limit the stakeholders or a 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.

Earned Income Tax - The Earned Income Tax is levied only on residents' earned income (such as wages, salaries, or other reimbursements for work). Unearned income, such as interest, dividends, pensions, and social security are exempt from the tax. Unlike the federal or state income taxes, the earned income tax allows no exemptions or standard deductions. A jurisdiction can collect earned income tax from non-residents who work in the jurisdiction but do not pay an earned income tax in their "home" jurisdiction. The maximum levy is 1 percent of earned income. If both the municipality and school district levy the earned income tax, both must share the 1 percent.

Act 153 of 1996 - Pennsylvania municipalities have added a percentage of the Earned Income Tax for open space purposes. The municipalities generally put the question of adding to the Earned income tax generally one-quarter to one-half of one percent on a

voter referendum. Generally these have been passing in Pennsylvania. Amending the Pennsylvania Conservation and Land Development Act, Act 153 provides certain types of local government units with a valuable financing tool as many municipalities seek the means to preserve open space in their communities. The Act allows cities, boroughs, towns, and townships, as well as certain cooperative governmental units, to impose one of two taxes in addition to the taxing limitations set forth elsewhere to finance certain types of open space initiatives. Counties and county authorities are specifically prohibited from invoking either of the local taxing options. By ordinance, qualifying local government units may impose either (a) a tax on real property not exceeding the millage authorized by voter referendum, in addition to the statutory rate limits on real estate taxes in the relevant municipal code, or (b) an earned income tax on residents of that local government unit not exceeding the rate authorized by referendum, in addition to the earned income tax rate limit found in the Local Tax Enabling Act. The Act requires that revenue from either of the two authorized tax levies be used to retire indebtedness incurred in purchasing "interests in real property" or in making additional acquisitions of real property to secure an "open space benefit" under either the Conservation and Land Development Act or the Agricultural Area Security Law. The terms "interest in real property" and "open space benefits" are defined broadly in the Act and allow municipalities significant flexibility to achieve their land preservation goals in the manner best suited to their specific needs.

In addition to the local taxing options, the Act authorizes school district boards to exempt by resolution certain real property from further millage increases imposed on real property. Those types of real property that may be exempted include those whose open space property interests are acquired by a local government unit pursuant to the Conservation and Land Development Act, real property that is subject to an easement acquired under the Agricultural Area Security Law, and real property whose transferable development rights have been transferred and retired by a local government unit without the development potential having occurred on other lands. The tax

exemptions granted under the Act are not to be considered by the State Tax Equalization Board in deriving the market value of school district real property resulting in a reduction in the subsidy to that school district or an increase in the subsidy to any other school district.

Realty Transfer Tax - The realty transfer tax is a tax on the sale of real estate. The maximum levy is 1 percent of the sales price. If both the municipality and school district levy this tax, both must share the 1 percent.

Amusement Tax - The amusement tax is a tax on the privilege of engaging in an amusement. It is tax levied on the admissions prices to places of amusement, entertainment, and recreation. Amusements can include such things as craft shows, bowling alleys, golf courses, ski facilities, or county fairs. The amusement tax is considered a tax on patrons, even though it is collected from the operators of the amusement.

Mechanical Devices Tax - The mechanical devices tax is a tax on coin-operated machines of amusement, such as jukeboxes, pinball machines, video games, and pool tables. The tax rate is set as a percentage of the price to activate the machine.

Personal Property Tax - The personal property tax is similar to the real property and occupation taxes, in that it is levied on the value of property owned by residents. The property it taxes is intangible personal property, such as mortgages, other interest bearing obligations and accounts, public loans, and corporate stocks. The personal property tax has sometimes been called an honesty tax because the only way a county knows the value of a taxpayer's personal property is if that taxpayer is honest enough to report it.

Hotel Tax - The hotel occupancy tax, imposed at the same rate as sales and use tax, applies to room rental charges for periods of less than 30 days by the same person. The purpose of the hotel tax is to increase tourism and economic development in Pennsylvania. The tax supports advertising, development of publications related to tourism, capital and program projects to attract tourists, and in some counties open space conservation, trails and recreation facility

improvements.

Bonds and Loans

Bonds and loans can be used to finance capital improvements. The cost of the improvements is borrowed through the issuance of bonds or a loan and the costs of repayment are spread into the future for current and future beneficiaries to bear. However, financing charges are accrued and voter approval is usually required. There must be a source of funding (for the payment of the resulting debt service on the loan or bonds) tied to the issuance of a bond or loan. A number of bond options are listed below. Since bonds rely on the support of the voting population, an education and awareness program should be implemented prior to any vote.

Revenue Bonds – Revenue bonds are bonds that are secured by a pledge of the revenues from a certain 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 – Local governments generally are able to issue general obligation (G.O.) bonds that are secured by the full faith and credit of the entity. In this case, 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. A general obligation pledge is stronger than a revenue pledge, and thus may carry a lower interest rate than a revenue bond. 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 enterprise’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. G.O. bonds distribute the

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costs of open space acquisition and make funds available for immediate purchases. Voter approval is required.

Special Assessment Bonds – Special assessment bonds are secured by a lien on property that benefits by 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.

Mandatory Dedication of Parkland and Trails

The Mandatory Dedication of parkland is traditionally applied to development in suburban areas. However, it can also be applied to redevelopment projects. For example the redevelopment of a brownfields site in Plymouth Township Montgomery County into the Metroplex, that can be viewed from the Pennsylvania Turnpike, generated over one million dollars through the fee-in-lieu of parkland dedication provision Mandatory Dedication of Parkland Act. If suitable parkland is not available, the developer may offer a fee-in lieu of dedication under the provisions of the Mandatory Dedication of Parkland Ordinance under the Pennsylvania Municipalities Code. Municipalities can also require the mandatory dedication of trails. The fee-in-lieu of dedication alternative allows the community to purchase land worthy of protection rather than accept marginal land that meets the quantitative requirements of a developer dedication but falls a bit short of qualitative interests. Additional information regarding mandatory dedication can be found at www.dcnr.state.pa.us/brc/publications.

Other Local Options

Local Park, Open Space and 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. Types of gifts other than cash could include donations of services, equipment, labor, or reduced costs for supplies.

Volunteer Work - It is expected that many citizens will be excited about the development of a greenway corridor or a new park or canoe access point. 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.

Commonwealth of Pennsylvania Funding Sources

The Commonwealth's current economic state and change in the Governorship on January 2011 leaves many state funding programs in flux. Growing Greener, a major funding program for conservation, parks, trails and the like has committed its last bond money. The program is gathering momentum for re-enactment as Renew Growing Greener. However, there is a long way to go until the outcome of this effort is realized. Historically, Pennsylvania has offered an array of state funding programs to support parks, recreation, greenway and trails. The following programs are listed as place makers to alert the reader of programs that have been in place and need to be re-authorized or re-constituted and funded in some format when the dust has settled on the economy and change in political leadership.

A Note on Contact Information

The contact information for the following funding sources is current at the time of the writing of this plan. No doubt, there will be changes in these programs and contacts. The information will provide a start and if things change, it may be possible to get a lead to the proper contact. An internet search can also provide this information as time goes by.

PennDOT - PennDOT's primary means of funding greenways projects is through the Transportation Enhancements Program that is part of SAFETEA-LU. Greenways projects with a tie to transportation, historic preservation, bicycle/pedestrian improvements, or environmental quality are eligible candidates for Transportation Enhancements funding.

*Contact: PennDOT District 8 Office
(717) 787-6653
ra-pennidot8@state.pa.us*

The Community Conservation Partnership Program -

The Commonwealth of Pennsylvania makes available grant moneys to municipal governments through this program to support greenway and park planning, design and development. Applications for these grants are due in April of each year, and a 50 percent match is required from the local project sponsor. The amount of maximum award varies with the requested activity. Planning grants are typically awarded \$50,000 or less. Land acquisition and construction grants range from \$150,000 to \$200,000. Small community grants are also available through this program for municipalities with populations less than 5,000. These grants can support up to 100 percent of material costs and professional design fees for recreational facilities.

*Contact: PADCNR Mike Piaskowski,
Regional Park and Recreation Adviser
717-772-4362
mpiaskowski@state.pa.us*

Rails-to-Trails Grants - The Rails-to-Trails Grants provide 50% funding for the planning, acquisition or development of rail-trail corridors. Eligible applicants include municipalities and nonprofit organizations established to preserve and protect available abandoned railroad corridors for use as trails or future rail service.

*Contact: PADCNR Mike Piaskowski,
Regional Park and Recreation Adviser
717-772-4362
mpiaskowski@state.pa.us*

Urban and Community Forestry Grants - These grants can be used to encourage the planting of trees in Pennsylvania communities. Municipal challenge grants provide 50 percent of the cost of the purchase and delivery of trees. Special grants are available for local volunteer groups, civic clubs, and municipalities to train and use volunteers for street tree inventories, and other projects in urban and community forestry.

*Contact: Extension Urban Forestry Program,
School of Forest Resources at
Pennsylvania State University
(814) 863-7941*

The Recreational Trails Program (DCNR) - National Recreation Trails Fund Act (NRTFA) or Symms Act Grants. This source of funding is a subset of TEA-21, and is administered by DCNR. Funds from this program can be used for the acquisition of land and the construction of trail treads and trail facilities.

*Contact: PADCNR
Vanyla Tierney, Environmental Planning Supervisor
717-783-2654
vtierney@state.pa.us*

DCED (Department of Community and Economic Development) Funding - DCED's mission includes four elements that each have a relationship to greenways: economic development, travel and tourism, technical assistance and community development. Each of DCED's funding programs is listed and described below.

*Contact: For information on funding programs, DCED offers an interactive WEB site to search for specific assistance on grants for communities and local government:
<http://www.newpa.com/find-and-apply-for-funding/funding-and-program-finder> - Contacts for specific programs are listed below.*

Community Revitalization Program - This funding source supports local initiatives aimed at improving a community's quality of life and improving business conditions.

*Contact: PADCED Community Action Team Central Office
Louis Colon
717-720-7300
locolon@state.pa.us*

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Small Communities Planning Assistance – This grant is awarded to municipalities having a population of 10,000 people or less. The grant offers a no-match funding source that can be used to support neighborhood revitalization, economic development, community conservation and housing plans. Regardless of the project type, the grantee must demonstrate the project benefits low to moderate-income residents.

*Contact: PADCED
Kerry Wilson
717-783-1402*

Community Development Block Grants - This program provides financial and technical assistance to communities for infrastructure improvements, housing rehabilitation, public services, and community facilities. The program targets local governments and 70% of each grant must be used for activities or projects that benefit low to moderate-income people.

*Contact: York County Planning Commission
Mr. Christopher Rafferty, Administrator
717- 771-9870
crafferty@ycpc.org*

State Planning Assistance Grant - This program provides funding to municipalities for preparation and maintenance of community development plans, policies, and implementation measures. The grant requires a 50% match and priority is given to projects with regional participation.

*Contact: PADCED
866-gonewpa
<http://www.newpa.com/contact-us>*

Main Street Program - The Main Street Program provides grants to municipalities and redevelopment authorities to foster economic growth, promote and preserve community centers, create public/private partnerships, and improve the quality of life for residents. The program has two components, a Main Street Manager and Commercial Reinvestment. The Main Street Manager component funds a staff position that coordinates the community's downtown revitalization activities. The Community Reinvestment

component provides funding for actual improvement projects in the community. The Main Street Manager is partially funded for a 5-year period while the Community Reinvestment activities require a minimum of a 50% match. A business district action plan must be completed for eligibility in this program. The program had a \$2.5 million allotment for 1999-2000.

*Contact: DCED
Diana Kerr
717-787-5327*

Elm Street Program - This program was created to bolster the older historic neighborhoods located within walking distance from revitalized Main Streets. Along with the physical changes they make to the properties, these grants also help create a positive image for the community.

PHMC - Pennsylvania State Historical and Museum

Commission - The Commission grants help to support museums, historical organizations, and county historical societies.

*Contact: PHMC
717-787-3362
www.phmc.state.pa.us*

Keystone Historic Preservation Grants - Local governments and non-profit groups could apply for this grant that may be used for preservation, rehabilitation, and restoration of historic properties, buildings, structures, sites, or objects.

*Contact: PHMC Historic Preservation Grant Officer
Karen Arnold
(717) 783-9927
kaarnold@state.pa.us*

*Bryan Van Sweden, Community Preservation Coordinator ,
Central and Northeastern PA
717-772-5071
bvansweden@state.pa.us*

Certified Local Government Grants - Federal funding program limited to certified Local Governments for purposes of cultural resource surveys, technical and planning assistance, educational and interpretive programs, and national register nominations. The program includes a 40% local match that can be made with in-kind services, cash, or Community Development Block Grants.

Contact: *Andréa MacDonald*
717.787.4215
amacdonald@state.pa.us

DEP Growing Greener - Growing Greener is the largest single investment of state funds in Pennsylvania's history. Growing Greener directed nearly \$650 million over five years to the Environmental Stewardship Fund. Growing Greener funds was used for farmland-preservation projects; preserving open space; cleanup of abandoned mines; watershed planning; recreational trails and parks; and help communities address land use concerns. Eligible applicants include non-profit groups, counties, and municipalities. Since the last bond funds have been committed, an effort to renew Growing Greener is being launched, contact information below.

Contact: *DEP Grants Center*
Tel. (717) 705-5400
e-Mail: GrowingGreener@state.pa.us

Renew Growing Greener
Andrew Heath, Executive Director
aheath@renewgrowinggreener.org

Stormwater Planning and Management Grants - This program provides grants to counties and municipalities for preparation of stormwater management plans and stormwater ordinances. The program requires a 25% local match that can come in the form of in-kind services or cash. While greenways are not specifically funded by the project, they are excellent elements of a stormwater management system. This program was part of the Growing Greener Initiative.

Contact: *PA DEP*
Durla Lathia
717-772-4048

Nonpoint Source Management Section 319 Grants - Section 319 grant funding comes from the federal Clean Water Act. The grants are available to local governments and nonprofit groups for watershed assessments, watershed restoration projects, and projects of statewide importance. The grant requires a 60% local match and 25% of the construction costs of practices implemented on private land must come from non-federal sources.

Contact: *Russ Wagner*
717-787-5642.

Environmental Fund for Pennsylvania - This fund is available to environmental, conservation, and recreation organizations for projects that improve the quality of life for Pennsylvania communities.

Contact: (215) 545-5880
Toll Free: 800-334-3190
info@efpa.org
<http://www.efpa.org/>

Environmental Education Grants - This program uses 5% set aside of the pollution fines and penalties collected in the Commonwealth each year for environmental education in Pennsylvania. There are eight different grant tracks with grants ranging from \$1,000 to \$20,000, most requiring a 20% match. Public and private schools, non-profit conservation/education organizations and county conservation districts may apply for the grants.

Contact: *Dept. of Environmental Protection, Environmental Edu. Grants Program EE Center, First Floor, RCSOB P.O. Box 2063*
Phone: 717-772-1828 Fax: 717-705-4093
AT&T Relay Service for the Deaf: 1-800-654-5984 (TDD)
www.depweb.state.pa.us, keyword: *EE Grants*

Land Recycling Grants Program - Land Recycling Grants Program provides grants and low interest loans for environmental assessments and remediation. The program is designed to foster the cleanup of environmental contamination at industrial sites and remediate the land to a productive use.

Contact: *Tom Fidler, Manager Land Recycling & Cleanup Program*
717-783-7816

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Federal Funding Sources

Most federal programs provide block grants directly to states through funding formulas. For example, if a Pennsylvania community wants funding to support a transportation initiative, they would contact the PennDOT and not the US Department of Transportation to obtain a grant.

Surface Transportation Act (SAFETEA LU) (Accessed through PENNDOT) - For the past two decades, the Surface Transportation Act has been the largest single source of funding for the development of bicycle, pedestrian, trail and greenway projects. Prior to 1990, the nation, as a whole, spent approximately \$25 million on building community-based bicycle and pedestrian projects, with the vast majority of this money spent in one state. Since the passage of ISTEA, funding has been increased dramatically for bicycle, pedestrian and greenway projects, with total spending north of \$5 billion. Many programs within SAFETEA-LU deserve mention. The authorizing legislation is complicated and robust. The following provides a summary of how this federal funding can be used to support the MA & PA Community Greenway. All of the funding within these programs would be accessed through the PennDOT.

1. Surface Transportation Program (STP) - This is the largest single program within the legislation from a funding point of view. Of particular interest to greenway enthusiasts, 10 percent of the funding within this program is set aside for Transportation Enhancements (TE) activities. Historically, a little more than half of the TE funds have been used nationally to support bicycle/pedestrian/trail projects.
2. Congestion Mitigation and Air Quality (CMAQ) - About five percent of these funds have been used to support bicycle/pedestrian/trail projects.
3. Highway Safety Improvement Program (HSIP) - Historically, bicycle and pedestrian projects have accounted for one percent of this program, or about \$50 million under

SAFETEA-LU. Some of the eligible uses of these funds would include traffic calming, bicycle and pedestrian safety improvements, and installation of crossing signs. This is not a huge source of funding, but one that could be used to fund elements of a project.

4. Recreational Trails Program (RTP) - The Recreational Trails Program is specifically set up to fund both motorized and non-motorized trail development. At least 30% of these funds must be spent on non-motorized trails, or \$110 million.
5. Scenic Byways - The National Scenic Byway program has not traditionally been a good source of funding for bicycle/pedestrian/trail projects. Historically only 2 percent of these funds have been used to support bicycle and pedestrian improvements. Applications are only accepted by PennDOT from established scenic byways groups, but historically, byways groups have advanced proposals in partnership with other organizations — including cultural heritage tourism groups — in support of the byways' goals.
6. Safe Routes to School Program (SR2S) - This is an excellent program to increase funding for access to the outdoors for children. The SR2S Program was established in August 2005 as part of the most recent federal transportation re-authorization legislation--SAFETEA-LU. This law provides multi-year funding for the surface transportation programs that guide spending of federal gas tax revenue. Section 1404 of this legislation provides funding (for the first time) for PennDOT to create and administer SR2S programs which allow communities to compete for funding for local SR2S projects.
7. High Priority Projects - Under SAFETEA-LU more than 5,091 transportation projects were earmarked by Congress for development, with a total value in excess of \$3 billion.

Contact: PennDOT District 8 Office

717-787-6653

ra-penndot8@state.pa.us

Land and Water Conservation Fund (LWCF) - The Land and Water Conservation Fund is the largest source of federal money for park, wildlife, and open space land acquisition. The program's funding comes primarily from offshore oil and gas drilling receipts, with an authorized expenditure of \$900 million each year. The program has been fully funded for 2011 for the first time in decades. The program provides up to 50 percent of the cost of a project, with the balance of the funds paid by states or municipalities. These funds can be used for outdoor recreation projects, including acquisition, renovation, and development.

*Contact: PADCNR Mike Piaskowski, Regional Park and Recreation Adviser
717-772-4362
mpiaskowski@state.pa.us*

Environmental Protection Agency (EPA) - The EPA funds a program that enables communities to clean up polluted properties. Funding for these programs is available directly from the EPA and is administered in the form of grants to localities.

*Information on general grants:
<http://www.epa.gov/region3/ee/pdfs/scgp2002.pdf>
Region 3 contact: <http://www.epa.gov/region03>*

Community Block Development Grant Program (HUD-CDBG) - The U.S. Department of Housing and Urban Development (HUD) offers financial grants to communities for neighborhood revitalization, economic development, and improvements to community facilities and services, especially in low and moderate-income areas. Administered by the Department of Local Affairs, Community Development Block Grants can be spent on a wide variety of projects, including property acquisition, public or private building rehabilitation, construction of public works, public services, planning activities, assistance to nonprofit organizations and assistance to private, for-profit entities to carry out economic development. At least 70 percent of the funds must go to benefit low and moderate-income populations. The funds must go to a local government unit for disbursement. A detailed citizen participation plan is required. Information on CDBG is available through the counties.

*Contact: York County Planning Commission
Mr. Christopher Rafferty, Administrator
717- 771-9870
crafferty@ycpc.org*

Economic Development Administration - Funding is available through this federal program in the form of several different grants. Two grants that may be applicable to cultural heritage tourism are the Economic Adjustment Assistance Grant (which helps communities develop comprehensive redevelopment efforts that could include cultural heritage tourism programs) and the Planning Program Grant (which helps planning organizations create comprehensive development strategies). Only governmental units are eligible.

*Contact: EDA Philadelphia Regional Office
Andrew Reid
267-687-4317
AREid@eda.doc.gov*

National Trust for Historic Preservation - This endowment funds 14 different grants. The Preservation Funds Matching Grants and Intervention Funds assist nonprofit and public agencies with planning and educational projects or preservation emergencies, respectively. The Johanna Favrot Fund for Historic Preservation provides matching grants for nonprofit and public organizations whose projects contribute to preservation and/or recapturing an authentic sense of place. Begin the search for historic preservation funding and incentives by contacting the PHMC first.

*Contact information about funding at federal level:
<http://www.preservationnation.org/resources/find-funding/nonprofit-public-funding.html>*

National Endowment for the Arts - The National Endowment for the Arts organizes its grants around artistic disciplines and fields such as “folk and traditional arts,” “local arts agencies,” “state and regional” and “museums.” Within these categories, the applicable grants are listed. The grants provide funding for artistic endeavors, interpretation, marketing and planning. Not-for-profit 501(c)(3) organizations, units of state or local government, or a recognized

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tribal community are eligible. An organization must have a three-year history of programming prior to the application deadline. Changes in the programs will occur in January 2011. For information on the programs search at the site listed below.

Contact: <http://www.nea.gov/grants/apply/index.html>

National Endowment For The Humanities - The National Endowment for the Humanities is a federal program that issues grants to fund high-quality humanities projects. Some grant categories that may be well suited to cultural heritage tourism are: grants to preserve and create access to humanities collections, interpreting America's historic places, implementation and planning grants, museums and historical organizations implementation grants, preservation and access research, and development projects grants. The grants go to organizations such as museums, libraries, archives, colleges, universities, public television, radio stations and to individual scholars. Matches are required and can consist of cash, in-kind gifts or donated services. Information on grants and deadlines is available by searching on the site listed below.

Contact: <http://www.neh.gov/grants/grantsbydivision.html>

Preserve America - The Preserve America grants program funds "activities related to heritage tourism and innovative approaches to the use of historic properties as educational and economic assets." Its five categories are: research and documentation, interpretation and education, planning, marketing, and training. The grant does not fund "bricks and mortar" rehabilitation or restoration. This grant is available to State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), designated Preserve America communities and Certified Local Governments (CLGs) applying for designation as Preserve America Communities. Grants require a dollar-for-dollar nonfederal match in the form of cash or donated services. For information about securing this designation and potential funding is available at the web site below.

Contact: <http://www.preserveamerica.gov/communities.html>

Small Business Administration - Many cultural heritage tourism businesses are small businesses. The Small Business Administration (SBA) does not itself loan money, but guarantees loans from banks or from specially chosen small business investment companies. These loans can be used for business expenses ranging from start-up costs to real estate purchases. Eligible companies must be defined as "small" by the SBA. The following site provides information on how to search for funding assistance for small businesses.

Contact: <http://search.business.gov/startLoans.html>

U.S. Fish & Wildlife Service - The U.S. Fish & Wildlife Service has a long list of grant programs that benefit the conservation or restoration of habitats. These include grants for private landowners to assist in protecting endangered species, grants to restore the sport fish population and grants for habitat conservation planning and land acquisition. The amount, matching requirements and eligibility for each grant vary. The following site is the portal to search for information about and applications for available grants.

Contact: <http://www.fws.gov/grants/>

Private Foundations/Philanthropic Sources

American Greenways Eastman Kodak Awards - The Conservation Fund's American Greenways Program has teamed with the Eastman Kodak Corporation and the National Geographic Society to award small grants (\$250 to \$2,000) to stimulate the planning, design and development of greenways. These grants can be used for activities such as mapping, conducting ecological assessments, surveying land, holding conferences, developing brochures, producing interpretive displays, incorporating land trusts, and building trails. Grants cannot be used for academic research, institutional support, lobbying or political activities.

Contact: http://www.conservationfund.org/kodak_awards

Appendix A
Public Participation

MA & PA Community Greenway Property Owners Survey Report

Introduction

As part of the public involvement process for the MA & PA Community Greenway Feasibility Study, a direct mail survey of the property owners in the abandoned trail corridor was conducted. The purpose of the survey was to determine the opinions of these property owners regarding the development of a recreational trail along the route of the former MA & PA railroad between Felton Borough and Mount Rose Avenue.

Process

Organization, Goals and Survey Instrument –The planning team developed a brief questionnaire of two questions to obtain the views of the respondents regarding their level of support for developing the trail along with an open ended comment section for respondents to include any other thoughts they wanted to be considered.

■ **Sample** - Every household that owns property that was once the railroad corridor of the MA & PA Railroad was identified and sent a survey. Additionally, properties in the area of work-around routes were sent surveys as well. A total of 335 property owners were sent surveys.

■ **Questions** – The survey included the following two questions:

1. What do you think about developing a recreation trail along the route of the former MA & PA railroad between Felton Borough and Mount Rose Avenue in Spring Garden Township? Please circle one response that best describes your opinion.
 - a. I am in favor of the entire MA & PA Community Greenway recreation trail.
 - b. I am in favor of the MA & PA Community Greenway recreation trail in most areas of the corridor.
 - c. I neither support nor oppose the MA & PA Greenway recreation trail.
 - d. I am in favor of the MA & PA Community Greenway recreation trail, but not on my property.
 - e. I am opposed to the MA & PA Greenway recreation trail.
2. Please print any comments you have regarding this project below.

- **Distribution** –The survey was mailed out via first class mail along with a cover letter and a self-addressed stamped reply envelope.

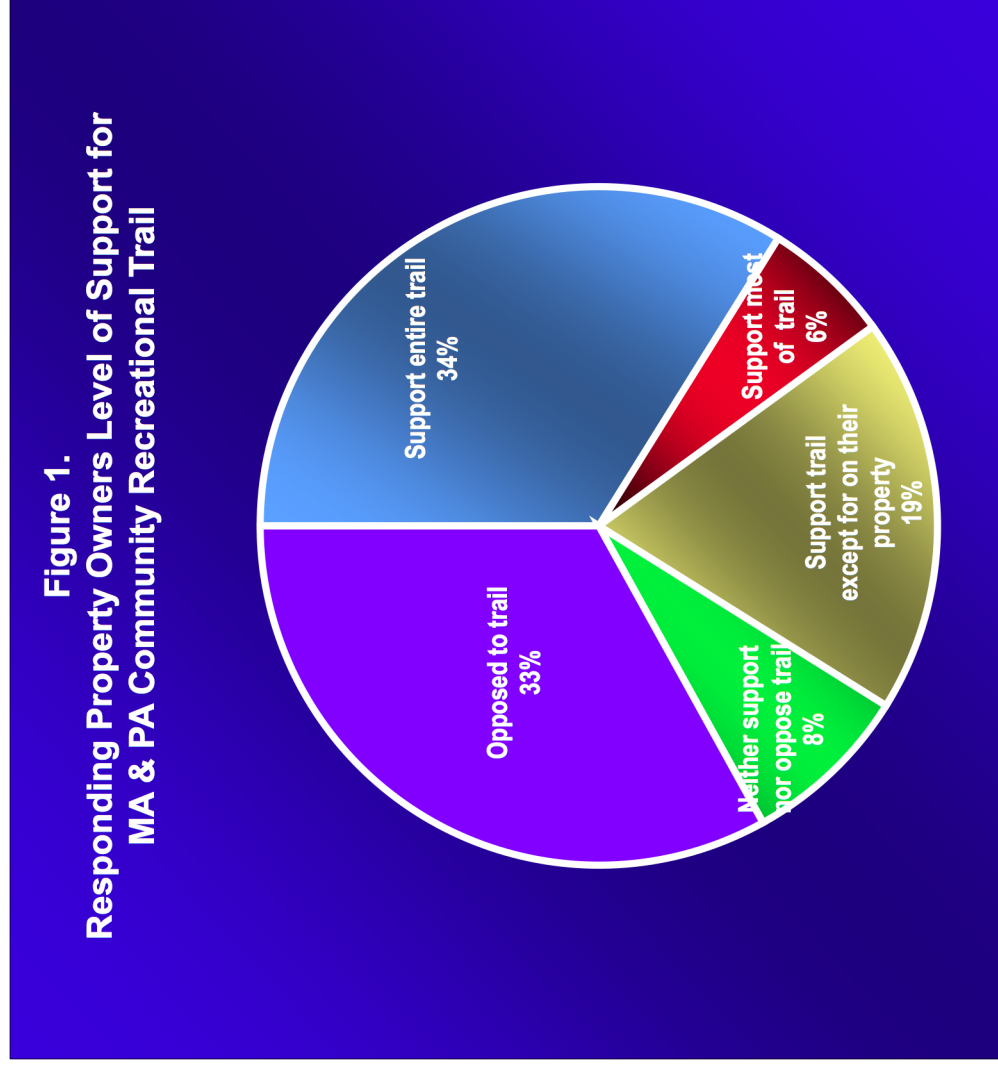
Return

The survey generated a response of 110 completed surveys for a response rate of 34 percent.

Findings

Figure 1 presents the survey responses. The major findings of the survey include the following:

1. Thirty-four (34%) percent of the property owners responding to the survey **support** the development of the trail.



2. Thirty-three (33%) percent of the property owners responding to the survey **oppose** the development of the trail.
3. Another 19 percent support the development of the trail except for sections of the trail where they have concerns such as dangerous crossings or traffic or the trail crossing their property. Since these respondents generally support the trail, about 56 percent of the property owners responding to the survey support the trail on a continuum from complete support to support if areas of concern can be resolved and property owner issues resolved or worked around.
4. About eight (8%) of the respondents neither support nor oppose the trail.
5. Those in favor of developing the trail provided comments such as:
 - Creating patrols to ensure trail safety.
 - Wanting to participate in the alignment of the trail with respect to their property.
 - Identifying problem areas in terms of current use as well as potential alternative locations for safe crossings.
 - Being careful with taxpayer money.
 - Identifying the trail as a great endeavor that would provide a destination for families, senior adults, and other community members who want a safe place to walk out of dangerous traffic.
6. This opposed to developing the trail provided comments such as:
 - Concern about private property rights; potential loss of privacy and property value; and increase in litter, vandalism, threats to family and animals.
 - Future operation, maintenance, and liability.
 - Possible interference with private business operations.
 - Trail corridor’s proximity to existing residences.
 - Strangers passing private properties.
 - Specific concerns such as blocking driveways and retaining alleys.
 - Cost to taxpayers.

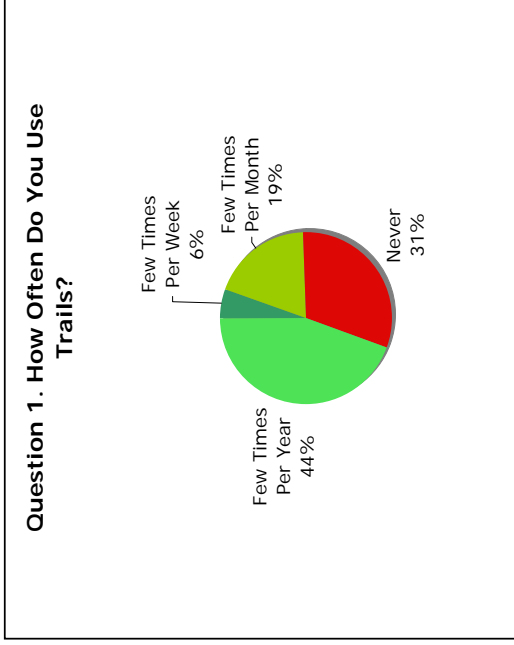
Applying the Findings

1. **Incorporate the findings of the property owners survey into the findings of the overall public participation process.** Balance the needs of the entire community’s population of 66,861 in the study area with those of the citizens whose property lies within the corridor of the former MA & PA Railroad. Use the survey findings in tandem with the findings from the six work sessions and the open house held with citizens in the corridor.
2. **Use the specific comments of the property owners to determine the feasibility of the trail.** Identify sections of the trail where support exists as well as those sections of the trail where property owners are opposed to the trail going through. Explore ways to protect the privacy and address the concerns of the landowners in the corridor. This includes potential alternative routes for the trail, alternative crossing areas, buffering, screening, safety patrols, volunteer trail ambassadors, proper maintenance, and project funding.

Ma & Pa Greenway Focus Group Comment Findings

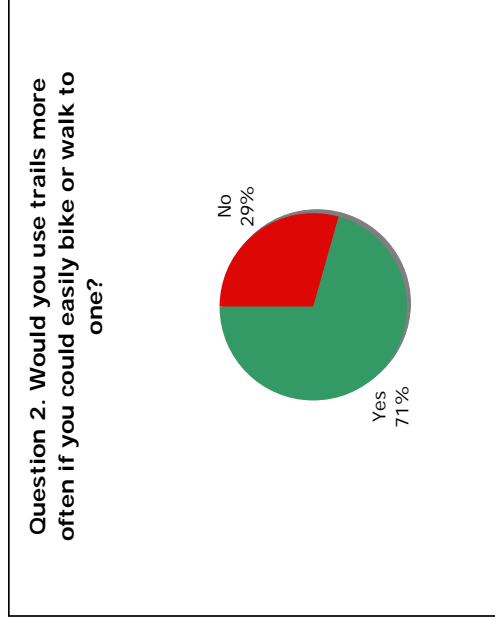
Question 1. How often do you use trails?

- 70 percent use trails.
- About 63 percent use trails a few times a month to a few times per year.
- About one in three reported not using trails.
- Only about six percent use trails a few times a week.



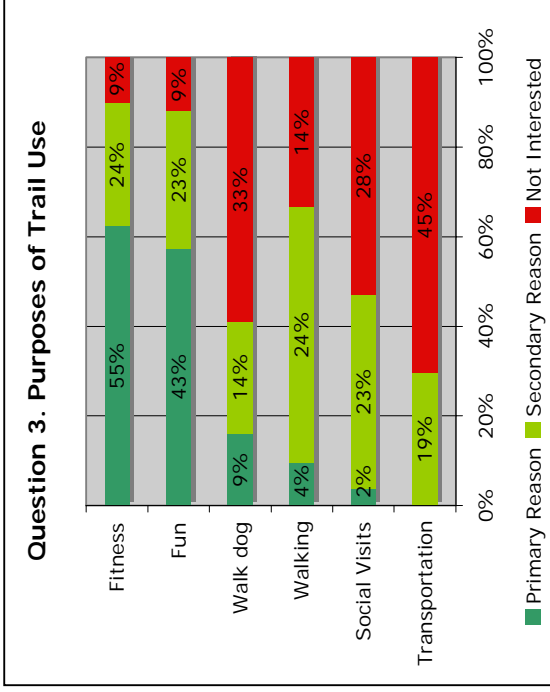
Question 2. Would you use trails more often if you could easily bike or walk to one?

- Those who would use trails more often outnumbered those who would not by a margin of more than two to one.



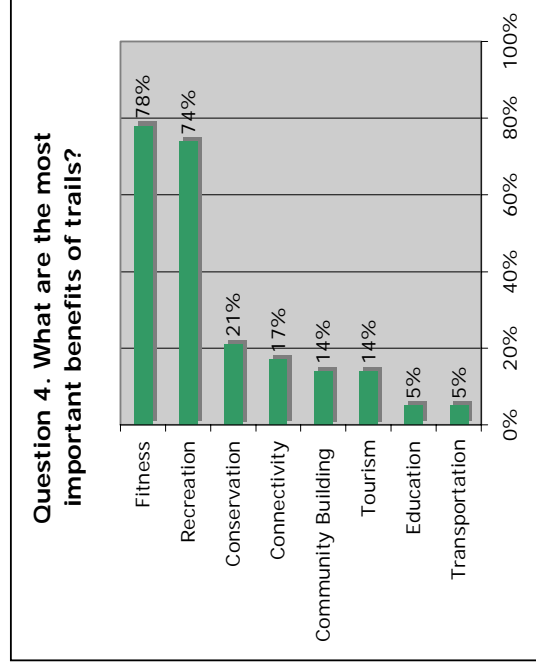
Question 3. For what purposes do you walk or bike most often or for what purpose would you use trails in the future?

- Fitness and Fun were the primary reasons for trail use.
- Transportation ranked lowest at only one in five.



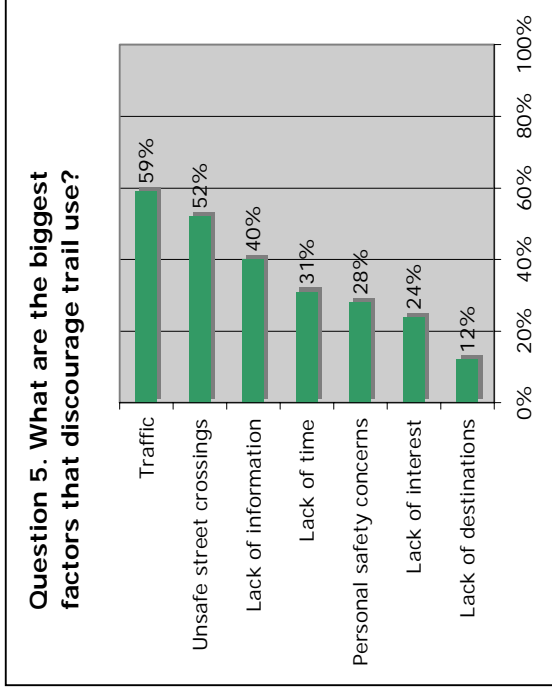
Question 4. What are the most important benefits of trails?

- Fitness and Recreation were the most important benefits identified by three out of four respondents.
- Transportation is generally not perceived as a trail benefit.



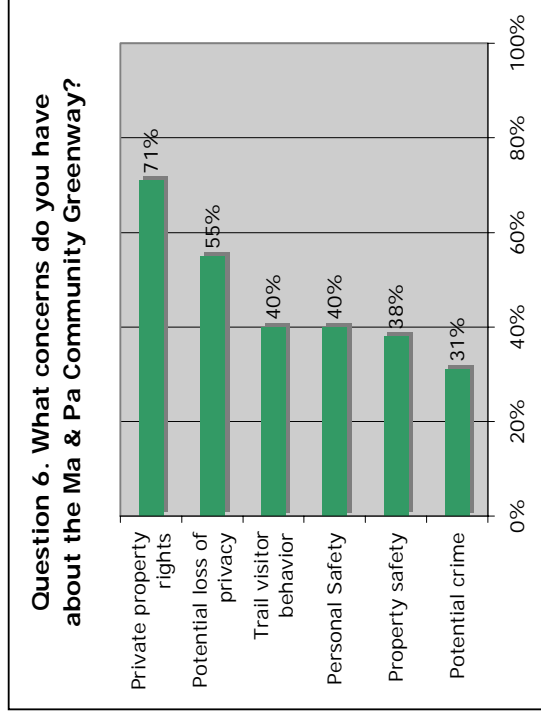
Question 5. What are the biggest factors that discourage trail use?

- Over half of the respondents identified traffic and unsafe street crossings as deterrents to trail use.
- Personal safety concerns were identified by 28 percent of the respondents.



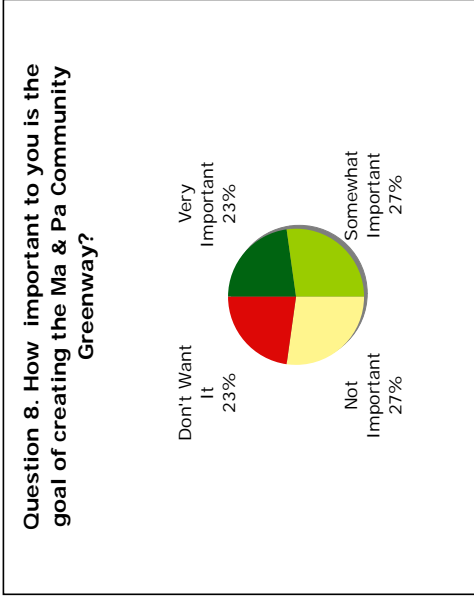
Question 6. What concerns do you have about the Ma & Pa Community Greenway?

- Private property rights (71%) were the chief concern about the greenway.
- Loss of potential privacy concerned about 55 percent of respondents.
- Four people wrote in that they had no concerns even though that was not a choice.



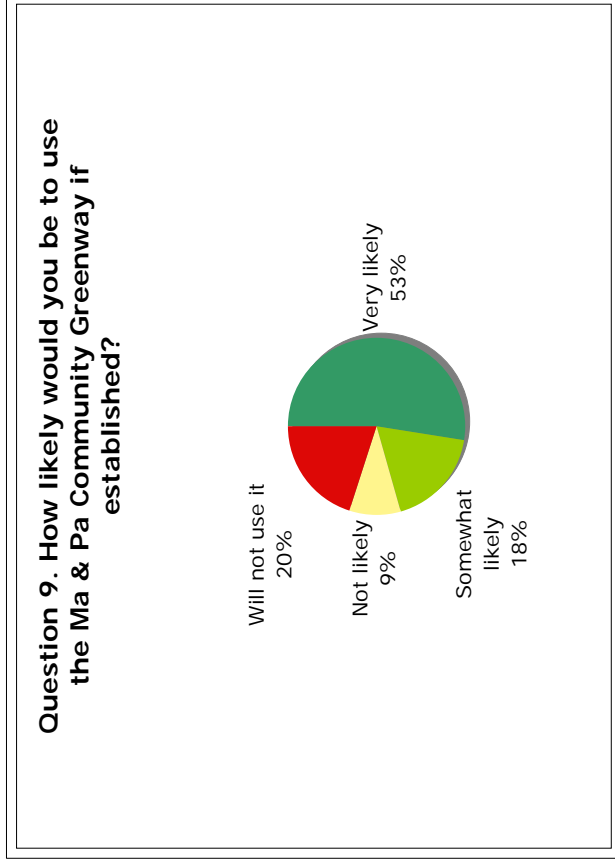
Question 8. How important to you is the goal of creating the Ma & Pa Community Greenway?

- Half of the respondents indicated that creating the greenway is important to them.
- 27 percent said that it is not important.
- 23 percent did not want the greenway.



Question 9. How likely would you be to use the Ma & Pa Community Greenway if established?

- 71 percent of respondents would be likely to use the greenway including 52 percent who would be very likely to use it.
- Only 20 percent said that they would not use it.



Open Ended Questions

5. Other factors that discourage trail use:

- Condition of trail
- Overgrown
- Rocky surface
- Liability

6. Other concerns about Ma & Pa Greenway:

- People who might stray onto my property.
- None (3)
- Intersections
- Trail width
- Getting certain sections completed
- Connections with other areas
- Availability of water and restrooms

7. Who do you think will use the trail?

- Families (4)
- Children (2)
- People who like to be outdoors
- People who like to exercise (3)
- Cyclists (3)
- General public
- Walkers
- Responsible adults
- People touring historic sites
- Local community members
- People without their own land

10. Are there specific destinations in your community that you believe should be connected by trails?

- Mt. Rose to Mill creek
- Roby property to Red Lion
- Historic areas
- Businesses (they would benefit from trails)
- York to Rocks State Park
- Township parks

- This trail idea does a good job connecting communities.

11. Do you have any other comments?

- Most areas of conflict seem to have resolution.
- I would like to see a trail in this area. I am an avid cyclist and ride all the roads in the area. I'd use the trail multiple times per week and it would be a great addition to our community.
- I look forward to the development stage.
- This particular trail imposes on too many landowners with very close proximity to houses or will disrupt established privacy.
- I really feel there are major obstacles from Yoe to Mt. Rose.
- I'm a proponent, a naïve proponent surprised by the opposition.
- Good idea – will take the trail.
- NIMBY.
- Waste of money
- Cost.
- Concerned
- I think the trail should be a trail without traffic making it as safe as it could be for the users. The rail trails on Maryland does not share a road with traffic.

Appendix B

***Taylor's Trestle Rehabilitation Preliminary Cost
Estimate***



Since 1923 ♦ Three Generations ♦ Four Score Strong

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Lancaster Office

315 West James Street, Suite 102
Lancaster, PA 17603
(717) 481-2991 • FAX (717) 481-8690

York Office

38 North Duke Street
York, PA 17401

(717) 846-4805 • FAX (717) 846-5811

Gettysburg Office

50 West Middle Street
Gettysburg, PA 17325
(717) 337-3021 • FAX (717) 337-0782

RE: Taylor's Trestle Rehabilitation
Preliminary Cost Estimate
Red Lion Borough

Dear Mr. Joseph Laucks:

I am pleased to present for your review this preliminary cost estimate to rehabilitate the abandoned MA & PA railroad structure in Red Lion Borough, as part of your Eagle Scout project to restore 'Taylor's Trestle'. The following information (and attached documentation) is not intended to serve as a construction or legal document in any way – but instead, we are providing this cursory assessment/estimate of the existing structure as a courtesy to you and your restoration project. All work (including land survey work conducted by Mr. David Anderson of this office) was donated to you, for your use and C.S. Davidson, Inc. will not be responsible for any misuse of this information. C.S. Davidson, Inc. is proud to support you in this project and we commend you for striving to make our community a better place to live.

Cost Estimate/Assessment

I performed a site visit to inspect the aforementioned structure in May of 2009 and made the following observations:

1. A large portion of the timber railroad ties (8"x 8") are missing or moderately deteriorated.
2. The existing steel girders are in good condition with only minor problems noted.
3. The main support timbers (12" square columns/bents) are in good condition with minor to moderate deterioration at the bottom 12" of the members.
4. The majority of the timber cross-bracing (3x10 and 6x10 rough sawn lumber) is either missing or severely deteriorated.
5. The base of the structure (12" square timber) is severely deteriorated, along with the timber blocking used to 'shim' the 12" frame above grade.

As such, I have estimated that it will take approximately \$500,000 to renovate this structure to a level of performance suitable to safely convey pedestrian traffic (see page 3 for a more in-depth cost breakdown). This includes the removal of the rotted

timber at the base of the structure, the placement of new circular concrete 'piers' under each column, the removal and replacement of all the timber cross-bracing and the construction of a new timber deck (with pedestrian hand railing). All of these proposed repairs/modifications are shown in the sketch on page 4 of the this letter.

It should be noted that the proposed repairs were made in my engineering judgment only and are not representative of any governmental or historical review agency. Should Federal, State or Local funding be procured, stricter or more historically sensitive methods may need to be employed to restore the trestle to service loads. Additionally, the proposed timber deck is adequate for pedestrian live loads only – and should the project be included as part of a potential Rail/Trail project, a stronger, more rigid concrete deck may need to be constructed to convey equine or emergency vehicle loading. A timber deck was chosen to aesthetically blend into the historic structure but conversely will require considerable ongoing maintenance to keep at a functioning level. Consideration should be given to placing a composite concrete deck (with the steel girders) or a fiber reinforced polymer (FRP) deck system for durability and long-term use.

In conclusion, the structure is in overall fair to poor structural condition due to the deteriorated conditions at the base – but the main support columns and steel girders are in good (salvageable) condition. Obviously, the shoring of the existing structure to remove the rotted timber and excavation/placement of concrete for the new piers is a labor intensive and time-consuming process and as such, reflected in the cost estimate. Additionally, approximately \$182,000 was estimated to construct a new timber deck and railing. This was due to the considerable length of the structure (+/- 260') and the height at which a contractor would be performing the work. Again, the cursory inspection, assessment and estimate were preliminary in scope and a detailed structural analysis or material testing was not performed.

I wish you the best of luck in finishing your Eagle Scout project and your ongoing pursuit in restoring this historic structure to it's former glory. Thank you for the opportunity to assist you with this project and please feel free to call or email me with any questions or concerns.

Sincerely,

C.S. DAVIDSON, INC.



Jordan T. Good, E.I.T.

TAYLOR TRESTLE REHABILITATION
Abandoned Railroad Structure in Red Lion Borough
RED LION, YORK COUNTY

PRELIMINARY PROJECT COST ESTIMATE

NOTE: Words have been abbreviated as follows:

<u>Word</u>	<u>Abbreviation</u>	<u>Word</u>	<u>Abbreviation</u>
Lineal Feet	L.F.	Cubic Yards	C.Y.
Lump Sum	L.S.	Square Feet	S.F.

<u>Item Description</u>	<u>Estimated Quantity</u>	<u>Unit of Payment</u>	<u>Unit Price</u>	<u>Estimated Total</u>
MISCELLANEOUS SITE WORK ITEMS				
Mobilization	1	L.S.	\$25,000.00	\$25,000.00
Shoring and Scaffolding	1	L.S.	\$55,000.00	\$55,000.00
Clearing, Grubbing and E&S Measures	1	L.S.	\$5,000.00	\$5,000.00
Removal and Legal Disposal of Damaged Timber	1	L.S.	\$25,000.00	\$25,000.00
Site Restoration	1	L.S.	\$5,000.00	\$5,000.00

STRUCTURE ITEMS

Trestle Bracing (various timber sizes - labor included)	6000	L.F.	\$16.00	\$96,000.00
Concrete (3000 psi - 3' dia. piers under each column/bent)	125	C.Y.	\$600.00	\$75,000.00
Excavation/Backfill for Concrete Piers	175	C.Y.	\$125.00	\$21,875.00
Steel Girder Rehabilitation	1	L.S.	\$5,000.00	\$5,000.00
Timber Deck (10' wide - 2x10 framing w/deck boards)	2600	S.F.	\$50.00	\$130,000.00
Timber Pedestrian Rail (42" high, each side of deck)	520	L.F.	\$100.00	\$52,000.00

TOTAL ESTIMATED PROJECT COST = \$494,875.00

NOTES:

1. The above estimate assumes all work to be performed by a contractor (and prices include material and labor).
2. The above estimate does not include engineering fees, contingency or coordination with governmental agencies.
3. This option involves sawcutting and removing the bottom 2' of the vertical timber supports and pouring concrete piers (3' below finished grade), replacing all existing bracing (in kind) and placing a new timber deck/railing.



C.S. Davidson, Inc.

Since 1923 • Three Generations • Four Score Strong

York Office Lancaster Office Gettysburg Office

Client _____
Project TRUCK RISE

Sheet 4 of 4

Subject _____

Prepared By _____

Date _____

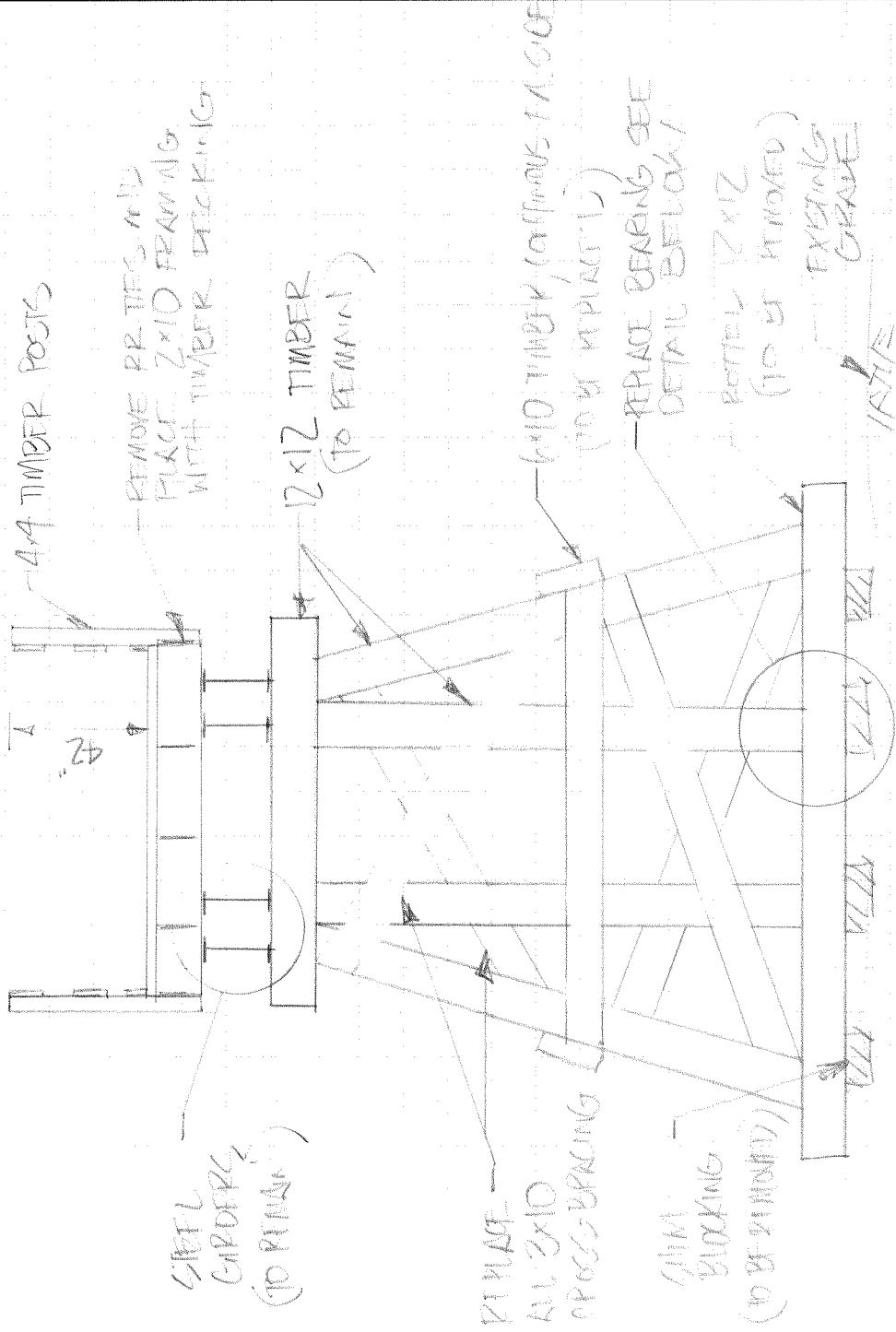
Reviewed By _____

Date _____

Approved By _____

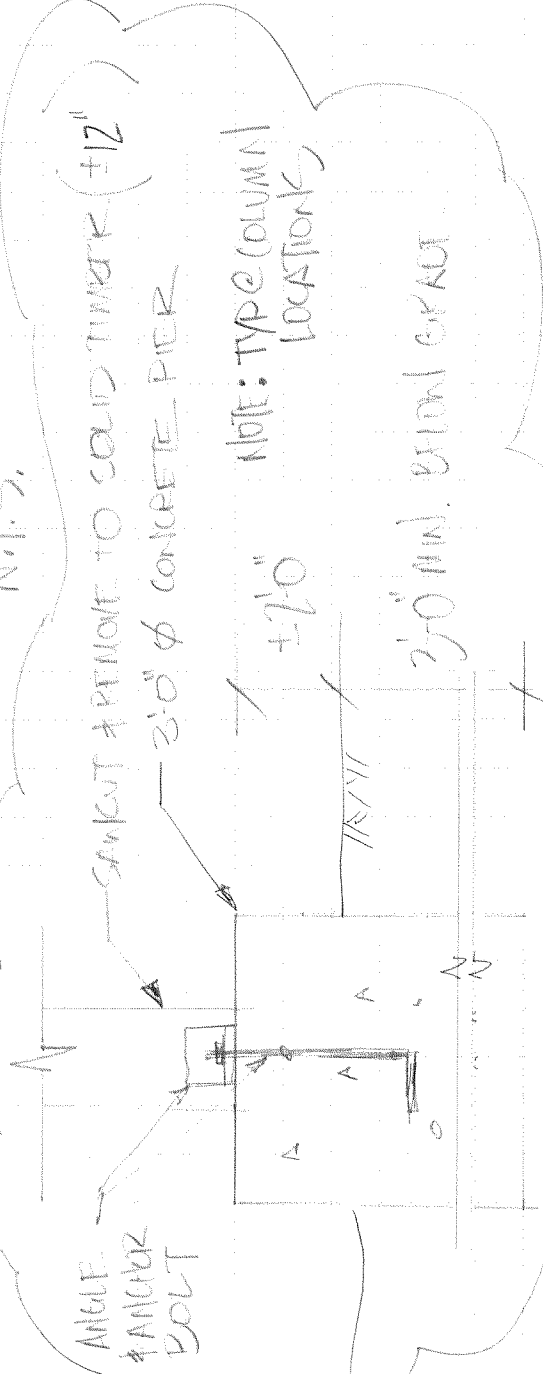
Date _____

- NOT FOR CONSTRUCTION - ESTIMATE ONLY -



EXISTING/PROPOSED CROSS SECTION

N.T.S.



NOTE: TYPE COLUMN LOCATIONS

+1'0"

3'0\"/>

Appendix C

Sample Acquisition / Easement Agreements

Tax District _____ Tax Map _____ Parcel _____
Property Location _____, PA

RIGHT-OF-WAY AGREEMENT

THIS AGREEMENT is made this _____ day of _____, between _____ ["Grantor(s)"], the owner(s) of property located in _____, York County, Pennsylvania, affected by the construction, maintenance, operation and repair of a pedestrian trail, described below, and _____ ("Grantee"), its successors, assigns, and lessees:

1. In consideration of the payment of One and 00/100 (\$1.00) Dollar(s), Grantor(s) grant(s) and convey(s) to Grantee the easement and uninterrupted right at all times and from time to time to construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace, enlarge and remove the pedestrian trail, together with all stormwater facilities as may be necessary or convenient for the operation of same, across, under and upon the strip of land shown on Grantee's plan and marked "Permanent Easement" ("Permanent Easement"). A copy of Grantee's plan is attached to this Agreement. Together with all rights of ingress, egress and regress necessary or convenient for the full and complete use by the Grantee of the rights granted hereby, including the right to clear and keep cleared all trees, roots, brush and other obstructions from the surface or subsurface.
2. During the period of construction, the Grantee shall have the right to use the area on the attached plan marked "Temporary Construction Easement" ("Construction Easement") on the plan is attached to this Agreement.
3. The above sum of money will be paid within sixty (60) days after Grantee unconditionally awards a contract to construct the pedestrian trail over Grantor's() property and upon verification by Grantee's attorney that Grantor's () own title to the land at the time that this Agreement was recorded. The sum of money stated above is full and complete compensation for any and all damage to the property or a property interest of the Grantor(s) caused by the Grantee, its agents or employees as a result of the construction and operation of the

pedestrian trail, provided that Grantee will fully compensate Grantor(s) for damages to Grantor's (') residence or other structures caused by the construction or operation of the pedestrian trail.

4. Grantor(s) shall not construct, plant or maintain any new structures, fences, trees or shrubs on or within the Permanent Easement.
5. Grantee will repair and restore surface features within the Permanent Easement and the Construction Easement to a condition equal to that existing immediately before any work was done on behalf of Grantee.
6. Grantee shall replace in kind any known property marker removed or damaged as a result of the pedestrian trail construction or operation and maintenance of said trail.
7. This Right-of-Way Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, executors, and administrators; and said right-of-way shall run with the land.

IN WITNESS WHEREOF, intending to be legally bound hereby, the undersigned parties hereto have executed or caused to be executed these presents the day and year first above written.

WITNESS:

GRANTOR(S):

_____ (SEAL)

ATTEST:

(GRANTEE)

_____ Title

STATE OF Pennsylvania :
: SS.
COUNTY OF _____ :

On this, the _____ day of _____, before me, a Notary Public, the undersigned individual(s), personally appeared _____, the Grantor(s), known to me (or satisfactorily proven) to be the person(s) whose name(s) _____ subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____ (SEAL)
NOTARY PUBLIC

MY COMMISSION EXPIRES:

Fed. Proj. No.	
County	
Municipality	
Route-Sec.	
Parcel No.	
Claimant	

**AGREEMENT OF SALE
(EASEMENT)**

Made on _____ by _____ of _____ owner(s) of property affected by the construction or improvement of the above mentioned Route, _____ heirs, executors, administrators, successors and/or assigns, hereinafter, whether singular or plural, called the SELLER, and the PURCHASER, _____, hereinafter called the

W I T N E S S E T H:

WHEREAS the PURCHASER _____ a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn property for the above highway from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the SELLER will convey to the PURCHASER an easement for highway purposes unlimited in vertical dimension and such lesser estate (s) as designated, if any, from the property or portion thereof required by the PURCHASER.

NOW, THEREFORE, in consideration of the sum of _____ (\$ _____) Dollars and other good and valuable consideration, the SELLER hereby agrees to sell and convey to the PURCHASER and the PURCHASER agrees to purchase the easement required for highway purposes unlimited in vertical dimension from that portion of the aforesaid property designated as required right-of-way on the plot plan attached hereto and made a part hereof; and those areas, if any, designated as required for other than right-of-way in the easement(s) identified by the plot plan,

Being all or a portion of the same property conveyed or devised to the SELLER by _____ of

dated _____, recorded in _____ book _____, page _____.

together with the improvements, hereditaments and appurtenances to the said easement, except those which may be agreed below to be retained by the SELLER, free and clear of all liens, charges, delinquent taxes and assessments, and of all leases, agreements and other encumbrances which the SELLER has the right to terminate or remove. The SELLER will assign to the PURCHASER all of the SELLER'S right, title and interest in those leases, agreements, and other encumbrances which cannot be terminated or removed. And the SELLER will warrant GENERALLY the property interest to be conveyed.

Provided, however, that the SELLER shall retain the right to deep mine minerals, including removal of gas and oil by means of wells located off the right-of-way, from a minimum depth to be determined by the PURCHASER.

All expenses of examination of the title and of preparation and recording of the deed shall be paid by the PURCHASER. Payment of the purchase price shall be made within ninety (90) days of the date of this agreement. From and after the execution of this instrument, the PURCHASER, its agents and contractors, shall have the right to enter upon the premises to be conveyed for making studies, tests, soundings, and appraisals.

The SELLER does further remise, release, quitclaim and forever discharge the PURCHASER or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the SELLER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, Act of September 2007, (26 P.A.C.S. 710 et seq.), for or on account of any injury to or destruction of the aforesaid property of the SELLER through or by reason of the aforesaid highway construction or improvement, except damages, if any, under Section 610 (Limited Reimbursement of Appraisal, Attorney and Engineering Fees).

The SELLER does further indemnify the PURCHASER against any claim made by any lessee of the aforesaid property who has not entered into a Settlement Agreement with the PURCHASER.

IN WITNESS WHEREOF The Parties have executed or caused to be executed these presents, intending to be legally bound thereby.

Witness _____ (SEAL)

Witness _____ (SEAL)

Witness _____ (SEAL)

Witness _____ (SEAL)

CORPORATION, ASSOCIATION, CLUB, ETC

I attest to the signature of the officer who has executed this agreement and certify that execution hereof has been duly authorized by the

_____ of _____ CORPORATION, ASSOCIATION CLUB, ETC

(Seal) Secretary _____ President

By _____

State of _____ :
: SS.
County of _____ :

On this, the ___ day of _____, 20___, before me, a Notary Public, the undersigned individual(s), personally appeared _____ (Grantors Name) known to me (or proven) to be the persons whose names are subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires:

AGREEMENT OF SALE (EASEMENT)

Fed. Proj. No.	If known, add the federal project #
County	County Name
Municipality	Municipality Name
Route-Sec.	State Route # & Section #, if applicable
Parcel No.	Property Parcel #
Claimant	Property Owner Name (s)

Made on Add the date when the property owner signs the easement by Property Owner Name (s) of Property Address owner(s) of property affected by the construction or improvement of the above mentioned Route, (add either his, her or their) heirs, executors, administrators, successors and/or assigns, hereinafter, whether singular or plural, called the SELLER, and the Acquiring Agency Name and Address, hereinafter called the PURCHASER,

W I T N E S S E T H:

WHEREAS the PURCHASER (add either "will file" or "filed") a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn property for the above highway from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the SELLER will convey to the PURCHASER an easement for highway purposes unlimited in vertical dimension and such lesser estate (s) as designated, if any, from the property or portion thereof required by the PURCHASER.

NOW, THEREFORE, in consideration of the sum of add the easement amount in words (\$add the easement amount in numbers) Dollars and other good and valuable consideration, the SELLER hereby agrees to sell and convey to the PURCHASER and the PURCHASER agrees to purchase the easement required for highway purposes unlimited in vertical dimension from that portion of the aforesaid property designated as required right-of-way on the plot plan attached hereto and made a part hereof; and those areas, if any, designated as required for other than right-of-way in the easement(s) identified by the plot plan,

Being all or a portion of the same property conveyed or devised to the SELLER by (from the property deed, add the name of the person or corporation who sold the property to the current property owner) of (from the property deed, add the address of the person or corporation who sold the property to the current property owner) dated (from the property deed, add the date of that sale), recorded in (from the property deed, add the location of that deed. Usually, a County Courthouse is listed here.), book (from the property deed, add the book of that deed location.), page (from the property deed, add the page of that deed location.).

together with the improvements, hereditaments and appurtenances to the said easement, except those which may be agreed below to be retained by the SELLER, free and clear of all liens, charges, delinquent taxes and assessments, and of all leases, agreements and other encumbrances which the SELLER has the right to terminate or remove. The SELLER will assign to the PURCHASER all of the SELLER'S right, title and interest in those leases, agreements, and other encumbrances which cannot be terminated or removed. And the SELLER will warrant GENERALLY the property interest to be conveyed.

Provided, however, that the SELLER shall retain the right to deep mine minerals, including removal of gas and oil by means of wells located off the right-of-way, from a minimum depth to be determined by the PURCHASER.

All expenses of examination of the title and of preparation and recording of the deed shall be paid by the PURCHASER. Payment of the purchase price shall be made within ninety (90) days of the date of this agreement.

From and after the execution of this instrument, the PURCHASER, its agents and contractors, shall have the right to enter upon the premises to be conveyed for making studies, tests, soundings, and appraisals.

The SELLER does further remise, release, quitclaim and forever discharge the PURCHASER or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the SELLER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, Act of September 2007, (26 PA.C.S. 710 et seq.), for or on account of any injury to or destruction of the aforesaid property of the SELLER through or by reason of the aforesaid highway construction or improvement, except damages, if any, under Section 610 (Limited Reimbursement of Appraisal, Attorney and Engineering Fees).

The SELLER does further indemnify the PURCHASER against any claim made by any lessee of the aforesaid property who has not entered into a Settlement Agreement with the PURCHASER.

IN WITNESS WHEREOF The Parties have executed or caused to be executed these presents, intending to be legally bound thereby.

Witness _____ (SEAL)
Witness Name Typed _____ Property Owner Name Typed _____

Witness _____ (SEAL)
Witness Name Typed _____ Property Owner Name Typed _____

Witness _____ (SEAL)
Witness Name Typed _____ Property Owner Name Typed _____

Witness _____ (SEAL)
Witness Name Typed _____ Property Owner Name Typed _____

(Each property owner listed on the deed must sign and date this form. If deceased, then write that person's name above with "deceased" by it. If a person has a power of attorney, have that person with the power of attorney sign in lieu of the person on the deed and provide a copy of the power of attorney with the right-of-way packet.)

If the property owner is a corporation, association, club or group, then use the signature box below.

CORPORATION, ASSOCIATION, CLUB, ETC

I attest to the signature of the officer who has executed this agreement and certify that execution hereof has been duly authorized by the

List the appropriate choice _____ of _____ Property Owner Name _____
BOARD OF DIRECTORS, MAJORITY VOTE OF ASSOC., ETC _____ CORPORATION, ASSOCIATION CLUB, ETC _____

(Seal) _____ Secretary Name Typed _____ President Name Typed _____

By _____ Acquiring Agency Name _____
Name of person negotiating the easement

State of _____ :
: SS.

County of _____ :

On this, the ___ day of _____, 20___, before me, a Notary Public, the undersigned individual(s), personally appeared _____ known to me (or proven) to be the
(Grantors Name)

persons whose names are subscribed to the within instrument and acknowledged that _____ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires:

FEDERAL PROJECT NO.
PROJECT NAME/ROUTE
COUNTY
MUNICIPALITY
PARCEL NO.
CLAIM NO.
CLAIMANT

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

THIS INDENTURE, made this _____ day of _____, by _____ Owner(s) of property affected by the construction or improvement of the above mentioned transportation improvement, heirs, executors, administrators, successors and/or assigns, hereinafter, whether singular or plural, called the OWNER, and _____, hereinafter called the PURCHASER,

WITNESSETH:

WHEREAS the PURCHASER _____ a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn real property for the above transportation improvement from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the OWNER will grant to the PURCHASER a temporary easement for construction purposes from the aforesaid property,

NOW, THEREFORE, in consideration of the sum of _____ (\$ _____) Dollars, the Owner hereby grants to the PURCHASER a temporary easement for the purpose of undertaking the above construction or improvement, said easement to extend to the area shown on the plot plan attached hereto and made a part hereof and to authorize the entry and re-entry of employees, agents and contractors of the PURCHASER upon said area to do any and all work necessary for the completion of the project, including the removal of any buildings and/or other structures located on the area covered by the easement; provided, however, that, upon completion of the project, the PURCHASER shall be obligated to restore the area covered by the easement to a condition commensurate with that of the balance of the property of the OWNER, such restoration to include removal of debris, filling of holes left by the removal of buildings or structures, draining, filling and/or capping of wells, cesspools and septic tanks; grading and sowing of grass. The estimated completion date of the construction or improvement is _____ . The temporary easement for construction area is _____ .

The OWNER does further remise, release, quitclaim and forever discharge the PURCHASER or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the OWNER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, September 2007, (26 P.A.C.S. 710 et seq.), for or on account of this conveyance and any injury to or destruction of the aforesaid property of the OWNER through or by reason of the aforesaid construction or improvement.

The Parties have executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

ENTITIES*

OWNER:

(Name of Entity) _____

BY: _____

BY: _____

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity.

PURCHASER

BY: _____

FEDERAL PROJECT NO.	If known, add the federal project #
PROJECT NAME/ROUTE	State Route # & Section #, if applicable
COUNTY	County Name
MUNICIPALITY	Municipality Name
PARCEL NO.	Property Parcel #
CLAIM NO.	Unique Claim #
CLAIMANT	Property Owner Name (s)

THIS INDENTURE, made this Add the date when the property owner signs the easement by Property Owner Name (s) of Property Address Owner(s) of property affected by the construction or improvement of the above mentioned transportation improvement, (add either his, her or their) heirs, executors, administrators, successors and/or assigns, hereinafter, whether singular or plural, called the OWNER, and Acquiring Agency Name and Address, hereinafter called the PURCHASER,

W I T N E S S E T H:

WHEREAS the PURCHASER (add either "will file" or "filed") a plan in the Recorder of Deeds Office of the aforesaid County indicating its authorization to condemn real property for the above transportation improvement from the aforesaid property; and

WHEREAS the parties hereto have agreed that, in lieu of condemnation, the OWNER will grant to the PURCHASER a temporary easement for construction purposes from the aforesaid property,

NOW, THEREFORE, in consideration of the sum of add the easement amount in words (\$add the easement amount in numbers) Dollars, the Owner hereby grants to the PURCHASER a temporary easement for the purpose of undertaking the above construction or improvement, said easement to extend to the area shown on the plot plan attached hereto and made a part hereof and to authorize the entry and re-entry of employees, agents and contractors of the PURCHASER upon said area to do any and all work necessary for the completion of the project, including the removal of any buildings and/or other structures located on the area covered by the easement; provided, however, that, upon completion of the project, the PURCHASER shall be obligated to restore the area covered by the easement to a condition commensurate with that of the balance of the property of the OWNER, such restoration to include removal of debris, filling of holes left by the removal of buildings or structures, draining, filling and/or capping of wells, cesspools and septic tanks; grading and sowing of grass. The estimated completion date of the construction or improvement is (add the estimated construction completion date). The temporary easement for construction area is (add description as necessary).

The OWNER does further remise, release, quitclaim and forever discharge the PURCHASER or any agency or political subdivision thereof or its or their employees or representatives of and from all suits, damages, claims and demands which the OWNER might otherwise have been entitled to assert under the provisions of the Eminent Domain Code, September 2007, (26 PA.C.S. 710 et seq.), for or on account of this conveyance and any injury to or destruction of the aforesaid property of the OWNER through or by reason of the aforesaid construction or improvement.

The Parties have executed or caused to be executed these presents, intending to be legally bound thereby.

INDIVIDUALS

ENTITIES*

OWNER:

Property Owner Name
(Name of Entity)

Property Owner Name Typed

Property Owner Name Typed

BY: _____
Person's Name typed for the Entity

Property Owner Name Typed

BY: _____
Person's Name typed for the Entity

Property Owner Name Typed

Property Owner Name Typed

* Use this block for a corporation, partnership, LLC, government entity, school district, church, trust, club, association, POA, attorney-in-fact, executor, administrator or any other entity.

Property Owner Name Typed

PURCHASER: Acquiring Agency Name

BY: _____
Name of person negotiating the easement

(Each property owner listed on the deed must sign and date this form. If deceased, then write that person's name above with "deceased" by it. If a person has a power of attorney, have that person with the power of attorney sign in lieu of the person on the deed and provide a copy of the power of attorney with the right-of-way packet.)

Waiver of Rights

County	
Route-Sec.	
Municipality	
Parcel No.	
Claim No.	
Claimant	

Date _____

Dear _____ :

We are pleased to learn of your willingness to donate your land to the _____ . We commend you for this public-spirited decision, which will greatly enhance our ability to complete this transportation improvement. Thank you for your generous support.

Your donation may entitle you to certain Income Tax benefits. Please consult with the Internal Revenue Service or a qualified tax practitioner for information. Also, be advised that, although the _____ cannot reimburse you for tax preparation, we can reimburse you up to a total of \$500 for Appraisal, Engineering and/or Attorney fees relating to this matter.

At this time, we wish to inform you of your rights in this matter and to document your willingness to waive these rights. Please sign the acknowledgement and waiver statement and the attached documents and return them to your Right- of-Way Representative.

(USE ONLY ONE OF THE FOLLOWING STATEMENTS)

(Either)

I (We) acknowledge that the _____ has informed me (us) of our right to just compensation and that the estimate of just compensation for the property is \$_____ and I (we) waive the right to receive just compensation.

(Or)

I (We) acknowledge that I (we) have been informed of our right to receive just compensation and that I (we) have been not been informed of the _____ estimate of just compensation because an appraisal has not yet been completed and I (we) waive my (our) right to be informed of the amount of just compensation and my (our) right to receive just compensation.

Signature _____ Date _____ Signature _____ Date _____

Signature _____ Date _____ Signature _____ Date _____

Sincerely,

Your Right-of-Way Representative is:
Telephone Number: _____

Waiver of Rights

County	County Name
Route-Sec.	State Route # & Section #, if applicable
Municipality	Municipality Name
Parcel No.	Property Parcel #
Claim No.	Unique Claim #
Claimant	Property Owner Name (s)

Date Add the date when this sent to property owner

Property Owner Name (s)

Property Address

Dear Property Owner Name (s):

We are pleased to learn of your willingness to donate your land to the Acquiring Agency Name. We commend you for this public-spirited decision, which will greatly enhance our ability to complete this transportation improvement. Thank you for your generous support.

Your donation may entitle you to certain Income Tax benefits. Please consult with the Internal Revenue Service or a qualified tax practitioner for information. Also, be advised that, although the Acquiring Agency Name cannot reimburse you for tax preparation, we can reimburse you up to a total of \$500 for Appraisal, Engineering and/or Attorney fees relating to this matter.

At this time, we wish to inform you of your rights in this matter and to document your willingness to waive these rights. Please sign the acknowledgement and waiver statement and the attached documents and return them to your Right-of-Way Representative.

(USE ONLY ONE OF THE FOLLOWING STATEMENTS & DELETE THE OTHER ONE)

(Either)

I (We) acknowledge that the Acquiring Agency Name has informed me (us) of our right to just compensation and that the estimate of just compensation for the property is \$Add the amount of the just compensation and I (we) waive the right to receive just compensation.

(Or)

I (We) acknowledge that I (we) have been informed of our right to receive just compensation and that I (we) have been not been informed of the estimate of just compensation because an appraisal has not yet been completed and I (we) waive my (our) right to be informed of the amount of just compensation and my (our) right to receive just compensation.

Property Owner Signature	Property Owner Signature
Signature	Date
Property Owner Name Typed	Property Owner Name Typed
Signature	Date

(Each property owner listed on the deed must sign and date this form. If deceased, then write that person's name above with "deceased" by it. If a person has a power of attorney, have that person with the power of attorney sign in lieu of the person on the deed and provide a copy of the power of attorney with the right-of-way packet.)

Sincerely,

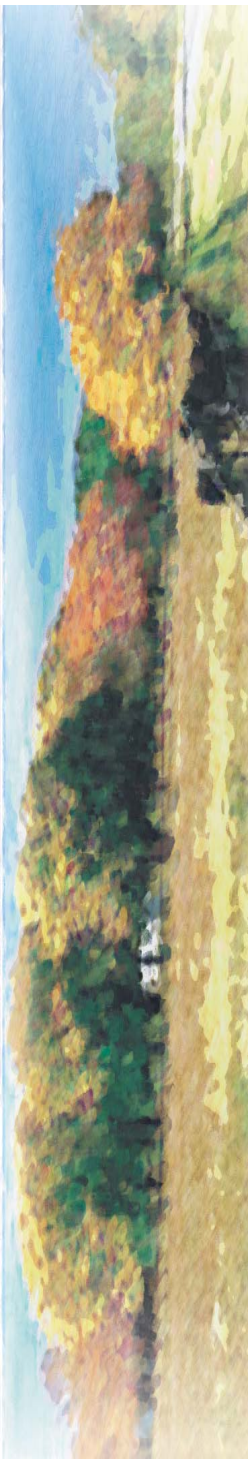
Acquiring Agency Name
Name of person negotiating the easement

Your Right-of-Way Representative is: Name of person negotiating the easement
Telephone Number: Telephone Number of person negotiating the easement

Appendix D

***Pennsylvania's Recreational Use
of Land and Water Act***

Pennsylvania's Recreational Use of Land and Water Act



INTRODUCTION

Pennsylvania has a law that limits the legal liability of landowners who make their land available to the public for free recreation. The purpose of the law is to supplement the availability of publicly owned parks and forests by encouraging landowners to allow hikers, fishermen and other recreational users onto their properties. The Recreational Use of Land and Water Act (“RULWA”), found in Purdon’s Pennsylvania Statutes, title 68, sections 477-1 et seq., creates that incentive by limiting the traditional duty of care that landowners owe to entrants upon their land. **So long as no entrance or use fee is charged, the Act provides that landowners owe no duty of care to keep their land safe for recreational users and have no duty to warn of dangerous conditions.** Excepted out of this liability limitation are instances where landowners willfully or maliciously fail to guard or warn of dangerous conditions. That is, the law immunizes landowners only from claims of negligence. Every other state in the nation has similar legislation.

PEOPLE COVERED BY THE ACT

The “owners” of land protected by the Act include public and private fee title holders as well as lessees (hunt clubs, e.g.) and other persons or organizations “in control of the premises.” Holders of conservation easements and trail easements are protected under RULWA if they exercise sufficient control over the land to be subject to liability as a “possessor.” (See *Stanton v. Lackawanna Energy Ltd.* (Pa. Supreme Ct. 2005)(RULWA immunizes power company from negligence claim where bike rider collided with gate that company had erected within the 70-foot wide easement over mostly undeveloped land it held for power transmission)).

LAND COVERED BY THE ACT

Although on its face RULWA applies to all recreational “land”—improved and unimproved, large and small, rural and urban—in the last 15 years or so, Pennsylvania courts have tended to read the Act narrowly, claiming that the legislature intended it to apply only to large land holdings for outdoor recreational use.

Courts weigh several factors to decide whether the land where the injury occurred has been so altered from its natural state that it is no longer “land” within the meaning of the Act. In order of importance:

(1) Extent of Improvements – The more developed the property the less likely it is to receive protection under RULWA, because

recreational users may more reasonably expect it to be adequately monitored and maintained;

- (2) Size of the Land – Larger properties are harder to maintain and so are more likely to receive recreational immunity;
- (3) Location of the Land – The more rural the property the more likely it will receive protection under the Act, because it is more difficult and expensive for the owner to monitor and maintain;
- (4) Openness – Open property is more likely to receive protection than enclosed property; and
- (5) Use of the Land – Property is more likely to receive protection if the owner uses it exclusively for recreational, rather than business, purposes.

SITE IMPROVEMENTS

The following cases focus on the nature and extent of site improvements that might negate RULWA immunity:

- The state Supreme Court ruled that the Act was not intended to apply to swimming pools, whether indoor (*Rivera v. Philadelphia Theological Seminary* (Pa. Supreme Ct. 1986)) or outdoor (*City of Philadelphia v. Duda* (Pa. Supreme Ct. 1991)).
- RULWA immunity does not cover injuries sustained on basketball courts, which are “completely improved” recreational facilities (*Walsh v. City of Philadelphia* (Pa. Supreme Ct. 1991)).
- Playgrounds are too “developed” to qualify for immunity (*DiMino v. Borough of Pottstown* (Pa. Commonwealth Ct. 1991)).
- Playing fields generally are held not to be “land” within the protection of the Act (*Brown v. Tunkhannock Twp.* (Pa. Commonwealth Ct. 1995) (baseball field); *Seifert v. Downingtown Area School District* (Pa. Commonwealth Ct. 1992)(lacrosse field); *Lewis v. Drexel University* (Pa. Superior Ct. 2001, unreported)(football field); but see *Wilkinson v. Conoy Twp.* (Pa. Commonwealth Ct. 1996)(softball field is “land” under RULWA)).

- An unimproved grassy area at Penns Landing in Philadelphia was deemed outside the Act's scope, given that the site as a whole was highly developed (*Mills v. Commonwealth* (Pa. Supreme Ct. 1993); compare *Lory v. City of Philadelphia* (Pa. Supreme Ct. 1996) (swimming hole in "remote" wooded area of Philadelphia is covered by RULWA)).

RULWA immunity has been found in several cases where people were injured at outdoor sites containing limited improvements:

- An earthen hiking trail in a state park is not an improvement violating the Act's immunity (*Pomeren v. Commonwealth* (Pa. Commonwealth Ct. 1988)).
- The owner of property containing a footpath created by continuous usage, which led down to the Swatara Creek, has no duty to erect a warning sign or fence between his property and the adjacent municipal park (*Rightnow v. Borough of Middletown* (Lancaster Cty. Ct. of Common Pleas 2001)).
- A landscaped park containing a picnic shelter is still "unimproved" land for RULWA purposes (*Brezinski v. County of Allegheny* (Pa. Commonwealth Ct. 1996)).
- An artificial lake is just as subject to RULWA protection as a natural lake, although the dam structure itself is not covered (*Stone v. York Haven Power Co.* (Pa. Supreme Ct. 2000)).
- An abandoned rail line in a wooded area is covered by RULWA, even where the plaintiff fell from a braced railroad trestle (*Yanno v. Consolidated Rail Corp.* (Pa. Superior Ct. 1999)(but may no longer be good law after *Stone*)).

Uncertainty about what constitutes an improvement under the Act reportedly has had a dampening effect on efforts to improve public access to outdoor recreation sites. Public and private landowners are concerned that installation of fishing piers, boat docks, parking facilities, or paths and ramps for wheelchair use will strip much-needed RULWA immunity from otherwise protected land. A bill introduced in the state Senate in the late 1990s attempted to clarify that public access improvements would not affect immunity under the Act, but the legislation was not successful.

FAILURE TO WARN

As noted above, although negligence liability is negated by the Act, a landowner remains liable to recreational users for "willful or malicious failure to guard or warn" against a dangerous condition. To determine whether an owner's behavior was willful, courts will look at two things: whether the owner had actual knowledge of the threat (e.g., was there a prior accident in that same spot); and whether the danger would be obvious to an entrant upon the land. If the threat is obvious, recreational users are considered to be put on notice, which precludes liability on the part of the landowner. In a recent drowning case, for example, landowner Pennsylvania Power & Light Company

claimed immunity under RULWA. The judge, however, sent to the jury the question of whether PP&L was willful in not posting warning signs. A previous tubing accident had occurred in the same location, and there was testimony that the dangerous rapid where the drowning occurred was not visible to people tubing upstream (*Rivera v. Pennsylvania Power & Light Co.* (Pa. Superior Ct. 2003)).

GOVERNMENTAL IMMUNITY

Interestingly, Pennsylvania's governmental immunity statutes, the Tort Claims and Sovereign Immunity Acts, shield municipalities and Commonwealth agencies from claims of willful misconduct. Liability only may be imposed upon these entities for their negligent acts. But, as noted above, where an injury occurs on "land" within the meaning of RULWA, the law shields landowners from negligence suits. In essence, public agencies are granted complete immunity for many recreational injuries. (See *Lory v. City of Philadelphia* (Pa. Supreme Ct. 1996)(city immune for both its negligent maintenance of recreational lands and its willful failure to guard or warn of hazards on that property)).

RECREATIONAL PURPOSE; PUBLIC ACCESS

Though not all recreational land is covered by the Act, the law's definition of "recreational purpose" is broad enough to include almost any reason for entering onto undeveloped land, from hiking to water sports to motorbiking. (See *Commonwealth of Pa. v. Auresto* (Pa. Supreme Ct. 1986)(RULWA covers snowmobile injury)). This is true even if the landowner has not expressly invited or permitted the public to enter the property. However, where the land is open only to selected people rather than to the public in general, this will weigh against RULWA immunity. (See *Burke v. Brace* (Monroe Cty. Ct. of Common Pleas 2000)(lake located in a subdivision and open only to homeowner association members and guests is not covered by RULWA)).

NO USER FEE

Finally, charging recreational users a fee (which is different than accepting payment for an easement) takes the property out from under the Act's protection.

Copies of this fact sheet may be obtained from:

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