



Implementation Recommendations



Above: A trail in Ponca State Park.

Previous page: Nebraska's unique Sandhills.

Implementation Recommendations

In previous chapters, this plan has presented the concept and details of a Nebraska-wide *Network of Discovery* -- a trails system that serves the people and places of our state. The plan, together with its maps and suggested routes, is a starting point that catalogues possibilities and does not, by itself, produce a single mile of trail. This chapter, then, makes recommendations that provide the tools to propel trails efforts in the state. These recommendations help identify the financial and organizational capacity to realize the exciting potential of the state trails system.

The policy recommendations are divided into the following categories:

■ **Delivery System**, addressing the organizational structure that will encourage trails development.

■ **Funding Mechanisms**, considering sources of financing.

■ **Priorities and Application Processes**, helping to define methods by which applications for state financing are evaluated and approved.

■ **Securing Trail Corridors**, establishing policies to purchase land and maintain the integrity of potential trail corridors.

■ **State Departmental Policies**, considering policies recommended for state and local agencies to encourage decisions that promote the implementation of this plan.

Delivery System

Implementation of this statewide trails plan requires accountable staff and groups organized to help build trails. This delivery system must be created on the state, regional, and local levels.

Many trails development efforts are taking place in Nebraska, encouraged by growing public interest in trails and trail-related recreation, and the availability of funds through the Federal Intermodal Surface Transportation Efficiency Act (ISTEA). Yet, these committed efforts are dispersed among four agencies in state government -- the Department of Roads, the Game and Parks Commission, the Department of Economic Development, and the Nebraska Energy Office. In addition, federal agencies such as the National Park Service and the US Forest Service also promote and build trails. Yet, staff members who have trail responsibilities also have other jobs and focuses. The various state and federal efforts have few unifying mechanisms to assure cooperative action.

Trails efforts on a local or regional basis also tend to be scattered. Some areas have created alliances between regional agencies, such as Natural Resources Districts, and local promotional organizations. A trails system that is regional in character must encourage these regional alliances that cross city, county, and organizational lines. The following recommendations address the need for a unified, cooperative government structure to develop trails, including:

- Coordination of state trails policies and encouragement of local and regional development efforts.

- Creation of a cooperative relationship among state agencies with interests in trails development.
- Representation of the interests of constituencies affected by trails development.
- Encouragement of a regional approach to trails networks.

The recommendations are to establish:

- A State Trails Coordinator.
- A State Trails Working Group.
- A Nebraska Trails Commission.
- Resource Corridor Development Alliances.

■ State Trails Coordinator

RECOMMENDATION:

The State should establish the position of State Trails Coordinator. Initially, this position should be located in the Department of Economic Development.

The creation of a position of State Trails Coordinator is essential to the implementation of this Statewide Trails Plan. The Coordinator should be the "impresario" of trails development in Nebraska, organizing and guiding trails development policy within state government. In addition, the Coordinator should be comfortable with and available to advise communities and regional groups on their own trails development efforts. This key position's responsibilities should include:

- Maintaining and updating the statewide trails plan.
- Marketing and promoting trails across the state.
- Maintaining and updating an inventory of trails programs in Nebraska.
- Providing a central point for exchanging information among communities with trails programs.
- Providing organizational and technical assistance to communities and regional groups.
- Managing the trails application and evaluation process.
- Coordinating state government's trails development efforts and administering the state trails program.
- Providing staff assistance to the State Trails Working Group and the Nebraska Trails Commission.
- Preparing and publishing an annual report on trails development in the state.
- Monitoring and filing paperwork on rail abandonments when necessary, consistent with rail-watch corridors established by this plan or its updates.
- Managing other right-of-way acquisition efforts when State involvement becomes necessary.

The State Trails Coordinator should be an entrepreneur, knowledgeable and articulate on trails activities and able to understand the various dimensions of a successful and unique system. The person should match technical expertise in the details of trails with the ability to organize and inspire local efforts. Finally,

the Coordinator should have administrative ability and a capacity to negotiate and work with other agencies.

- *Administrative Home of the Coordinator*

The State Trails Coordinator would, by nature, be an inter-agency position, coordinating the work of many people at different levels of government. Therefore, the position could be placed in one of several offices:

Governor's Office. Establishing the Coordinator as a special office that reports to the Governor would provide a high level of visibility and commitment to the trails vision. However, placing the Coordinator in the Governor's Office may make the position vulnerable to political change, may increase start-up and staffing costs, and may isolate the Coordinator from line departments that produce capital projects.

Nebraska Department of Roads. Placing the Coordinator's position within NDOR would emphasize the transportation features of trails development and help to assure that trails will be integrated into major road projects, including the Recreation Access Roads Program, administered by NDOR in cooperation with the Game and Parks Commission. In addition, NDOR administers the ISTEPA Enhancements program, currently Nebraska's primary financing source for trails. However, while the department is expanding its role and vision, trails development is not its

primary mission. In addition, NDOR's strongest relationships to communities are transportation-related; economic development, recreation, and tourism interests, while present, are more peripheral to its goals.

Nebraska Game and Parks Commission.

NGPC is the state's major recreation agency and maintains trails within all state parks and many state recreation areas. It is in contact with recreational constituencies in the state through its administration of recreational facilities and its maintenance of the State Comprehensive Outdoor Recreation Plan (SCORP). In addition, the Symms National Recreation Trails Act, a potentially valuable but unfunded federal trails financing program, requires coordination within NGPC. NGPC is identified with delivery of recreational services. However, trails development is not yet a clear priority for the Game and Parks Commission.

Department of Economic Development. DED is the coordinator of this Statewide Trails Plan development process. The agency has close working ties to Nebraska's communities through its outreach and economic development programs and its administration of Nebraska's Community Development Block Grant program. The Department's Travel and Tourism Division is highly regarded across the state. Trails planning also supports DED's Rural Development Program.

On the other hand, DED does not provide the

basic delivery services that are also associated with trails development. It neither builds transportation facilities nor administers recreational properties.

Recommendations. Each location suggested for the State Trails Coordinator's office has advantages and disadvantages. However, in the formative stages of this program, the Department of Economic Development, with its breadth of mission and varied economic and community development strategies appears to be the best agency to incorporate the office at this time. Likewise, since trail users are Nebraska's largest recreational constituencies, NGPC should elevate the priority given to trails development. Finally, NDOR should expand transportation planning and road development to include trails development.

Because the roles of these agencies in trails development may change, the administrative home of the Coordinator's office should be reviewed within three to five years, to determine if another agency is better suited to lead trails administration.

• *Funding*

The State Trails Coordinator should be a new position, rather than an assignment of staff from other areas. Funding alternatives for the position include:

Legislative Appropriation. This option gives high visibility and an independent source of

funding to the office and the department that houses it. On the other hand, it may make the position more vulnerable to cuts during periods of austerity, and could introduce a political element into its operations.

Interagency Funding. The Trails Coordinator position may receive joint funding from NDOR, NGPC, and DED. This reduces the impact on any one department, allowing the position to be funded more easily. In addition, it recognizes the multi-disciplinary nature of the program. However, organizational issues of control and policy independence may arise because of joint funding.

ISTEA Enhancement Funding. The Trails Coordinator position would be an eligible use of ISTEA Enhancement Funds. ISTEA uses funds that are separate from Nebraska's general tax base and could support the position with proper legislative budget authority. However, the Enhancement Program may not be permanent, and use of ISTEA for administrative costs channels funds away from capital projects.

Recommendation. Based on this information, a direct legislative appropriation or joint funding by the three involved departments is the recommended method of funding the Trail Coordinator's position and administrative budget.

■ State Trails Working Group

RECOMMENDATION:

The State should create an internal inter-agency working group, chaired by the Trails Coordinator, to coordinate trails efforts and assure a unified trails development program.

The interagency character of trails development requires continuous coordination among state government agencies. Thus, the Coordinator should receive guidance from an interagency working group. The group's membership should include representatives of the Department of Roads, including the ISTEA Enhancements Coordinator and the Bicycle and Pedestrian Coordinator, the Game and Parks Commission, the Department of Economic Development, the Nebraska State Historical Society, and the Nebraska Energy Office.

This working group should meet frequently, perhaps on a monthly basis. The Trails Coordinator should preside over meetings. The working group's purpose would be to unify and coordinate overall state trail development efforts and resources.

■ Nebraska Trails Commission

RECOMMENDATION:

The State should establish a Nebraska Trails Commission to represent various trails constituencies, and to develop overall policies and priorities for the trails system.

This Statewide Trails Plan was developed through a highly participatory process. Substantial expertise was provided by a committee representing a variety of constituencies. This variety of perspectives has produced a more inclusive and comprehensive plan. A participatory philosophy should continue throughout plan implementation. In order to accomplish this, a Nebraska Trails Commission should be appointed. This group should include representation from:

- Recreational constituencies,
- Federal agencies,
- Business, tourism, and economic development interests,
- State, county, and local governments and agencies,
- Natural Resources Districts and the Natural Resources Commission,
- Landowners and agricultural interests, and
- Conservation interests.

The Commission should be appointed by the Governor and meet at least twice a year. It will serve as the central policy and planning organization for state trails. Among other responsibilities, the Commission should receive and review the annual trails report prepared by the Trails Coordinator, review and update the trails plan every two years, and establish trails funding priorities and criteria. Members of the Commission should serve on the ISTEА project evaluation committee.

■ Resource Corridor Development Alliances

RECOMMENDATION:

The State should encourage the development of trails development alliances within the resource corridors to develop trails on a regional basis.

The potential of the Resource Corridor concept will be satisfied only by cooperative regional action, which addresses marketing and promotion as well as physical trails development. The creation of coalitions of agencies and trail constituencies should be encouraged within the corridors to develop and promote trails, communities, and attractions. The coalitions should include city and county governments, Natural Resources Districts, landowners, economic development corporations or agencies (including tourism agencies and chambers of commerce), businesses, recreational constituencies, and citizens. These coalitions may use existing cooperative structures, such as Nebraska's Resource Conservation and Development Associations. Alternatively, associations of NRDs may form the foundation of the coalitions. Special consideration should be given to applications received from Resource Corridor Alliances.

Funding

While local funding has been used to develop some trails, the resources provided by the ISTEA program have accelerated major trails development in Nebraska. Full implementation of the Statewide Trails Plan will depend upon a reliable source of significant public trail funding.

Funding is critical to trails development. In Nebraska, Lincoln in the 1970s and Omaha in the 1980s identified trails development as an important recreational priority, to be financed by local bonds and other capital sources. In both cities, natural resources districts have been heavily involved in the trails effort. In some other cases, local funding and volunteer efforts developed trails. Trails development within state and national parks also occurred, financed through managing agencies. However, only with the substantial resources provided by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 did trails development in Nebraska accelerate. ISTEA will provide Nebraska with about \$26.2 million for transportation enhancements such as trails, historic preservation, and other improvements between 1992 and 1997.

While local funding and volunteer efforts are indispensable to a trails program, a key to implementing this plan is a continued and reliable source of significant public funding established solely for trails development. The recommendations of this section address this central issue of capital financing.

■ An Array Of Funding Sources

RECOMMENDATION:

Nebraska and its communities and regions should identify and use a variety of state, federal, and private financing mechanisms for trail development and maintenance.

Trails financing, like that of other public improvements, requires increasing creativity and use of a variety of existing financing mechanisms. Some of these techniques are considered here.

• *Federal Financing Tools*

ISTEA Enhancements. The ISTEA Transportation Enhancement Program has become the staple of trail financing efforts. The act, approved in 1991, reauthorized the Highway Trust Fund through 1997, and required continued administration by state departments of transportation. Uniquely, ISTEA required that 10% of all Surface Transportation Program funds be used for transportation enhancement activities. These activities include development of trails and other supportive activities, such as preservation of railroad depots and other historic transportation structures. The Enhancements Program requires a 20% local match.

Other ISTEA programs. ISTEA also included other programs that can help implement this trails plan. These programs include:

- The Surface Transportation Program (STP). This is one of ISTEA's largest single programs, providing approximately \$30 billion nationally over the six-year authorization period. STP funds can be used to fund trails projects that offer major transportation (rather than recreational) benefits. An example of an

OMAHA'S 144TH STREET TRAIL

As west Omaha grew, the City of Omaha planned for development of a special kind of street as a north-south suburban arterial. This street -- 144th Street -- was conceived as a parkway, combining a divided roadway with linear park and trail development. As adjacent land was subdivided, the city received wider than usual street dedications for this multi-use corridor. The trails concept is now being implemented as the road is widened. In 1991, a master plan for the trail was completed. The first major segment of the trail, between Dodge and Center Streets will open in 1994. Ultimately, the trail will connect Omaha to Platte River State Park, the Mo Pac East Trail, and Lincoln.

STP project is an intermodal transportation corridor that integrates road with bicycle and pedestrian facilities. In Nebraska, the 144th Street Trail in Omaha is being developed through this financing mechanism.

- National Recreation Trails Act (Symms Act). The Symms Act authorized \$30 million annually from refunds of fuel taxes paid by off-road recreational vehicles for trails development across the nation. Thirty percent of program funds are allocated to trails for motorized vehicles such as OHV's, 30% for non-motorized recreational trails, and 40% for multiple use trails combining both motorized and non-motorized uses. At full funding, this program would provide about \$350,000 annually for Nebraska. Although authorized, the program received no federal appropriations in FY 1992. A 25% FY 1993 appropriation was rescinded and no additional funds were allocated for FY 1994.

- Land and Water Conservation Funds. This program is administered by the Nebraska Game and Parks Commission; applications are reviewed by the National Park Service. This source of funding, which can be used for acquisition of outdoor park and recreation facilities, has been declining for several years. Generally, grant funds are reimbursed to project sponsors up to 50% of the project's total cost.

- Community Development Block Grants. CDBG funds are allocated by the US

Department of Housing and Urban Development and administered by the City of Omaha, the City of Lincoln, and, for non-metropolitan communities, the Nebraska Department of Economic Development. The DED-administered CDBG funds are awarded on a competitive basis to local governments and must meet one of three statutory objectives: benefit to low and moderate income people, prevention or elimination of slums and blight, and satisfaction of other urgent community development needs such as storm or flood relief. Recreation trails may qualify for CDBG assistance under DED guidelines if 1) they can be demonstrated as tourist attractions that are expected to draw at least 1,500 annual visitors from points at least 100 miles away, and 2) they can directly create quality, permanent jobs for low- and moderate-income people at a ratio of \$20,000 or less in CDBG funds per job.

• State Financing Sources

Nebraska Game and Parks Commission. The NGPC finances and manages state park, recreation, and wildlife management areas. Funding is received through legislative appropriations, user fees, and income tax refund check-offs. In some cases, this development includes canoe lease sites, trails within state park facilities, and recreation access roads to and within NGPC facilities.

The NGPC also administers the Trail Development Assistance Fund, created by the

State Legislature in 1991. Any Natural Resources District, political subdivision, other public agency, or private nonprofit organization may apply for these funds. The funds may be used to assist in the purchase, development, and maintenance of recreation trails. They are disbursed as lump-sum grants, but require qualified applicants to provide a match of at least 50% of total project costs.

• *Local and Other Public Financing Sources*

City and County Governments. Cities and counties can finance trail development through their normal capital improvement processes. Methods of financing include budgeting general revenues and issuing general obligation bonds.

Natural Resources Districts. NRDs have become identified as major participants in the trails development process because of their interest in resource conservation and drainageway maintenance, and their ability to work across city and county boundaries. NRDs levy property taxes and use these proceeds for capital development projects. Frequently, flood control or stream maintenance projects include recreational trails components.

Sanitary and Improvement Districts. SIDs are a financing tool for subdivisions, allowing developers to issue general obligation bonds to finance public improvements (including parks and trails) serving their developments. These

districts are used in some developing areas (such as west Omaha) to finance trails construction.

Tax Increment Financing (TIF). TIF uses added tax revenues created by a redevelopment project to finance project-related improvements, including public open spaces and trails. Through TIF, major private development initiatives can help to finance related trails projects.

• *Private Financing Sources*

Sale of Easements. In some cases, trail corridors can also accommodate such utilities as fiber-optics, electric utilities, and cables. The sale of these easements can help raise funds for trails development.

Corporate Support. Civic-minded corporations often support parks and trails as ways of improving the quality of life in their home communities. Trail sponsorship programs are often popular, since sponsoring organizations receive credit on signs placed along the trail.

Foundations. Charitable foundations may provide opportunities for private financing. Generally, foundations are most interested in projects that open unusual areas to exploration, reinforce existing recreational or environmental resources, or help communities and regions achieve economic growth.

SAFETY CONCERNS AND BICYCLE COMMUTING

Americans should double the trips they take by bike or foot, which would have people leave their cars at home about 16 percent of the time, the National Bicycling and Walking Study said.

So why didn't more people bike or walk to work? According to the study, the primary reason is concern for safety.

A recent Harris poll showed that nearly half of adult bicyclists said they would pedal to work at least occasionally if they were provided with safe places to ride.

Transportation Department officials recommended bike lanes alongside new roads and adding them to existing routes.

- Los Angeles Times news item on April 1994 release of National Bicycling and Walking Study.

GASOLINE USE IN NEBRASKA

Nebraska drivers used nearly 763 million gallons of gasoline (including blended fuels) in 1991.

- Nebraska Energy Statistics 1960-1991

Private Donations. Creative programs developed by trail supporters can be an effective financing tool. For example, the Lincoln area's Great Plains Trails Network was successful in raising \$300,000 to acquire title to the Lincoln to Wabash Mo Pac East Trail. The group recently acquired the Valparaiso to Brainard segment of the Stromsburg Branch and will mount a fund-raising campaign during 1994 to increase its capital fund.

■ Potential New State Funding Mechanisms

RECOMMENDATION:

The state should develop new financing sources for the development and maintenance of trails.

While existing techniques provide a varied array of funding options, new funding sources should be established. Many observers believe that transportation enhancements will continue to be funded in some manner after 1997. However, uncertainties over the federal budget situation suggest that independent funding sources should be established. In addition, continued funding for trails maintenance is a critical part of trails programs. ISTEAs and other development funding sources are only available for capital expenses.

Options for additional trail network financing include:

Income Tax Check-Offs. Currently, Nebraska gives taxpayers the option of directing a

proportion of their income tax refunds to wildlife habitat conservation. This device could be expanded to include trails development. Alternatively, taxpayers could be given the option of adding to their tax payment, with proceeds directed to a special trails development fund. The probability of success for this type of voluntary funding program can be measured by the popularity of trails in the state.

Sales tax surcharges on recreational equipment related to trail uses. A special sales tax surcharge on sales of bicycles, cross-country skis, OHVs, snowmobiles, and other major equipment expenditures could be directed to a special trails development and maintenance fund.

Registration fees for OHVs and snowmobiles. Trails for these vehicles have especially high maintenance costs because of their exclusivity and upkeep requirements. A registration fee program could raise funds from users that would be used specifically for the maintenance of special trail facilities for these motorized recreational vehicles.

Trail User Fees. Voluntary contributions by trail users can include season passes or single-use tickets. Collection boxes may be placed at trailheads and major access points. Fees collected through this technique would be used by the trail sponsor specifically for maintenance of that trail.

Lottery Proceeds. State statute provides that one-third of all profits from the Nebraska State Lottery be devoted to environmental conservation programs through the Nebraska Environmental Trust Fund. The conservation of linear open space corridors can be critical to wildlife habitat and the protection of sensitive environments. In addition, environmental education and interpretation of specific trail segments enhance the mission defined by the statute.

■ Balance Of Funding Among Trail Categories

RECOMMENDATION:

In allocating trails development funds from the ISTE A Transportation Enhancements Program or other sources of capital funds, the state should consider three categories: trails of statewide significance, regional trails, and community trails. Special facilities for high-impact users make up another project funding need.

- *Trails of statewide significance.* These are segments of major statewide or nationwide significance, potentially worthy of inclusion within a state or national parks system. Examples of such trails include the White River Trail, serving Fort Robinson State Park and extending through the scenic landscape of the White River between Crawford and Harrison, or the proposed Willa Cather Trail between Red Cloud and Franklin in south central Nebraska.



Left: Trails development in the village of Dannebrog. In addition to its two mile trail, the town's active trails community is examining such options as trails extensions to St. Paul and Ord.

- *Regional Trails.* These are key trails within resource corridors which have major regional significance. Applicants for this type of trail may include NRDs, resource corridor coalitions, or other organizations. Examples of regional trails include the North Loup Trail between Ord and Burwell and the Mo Pac East Trail between Lincoln and Wabash.
- *Community Trails.* These are trails that generally run within cities and towns. Examples include most parts of the Lincoln and Omaha trail systems, and trails in communities such as Alliance and Beatrice.
- *Special Facilities.* These include facilities for OHV and snowmobile uses which can conflict with other user groups or with environmental features. Trails for OHV uses should be developed in specific riding areas, with one each in central and eastern Nebraska.

Priorities and Application Processes

The application and review process should evaluate trail proposals on the basis of established priorities.

As trails development efforts accelerate, applications for assistance will become more competitive. Even with enhanced funding, choices will need to be made and priorities set. In addition, proposals should be evaluated to assure that funds will be spent in the most effective way. An effective application review process will help to assure that public dollars will be used in ways that further the objectives and concepts of the trails plan.

■ Review Committee

RECOMMENDATION:

State funds or State-administered federal funds for trails development should be allocated by a Review Committee that represents various trail constituencies.

Currently, ISTEA Enhancement trail applications are reviewed by an advisory committee with members representing different agencies, trail interests, and regions of the state. This is an excellent process which should be continued.

The proposed Nebraska Trails Commission (page 228) could be used to make this review process permanent. A subcommittee of the Commission should participate in the project review and selection process. This committee should also include members of the Trails Working Group.

■ Application Requirements

RECOMMENDATION:

The application process should require applicants to address difficult issues that could eventually create major problems.

Most applicants address such issues as proposed trail routes, design features, and profiles of potential users. However, the application process should require applicants to consider difficult issues at the beginning of the process. If not considered, these issues can delay or even threaten implementation of a trail project. Some of these issues include:

- *Comprehensive trails plans.* While some trail applications are single routes, other communities should integrate a trail proposal into an overall, multi-year development program. In addition, trails should be viewed as an element of a town's overall transportation program. Applications should ask communities to define how the trail proposal fits into their comprehensive development plans.
- *Plan for raising matching funds.* Both ISTEA Enhancements and State Trail Assistance Funds require local matching funds. As other State-funded programs emerge, they should also require local matches. Applicants should present their strategies for raising matching funds.

- *Land owner and community participation plan.* Sometimes, trail proponents and neighboring landowners see each other as adversaries. This need not be the case. Participatory planning can assure that all parties are winners as trails are built. Applicants should present their plans for community participation, including involvement of landowners in the planning and development process.

- *Maintenance and management plan.* Good maintenance is as important to a trail's success as is good initial construction practice. In addition, a strong management program can allay neighbor's fears and reduce potential opposition.

- *Environmental protection.* An evaluation of sensitive environments and a description of the methods used to conserve these settings should be included in the application.

- *Conceptual design and budget.* This enables the committee to evaluate the quality of the trail design and to work with the applicant toward improving the quality of the proposal.

■ Priorities

RECOMMENDATION:

When evaluating competitive applications, the Selection Committee should establish specific priorities and consider projects in reference to those priorities.

Potential evaluation priorities include:

- *Loss of corridor integrity.* Will the trail corridor be lost or its integrity be compromised without concerted, short-term action?

- *Tourism.* Does the trail reinforce visitor attractions or destinations, including historic features?

- *Community impact.* Does the trail have a critical positive impact on the community? How large is this impact as a proportion of the community's economy?

- *Local population density.* How many people in the immediate area will be served by the trail?

- *Scenery.* What is the scenic, historical, and cultural importance of the trail? To what degree will its visual quality attract user visits?

- *Access to remote areas.* Does the trail provide access to areas that are inaccessible by automobile?

- *Local support.* Have local efforts been mobilized to support and maintain the trail? If not, is there a reasonable expectation that organizational efforts can succeed?

- *Safety.* Does the trail significantly contribute to safety in a corridor with substantial existing or future recreational use?

- *Resource integration.* Is the trail integrated with other resources and points of interest?

Securing Trail Corridors

The ability to secure use of trail corridors is vital to the implementation of this plan. Once a corridor is compromised, an important opportunity is lost.

In addition, liability laws should be clarified to encourage use of important corridors.

Trail corridors are clearly the building blocks of the program. As a result, policies which help the State, regional agencies, local communities, or private sponsors in their efforts to secure trail corridors are critical to plan implementation. In some ways, securing the corridor is an even higher priority than development itself, for without the corridor, there can be no trail.

These policies address important issues that relate to opening corridors to trail use. They include assuring quick action to protect the most fleeting and important of trail opportunities, abandoned railroad corridors. They also address incentives for joint trail-with-rail development and removing liability concerns that can discourage owners from making corridors available for trail development.

■ Public Use Filings

RECOMMENDATION:

The State should act as the public agency of last resort in filing for Railbanking or Public Use Condition status on rail-watch corridors contained in this plan.

Railroad abandonments are among the most important, but also the most transitory, of trail development opportunities. While intact, they provide some of the state's best potential trails. However, once their integrity is lost through sale or reversion, the trail opportunity is usually lost forever.

Federal law gives public agencies an effective "right of first refusal" for continued public use of rail corridors if proper procedures are followed. These statutes include:

- *Section 8(d) of the National Trails System Act: The Railbanking Program.* Under railbanking, corridors under abandonment may be preserved intact for future transportation use. In the meantime, these corridors allow interim trail use. In fact, railbanked corridors are not abandonments, as trail use is subject to future railroad reuse.

Any private or public agency can file for railbanking by filing a copy of a "Statement of Willingness to Assume Financial Responsibility" with the ICC and the railroad. Under Section 8(d), the railroad must approve the railbanking. If there is agreement, the parties have up to 180 days to agree to terms of sale or transfer. The ICC has discretion to grant extensions if negotiations are continuing in good faith. The Chicago and North Western "Cowboy Line" was acquired by the State of Nebraska in 1994 following the Section 8(d) procedure.

- *Section 809(c) of the 4-R Act: Public Use Conditions.* Under this provision, an agency can file a Public Use Condition (PUC) with the ICC. A PUC prevents a railroad from disposing of property or trail-related structures for 180 days without first offering the property for public use at a "reasonable price." Tracks and ties may be salvaged during this period.

Both the Section 8(d) and 809(c) procedures require prompt actions, within 30 to 50 days of filing notice of an intent to abandon, depending on the type of abandonment proceeding. The State Trails Coordinator should monitor the status of all abandonment proceedings. If no other agency is in a position to act, the Coordinator, on behalf of the State, should be authorized to file for either railbanking or PUC on any rail-watch corridor defined by this plan. The Rail-Watch map in this chapter illustrates these key lines.

■ Legal Authorization for State Title Acquisition

RECOMMENDATION:

The State should have the ability to acquire title to any segment indicated on the Rail-Watch Corridor Map included in this plan without further specific authorization by the Nebraska Unicameral.

Current statutes prevent the State from acquiring title to an abandoned railroad corridor without an explicit enabling act by the Nebraska Unicameral. LB 739, approved by the Unicameral in 1993, was such an act, permitting the Game and Parks Commission to acquire title to the C&NW "Cowboy Line" from Norfolk to Chadron. However, the prohibitory statute can cause the state to lose important trail corridors if the Unicameral is not in session.

New legislation should be approved to authorize State acquisition of Rail-Watch

corridors included in this plan and any future amendments to it. The State should be authorized only as an agent of last resort in these acquisitions.

■ Clarification of the Recreational Liability Act

RECOMMENDATION:

The Nebraska Recreational Liability Act should be clarified to provide additional liability protection to landowners with properties adjacent to trails, railroads permitting joint trail-with-rail use, canal managers and operating authorities, and trail sponsors who ask for voluntary user contributions for trail maintenance.

The Recreational Liabilities Act shields public agencies and property owners from liability for recreational injuries unless the injured party can prove willful or wanton misconduct. Liability is a concern for many agencies and landowners. In general, current legislation offers significant protection.

Nevertheless, a detailed review of the Recreational Liability Act should be conducted by the Attorney General's Office and new legislation introduced, if necessary, to extend protection to:

- Landowners with property adjacent to a trail.
- Railroads that permit use of a portion of their corridors for trails-with-rails development.

Right: The Stromsburg Branch approaching Osceola. Trail-with-rail development along this agricultural branch line from Brainard to Central City would accommodate a portion of Nebraska's American Discovery Trail route.

- Canal operators and owners who permit joint trail use of canal corridors.
- Trails management or operating agencies who request a voluntary user fee to defray the cost of trails maintenance.

These legal changes may remove important uncertainties that plague some property owners and create opposition to trail development.

Proper signage should also be required along trails advising users on proper recreational uses and reminding them of their responsibilities as trail users.

■ Incentives For Trails

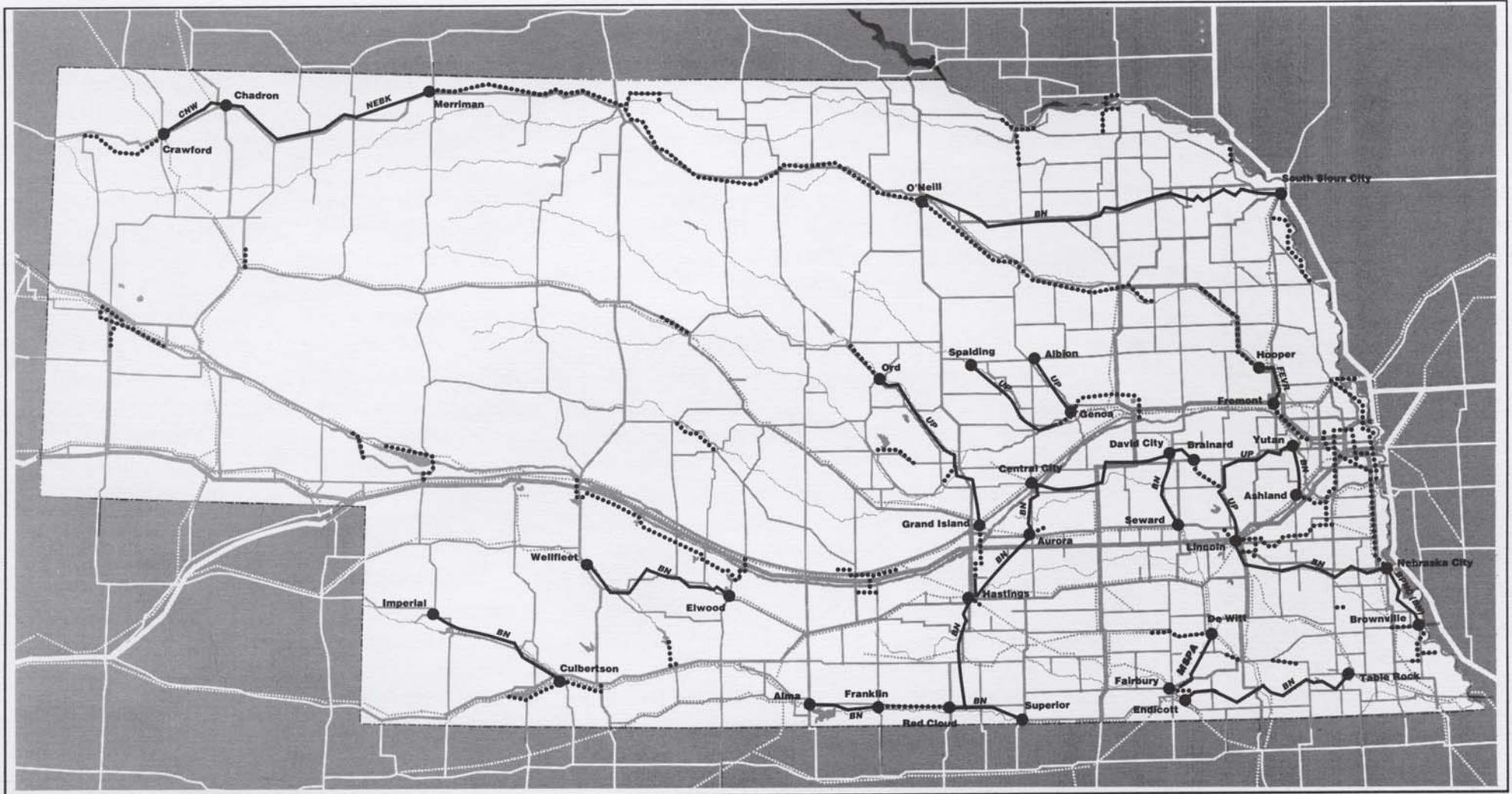
RECOMMENDATION:

The State should consider offering property tax incentives to railroads, canal operators, and other agencies who permit joint recreational trail use of their corridors, and to property owners whose property is bisected by trails along former railroad rights-of-way.

Several of the concepts for the Resource Corridors in this plan suggest the development of trails along active but lightly used rail corridors. National experience indicates that this trail-with-rail joint development is both very safe and extremely practical. In Nebraska, these corridors offer very exciting development opportunities, including the proposed American Discovery Trail route.



The State should consider offering incentives to railroads on which such joint-use trails are developed. These incentives may consist of tax credits for permitting joint use, or for assisting with the development or maintenance of trails within the corridor. Incentives should be available on segments included on the Rail-Watch Map included in this Statewide Trails Plan and would be offered only at the beginning of actual trail development. Similar incentives should also be offered to other taxpaying operators or managers of linear corridors if joint trails use is consistent with the recommendations of this plan. The State may also consider offering property tax relief to agricultural properties which are immediately adjacent to rail-trail corridors. Relief should cover land within a specific distance of the corridor (such as 200 feet from the corridor boundaries) and help to compensate an owner for any inconvenience created by the division of property.



Rail-Watch Corridors

Legend

- Multi-Use Trails
- Rail-Watch and Potential Trail-with-Rail Corridors

Railroad Key

- BN** Burlington Northern
- BPNC** Brownville, Peru, and Nebraska City (proposed)
- CNW** Chicago and North Western
- FEVR** Fremont and Elkhorn Valley
- MSPA** Mid-States Port Authority
- NEBK** NEBKOTA
- UP** Union Pacific

State Departmental Policies

Coordinating the routine capital improvement policies of state agencies can help to assure full implementation of the Statewide Trails Plan.

Three State agencies -- the Nebraska Department of Roads, the Game and Parks Commission, and the Department of Economic Development -- regularly make decisions and establish priorities that affect long-term implementation of the state trails program. This section describes policies which the three departments should consider to increase their level of participation in creating this *Network of Discovery* for the State.

Nebraska Department of Roads

■ Shoulder Policy

RECOMMENDATION:

The NDOR should adopt a policy of surfacing safety shoulders and providing safe pedestrian and bicycle use of bridges, consistent with recommendations in the Statewide Trails Plan, when highway segments are widened or redesigned.



NDOR's policy of developing paved surfaced shoulders on highways is a benefit to bicyclists and recreational users as well as motorists. This enlightened policy provides for the joint bicycle and vehicular use of hundreds of miles of roads. This shoulder policy should be slightly modified to accelerate implementation of the trails program. Elements of the policy should include:

- Constructing or modifying surfaced shoulders on segments of the Priority Commercial System. Routes identified in the Statewide Trails Plan should be raised to primary shoulder standards. In most cases, this includes making minor modifications to existing designs, and adding appropriate signing.
- Constructing shoulders on other road segments identified in the Statewide Trails Plan when and if those roads are under construction. These roads generally correspond to moderately travelled highways that are off the Priority Commercial System but display traffic volumes in excess of 1,000 vehicles per day. These shoulders should be developed as part of the basic transportation project.
- Considering other special shoulder development specified in the Statewide Trails Plan as "enhancements." This designation would allow improvements to be funded under the ISTEA Enhancements Program.

■ Intermodalism and Commuter Routes

RECOMMENDATION:

The NDOR should encourage urban road project designers to consider pedestrian and bicycle transit needs and incorporate them into project designs when appropriate.

Trails systems are generally developed for recreational users. However, facilities which encourage walking and bicycling to work and for other routine trips can reduce traffic congestion, pollution, and energy use. Yet the National Bicycling and Walking Study, released in April 1994, shows that safety is an important deterrent to these routine or commuter trips.

The NDOR should encourage communities to consider pedestrian and bicycle transportation systems in their overall comprehensive and transportation planning programs. In addition, the Department should encourage street project designs which provide safe places and facilities for bicycling and pedestrian use. Surface Transportation Program funds should be available in commuter corridors for these intermodal projects.

■ Expressways

RECOMMENDATION:

The NDOR should view expressway projects in resource corridors as intermodal projects, incorporating exclusive, off-road trails into the design of the corridor.

These corridors include US 275 from Wisner to Fremont and US 75 from LaPlatte to Nebraska City. In some cases, such as US 275, trails can lead travellers into towns, compensating for expressway bypasses built around communities. This approach envisions these major corridors as intermodal projects, combining different transportation uses and integrating them into the natural environment. It also recognizes that expressway projects may provide economic development opportunities and environmental design enhancements.

■ Signing

RECOMMENDATION:

The NDOR should establish a signing program that complements the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and accommodates trail needs and users.

This program should include providing bicycle route and warning signs on shouldered highways that are designated as routes within resource corridors and permits latitude in signing along multi-use trails.

Nebraska Game and Parks Commission

■ Trails within the State Park System

RECOMMENDATION:

The NGPC should expand multi-use trail development within state parks.

The state park system is one of Nebraska's greatest resources, reflecting the high standards developed by the Commission. Most state parks have good networks of greenway trails. However, many parks lack multi-use trails that accommodate bicyclists, equestrians, and casual pedestrians.

The Commission should consider expanding multi-use trail facilities within the state park system. This would add to the activities offered in the park, and improve public safety by separating pedestrians from vehicular traffic.

■ 'State Park Quality' Trail Development

RECOMMENDATION:

If necessary, the NGPC should become the developer of trail segments which are of statewide or nationwide importance.

While local or regional sponsorship of trails is preferable to state financing, the NGPC should participate in the development of trails that are

of "state park" quality under its new federally-authorized State Recreation Trail designation. Segments that are of major statewide or nationwide cultural, historical, or environmental significance should be given priority. The NGPC's 1994 acquisition of the C&NW "Cowboy Line" is an indication of its growing commitment to trails development in Nebraska.

Other trails of state park quality include, but are not limited to, the Red Cloud to Franklin "Willa Cather Trail" and the Crawford to Harrison "White River Trail." In addition, trails that link state park facilities, such as proposed connections between Mahoney and Platte River State Parks, should also be considered for development by the NGPC.

Nebraska Department of Economic Development

■ Resource Corridor Travel Guides

RECOMMENDATION:

The DED should integrate trails resources into its tourism promotion programs and coordinate with the Game and Parks Commission to fund resource corridor travel guides .

Trail guides should be as rich and multi-layered as the corridors themselves. They should provide a detailed review of the features, history, culture, environments, towns,



Left: South Park in Schuyler. Trails development for both recreational and local transportation purposes is incorporated into the city's new comprehensive plan.

architecture, and services of the corridors. The "Access" books developed by architect and graphic designer Richard Saul Wurman are models for such multi-dimensional guides. Distribution of trail guides can help to market the resource corridors. They should be self-supporting through a purchase process and sale of advertising.

■ Trail Maps

RECOMMENDATION:

The DED should publish a State Trail Map or incorporate trails into the State Highway Map.

The Trails Map should display the entire trails system in a usable and attractive format. The Official State Highway Map may display exclusive multi-use trails only. The maps should be updated annually.

