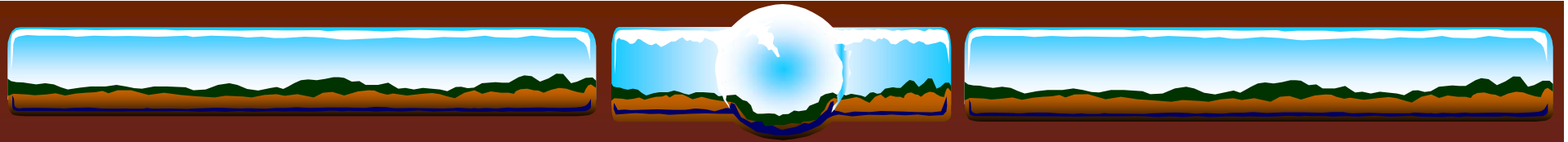


Crime, Property Values, Trail Opposition & Liability Issues

Tim Eling

Presented at the

Lexington Big Sandy Workshop, 4/1/06



3 Common Concerns of Trail Opposition

- 1) Crime will go up
- 2) Property values will go down
- 3) Liability and lawsuits



Crime

- ❖ Many adjacent landowners assume crime will go up if a rail trail is built
- ❖ In fact, those fears are unfounded

Indiana Trails Study - 2000

Survey of Trail Users along six trails in Indiana

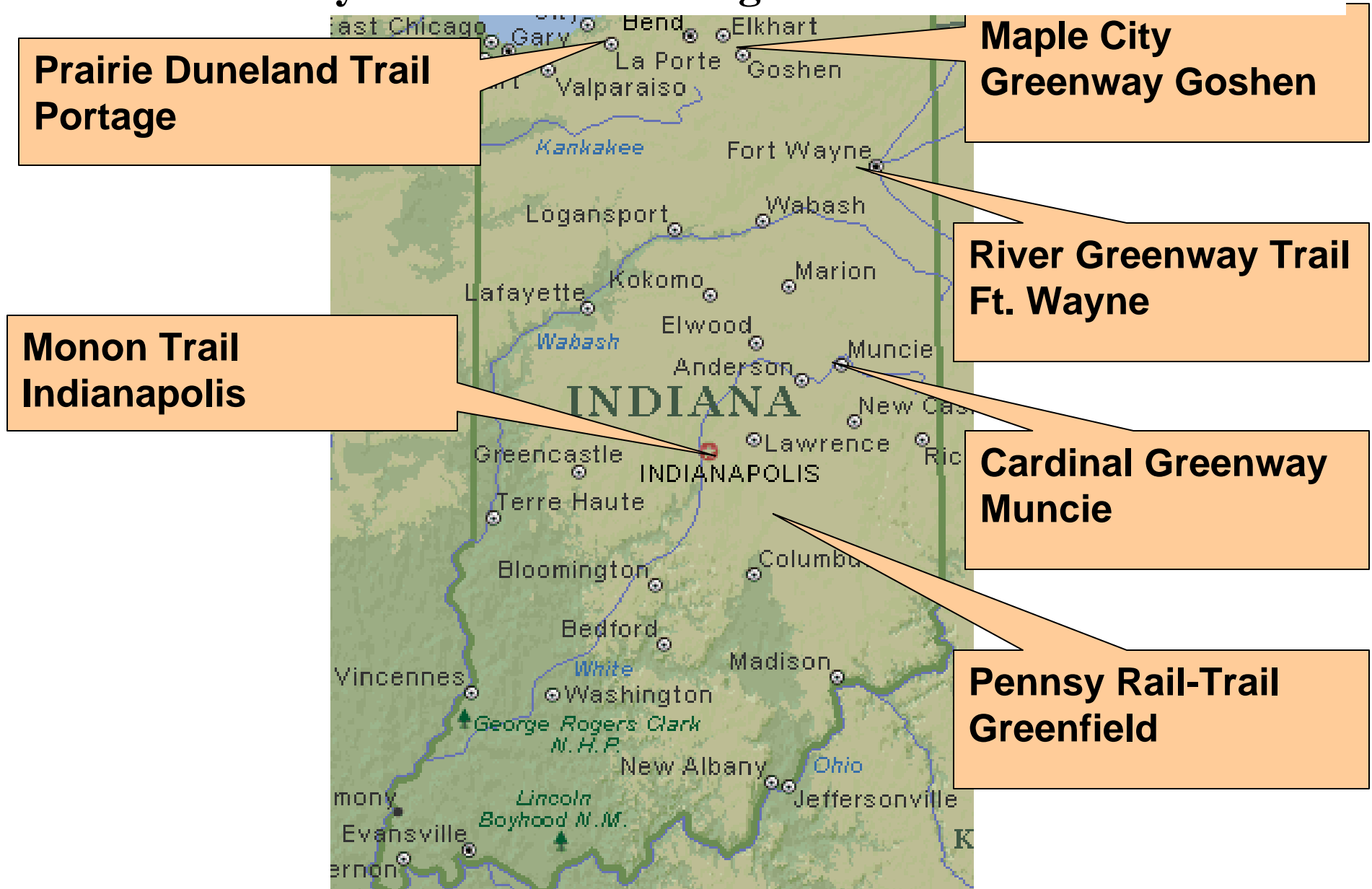
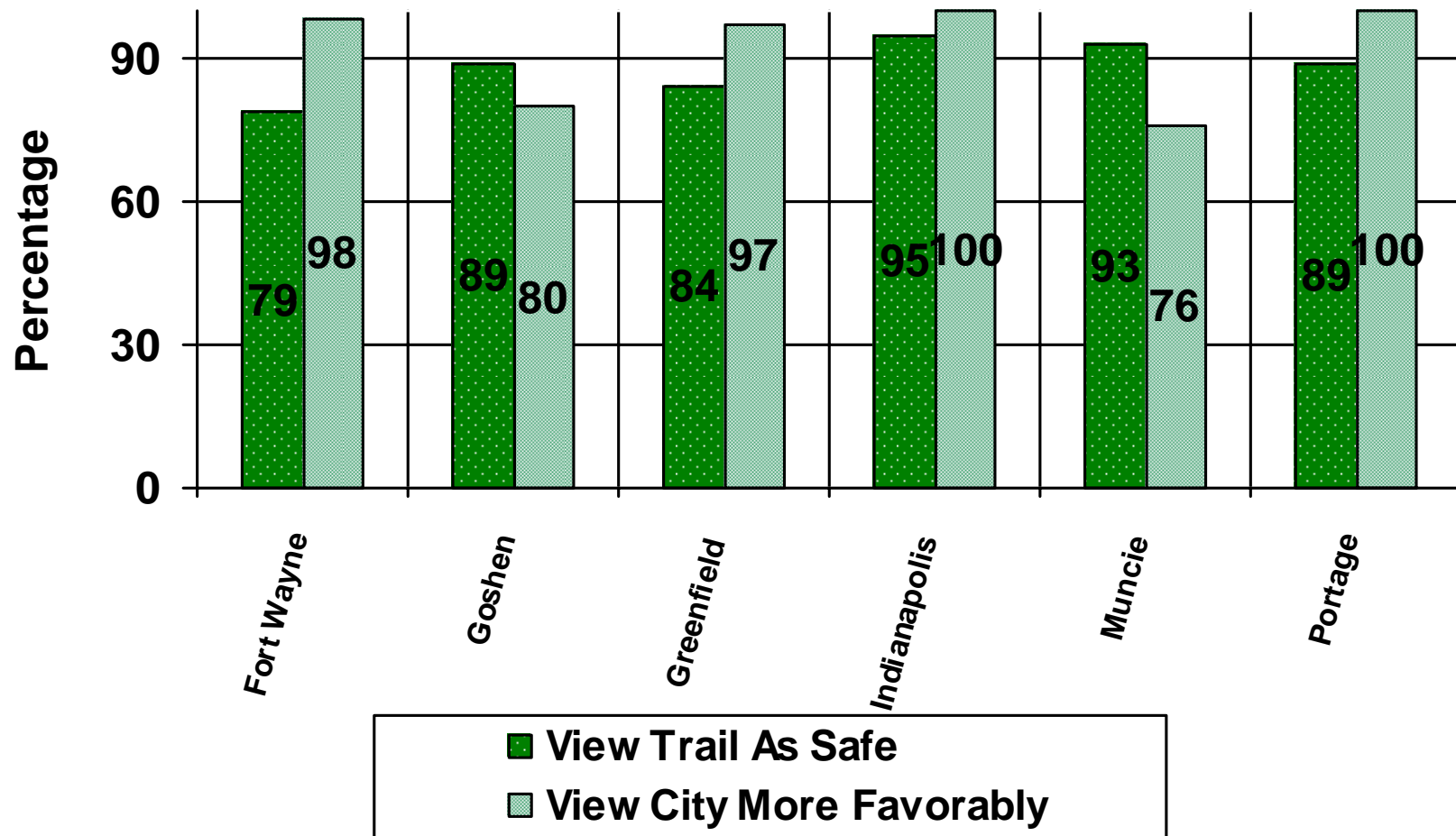


Chart 14: Percentage of Trail Users Viewing Trail As Safe and City As More Favorable Due to Trail



Law Enforcement Patrol can ease fears



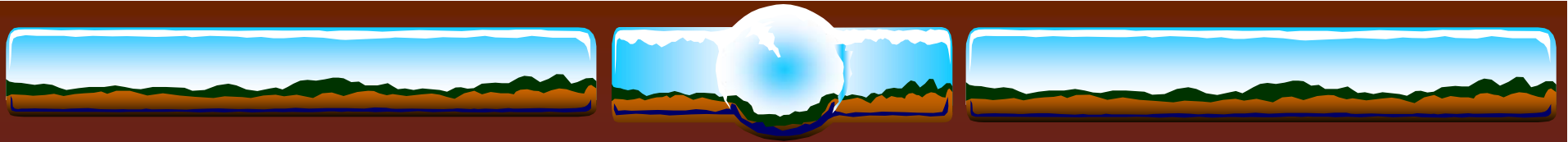
- Washington County, VA deputy prepares to patrol VA Creeper Trail



Retirement Community built in 2005 right on VA Creeper Trail



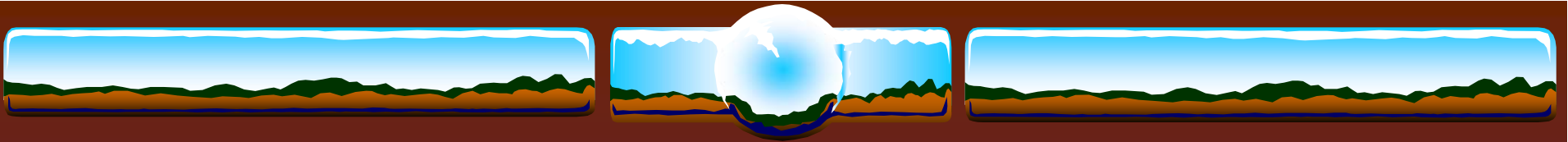
- ❖ Elderspirit Community wanted to build right on the trail.
- ❖ They advertised that they were right on the trail.
- ❖ Emphasized how safe the area was for residents.



Many Law Enforcement Officials support Rail-Trails

“...The trail has not caused any increase in the amount of crimes reported... We have found that the trail brings in so many people that it has actually led to a decrease in problems we formally encountered such as underage drinking...”

Chief Charles Tennant on Youghiogheny River
Trail in PA



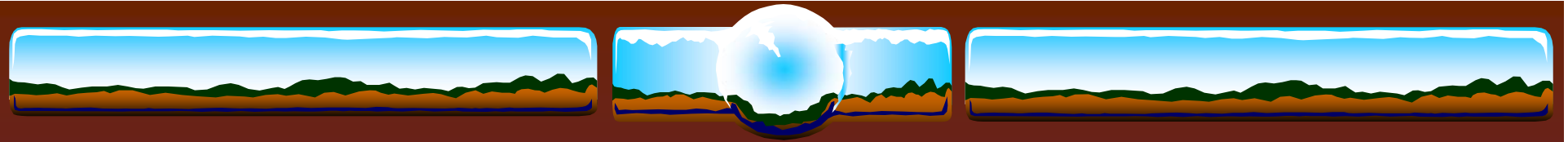
Chainlink security fence removed after residences realized it was not needed

Town Agrees To Remove Bike Trail Fence

By STEPHANIE REITZ

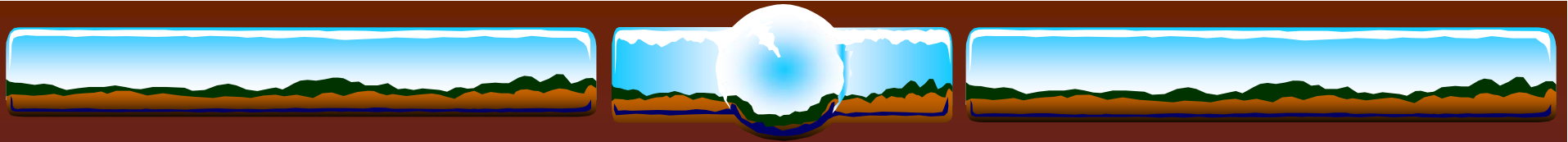
From the Hartford Courant

AVON, Connecticut- The town council has agreed to remove 11,700 feet of chain-link fencing along the Rails-to-Trails path in town. Residents whose homes abut the path had requested the move. The fencing, which was installed years ago to ease the security and privacy concerns of some homeowners, is not needed after all and is unattractive, other neighbors told the town council recently.



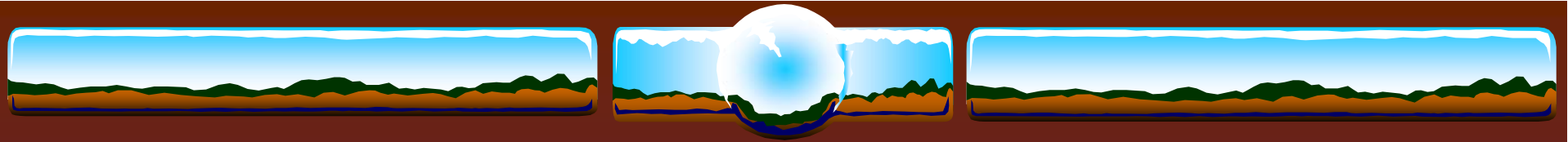
Property Values

- ❖ Many adjacent landowners assume property values will go down if a rail trail is built
- ❖ In fact, the exact opposite is true



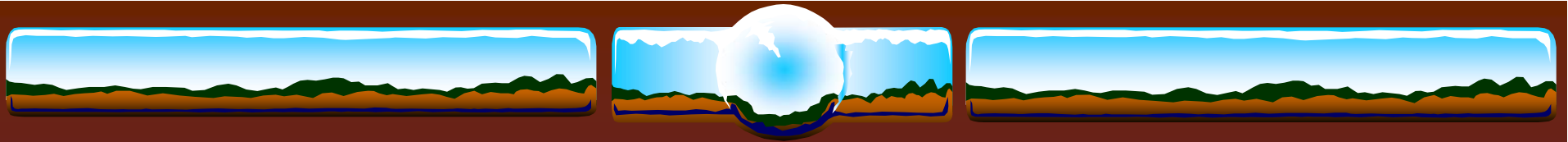
Home Sales near Two Massachusetts Rail-Trails

- ❖ Study of sales in 2005 showed that homes near trails sold at 99.3% of list price and homes away from trails sold at 98.1% of list price
- ❖ Study showed that homes near trails sold in 29.3 days while homes away from trails sold in 50.4 days



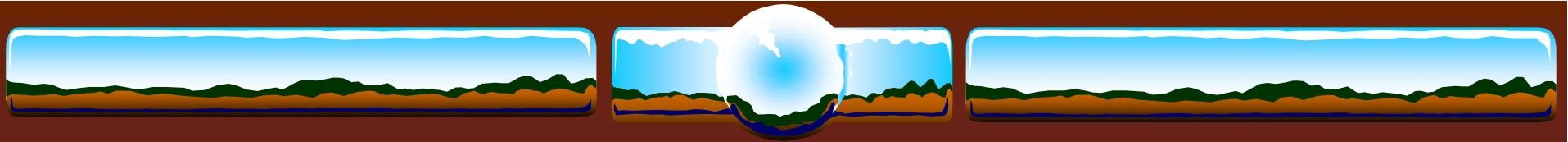
Study of Property Values near Trails in Boulder, CO

- ❖ Study showed that home prices declined \$4.20 for each one foot away from a trail.
- ❖ Avg value of property adjacent to trails was 32% higher than those 3,200' away



Omaha NE Survey of Residents Living Within 1 block of Trails

- ❖ 65% felt trail would make it easier to sell their home, while only 2% felt it would be harder
- ❖ 42% felt trail would increase value of their home, while only 2% felt trail would decrease value



Realtors Often Advertise that a House is Near a Trail

Realtor advertisement in Massachusetts:

Craig Della Penna, Realtor

<http://www.craigdp.com>

*Specializing in historic/antique homes and homes
near to rail-trails and other linear parks*

Indiana Trails Study - 2000

Survey of Trail Neighbors along six trails in Indiana

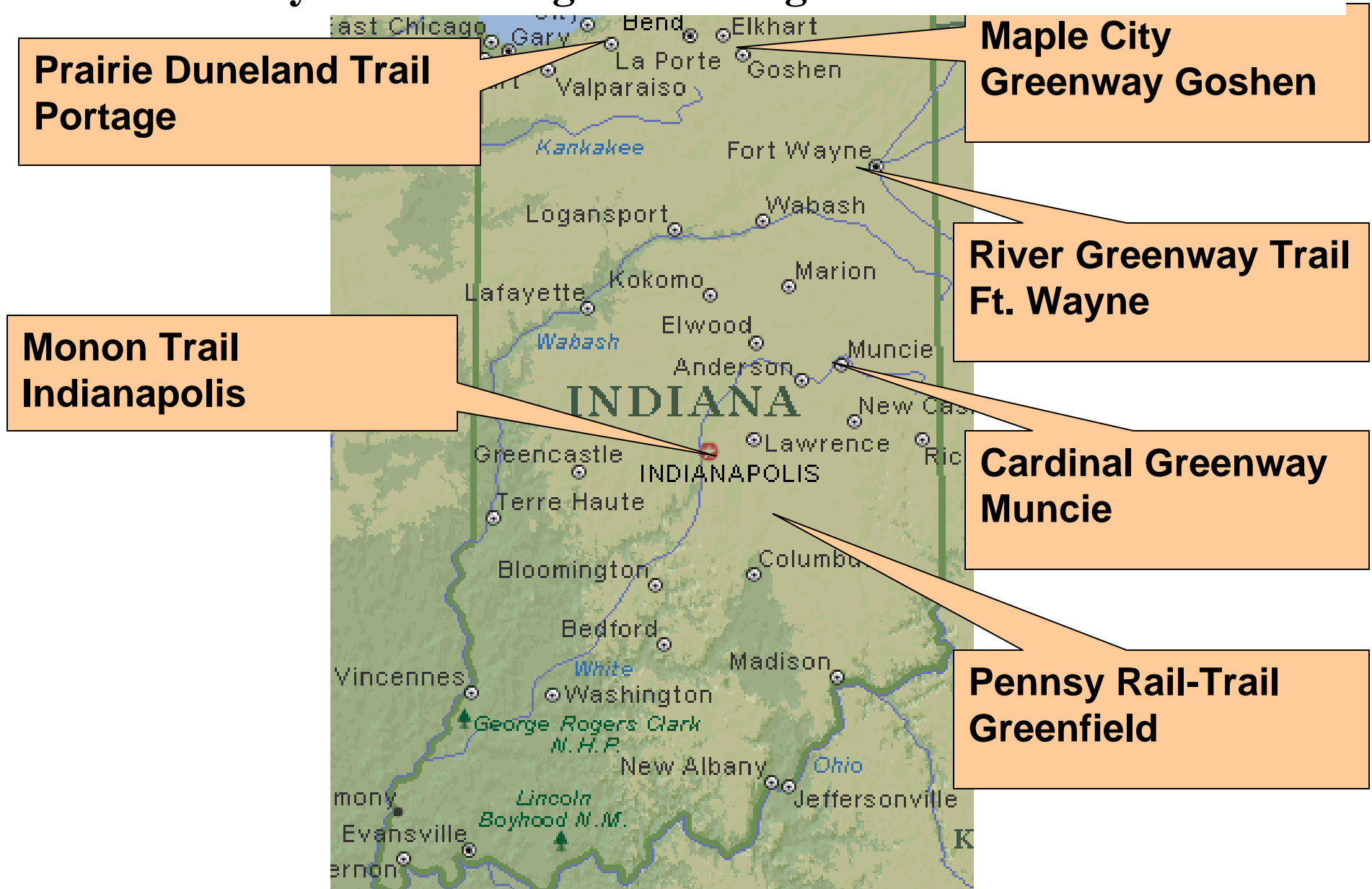
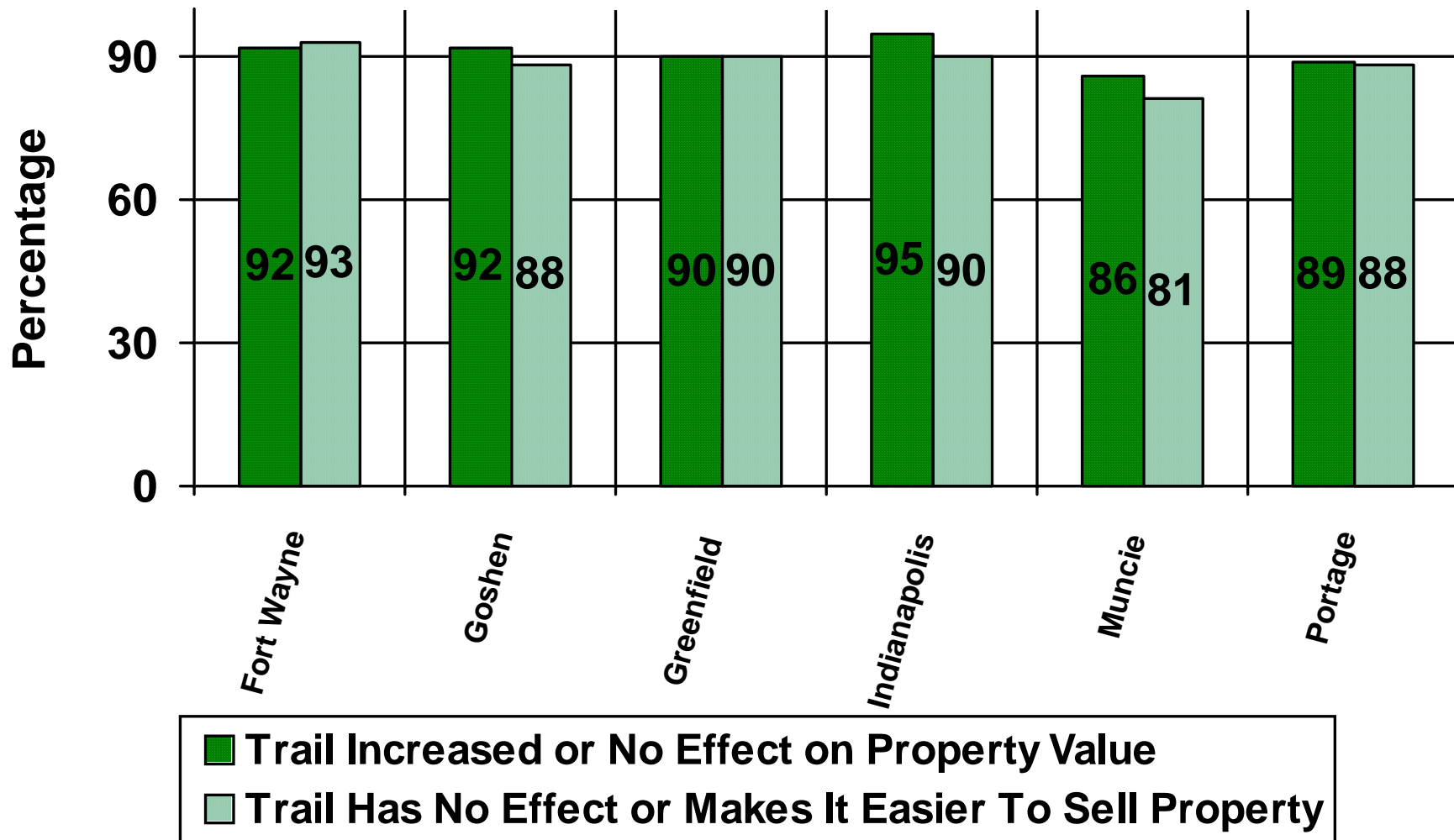
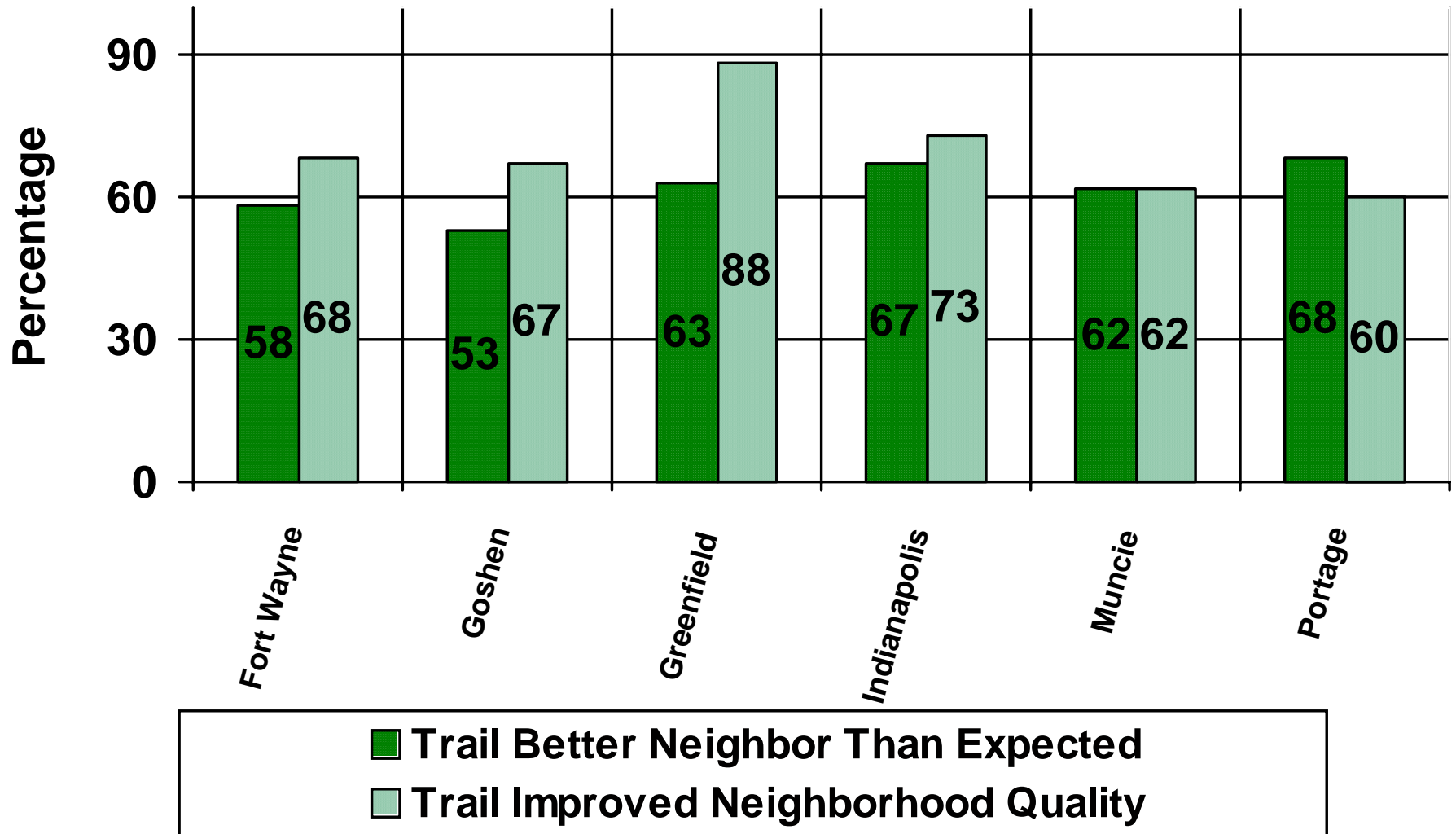


Chart 16: Percentage of Trail Neighbors Viewing Trail As Having Increased or Positive Effect on Property

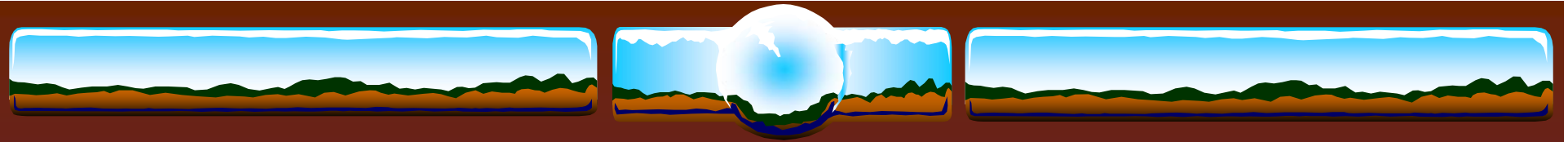


**Chart 17: Percentage of Trail Neighbors Viewing Trail
As Improving Neighborhood or As Better Neighbor**



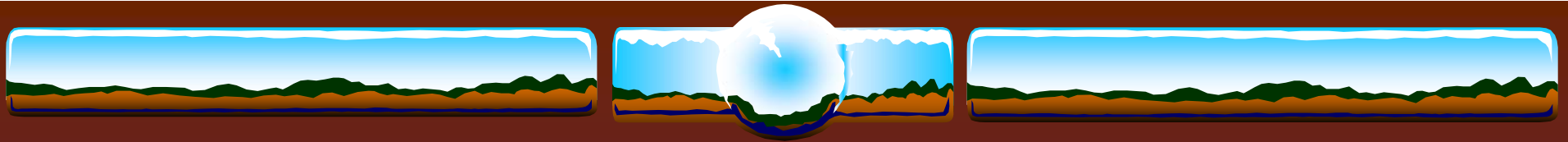
Other Summary Findings on Indiana Trail Neighbors

- Trail neighbors are residential uses
- Trail neighbors are either satisfied or neutral in their level of satisfaction with the trail
- Trail neighbors found the trail had no negative effect on purchase & property appeal
- Trail neighbors purchasing property after trail opened are largely supportive of the trail



Opposition

- ❖ Nearly every proposed Rail-Trail encounters intense opposition from adjacent landowners
- ❖ In most cases, landowners see the value of rail-trails after they are established
- ❖ You must educate landowners on the benefits of rail-trails



Recent Article about Proposed Rail-Trail in SW VA

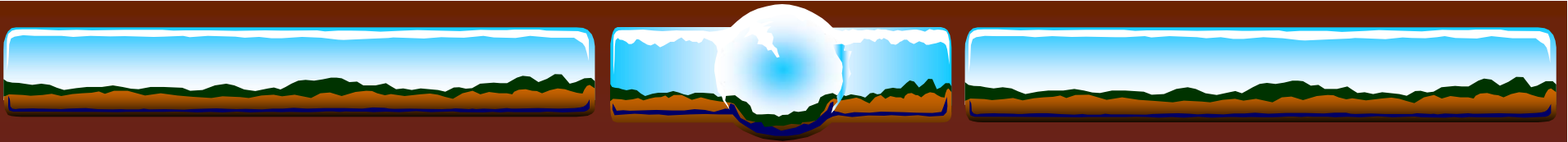
Plans for Washington, Smyth trail finds foes

Dan Kegley/ Media General News Service

Smyth County, VA News

Thursday, January 19, 2006

“The speakers Tuesday were all concerned about the proximity of the proposed trail to homes. They agreed that proximity would compromise privacy at best and security at worst, leaving homeowners' activities in view of passing walkers, property susceptible to theft, and children in danger of kidnapping or worse. One suggested the trail would depress property values.”



News Article about Proposed Rail-Trail in SW VA

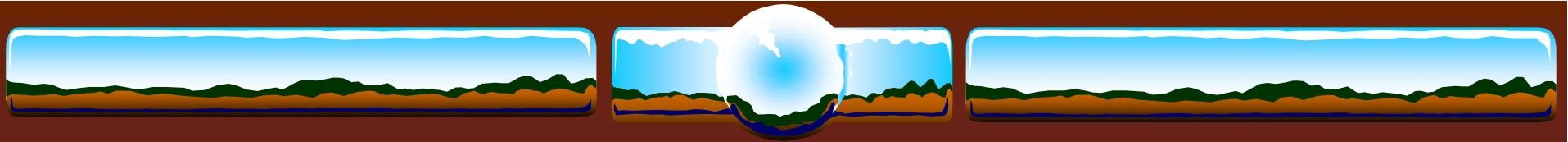
Plans for Washington, Smyth trail finds foes

Dan Kegley/ Media General News Service

Smyth County News

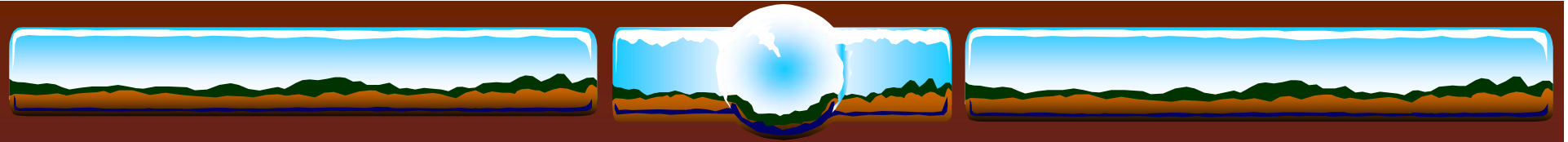
Thursday, January 19, 2006

"Who's going to be responsible for treating snake bites?" he asked. "I kill three or four copperheads every year." Pafford said widows living along the spur do not want the trail and cited murders and rapes on the popular Virginia Creeper Trail that follows an old railroad bed from Abingdon to Whitetop. "I'm going to fight this tooth and nail," Pafford said. "If I have to sell everything I've got, I'll keep this tied up in court. I'm a Vietnam vet, and I can get mean when I have to."

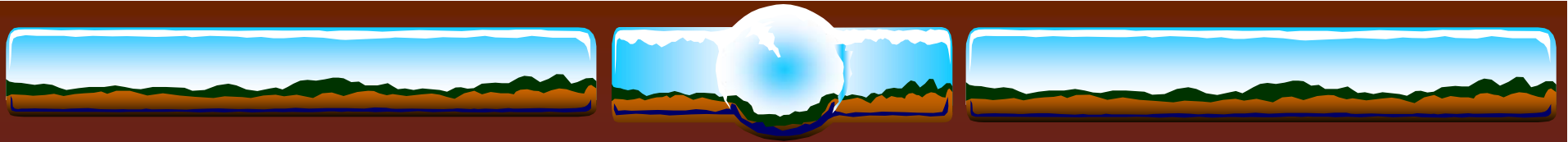


Survey of landowners located along the Mohawk-Hudson Trail in Upstate NY 1997

- ❖ 86.3% of landowners use the trail
- ❖ 87.8% felt indifferent or expressed satisfaction with having trail as a neighbor

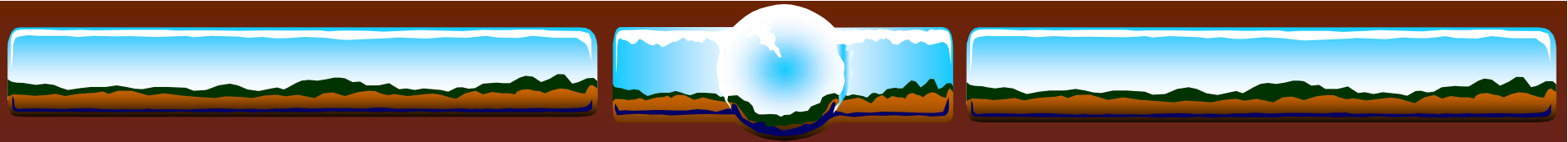


Many people will say that trails are a
waste of public money



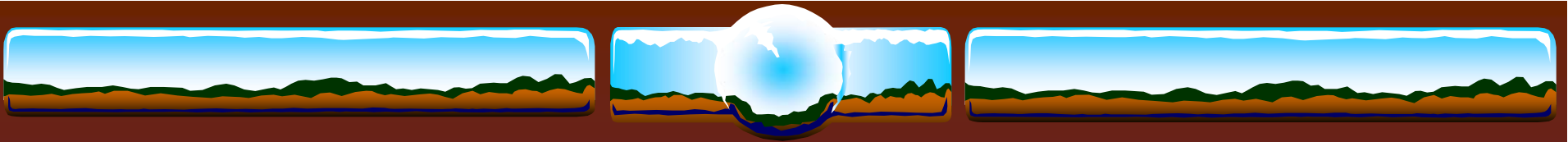
Study of trail users on the Northern Central Rail Trail in MD

- ❖ Study showed that \$191,893 was spent to establish the trail in 1993, yet tax revenues alone were \$303,750 that same year!
- ❖ 94% of survey respondents felt that the trail is a good use of state funds.



Many times landowners change their mind about trails after a few years

- ❖ Farmington Valley Greenway in CT: ``At first, people along the trail put up fences in their backyards to screen it. Then, after a while, you see them cutting doorways into the fence so they can go out on the trail themselves. Then sometimes they take the whole fence down," said Stephen Noble, treasurer of the town council.

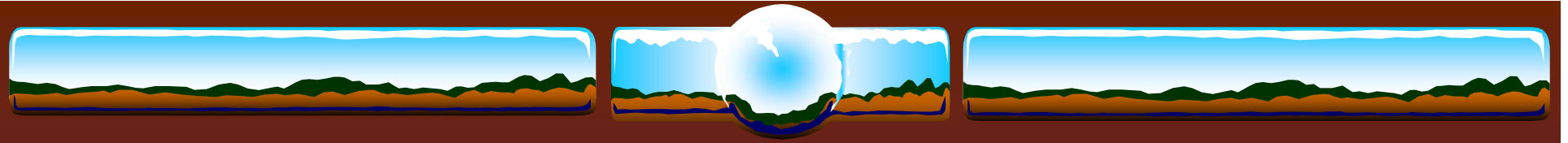


Newspaper Editorial about Proposed SW VA Trail

Keeping an open mind to Saltville trail

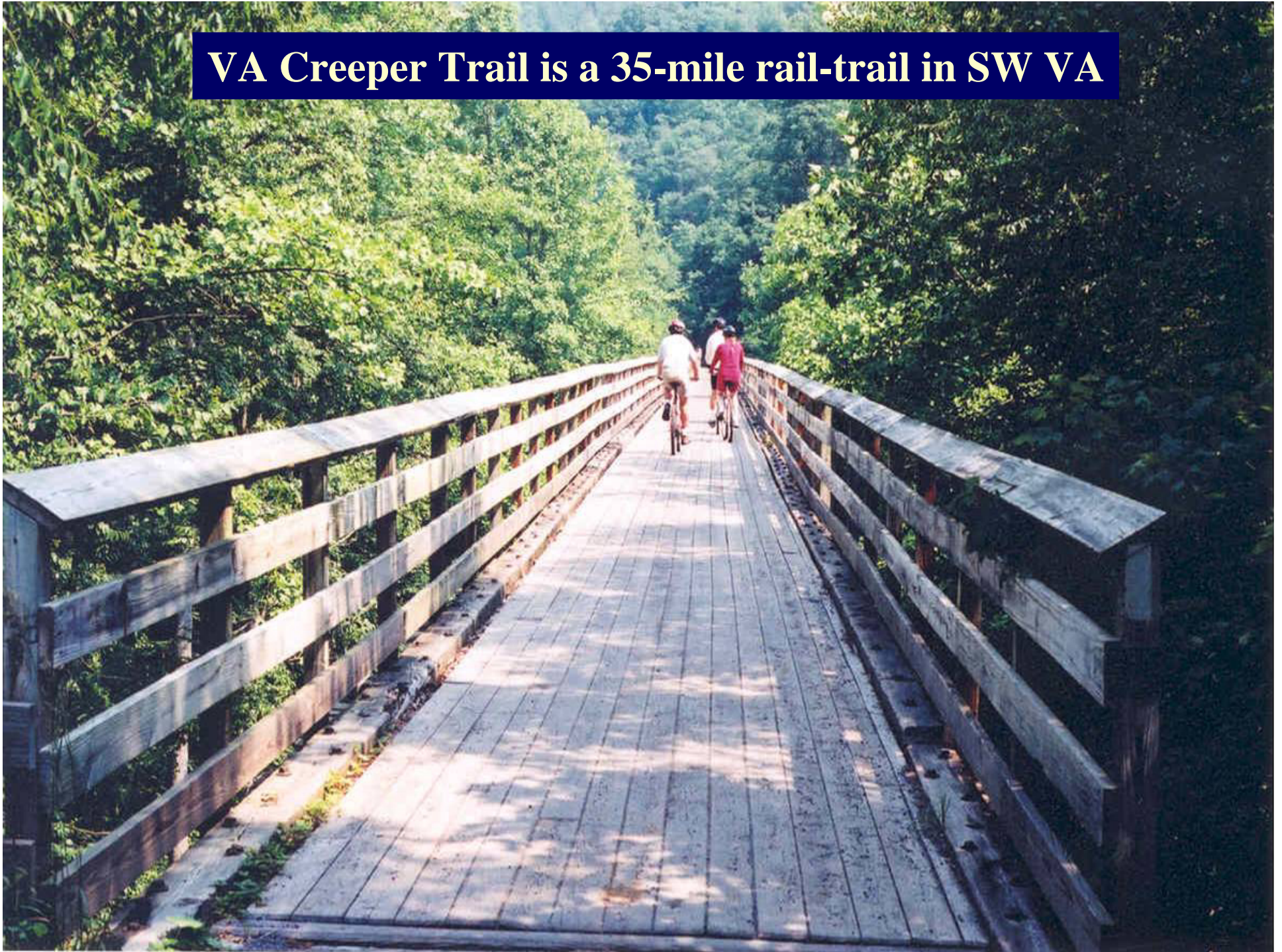
Friday, Mar 10, 2006 - 08:07 PM

“...However, it would be a shame if a protracted legal battle – perhaps drawn out on purpose – was to scuttle this valuable project. Thirty years ago, residents opposed the Virginia Creeper Trail. Now, some of the opponents ride bikes along it. Others have made friends with the friendly folks who pass their homes. Much-feared crime has not materialized. And trail hikers tend to leave the place cleaner than they found it. Those are the facts. Opponents should consider them before digging in their heels, indulging their isolationist impulses and costing the community a great opportunity.”



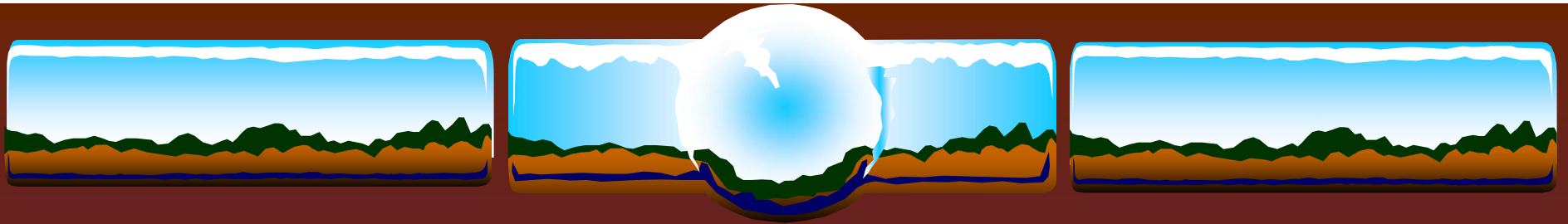
Virginia Creeper Trail Success Story

VA Creeper Trail is a 35-mile rail-trail in SW VA



VA Creeper Trail is managed by two towns and the US Forest Service



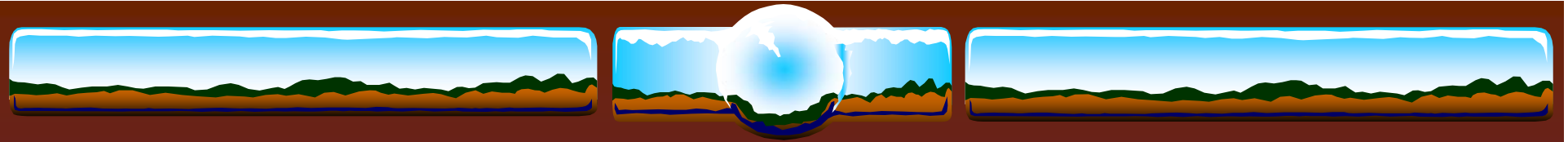


The Virginia Creeper Trail: An Analysis of Use, Economic Impacts, Visitor Characteristics, and Preferences

J.M. Bowker
USDA Forest Service

John C. Bergstrom & Joshua Gill
University of Georgia

2003

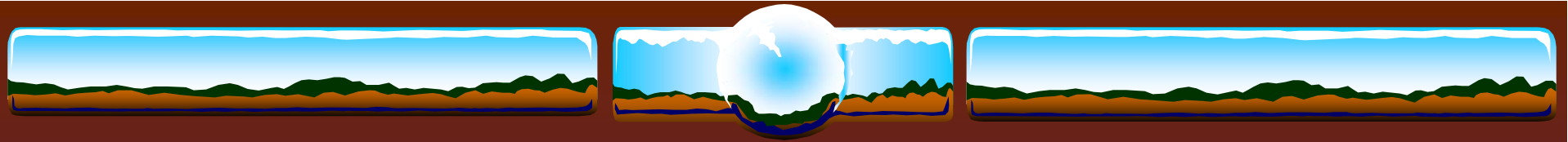


Annual Visits

- ❖ **Total = 130,172**
- ❖ **47% Local use**
- ❖ **53% Non-Local Use**

Economic Impact Analysis





Economic Impact of VCT

- ❖ **Nonlocal spending supports**
 - ❖ \$1.6 million local economic output
 - ❖ 30 local jobs
 - ❖ \$670 thousand local income
 - ❖ 40% to accommodation & food service sector
 - ❖ 20% to recreation & entertainment sector

Creeper Trail is very popular



VA
Governor
rides
Creeper

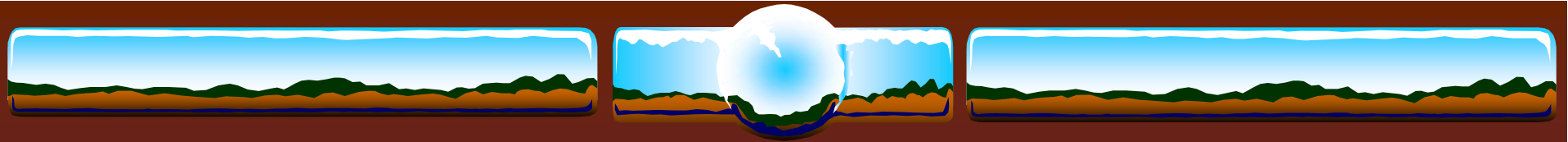


US
Congressman
attends
ceremony
along Creeper

Musician
Clint
Black
rides
Creeper



Events are held along Creeper



Damascus, VA Turn-around

- ❖ In 1980, population was 1,330 and industry provided employment
- ❖ During 1980's industries closed and people left & by 1990 the population was 918
- ❖ Creeper Trail established in 1985, but really took off in the 1990's
- ❖ Today, over 30 businesses in Damascus and most related to tourism. Population is up to 1,244

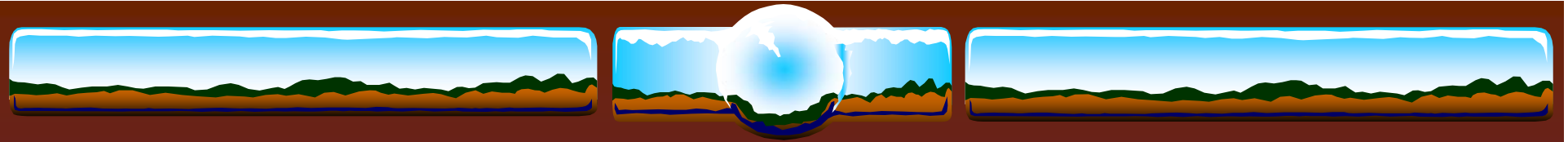
Businesses sprouted up along the VA Creeper Trail

- ❖ **Green Cove Cottage:** A Charming Vacation Cottage in the Mt. Rogers National Recreational Area located on the Virginia Creeper Trail. After an exhilarating bike ride on the beautiful Creeper Trail, you will enjoy the sights and sounds of nature from the front porch rockers.



7 bike shops rent bikes and shuttle visitors

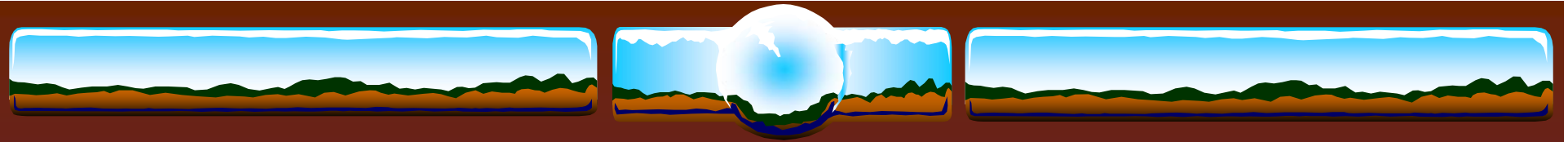




Liability Issues

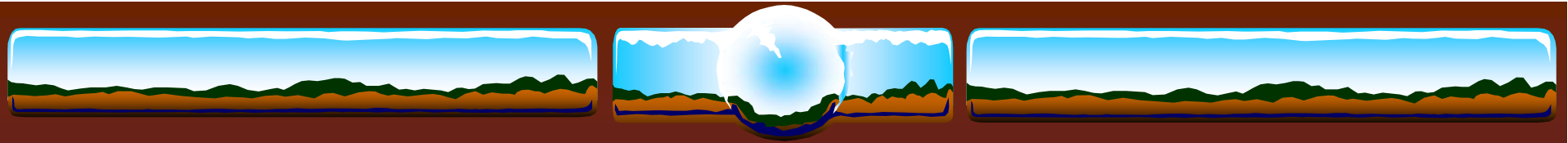
Two categories of people concerned about liability:

- 1) Trail managing & owning entity (usually public)
- 2) Private landowners
 - a) Those who provide easement for trail
 - b) Those who own land adjacent to trail



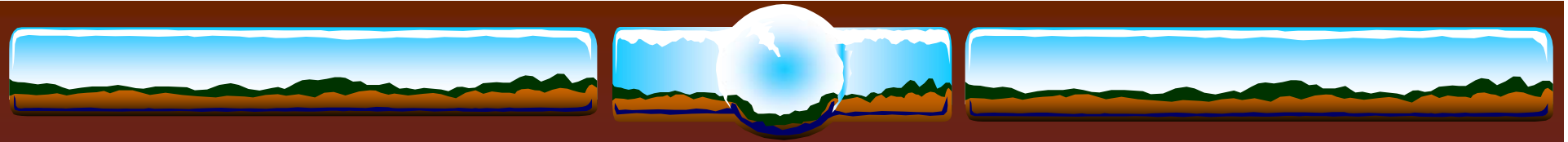
Every state has a Recreational Use Statute

- * Under these statutes, no landowner, who allows recreation on their land free of charge, is liable for recreation injuries resulting from mere carelessness. To recover damages, the injured person would have to prove the landowner engaged in willful and wanton misconduct.



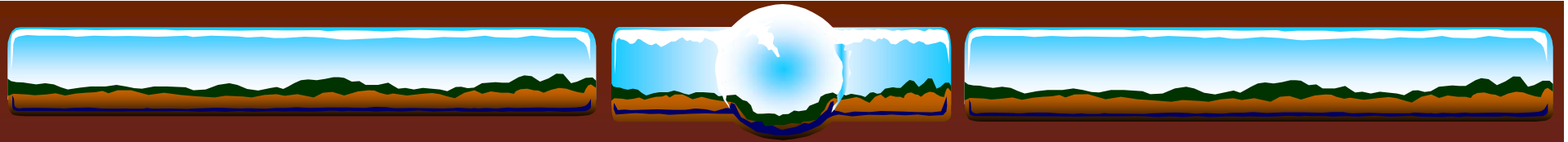
Public Agency Liability

- ❖ Governments used to find protection from lawsuits under Sovereign Immunity (King can do no wrong)
- ❖ However, the federal government (and most state and local) has waived this privilege of immunity by enacting a Tort Claims Act. Governments can be held responsible for negligence under some circumstances



Insurance is the last line of defense

- ❖ While Recreation Use Statutes and Tort Laws may mean a lawsuit does not prevail in court, they cannot prevent a lawsuit from being filed.
- ❖ Insurance is necessary for both trail owners as well as adjacent landowners. Both usually have it already.



Websites for more information

❖ www.railtrails.org

❖ www.trailsandgreenways.org

❖ www.americantrails.org