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Overcoming Opposition to Bicycling, Walking and Trail Development

"The more I think about our U.S. domestic transportation problem from this vantage point [China] the more I see an increased role for the bicycle in American life. I am convinced after riding bikes an enormous amount here in China, that it is a sensible, economical, clean form of transportation and makes enormous good sense." George Bush, U.S. Liaison Office, Beijing, China, 1975

For every good idea comes a naysayer; bicycling and walking are no exception. The bicyclist and pedestrian communities are regularly bombarded with reasons as to why bicycling and walking are not being, and should not be, used more extensively as modes of transportation. "It's too dangerous." "There's no local support." "Trails are a personal security risk." "What about liability?" "We shouldn't spend gas tax dollars for these 'recreational' facilities." Naysayers must be challenged with thoughtful, sincere and factual responses. This Brief presents a list of common naysayer comments followed by effective responses.

"We simply cannot afford bicycling and walking facilities."

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Contrary to this assertion, local communities across the country have demonstrated a strong desire to fund bicycle, pedestrian and trail projects as evidenced by their *over-matching* of Federal transportation funds. For instance, while the Federal government requires a 20 percent funding match from State or local public agencies for Transportation

Enhancements projects, local communities have been coming up with an average 27 percent match for bicycle and pedestrian projects using these funds. This desire for bicycling and walking facilities is corroborated by a recent nationwide poll commissioned by Rodale Press (*Pathways for People II*, 1995) which demonstrates that a "solid majority (56%) of adults would like their local governments to devote more funds for [safe and secure pedestrian and bike] pathways in their areas."



Furthermore, bicycle and pedestrian facilities are not only cost-effective investments, in some cases they actually generate additional revenue for public agencies. A study of Maryland's Northern Central Rail-Trail, for instance, found that while the trail's cost to the State in 1993 was \$191,893, it generated State tax revenue of \$303,750 the same year (combined sales, property and income taxes.) Bicycle improvements to roadways can benefit local economies in larger ways. In the late 1980s, a transportation planner in Hillsborough County, Florida calculated the economic benefits of providing

wider lanes and shoulders on roadways for bicyclists' use. Based on gasoline savings, air pollution reduction, crash prevention and sales tax revenues, he found benefits of at least \$4 million each year, and possibly as high as \$6.4 million annually from these improvements.

These findings are buttressed by the *Final Report of the National Bicycling & Walking Study*, which found that by replacing automobile trips with non-motorized trips, the American public saves from 5 to 22 cents for every automobile mile displaced by walking and bicycling due to reduced pollution, oil import costs, and costs due to congestion, such as lost wages and lost time on the job.

"Bicyclists don't pay a fair share of roadway costs."

The prevailing argument against the spending of Federal funds for bicycle and pedestrian facilities has been that gas tax-generated Highway Trust Funds should only be used on road construction and maintenance. However, naysayers often overlook the fact that most bicyclists are also motorists who pay gas taxes. Additionally, many bicycling and pedestrian improvements are made on road rights-of-way and thus improve conditions for motorists as well. In most States, roads and highways (non-Interstate) are public rights of way, not specifically motor vehicle only rights-of-way.

While it is true that current revenue generating structures technically do not allow bicyclists to pay their way, a recent study published by the Victoria Transport Policy Institute demonstrates that car and truck user fees do not cover all highway expenses either. Local roads are funded in large part by general revenue sources, including property taxes and assessments, investment income, bond issues proceeds, and sales taxes, which are paid by all residents whether or not they drive an automobile; only one-third of local road funding originates from vehicle use taxes. (Todd Litman, *Whose Roads? Defining Bicyclists' and Other Non-Drivers' Right to Use Roadways*, using research figures from 1993 *Highway Statistics*, FHWA, Washington, DC, 1994)

"Bicycling and walking in traffic can be dangerous."

Yes, safety is an often cited impediment to more

bicycling and walking; however, investment in adequate facilities such as paved shoulders, bike lanes, trails and sidewalks can improve both real and perceived safety. A 1991 Harris Poll showed that 46 percent of respondents would sometimes commute to work by bicycle if safe bicycle lanes were available, and 53 percent would if they had safe, separate designated paths on which to ride. Similarly, 59 percent of the respondents reported that they would walk, or walk more, if there were safe, secure designated paths or walkways.

Moreover, safety from motor vehicle traffic can also be increased by installing traffic calming measures such as speed humps, traffic circles, wider sidewalks at intersections, and sharper street corners. The Federal government estimates that seven out of ten drivers regularly exceed posted speed limits, greatly increasing the likelihood and impact of hitting someone on foot or bike. In Fairfax County, Virginia, speed humps have resulted in average speeds being slowed from 40 mph to 25 mph and a 50 percent reduction in traffic on residential streets. (*Walk Tall*, p. 13)

"People are afraid to use bicycle and pedestrian pathways."

The *Pathways for People II* poll showed a clear concern amongst bicyclists and walkers with regard to personal security. The poll also demonstrated the fact that women appear more likely than men to recognize the advantages of secure and crime-free pathways. In fact, "62 percent of women would be encouraged to walk if crime were not a factor, compared to only 42 percent of men." While fear of crime is a realistic deterrent for trail use, in reality crime on trails occurs no more frequently than in any other public places.

However, three primary ways to increase both real and perceived security for trail users include good design, local ownership of the trail and active management:

- Key design measures that enhance personal security include lighting, elimination of dead ends and other areas that provide isolation, aesthetics, and paying close attention to the design of tunnels and underpasses. Tunnels, underpasses and overpasses should not be avoided categorically, because the elimination of at-grade crossings provides safety from traffic and increases the transportation value of a trail. However, they

should be designed to provide as large an open space as possible, long sight distances, lighting, and elimination of nooks and crannies where assailants may hide. Building a complementary at-grade crossing provides a choice for pedestrians and joggers concerned about personal security. Aesthetics is also crucial in design because attractive trails attract high levels of use. The experience of local trail managers shows that to a great extent, "users drive the abusers away." The book *Safe Cities* provides an excellent discussion on the topic of design and personal security (see For More Information).

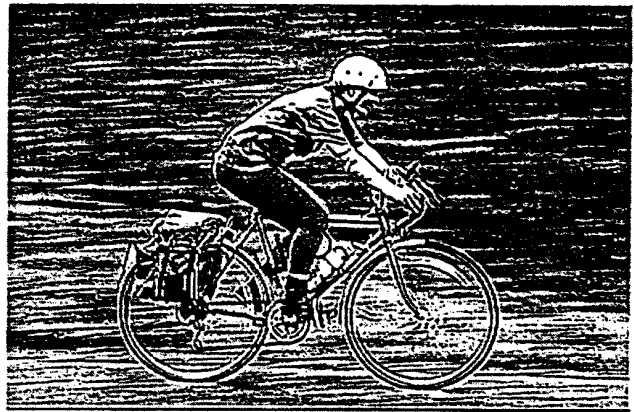
Local neighborhood "ownership" of a trail is also key to enhancing personal security. Those who live adjacent to a trail are its eyes and ears and should be involved in community policing efforts. Respect for the trail space and its users will also be enhanced by businesses that develop along the corridor and orient part of their facilities toward the trail.

Finally, providing active management of the facility including garbage pickup, mowing, etc., indicates to users and potential abusers that a local agency is monitoring the trail. Moreover, specific management practices such as regular patrolling of trails by police, placement of emergency phones along trails, and vegetation maintenance are also important measures that will reduce personal security risks.

"Multiple-use trails are mainly for recreation and don't serve a transportation purpose."

Three separate studies conducted recently demonstrate that rail-trails such as the Burke-Gilman Trail in Seattle, the W&OD Trail in Northern Virginia, and the Pinellas Trail in Clearwater, Fla., are clearly being used for transportation purposes. Together, these studies show that an average of 39 percent of the weekday users are using these urban trails for such purposes as commuting to work, visiting friends, or shopping. (*Off-Road but On Track*, *TR News*, May-June 1995, p.7; see also NBPC Technical Brief No. 5, *Trails for Transportation*) Moreover, all automobile trips are not solely for transportation purposes either. The Nationwide Personal Transportation Survey shows

that fully one-quarter of all automobile trips are for social and recreational purposes.



"The liability risks involved in constructing or designating bicycle facilities are too great."

Liability issues typically arise as a potential problem for one of three parties: trail owners/managers (be they private citizens, non-profit trail groups or public agencies), private citizens owning land directly adjacent to trails, or public agencies responsible for on-road bicycle and pedestrian facilities. However, survey evidence and the prevalence of protective legal statutes and insurance suggests that actual liability risks for all of these parties are minimal.

For private land owners opening their land to trail use, and private trail groups that own and manage trails, "Recreational use statutes" protect landowners from personal injury suits when allowing their property to be used by the public without charge for recreational purposes. These laws are on the books in forty-eight States. Some State courts have also interpreted these laws to include immunity for a broad variety of *public* trail managers, including States, municipalities, and the federal government. In most States, recreational use statutes also protect *adjacent* property owners along trails. The breadth and nature of coverage provided by these laws varies from State to State. (see also *Trends in Liability for Visitor Injuries in Public Parks*, *Trends*, v. 26, no. 4, National Park Service.)

A survey conducted by the Rails-to-Trails Conservancy between 1993 and 1995 further suggests that managers of developed rail-trails have few liability

problems. Ninety-two percent of rail-trails are owned and managed by a public agency and in every case the liability risks associated with the trail are folded into the umbrella insurance policy of the corresponding city, county, or State. Fewer than 7% of trail managers responding to the survey reported any claims, and most claims were minor and easily resolved.

This conclusion was also reached with regards to on-road bicycle facilities in a report developed as part of a Federal Highway Administration-sponsored research study, which found "that designation of a bicycle facility will have virtually no effect on the potential liability of the government entity which controls the facility." (see *Liability Aspects of Bikeway Designation*, BFA, April 1986.)

Listed below are a number of ways in which public agencies can reduce their potential exposure to legal action from facility users:

- I. Use "State of the practice" facility planning and design guidelines, such as the American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities*, or the Federal Highway Administration's *Selecting Roadway Design Treatments to Accommodate Bicyclists*.
- II. Apply common maintenance standards to public facilities.
- III. Monitor the actual use of facilities and be aware of any developing problems.
- IV. Post warnings to users regarding actual or potential hazards.

Remember that fear of liability is not a good reason for inaction. Indeed, inaction itself in the face of requests for "improvements" to a facility may actually increase an agency's exposure to liability.

"Trails encourage crime and vandalism, and have negative impacts on adjacent property owners."

Numerous studies have clearly documented that trails do not contribute to an increase in crime and vandalism. If anything, because most trails are populated with happy users and managed by public agencies, they are generally safer and cleaner than the corridor prior to trail development. Abandoned railroad properties especially are a magnet for

dumping and graffiti when not reclaimed as public trails. Moreover, the same studies have also shown that trails near residential areas actually increase neighboring property values. (See NBPC Technical Brief No. 2 for a more extensive assessment of this subject. RTC also distributes *The Impacts of Rail-Trails* (1992), *The Economic Impacts of the Northern Central Rail-Trail* (1994), *The Burke-Gilman Trail's Effect on Property Values and Crime* (1987), and fact sheets on *Economic Benefits of Rail-Trails*, *Rail-Trail Opposition: The 12 Most Frequently Asked Questions*, and *Top 10 Ways to Work with the Opposition*.)

For More Information

The National Bicycle and Pedestrian Clearinghouse distributes the 24 case studies and *Final Report of the National Bicycling and Walking Study* (1994). Pertinent Case Studies and Technical Briefs include: *Transportation Potential and Other Benefits of Off-Road Bicycle and Pedestrian Facilities* (#7), and *The Economic and Social Benefits of Off-Road Bicycle and Pedestrian Facilities* (Brief #2.) Write: NBPC, 1506 21st St. NW, Suite 210, Washington, D.C. 20036, or call: (800) 760-6272.

The Rodale Press distributes copies of the 1991 *Harris Poll and Pathways for People II*. Contact Bob Martin, c/o Pathways for People, Rodale Press, Inc. 14 East Minor St., Emmaus, PA 18098. Ph: (610) 967-7588, Fx: (610) 967-8955.

The Rails-to-Trails Conservancy distributes *Trails for the 21st Century: Planning, Design, and Management Manual for Multi-Use Trails* (\$24.95), and a variety of fact sheets regarding trail facilities. Contact: RTC, 1400 16th St., NW, Washington, DC 20036, (202) 797-5400.

The Bicycle Federation of America distributes the *Bike Action 2000 Workbook* (\$22.50), *Liability Aspects of Bikeway Designation* (\$15.00) and *Walk Tall* (\$2.00). Write: BFA, 1506 21st St., NW, Suite 210, Washington, DC 20036, (202) 463-6622.

The American Society of Landscape Architects sells *Safe Cities* by Gerda Wekerle and Caroline Whitzman (\$49.95 + \$3.50 shipping/handling.) Write: ASLA Bookstore, POB 753, Waldorf, MD 20604, (800) 787-2665.