

## Chapter 8: Trail Operation, Maintenance and Security

### 8.1 Ownership/maintenance/management options

The Steering Committee was presented with the following potential organizational structure options:

#### 1. Formation of a Non-Profit Organization

A non-profit organization could be formed that would have by-laws, officers, board members, etc. This entity would likely begin as an all volunteer member organization with no paid staff. The primary disadvantage to forming a non-profit is that there is more state (PADCNR) funding available for municipal entities than for non-profits. The state programs for park and recreation are currently being reduced and the competition for state grants is increasing, thereby putting non-profits at a disadvantage. An advantage to the formation of a new non-profit structure is that a non-profit organization may be more likely to receive funding from local and regional foundations. However, the largest source of funding for trail and park development is still the Commonwealth of Pennsylvania. Rather than form a new non-profit organization, the City of Wilkes-Barre Trail could be developed by an existing trail organization in Luzerne County such as the Anthracite Scenic Trails Association, Susquehanna Warrior Trail Council or the West Side Trail Commission.

#### 2. Creation of an Authority

The Municipality Authority Act of 1945 authorizes the creation of municipal authorities (termed joint authorities) by two or more local governments (Intergovernmental Cooperation Handbook, Pennsylvania Department of Community and Economic Development, 1997). Joint authorities are most commonly used when major capital investments are necessary (i.e. sewage treatment, water supply, airports, bus transit systems and in some cases recreation). Joint Authorities **cannot** include members from non-profit organizations.

Advantages to creating an authority include: 1) Under the Municipalities Authority Act, authorities may sell bonds, receive grants, acquire property, sign contracts and take similar actions and; 2) Authorities are autonomous from local government thereby able to focus on a single recreational function (i.e. pool, indoor facilities).

Some disadvantages to creating an authority include: 1) Joint authorities must be governed by board members who are appointed by elected officials of the member municipalities and often elected officials are not appointed to sit on the authority boards so a break down in communication occurs between the authority board and the member municipalities; 2) Municipalities have no control over the authority and conflicts may arise between the authority board and the member municipalities; and, 3) Recreational authorities often have difficulty generating adequate funding and therefore must either end up reducing services, looking for local support or negotiating for increased funding from the municipalities that created them which is often not successful due to a lack of municipal involvement in the authority or break down in communications.

Currently there are ninety-three (93) recreational authorities as compared to over 1,600 sewer and water authorities in Pennsylvania. Currently 41% of recreational authorities are inactive and most were created in the 1950's and 1960's (unofficial documentation by PADCNR).

### 3. Creation of a Commission

In 1972, the General Assembly enacted the Intergovernmental Cooperation Law to implement the provisions of Article IX, Section 5 of the new Pennsylvania Constitution, the Intergovernmental Cooperation Provision (Intergovernmental Cooperation Handbook, Department of Community and Economic Development, 1997). The Act, commonly referred to as Act 180, states, "A municipality may cooperate or agree in the exercise of any function, power or responsibility with one or more municipalities" (Act 180, Section 4). As in the case of the authority a non-profit organization **cannot** be a member of a commission. Likewise, the steering committee could elect to create a commission with the interested municipalities.

The language of Act 180 is very broad. If a municipality has the power to take an action or deliver a service under the provisions of its code or charter, it has the power to cooperate with other municipalities and non-profit organizations in doing so by forming an entity such as a commission. The exercise of this power is the responsibility of the municipal governing body (Intergovernmental Cooperation Handbook, PA Department of Community and Economic Development, 1997). Required features of an intergovernmental cooperation agreement are outlined in the handbook.

Under Act 180, the steering committee may enter into an intergovernmental agreement and create a commission. The creation of a commission would provide far more flexibility than an authority and allow the municipalities and other members to dictate their own terms.

Additionally, Growing Greener monies were appropriated for only five years. Each year the monies available from Growing Greener are decreasing. Currently, a larger portion of the available funding is set aside for municipalities rather than for non-profit organizations. A commission would have a greater potential for receiving funding than a non-profit organization or an individual municipality.

Additionally, if there is no new appropriations for Growing Greener, a non-profit as a 501(c)(3) will not be eligible to apply for grants under the Keystone Grant Program whereas a commission would be.

PADCNR has assisted in the creation of 18 of 48 existing regional park and recreation organizations in Pennsylvania.

### 4. Creation of a Council of Governments

Act 180 also provides for the creation of a Council of Governments (COG). A COG differs from a commission and other ACT 180 agreements in the following ways:

- A COG has broad responsibility and may study and propose new joint programs and projects and coordinate other municipal activities rather than oversee one specific project;

- Multiple existing or proposed ACT 180 agreements among COG municipalities can be included under a COG;
- No specific program must be undertaken;
- A COG board or council is almost always composed of elected officials; and
- Either elected or appointed officials may oversee other Act 180 programs.

The creation of a COG could be the next step after the creation of a recreation commission. If the participating municipalities felt that other agreements under Act 180 might be useful and wanted to expand their partnering activities among the municipalities, then the creation of a COG might be beneficial.

#### **5. Ownership by the City of Wilkes-Barre**

Since the vast majority of the proposed City of Wilkes-Barre Trail/Greenway system is located within the boundaries of the City of Wilkes-Barre, and Wilkes-Barre Township has not expressed an interest in working with the City on this trail/greenway project, the City may also consider developing the trail/greenway on their own. However, the City should consider partnering with the Luzerne County Redevelopment Authority and the Luzerne County Flood Protection Authority who are also developing and maintaining a portion of the trails/greenway within the City limits.

### **8.2 Trail Maintenance**

An ongoing maintenance and improvement program will ensure that the entire trail system is kept in optimal condition, and meets or exceeds existing standards. Landscaped areas along the trail will require some periodic maintenance, but good design can keep this to a minimum. Low maintenance and drought resistant trees, shrubs, and ground covers can also minimize upkeep activities. Like all transportation improvements, trail systems require funding and staff time for maintenance. Fortunately, several strategies and funding programs are available to reduce the burden to local agencies. Hundreds of trails around the state provide examples of successful management and maintenance strategies.

While trail ownership and maintenance are closely correlated, it is also common for a trail to be owned by a government entity but maintained by volunteers. This is a win-win relationship. Most nonprofit trail groups avoid owning land due to liability concerns. The government, which has much more wherewithal to address legal issues, takes ownership in exchange for low-cost maintenance. This set-up is also beneficial in disaster situations such as hurricanes, since trails held by private nonprofits may not qualify for federal disaster aid. Nonprofit trail groups participate in the maintenance of more than three times as many trails as they own. This core group of volunteers are further augmented by scouts, community groups, persons sentenced to community service and others. A similar pattern can be seen in the payment for maintenance, where trail groups fund a significant share of maintenance through membership dues, donations, fundraising events, and local business and foundation grants, even though government entities actually own the trail.

Table 8-1 provides a list of typical trail maintenance tasks, both routine and periodic which can be anticipated for the proposed trail system. It is assumed that all bike lanes and improved sidewalks will be maintained by the entity which currently maintains that roadway.

**TABLE 8-1:** Typical trail maintenance tasks and anticipated frequency.

<b><u>TASK</u></b>	<b><u>FREQUENCY</u></b>
<b>TRAIL SURFACE</b>	
Asphalt Trail	
Repaving	15 years
Coating or sealing	5 years
Crack Sealing	Annual
Pavement markings maintenance and replacement	Annual
Pothole repair	Annual or As Required
Snow removal	As Required
Surface cleaning	Quarterly
Crushed Stone Trail	
Resurface	As Required
Re-Grading	Annual
Pothole repair and other patches	Annual or As Required
Snow removal	As Required
Surface cleaning	Quarterly
<b>LANDSCAPING</b>	
Keep trail-side land clear of trash and debris	Weekly
General maintenance of trailheads (litter clean-up, etc.)	Weekly
Mowing	Weekly ( <i>in season</i> )
Leaf removal	Monthly ( <i>in season</i> )
Tree pruning	Annual
Tree removal	Annual
Invasive species removal	Biannual
Planting new vegetation	Biannual
Application of herbicides or pesticides	Biannual
Clearing of drainage channels and culverts	Annual or As Required
Surface maintenance of parking areas	Annual or As Required
Landscaping/gardening at trailheads	Biannual
<b>FACILITIES &amp; STRUCTURES</b>	
Empty trash cans at trailheads and along trail	Weekly
Maintenance of stationary toilets at trailheads (clean, empty, etc.)	Weekly
Maintenance of portable toilets at trailheads (clean, empty, etc.)	Weekly
Maintenance of informational kiosks (repairs, etc.)	Annual or As Required
Maintenance of picnic tables, benches, etc.	Annual or As Required
Updating information in informational kiosks	Monthly
Repair/maintenance of signs	Annual or As Required
Maintenance of pavement markings	Annual
Patrols by police agency	Daily
Patrols by non-police agency (e.g. trail watch)	Daily
Recovery from illegal acts such as dumping and vandalism	Weekly
Maintenance of lighting	Quarterly
Maintenance of gates, bollards and fencing	Annual or As Required
Bridge, underpass and crossing inspection	Annual
Bridge redecking	As Required
Paint/stain/treat bridge deck or structure	As Required
General bridge maintenance	Annual
General underpass maintenance	Annual
Railroad grade crossing maintenance	Annual
Road grade crossing maintenance	Annual

### 8.3 Trail Security

Although this study shows that rail-trail crime is rare, it is nonetheless a legitimate concern for residents and trail users and should be treated accordingly. There are several methods for addressing such concerns and minimizing the potential for crime. Encouraging trail use is one way to help ensure trail safety, as the presence of other users helps to minimize undesirable behavior. In addition, trail users should exercise common sense when using trails after dark and remain aware of their surroundings at all times. Several other mitigation strategies help suppress criminal behavior and lessen the impact of incidents that do occur. In particular, trail design features and trail patrols are useful to keep in mind and recommendations for their implementation are included in this section. However since every rail-trail environment is unique, trail managers should assess the need for these strategies on an individual basis.

Good trail design is an effective way of promoting trail safety. In most cases, the design of the trail should eliminate overgrown vegetation and tall shrubs in order to minimize hiding places along the trail and maintain long sight lines for users. Trail managers may also choose to place security lighting at trail heads and in parking lots to improve trail safety. Emergency phones or call boxes and emergency vehicle access are also important safety features for some trails. Additionally, keeping all trail corridors clean and well maintained increases the feeling of community ownership of the trail and reduces the incidents of minor crime such as litter, graffiti and vandalism. Prohibiting motorized use of the trail deters property crime.

Two-thirds of trails report vandalism of their signs, including graffiti, damage and theft. You should expect this to happen and be prepared. Here are some tips for combating vandalism:

- Repair or replace vandalized signs quickly to send a message that vandals will not deter the trail effort.
- Anchor signs and sign posts securely.
- Use materials less subject to vandalism, such as metal versus wood posts.
- Limit signs in remote areas or other areas where vandalism is a concern.
- Cover unique or intricate signs with Lexan to protect them from direct contact.

### 8.4 Potential roles of public and non-public agencies

Due to the proposed location of large sections of the trail/greenway along city streets, as well as, the involvement of the City of Wilkes-Barre in the planning process for this trail/greenway master plan, it is likely that the City of Wilkes-Barre will be the lead entity to develop the majority of the proposed trail/greenway system. The Anthracite Scenic Trails Association (ASTA) and the Delaware and Lehigh National Heritage Corridor (D&L) are developing the Black Diamond Trail (the final leg of the D&L Corridor) which is a part of the proposed City of Wilkes-Barre Trail/Greenway system. ASTA and the D&L will be the lead entities in the development, operation and maintenance of the Black Diamond portion of the trail system. However, it is anticipated that ASTA, the D&L and the City of Wilkes-Barre will be working closely to coordinate their efforts.

The Luzerne County Redevelopment Authority has constructed the initial 1.8 miles of the Luzerne County National Recreational Trail which runs from the Riverfront Park in Pittston to Port Griffith. There are plans to continue this trail southward along the Susquehanna River to the City of Wilkes-Barre where it will terminate at the planned new Luzerne County Visitor's

Center on Wilkes-Barre Boulevard. The Luzerne County Redevelopment Authority will be the lead agency in the development, operation and maintenance of this section of the City of Wilkes-Barre Trail/Greenway system and will also be coordinating their efforts with the City of Wilkes-Barre.

Lastly, the Luzerne County Flood Protection Authority owns and operates the levee system located along the Susquehanna River in the Wyoming Valley of Luzerne County. The Flood Protection Authority has recently completed the construction of approximately 1.5 miles of a walking trail on the top of the levee in the City of Wilkes-Barre (additional miles of trail have been constructed on the levee system in other communities of the Wyoming Valley). The Luzerne County Flood Protection Authority will continue to be the primary entity responsible for the Levee Trail portion of the City of Wilkes-Barre Trail/Greenway system but will also be coordinating promotion, operation and maintenance activities with the City of Wilkes-Barre and the other trail managing entities in Luzerne County.

Luzerne County is in the process of completing a Feasibility Study regarding the potential formation of a recreation authority that would possibly oversee the operation and maintenance of large regional parks and large trail/greenway systems located in Luzerne County. The potential exists for Luzerne County to provide in-kind services and/or financial support to the various trail managing entities including support for the long term operation and maintenance of the City of Wilkes-Barre Trail/Greenway system. Given the current economic challenges facing Luzerne County and the region, support from the County may not be available for the near future. Therefore, several trail organizations in Luzerne County, including ASTA, the Earth Conservancy, Greater Hazelton Rails to Trails, Susquehanna Warrior Trail Council and the West Side Trail Commission have begun working together to determine what promotion, operation and maintenance activities can be accomplished cooperatively. Although the proposed City of Wilkes-Barre Trail/Greenway system is just completing the planning process (with the exception of the Levee trail system constructed by the Luzerne County Flood Protection Authority), The City of Wilkes-Barre Health Department will also be part of this working group of trail managers.

The Lackawanna Heritage Valley Authority has also begun to look at the possibility of organizing municipal entities and non-profit trail organizations in Northeastern Pennsylvania in order to coordinate trail development, promotion, operation and maintenance on a regional basis. A series of meetings will be held in 2010 to further discuss future partnering options/activities. The City of Wilkes-Barre will also be a part of these discussions.

### 8.5 Areas for in-kind contributions from involved entities

Table 8-2 below lists tasks which are commonly completed by Volunteer Groups as in-kind contributions for Trail Maintenance.

**TABLE 8-2:** Common Maintenance Tasks for Volunteers.

<b>VOLUNTEERS CAN MOST LIKELY...</b>	<b>VOLUNTEERS MAY NOT BE ABLE TO...</b>	<b>TO GET HELP WITH THIS TASK...</b>
Keep the trail clear of trash and debris.	Haul material to a disposal facility.	Contact your local government or waste hauler.
Clear brush and trees.	Dispose of the material.	Borrow or rent a chipper.
Plant and maintain trees, shrubs and flowers and do most gardening and landscaping tasks.	Provide the items to be planted.	Get donated or discounted plant materials from a local nursery or home center. Establish an inventory of donated hand tools.
Operate mowers, trimmers and chain saws.	Supply their own tools.	Establish an inventory of donated power tools.
Operate a tractor, loader or bobcat.	Operate specialized heavy equipment like a dozer, grader or roller.	Ask your local road crew or hire a paid contractor.
Make minor repairs to non-asphalt trails.	Lay asphalt or operate a paving machine.	
Keep drainage structures clear.	Dig a trench and install pipes or culverts.	
Perform surface cleaning of restrooms.	Remove waste from portable toilets and restrooms.	Hire a paid contractor.
Install signs, gates, bollards and fences.	Manufacture same.	Purchase using donated funds, or get donated or discounted materials from a lumber yard or home center.
Build and install picnic tables, benches, kiosks and other wood structures.	Provide materials.	
Bridge decking and minor bridge and tunnel maintenance.	Structural inspection and maintenance of bridges and tunnels.	Hire a professional engineer and paid contractor.

Source: RTC - "Rail-Trail Maintenance: Preparing for the Future of Your Trail"