



Santa Paula Branch Line Recreational Trail Compatibility Survey

April 3, 2015



Table of Contents

1 Introduction	2
2 Background & Context	3
3 Summary of Findings	4
3.1 Design and Management Strategies	4
3.2 Indemnification	5
3.3 National Trail Inventory	6
3.4 Literature Review	9
4 Detailed Trail Information	11
4.1 San Pasqual Valley Agricultural Trail, San Diego, CA	11
4.2 Fred Meijer Heartland Trail, Edmore, MI	15
4.3 Cowell-Purisima Coastal Trail, San Mateo County, CA	18
4.4 Bob Jones Bike Trail, San Luis Obispo, CA	21
4.5 Obern Trail, Santa Barbara County, CA	24
4.6 Musketawa Trail, Ottawa and Muskegon Counties, MI	27
4.7 Cedar Valley Nature Trail, Linn County, IA	30
4.8 Lake Wobegon Trail, Stearns County, MN	33
4.9 West County and Joe Rodota Trails, Sonoma County, CA	36
5 Other Trails	39
6 Appendix A – San Dieguito River Valley JPA Indemnification Resolution	44

1 INTRODUCTION

This report is an inventory and analysis of existing trails in agricultural settings, with a focus on trails that are most comparable to the context of the Santa Paula Branch Line (SPBL) in Ventura County. The objective was to find trails that have been successfully implemented and operated in active agricultural areas similar to the proposed SPBL trail, and identify the challenges they faced and the factors that made them successful. Significant effort was made to contact the agricultural owner/operators adjacent to the trail regarding their experience and perspective, as well as that of the trail owner/operator. While this study was conducted specifically for the SPBL, the findings are applicable to other areas where trails may traverse agricultural properties.

Criteria for comparable examples included:

1. Trail corridors that pass through active agricultural areas; particularly row crops and orchards;
2. Paved trails that have a range and level of use comparable to what is envisioned in Ventura County;
3. Focus on trails in California or comparable agricultural/environmental setting;
4. Trails for which detailed information could be obtained for the trail owner/operator, and if possible from the adjacent agricultural owner(s)/operators.

Over thirty trails were identified matching the first criteria, as listed in Section 3.3. Of those, nine trails with the greatest similarity to the SPBL have been selected for detailed profiles in Section 4. Information gathered for the remaining trails is presented in Section 5.

In addition to the trail research and case studies, a review of technical literature and guidelines related to trails in agricultural settings was performed. The most relevant literature, themes, and findings are summarized in Section 3.4.

2 BACKGROUND & CONTEXT

Stretching 32 miles from Highway 101 in the west to the Los Angeles County line in the east, the Santa Paula Branch Line (SPBL) rail corridor passes through the cities of Santa Paula and Fillmore as well as active agricultural areas. While 29 miles of track remain in active use, the future use of the corridor is to be determined. The Ventura County Transportation Commission (VCTC) purchased the corridor in 1995 from the Southern Pacific Transportation Company and manages the corridor with the potential to develop freight, commuter rail, utilities, and/or recreational trails and parks. The right-of-way averages 100 feet wide, but varies in places from 30 to 250 feet wide.

In the year 2000, VCTC adopted the Santa Paula Branch Line Recreational Trail Master Plan and certified the Santa Paula Branch Line Recreational Trail Master Plan Environmental Impact Report (EIR). The SPBL Recreational Trail Master Plan provides design guidelines, preliminary engineering, and a preferred alignment for the trail, traversing the cities of Ventura, Santa Paula, Fillmore, the community of Piru, and agricultural areas in unincorporated Ventura County. To date, three trail segments have been constructed in Santa Paula, Fillmore, and Piru. In response to significant concerns and protest from agricultural interests, trail construction in the agricultural areas of the unincorporated County was prohibited by a 15-year agreement between VCTC, the County, and property owners adjacent to the SPBL. This agreement expires in February 2015.

The rail corridor is owned in fee by VCTC. Along much of the SPBL, agricultural operations line both the north and south sides of the VCTC right-of-way and in some areas encroach onto the 100-foot right-of-way, pursuant to existing lease agreements between VCTC and the agricultural operators. Many agricultural crossings are legally entitled; of these, some are location-specific while others are generally or vaguely located. Some farmers are traveling on the right-of-way laterally without the legal right to do so. Agricultural uses along the SPBL change in response to market demand and crop viability. Currently, the adjacent properties generally include row crops and orchards (e.g., avocados and lemons).

In 2013, the County prepared engineering plans and an EIR addendum for its Piru Commuter Bicycle Path Phase III Project, which proposed construction and operation for an approximately 1-mile segment of the larger SPBL Recreation Trail in the Piru area. The project was met with significant opposition from agricultural interests, including the Farm Bureau; the Ventura County Coalition of Labor, Agriculture and Business; and the County Agricultural Commissioner. Concerns expressed by agricultural landowners and interests included vandalism, litter, increased liability, trespassing, the potential loss of the ability to cross the SPBL corridor, and the potential loss of existing farmland to buffers between recreational and agricultural uses.

As the 15-year agreement between VCTC, the County, and property owners adjacent to the SPBL approaches its end, new strategies are sought to address the relationship between agricultural and recreational interests, in the hope that the constructed portions of trail along the SPBL can be joined into a continuous whole reaching the coast. This report investigates trails that have been implemented in active agricultural areas, and reviews how they affected agricultural operations and food production. Outreach methods, negotiations between interested parties, trail and buffer design, and trail management policies and strategies are evaluated for their success or failure in balancing the needs of all stakeholders.

3 SUMMARY OF FINDINGS

Trails and active agriculture areas can and do exist in harmony, as demonstrated by examples from across the United States, including a wide range of use levels, trail surfaces, and management policies. The following strategies have been essential to the success of trails in agricultural areas:

- Indemnification of farmers against liability from trail use (in California there are existing statutes that provide strong protections);
- Fencing to clearly delineate trail and agricultural areas and provide barriers;
- Policies and agreements that give farmers the ability to close portions of the trail when agricultural operations would otherwise be limited by or hazardous to trail users;
- Controlled crossings that allow farm equipment to reach both sides of the trail, where necessary;
- Signage to alert trail users to the presence of active agricultural operations and instructing users to stay on the trail;
- Maintaining and observing the trail at a level to minimize vandalism and encourage a self-policing environment.

3.1 Design and Management Strategies

The most common thread in successful trail planning and management in agricultural settings has been one-on-one cooperation between trail operators and adjacent farmers and landowners. By developing these individual relationships, trail managers are able to accommodate concerns of farmers that are specific to the land features, crops, operations and machinery required for unimpeded farming. While farm bureaus and other agricultural representative bodies have, as a matter of policy, opposed recreational uses adjacent to farmland, individual farmers adjacent to the trails analyzed in this study have reported very little, if any, conflict with trail operations, trail users, or have had their farming operations hampered by adjacent trails. Illegal dumping, when it has been documented, has been the responsibility of the trail operator to clean up, and the presence of the trail removes the farm operator's responsibility. Concerns of trespassing, theft, and vandalism have not been supported by evidence.

Of all documented management practices, one of the most common is the ability to close the trail, or portions thereof, to allow agricultural operations such as spraying to occur without the danger of affecting trail users. Design measures that have helped minimize conflict include fencing and/or planted buffers between trails and crops, and the design and maintenance of regular trail crossings and gates for farmers.

The topic of trails through agricultural areas deserves additional ongoing study. As evidenced in this report, existing studies of trails, policies, and guidelines to address the interactions of recreation with farms are scarce. This study attempts to bring some of the strategies already in place in trails throughout the nation into an organized collection, while highlighting the most effective management techniques, design elements, and outreach methods. Of utmost importance is that trail planners and operators make direct contact with adjacent farmers and landowners and allow flexibility in trail design and management to meet the individual needs of affected stakeholders.

3.2 Indemnification

The California Government Code includes protections for landowners and facility operators from legal claims by recreational users. Counties and trail operators have, in some cases, chosen to implement specific policies to further indemnify trail-adjacent farmers and landowners from liability for any harm that may come to trail users. Applicable California codes and a selection of county and operator-specific policies are reproduced below.

California Government Code § 831.4 provides protection to public entities and easement grantors from liability to users of recreational trails, regardless of trail surface:

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of: (a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways. (b) Any trail used for the above purposes. (c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

(California Government Code Section 831.4. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=00001-01000&file=830-831.8>)

Further, California Civil Code § 846 specifically indemnifies private land owners against liability for any recreational users entering their property:

846. An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

(California Civil Code Section 846. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=840-848>)

San Diego County Ordinance Number 9233 (the “Trail Defense and Indemnification Ordinance”) provides a similar indemnification agreement, but specifically for owners of parcels containing or adjacent to recreational trails. Specific indemnification language from the ordinance is below:

Sec. 812.103. INDEMNITY. The County of San Diego will defend and indemnify an owner of a parcel of land as described in this chapter, from all claims, demands or liability for injury to person or property that occurs on the trail, or incidental to use of the trail, when used for any recreational purpose, excluding injury occurring in any of the following circumstances:

- a) The owner's willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;
- b) Where permission for recreational use was granted for a consideration other than the benefit received at the time of dedication;
- c) Where the person suffering injury was expressly invited by the owner to use the trail for a recreational purpose rather than merely permitted to use it;
- d) Where the person suffering injury is a member of the owner's household.

(San Diego County Ordinance Number 9233. <http://www.sandiegocounty.gov/cob/ordinances/ord9233.pdf>)

Also in San Diego County, the San Dieguito Joint Powers Authority (JPA), operator of the San Pasqual Valley Agricultural Trail (see page 11), passed a resolution to specifically indemnify farmers adjacent to the trail against claims from trail users. The JPA carries insurance to assist in the legal defense of suits brought against land owners, and also assists with legal counsel. This resolution, as applied to the Mule Creek Trail (with a similar agricultural adjacency) appears in Appendix A.

In areas with active agricultural operations, adequate signage alerting trail users to farming activities and equipment should be installed to alert users to the possibility of hazardous conditions.

3.3 National Trail Inventory

In order to identify trails that are most applicable to the SPBL, a nationwide inventory was completed of trails that pass through or adjacent to active agricultural lands. Data was gathered for each of these trails and used to determine which trails were most comparable to the SPBL. Trails included in this national inventory are shown in Table 1. From this list the most pertinent nine examples were selected for more detailed case studies. Information on the remaining trails is provided in Section 5.

Table 1 – National Trail Inventory – Trails in Agricultural Settings

NAME OF PROJECT	STATE	COUNTY	CITY
Arundell Barranca Bike Path	CA	Ventura	Unincorporated
Bob Jones Pathway	CA	San Luis Obispo	Avila Beach
Catskill Scenic Trail	NY	Delaware, Schoharie	
Cedar Valley Nature Trail	IA	Linn	
Conewago Recreational Trail	PA	Lebanon, Lancaster	
Cowell-Purissima Coastal Trail	CA	San Mateo	South of Half Moon Bay
Fred Meijer Heartland Trail	MI	Edmore	Edmore, MI
Goleta Bicycle Route	CA	Santa Barbara	
Hanover Trolley Trail	PA	York	
Harlem Valley Rail Trail	NY	Dutchess, Columbia	
Hart-Montague Trail	MI	Muskegon and Oceana	
Hennepin Canal Parkway	IL	Bureau, Henry, Whiteside	
Ice Age Trail	WI	Statewide	
Joe Rodota Trail	CA	Sonoma	Santa Rosa to Sebastopol
John Wayne Pioneer Trail	WA	King, Kittitas	
Lake Wobegon Trail	MN	Stearns	
Lakelands Trail	MI	Ingham, Livingston, and Washtenaw	
Latah Trail	ID	Latah	Moscow
Macomb Orchard Trail	MI	Macomb	
Mokelumne Coast to Crest Trail	CA	Alameda, Calaveras, Contra Costa, Tuolumne	

NAME OF PROJECT	STATE	COUNTY	CITY
Monterey Bay Scenic Sanctuary Trail	CA	Santa Cruz	3 miles east of Santa Cruz
Mullet Hall Equestrian Trail System	SC	Charleston	
Musketawa Trail	MI	Ottawa, Muskegon	
Norwottuck Rail-Trail	MA	Hampshire	Belchertown, Northampton
Oak Creek Trail	NE	Butler, Saunders	
Obern Trail (Atascadero Bike trail)	CA	Santa Barbara	
Ohlone Rail Trail	CA	Santa Cruz	
Raccoon River Valley Trail	IA	Dallas	
Row River Trail	OR	Lane	
Russell Boulevard Bike Path	CA	Yolo, Solano	Between Davis and Winters
San Pasqual Valley Agricultural Trail/ Mule Hill Historic Trail	CA	San Diego	San Diego
Sauk Rail Trail	IA	Carroll, Sac	Carroll, Lake View
Slippery Elm Trail	OH	Wood	
South Prong Rocky River Greenway (SE Greenway, Davidson Greenway)	NC	Mecklenburg County	Davidson
Stavich Bike Trail	PA/OH	Mahoning (OH), Lawrence (PA)	
Ventura River Trail (Ojai Valley Trail Extension)	CA	Ventura	Ventura
West County Trail	CA	Sonoma	

3.4 Literature Review

A search and review of related literature highlights the need for research of this kind. The vast majority of existing research on the combination of recreational and agricultural uses involves either low-intensity grazing land or the establishment of agritourism. While agritourism can provide benefits to both farmers and trail users, it presents a very different situation to the SPBL, where agricultural operations are large scale and intensive. The literature summarized in Table 2 addresses trails in agricultural settings in a general way, or agritourism in a way that provides guidelines applicable to trails in agricultural areas.

Table 2 - Literature Review Summary

TITLE	GEOGRAPHICAL REGION	AUTHOR/ AGENCY/ PUBLICATION	YEAR PUBLISHED	NOTES/DESCRIPTION
Trails through Agriculture Areas	British Columbia	British Columbia Ministry of Agriculture	2005	A guidebook, brochure, and series of pictures to address conflict between trail users and agriculture. Directed at user education.
A Guide to Using and Developing Trails in Farm and Ranch Areas	British Columbia	British Columbia Ministry of Agriculture and Lands	2005	The guide contains suggestions and recommendations for people who are directly involved in the planning, design, development and maintenance of trails that go through agricultural lands.
Land Trusts and the Choice to Conserve Land with Full Ownership or Conservation Easements	United States	Dominic P. Parker	2004	Conservation easements, descriptions, examples where owners adjacent to easements have built fences, maintained trails.

TITLE	GEOGRAPHICAL REGION	AUTHOR/ AGENCY/ PUBLICATION	YEAR PUBLISHED	NOTES/DESCRIPTION
Recreation, tourism and the farmer	England/Wales	Michael Dower	1973	Details common concerns and conflicts. Encourages farmers to embrace tourism, provide services for visitors. Recommends the development of information similar to the materials in British Columbia.
Governing recreational activities in Ireland: a partnerships approach to sustainable tourism	Ireland	Thomas van Rensburg	2006	
Protecting and managing private farmland and public greenways in the urban fringe	Hartford, CT	Robert L. Ryan	2004	Bring recreation and conservation organizations together with local farmers in greenway planning decisions.
Rail-Trails and Community Sentiment	United States	RTC	1998	General strategies for reducing conflict
Ag Respect	Napa Valley, CA	Napa Valley Vine Trail Coalition	Online, ongoing	Media campaign created by the Napa Valley Vine Trail Coalition in partnership with the Napa County Farm Bureau and Napa County Regional Park and Open Space District, to promote awareness among recreational users visiting agricultural areas.

4 DETAILED TRAIL INFORMATION

The following section provides nine trails that were found to be most applicable to the SPBL. A general summary of each trail's context and history is provided, along with details on the trail's physical characteristics; specific design features to accommodate agriculture; and management strategies essential to the trail's operation in an agricultural setting. Where possible, contact information for and feedback from trail and agricultural operators is supplied.

4.1 San Pasqual Valley Agricultural Trail, San Diego, CA

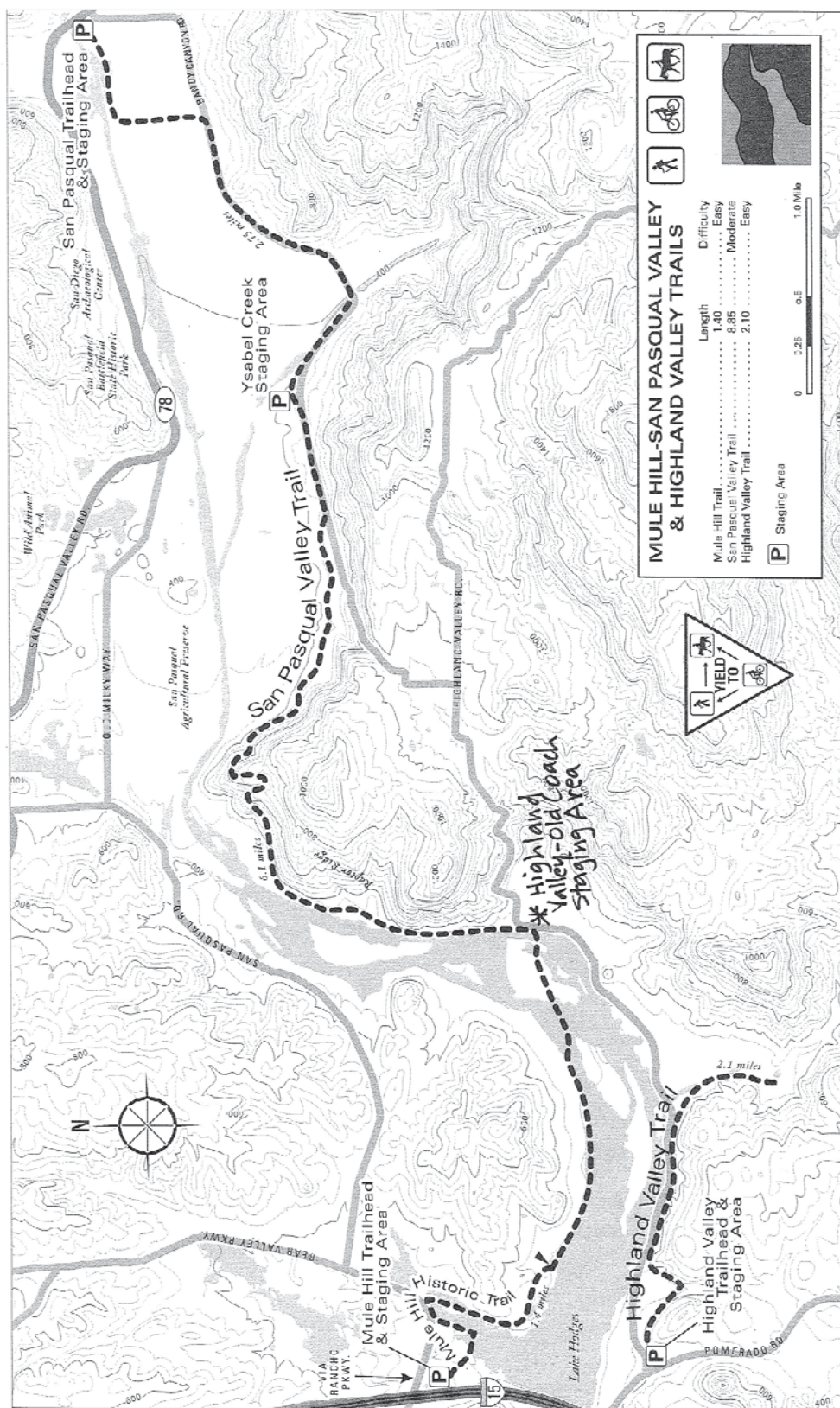
Summary

The San Pasqual Valley Agricultural Trail (SPVAT) was opened in June 1, 2002. The trail goes through an agricultural preserve owned by the City of San Diego, which leases the land to private farmers. During the planning phase of the trail, significant resistance was presented by local farmers and the San Diego Farm Bureau, primarily out of fear of theft and vandalism. The trail follows the edges of farm properties; farmers occasionally need to bring equipment across the trail.

(continued on next page)

Trail Features	Specific Design and Management Measures
Trail operator: San Dieguito River Park Joint Powers Authority (SDRP JPA) Length: 8.75 miles Trail width: 12' overall. 4' in oak grove areas, 6-8' in other constrained areas. ROW/Corridor width: Varies; generally 20' Trail surface: Unpaved native surface	• Specific fencing was designed for the trail, modified from the park department's standard lodgepole fencing. Chicken wire inserts were added approximately one foot from the ground to allow wildlife to pass through; • Gates allow sections of the trail to be closed; • Signage installed to alert the trail-users of trail closure for spraying and to stay on the trail; • Farmers can dictate trail closure (within reason, i.e., preferably no on weekends) for maintenance and crop spraying. This protocol was developed and approved by the County Farm Bureau, County Farm Advisor's Office, and the affected farmers; • The SDRP JPA chose to indemnify the farmers against liability issues relating to those using the trail.
Trail use: Equestrian, hiking, and biking Type of crops and operations: Orange groves, avocados, asparagus, squash, ornamental flowers, and row crops Trail owner/operator contact information: Shawna Anderson, San Dieguito River Park, 858-674-2275 x13, shawna@sdrp.org Agricultural operator contact information: Matt Witman, Witman Ranch	Feedback from Involved Parties • Shawna Anderson: There have been no reported incidents of theft, vandalism, or liability issues to this date. • Many farmers who were initially opposed to the trail now support it. • An agreement was made early after the SDRP JPA listened to the concerns of the farmers and created specific design and management plans to create a mutually beneficial relationship between the trail and agricultural industry. • One segment required the removal of orange trees to make space for the trail. The owner of the trees was compensated for the value of the trees and their future crop value. • Matt Witman: Citrus farmer, primarily orange groves, some organic farming; • Heavily involved in the early planning process. Primary concerns were trespassing and litter from the trail contaminating crops and affecting farm inspections; • Indemnification of farmers was "a dealbreaker" – the farmers and farm bureau would have never supported the trail without it; • Trespassing has not been a major problem overall, there was one instance where a bicycle race took place on the trail, and one of the racers got lost and strayed onto the farm and a pack of racers followed. No damage was done but it was not an ideal scenario; • Chainlink fencing is important, as it provides a better psychological barrier for trail users than lodgepole, and also keeps dogs off the farm; • If he could do it all over again, he would have pushed for more stringent trash cleanup requirements from the trail operator.

Trail Map



Source: http://www.sdrp.org/images/mule_hill_trailmap.jpg

Project Photos



Source: <http://www.fsdrrv.org/photosRVViews.html> (friends of San Diego River Valley)



ESCONDIDO, CALIFORNIA SAN PASQUAL VALLEY AGRICULTURAL PRESERVE MARCH 2009

Source: <http://jamescoffeestudios.smugmug.com/San-Dieguito-River-Park/Hikes/Valley/20090228-Ysabel-Creek-to-1>

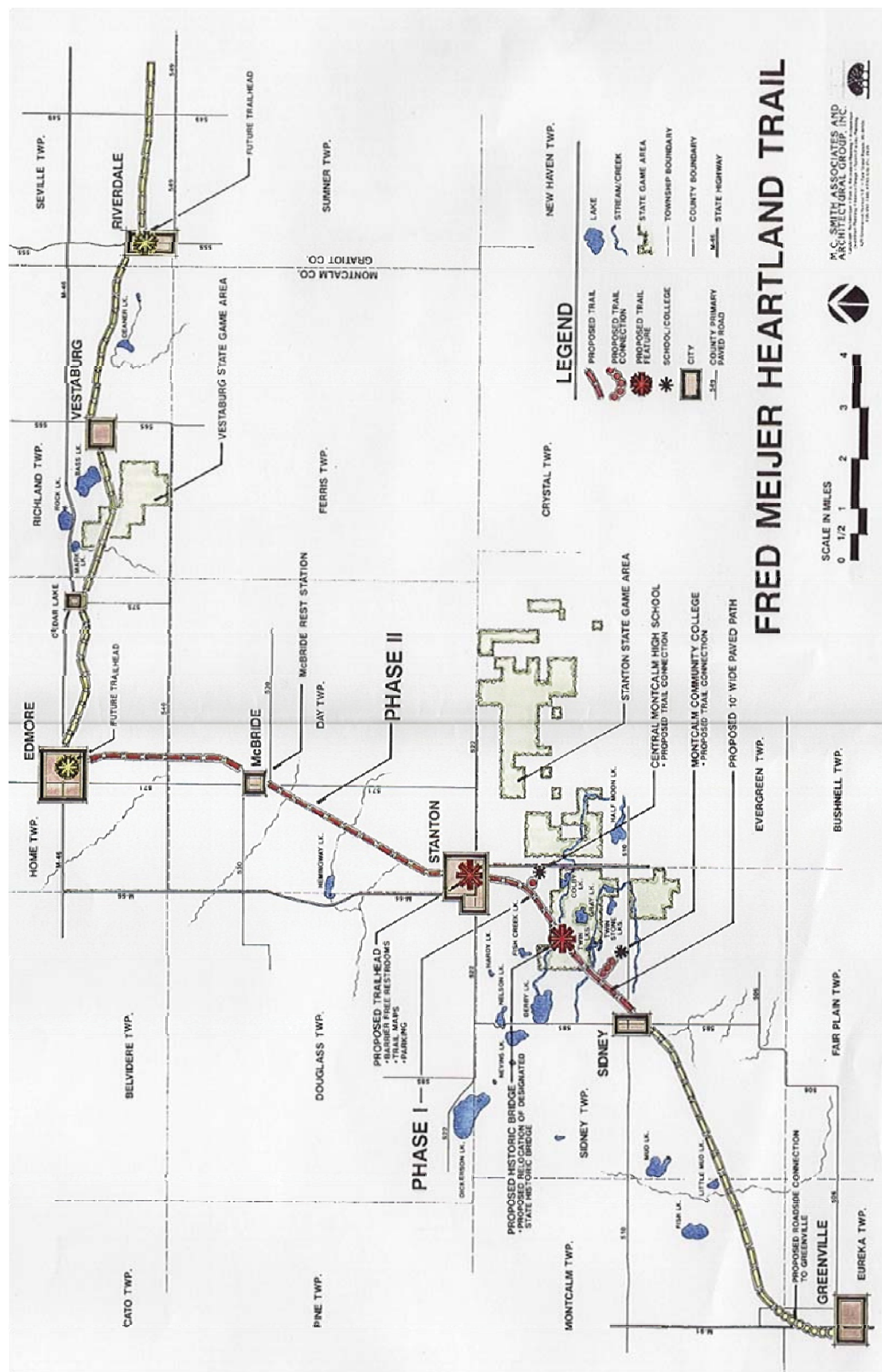
4.2 Fred Meijer Heartland Trail, Edmore, MI

Summary

In 1994 Fred Meijer and other donors funded the purchase of the abandoned rail line and its transformation into a recreation trail. Paving was begun with grants from ISTE, DALMAC, and many generous private donations. Concerns from farmers included trespassing fears and restricted access to land on both sides of the trail. Other than agriculture, hunters also opposed the trail as it was used for hunting prior to development. During the trails development there were multiple outreach events between the trail developers and the public. Two hearings were held and there were petitions both for and opposing the trail. While an agreement with all adjacent farmers could not be reached, the trail was constructed with overall public support. All trail funding is from private donations and trail memberships.

Trail Features	Specific Design and Management Measures
Trail operator: Friends of the Fred Meijer Heartland Trail Length: 41 miles Trail width: 10' with 2' shoulders; 14' total ROW/Corridor width: 50' on each side of center line Trail surface: Paved asphalt Trail use: Bikers, walkers, roller blade enthusiasts and joggers Type of crops and operations: Potatoes, soy, hops, corn, beans, hay, wheat, alfalfa, oats Owner/operator contact information: Don Stearns, President, 989-235-6170 dkstearns@centurylink.net Agricultural owner/operators: Ned Welder; Jan Pearl (property owner, leases to a farmer); Robert Spencer	• Bollards were put in place on the trail to limit vehicular use and dumping. All keyed the same with emergency responders having access to keys. • Gates installed to allow farmers to cross. • MI state law indemnifies farmers for injury to trail users. • When trail was constructed, a wide apron was installed to allow combines and semis to cross. • Signs posted to warn users to watch for farm equipment crossing.
	Feedback from Involved Parties • Don Stearns: No reports of trespassing onto farmland. Occasionally farmers have encroached into the trail buffer, spraying the trail (4 incidents in 20 years) and snowmobiles entering the trail and causing accidents have been reported. Ray Christiensen, a corn farmer, was ruled against in federal court and had to pay damages for cutting down trees in the buffer within the trail's right-of-way. • Ned Welder: no problems with the trail. He walks along the trail to check on his crops. • Jan Pearl: very concerned about trespassing before the trail was built, but have had no problems with the trail or trail users. She said she was uncomfortable with change but is now a trail user and sees it as a very positive thing for the community • Robert Spencer: has generally experienced no problems with the trail. One issue was a deer hunter using the trail. Another is that potato farms nearby spray from the air and there has been concern about drift.

Trail Map

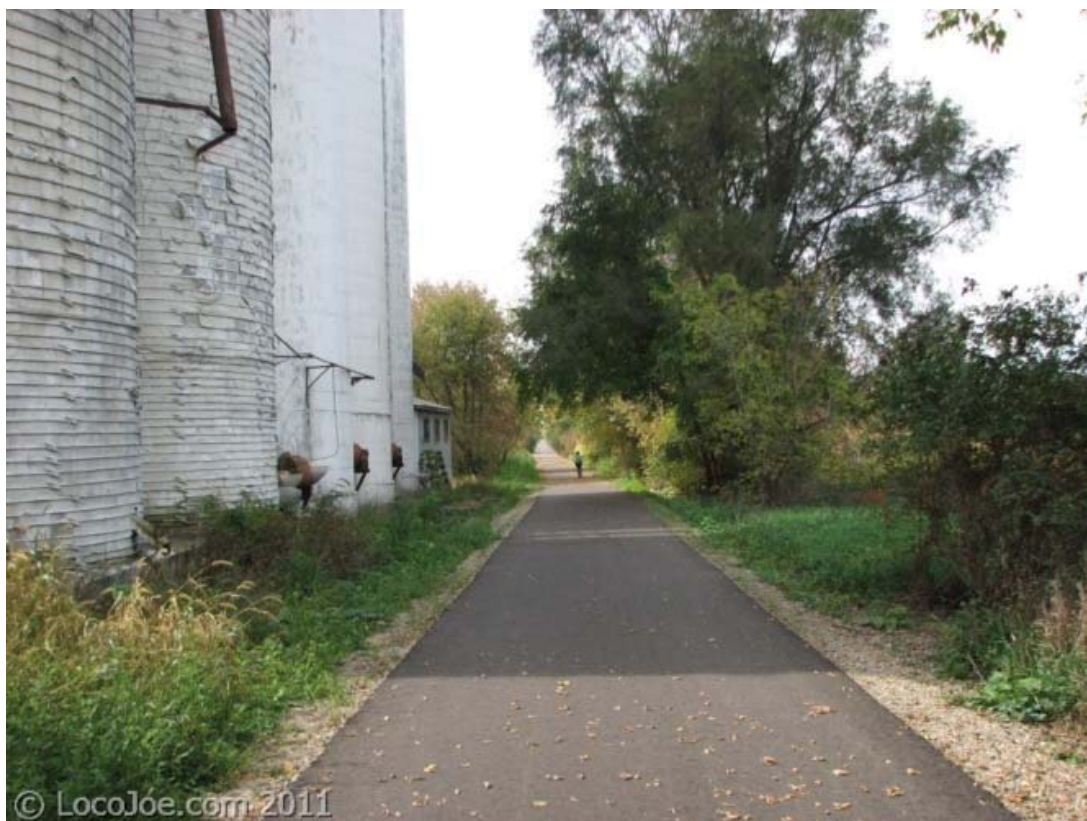


<http://www.montcalm.org/trail/FrontPage%20Stuff/trail/images/Map-All2.jpg>

Project Photos



http://trailsmichigan.com/trailpage.php?nr=69_Fred-Meijer-Heartland-Trail-Entire-Trail



<http://vanscyoc.net/blog/archives/841-Fred-Meijer-Heartland-Trail-Michigan.html>

4.3 Cowell-Purisima Coastal Trail, San Mateo County, CA

Summary

The Peninsula Open Space Trust (POST), working with the California Coastal Conservancy, a state agency, bought the land to protect it from development, and later sold it to the farmer, Giusti, with conservation and trail easements in place. The design and implementation of the trail involved a lot of work with the owner/farmer to make the trail work in the agricultural setting; stout fencing; information and regulatory signs, trail gates the farmer has a right to close, within certain limits, to accommodate crop spraying and other operations; and special wide double gates to allow cattle and large equipment, such as disking tractors, to cross the trail while simultaneously closing the trail. The trail was open 7 days per week for the 1st year, except for month-long periods when it was closed on weekdays for field spraying. Then due to State parks closure of the north leg of the access due to budget constraints, the trail was closed weekdays and is currently only open weekends and holidays. POST uses volunteer docents for patrol and a local landscape restoration company for maintenance.

Trail Features	Specific Design and Management Measures
Trail operator: Peninsula Open Space Trust Length: 3.6 miles Trail width: 6 to 12 feet, depending on topography ROW/Corridor width: Varies; 20' minimum Trail surface: Unpaved, base rock surface Trail use: Hikers, bicyclists, handicap accessible at most parts, no dogs or horses due to food safety concerns with adjacent farm fields Type of crops and operations: Artichokes, Brussels sprouts, field crops, grazing Owner/operator contact information: Paul Ringgold, Vice President, Land Stewardship, Phone: (650) 854-7696 pringgold@openspacetrust.org Agricultural owner/operator: John Giusti, Giusti Farms, LTD. 650.726.9221.	- Stout fencing - Large gates to accommodate cattle and equipment passage while trail is closed - Gates to close trail during spraying and operations - Information and regulatory signs - Maintained by volunteer docents - Farmer has ability to close gates for maintenance
	Feedback from Involved Parties - Paul Ringgold: The ability to work as a team, such as on a section where bluff erosion was impacting the trail, is key to success. - POST recently asked whether there were any security issues that would benefit from additional gates and was told that there were none. - POST hasn't received any negative comments from owner John Giusti, or Giusti's agricultural tenant on the southern half of the property, Bob Marsh. - John Giusti reported 8/25/14 that the trail project "has not interfered with his operation at all, and he considers it a successful project." The fence is very important. There is never anybody crossing it, though sometimes there are people on the trail when it is supposed to be closed (such as for spraying - often runners. The project is a success because of the planning that took his concerns into consideration, and made it more of a partnership. The information about spraying and the allowance for closure was important.

Trail Map



- New Cowell-Purisima Trail
- Trail
- Protected Land
- } Bridge

Cowell Ranch Beach to Purisima Creek

This portion of the trail is open weekends year round. Closed weekdays.

Project Photos



<http://www.wisdomportal.com/CowellRanchBeach/219-TrailheadToBeach.jpg>



http://peninsulaopenspacetrust.files.wordpress.com/2014/08/cowell-purisimatrail-open_4562_cpaolovescia11.jpg

4.4 Bob Jones Bike Trail, San Luis Obispo, CA

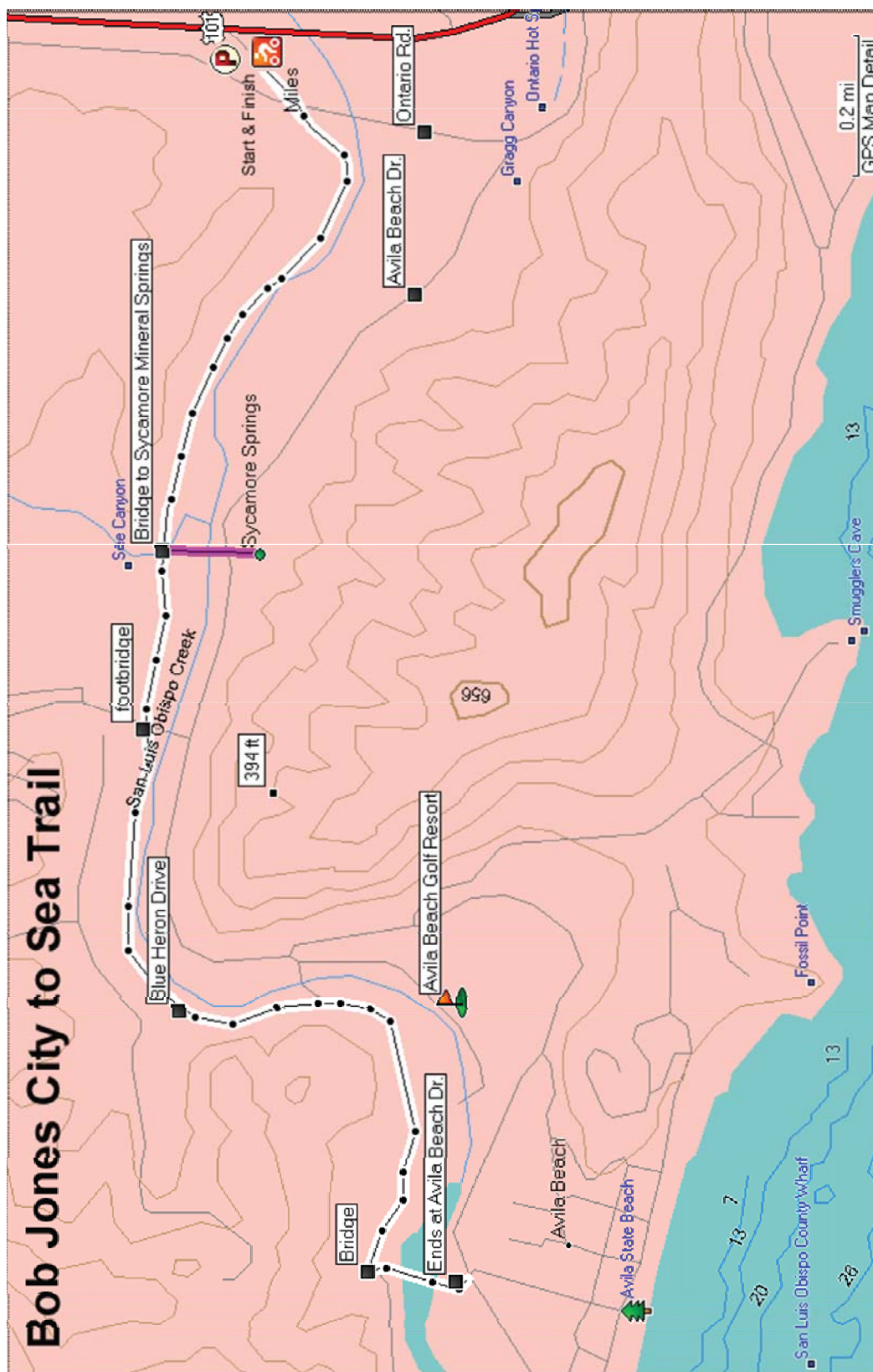
Summary

Previously Avila Beach Trail and the Bob Jones City to Sea Bike Trail. It follows the Pacific Coast Railroad right-of-way along the San Luis Obispo Creek to Avila Beach. The trail is being built on easements that are either purchased from or donated by landowners. The existing trail is adjacent to a creek, SLO golf course, and an apple orchard.

The new segment of the trail will be adjacent to more agriculture. Draft EIR is currently underway, and a second public workshop for the EIR is expected to be conducted in late October 2014. Extensive coordination with landowners for this phase. Concerns have been raised about access and interference with farm equipment. With federal funding, negotiations on acquisitions can't begin until EIR complete.

Trail Features	Specific Design and Management Measures
Trail operator: San Luis Obispo County Parks Length: 3 miles Trail width: Up to 10', narrower as topography demands ROW/Corridor width: Trail surface: Paved Trail use: Bicycle and pedestrian Type of crops and operations: Apple orchards Owner/operator contact information: Shaun Cooper, Senior Park Planner (805) 781-4388 scooper@sloparks.org	- Fencing and other barriers are being considered for future portions of the trail. - Portions of the trail have been routed around specific parcels to reduce conflict. - In one circumstance, the route was adjusted to pass around a farm. The route originally followed farm frontage roads, but was moved to the back of properties instead.
	Feedback from Involved Parties - Shaun Cooper: Trail generally borders agriculture on one side only, with a creek or highway on the other. - The trail is generally on the edges of properties, where it's adjacent to either the creek or 101, so it's not interfering much with operations. The trail overall, being placed on easements, doesn't claim a great deal of property. It's taking a small overall percentage of property that it passes through.

Trail Map



Source: <http://hikesin.com/wp-content/uploads/2012/07/Bob-Jones-City-to-Sea-Trail.jpg>

Project Photos



Source: <http://connectslocounty.org/2013/04/02/bob-jones-octagon-barn-connection-workshop-2/>



Photo simulation of proposed new segment of trail. Source: Bob Jones Pathway Draft EIR
<http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/bobjonespathway.htm>

4.5 Obern Trail, Santa Barbara County, CA

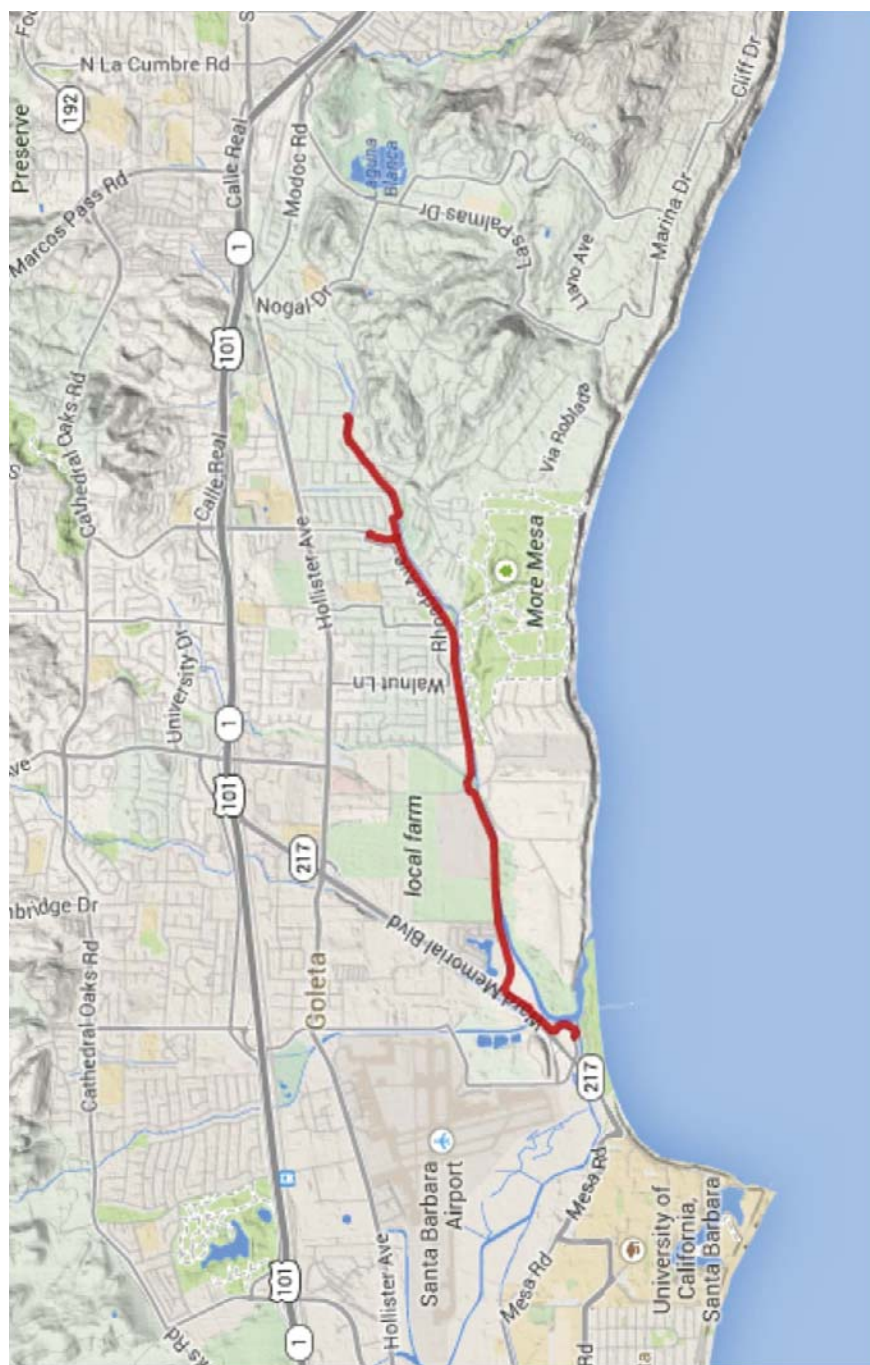
Summary

This trail was first proposed 1967, when housing developments and drainage creeks were being constructed in the area. George and Vie Obern lobbied for the creation of trails along these creeks, and the trail was named after them in 2004 (it was previously called the Atascadero Trail).

The surrounding agriculture includes some of the most productive in the county - it's in the flight path of the airport, not under threat from development, so there is heavy investment in irrigation, greenhouses, and equipment. The stretch from Patterson to Goleta Beach passes through high value crops.

Trail Features	Specific Design and Management Measures
Trail operator: Santa Barbara County Length: 3.5 Miles Trail width: 10' ROW/Corridor width: Varies, most often 20' Trail surface: Paved Trail use: Recreational and commuter cycling Level of use: High: thousands of users daily Type of crops and operations: Strawberries, tomatoes, nurseries, greenhouses, row crops, and orchards. Owner/operator contact information: Matthew Dobberteen, Alternative Transportation Manager, Santa Barbara County Department of Public Works 805-568-3576 Agricultural owner/operator: John Givens john.givens1@verizon.net - 805-964-4477	• Little to no physical barrier in most places. Oleander hedges and chainlink fence. • Each farmer decides on fencing – not installed by the County. • High levels of use create a self-policing scenario. • The trail is lit throughout, at all hours.
	Feedback from Involved Parties • Matthew Dobberteen: In over ten years managing trails for Santa Barbara County, I have never received a complaint about the Obern Trail. Our trails that run near agriculture are never the trails we have problems with. The only issue is every few years we may get some graffiti on a retaining wall. "A bike path will make theft harder, not easier, by bringing light, attention, people, eyes to the trail." "If someone wanted to steal from a farm, they'd find a place where no one could see them, not a trail with steady use." • John Givens: No significant impacts from the trail. Occasionally homeless pass through and there is minor vandalism, but it has not been serious enough to involve the County or other authorities. Trail users don't cut through the farm property.

Trail Map



Source: <http://www.traillink.com>

Project Photos



Source: <http://www.edhat.com/site/tidbit.cfm?nid=52049>



Source: <http://www.edhat.com/site/tidbit.cfm?nid=52049>

4.6 Musketawa Trail, Ottawa and Muskegon Counties, MI

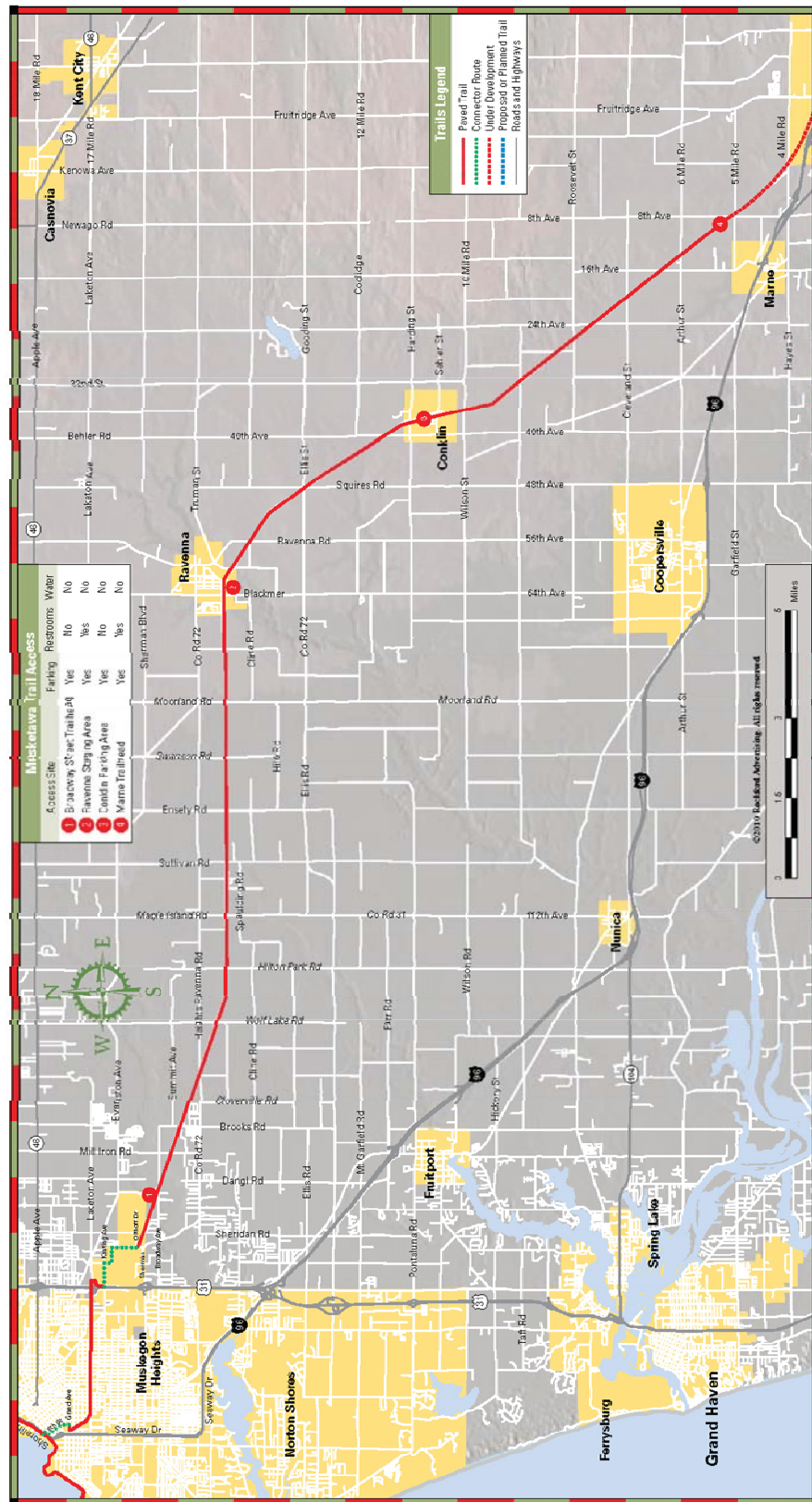
Summary

This trail was converted from an unused railroad corridor that ran between Marne and Muskegon. It links with other trails in a statewide network. Public meetings were held from 1990-1992. A trail advisory board was formed, made up of representatives from Muskegon and Ottawa Counties from different user groups and local residents.

The first mile of trail was paved in Ravenna in 1997. The following year the eastern half between Marne and Ravenna was completed. The west end will eventually connect to the Hart-Montague Trail and the east end will be extended into Grand Rapids to connect with the White Pine Trail, Kent Trails and Paul Henry-Thornapple Trail.

Trail Features	Specific Design and Management Measures
Trail operator: Michigan Department of Natural Resources/Friends of the Musketawa Trail Length: 25 miles Trail width: 12', 4-8' gravel shoulder ROW/Corridor width: Trail surface: Asphalt Trail use: Multi-use: bicycling, equestrian, snowmobiling, pedestrian, roller/inline skating, cross-country skiing Type of crops and operations: Hay, blueberries, cucumber, corn, possible fruit orchards Owner/operator contact information: Wes Lomax, Michigan Department of Natural Resources, (231) 821-0553	Chainlink or wire fencing.
	Feedback from Involved Parties Wes Lomax: Conflicts with farmers during the planning phase were resolved early on; no conflicts or issues reported since.

Trail Map



Source: http://musketawa.mwswebsites.com/uploads/newsletters/MusketawaTrail_VLS-1.pdf

Project Photos



Source: <http://www.railstotrails.org/news/recurringfeatures/trailmonth/archives/0107.html>



Source: http://trailsmichigan.com/trailpage.php?nr=79_Musketawa-Trail

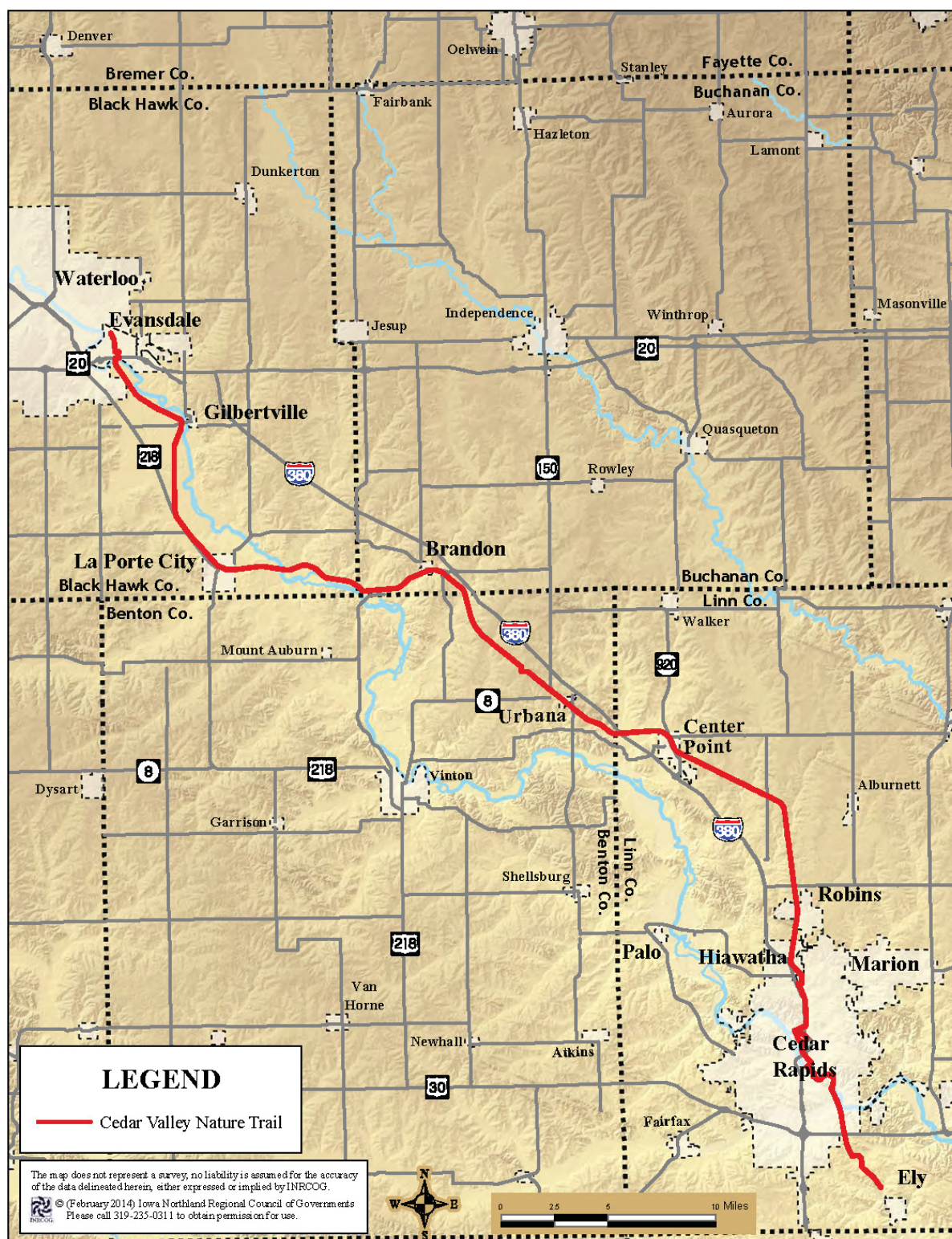
4.7 Cedar Valley Nature Trail, Linn County, IA

Summary

Building this trail was a battle, with concerns ranging from trespassing and robbery to general safety for women and children. The trail bisects agricultural properties, so design measures to avoid conflicts were planned. Other issues such as trees along the trail sometimes prevented sunlight from reaching crops. Farmers have been helpful in allowing access to bridges from property. Many farmers and their families have been seen using this trail, while some are still upset due to feelings that the land should be their own. Rural towns and elected officials have become supportive of the trail, touting economic development benefits, connecting of the trail to local business. The trail abuts 3/4 miles of K&J Squires Farms, and bisects portions of their property. They have an easement allowing their equipment to cross the trail and access their fields.

Trail Features	Specific Design and Management Measures
Trail operator: Linn County Conservation Board Length: 52 miles Trail width: 12' ROW/Corridor width: 100' ROW Trail surface: Paved asphalt, crushed stone Trail use: Pedestrian and bicycles Type of crops and operations: Corn, dry beans, hay, wheat Owner/operator contact information: Dennis Goemaat, Deputy Director, Linn County Conservation Board, Iowa Agricultural owner/operator: Joyce Squires, K&J Squires Farms Inc.	• Fencing with gates; • Reinforced crossing to accommodate equipment; • Easement allowing farm equipment access; • Signage to warn trail users of crossing farm vehicles.
	Feedback from Involved Parties
	• Joyce Squires: She and her husband were initially opposed to the trail, with concern about trespassing, but this has not been an issue; • Generally the trail has been very positive, she and her family use it; • Only problem they have is that occasionally a trail user will not pay attention to the signs and will cut in front of farm equipment on the trail.

Trail Map



Source: <http://www.co.black-hawk.ia.us/conservation/Publications/maps/CVNT%20Map.pdf>

Project Photos



Source: Rails to Trails Conservancy

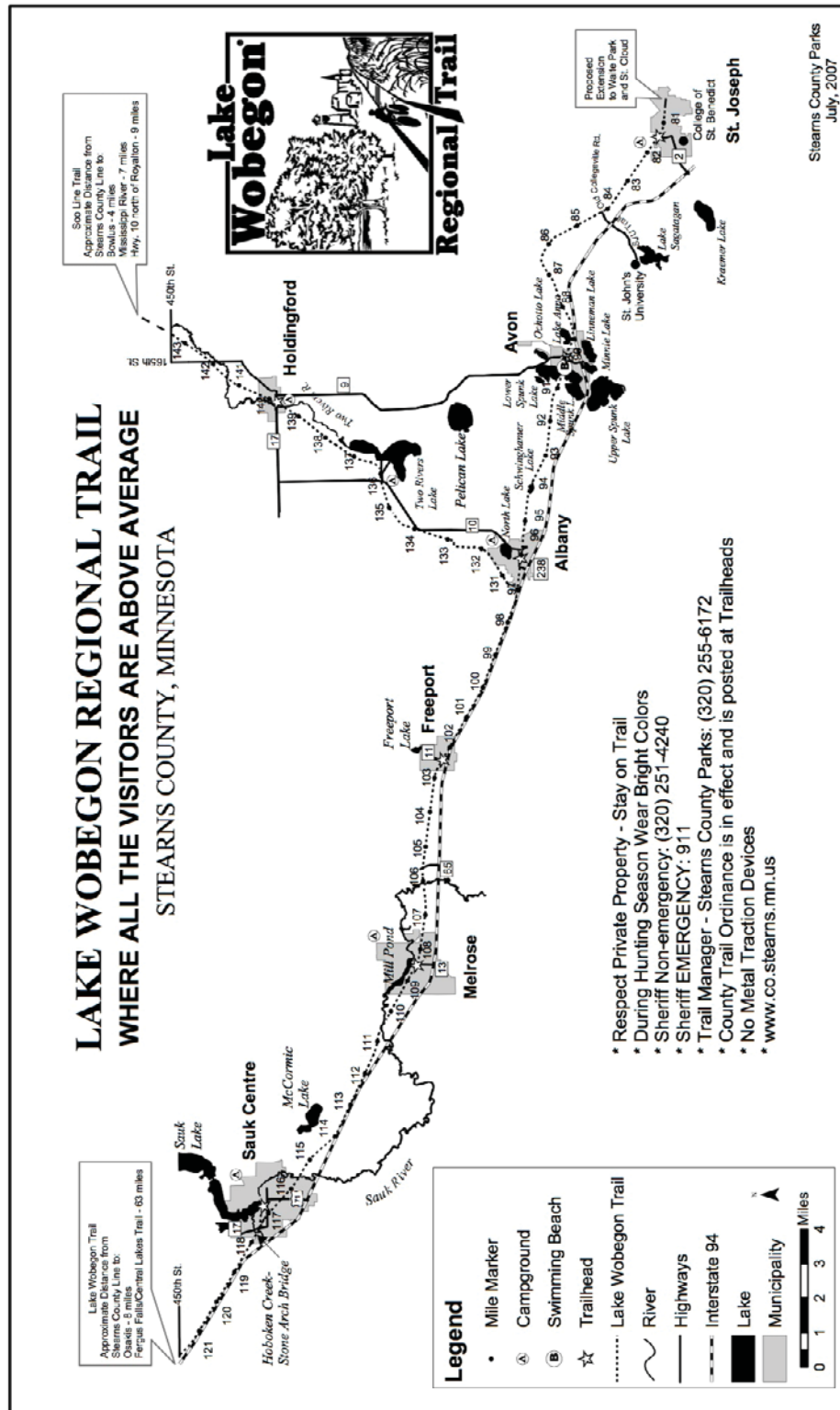
4.8 Lake Wobegon Trail, Stearns County, MN

Summary

Built on a Burlington Northern Railroad corridor, this rail-trail passes the towns of Osakis, St. Joseph, and Albany in Stearns and Todd Counties. The trail opened in 1998 with significant concerns about safety. In 2000-2001 landowners convinced commissioners to build fencing. Farmland is on both sides of the trail. There are generally no gates aside from grazing areas. During the initial phase of development, there was no opposition. During the second phase issues arose when the agricultural commissioner told farmers they would get the underlying property land back for free after the railroad left. There were significant concerns about trespassing, and some portions include a fence of 3-strand barbed wire for livestock and property demarcation. Opposition is now mostly gone, there have been a few people that have expressed concern about spraying for weeds on the trail that might impact crops.

Trail Features	Specific Design and Management Measures
Trail operator: Stearns County Parks Length: 62 mi Trail width: 10' ROW/Corridor width: 100' Trail surface: Asphalt, crushed stone, gravel Trail use: Bicyclists, cross-country skiers, snowmobilers, pedestrians Level of use: High on weekends; 100,000-150,000 users measured from April to October 2014 Type of crops and operations: Corn and soybeans Owner/operator contact information: Pete Theismann, Park Director Stearns County Parks, MN; 320-255-6172 parks dept. Lake Wobegon Trail	• Yield signs at crossing • Gates where livestock are present • 3 strand wire fence • 40' buffer through most of the corridor • Weekly trail maintenance • Local police are invited to patrol the trail • Trail crossings are minimized. Maintained where existing before the trail, but if new crossings are requested another must be closed
	Feedback from Involved Parties
	• Pete Theismann: Few problems have occurred, more issues are due to encroachment • Erosion with sand covering trails due to trees being cut down by farmers. • No problems reported with agricultural spraying, trespassing or littering from the public. • The trail is far more popular relative to the concerns that have been raised.

Trail Map



Source: <http://saukcentrechamber.com/files/507.pdf>

Project Photos



Source: Rails to Trails Conservancy



Source: Barry Weber - <http://lwtrails.com/>

4.9 West County and Joe Rodota Trails, Sonoma County, CA

Summary

These trails are built along land that was once the Petaluma and Santa Rosa Railway, a line that linked Petaluma and Santa Rosa with Sebastopol and Forestville. An unpaved equestrian trail runs parallel to the paved trail.

The most common concerns prior to construction included impacts to spraying activities, crop loss, dogs, and turning radius for agricultural equipment. Vineyards have less frequent maintenance needs than row crops.

Trail Features	Specific Design and Management Measures
Trail operator: Sonoma County Regional Parks Length: 14 miles Trail width: 8' with shoulders ROW/Corridor width: 40' – 60' Trail surface: Asphalt Trail use: Mix of pedestrians and cyclists with limited equestrian use. Type of crops and operations: Vineyards, hay, blueberries Owner/operator contact information: Bert Whitaker (Maintenance and Operations Chief), Sonoma County Regional Parks. 707-565-2041 Kenneth Tam, Park Planner II, Sonoma County Regional Parks Department, 2300 County Center Drive, Suite 120A, Santa Rosa, Ca 95403 Phone: 707-565-3348 ken.tam@sonoma-county.org Agricultural owner/operators: Kendall Jackson, vineyard manager, Russian River Vineyards. Kozlowski Farms, Jam sellers. Daryl Davis.	Feedback from Involved Parties
	- Farmers put A-frame signs on their property stating when spraying will occur. - Spraying generally limited to early morning, before most trail users are present. - Aerial spraying not conducted near the trail. - Some vineyard owners have built connections between their properties and the trail. "No Trespassing" signs have been installed by some vineyard owners. - The County patrols the trail and regularly talks with neighbors. - Kenneth Tam: The County conducted a record of survey and title search, then reached out individually to agricultural land owners and operators who appeared to be using the railroad ROW without the legal right to do so and requested they provide documentation that they were using the ROW legally. None were able to provide documentation. There was a blueberry farmer using the railroad ROW to access his crops. The farmer has since opened a stand along the trail to sell blueberries and blueberry ice cream. The main concerns voiced during the planning stages included the potential for crime and trespass. These concerns have not been realized. - Bert Whitaker: Some farmers have asked for temporary encroachments (e.g., to run equipment across the trail during harvest); however, the County has taken the stance not to allow this. It would be more convenient for farmers to be able to do this, but they find they can get the access the need using just their properties.

[illegible]

Source: http://parks.sonomacounty.ca.gov/uploadedFiles/Parks/Get_Outdoors/Parks/westcountyand%20joerodota_map_2012.pdf

Project Photos



Source: Rails to Trails Conservancy



Source: Rails to Trails Conservancy

5 OTHER TRAILS

The following trails were identified as potential candidates for further study, but did not meet as many criteria as the trails detailed in the previous section. The following trails all feature agricultural adjacencies, but are presented in summary form here due to inability to contact operators, inapplicable agriculture types, lower levels of use, lower levels of trail development and operations, and geographical distance from Ventura County. Lessons to be learned from these trails reinforce information gathered for the focus trails, and the following trails can provide additional guidance for trail planning and conflict mitigation, particularly regarding interactions between individual farmers and trail operators.

JOHN WAYNE PIONEER TRAIL

King and Kittitas Counties, WA

This is a gravel trail over an old rail bed that features bicycling and equestrian activities. It is owned and operated by Washington State Parks and Lake Easton State Park and was established in 2002. Between Beverly and the Columbia National Wildlife Refuge the trail passes through Crab Creek Wildlife area. About 110 acres of WDFW land on the east end is leased for farming. The major crops in the eastern and northern Crab Creek Sub basin are cereal grains. Agriculture within the irrigation project is more diverse and crops include alfalfa, wheat, corn, potatoes, various tree fruits and many different seed crops. Vineyards and pulp farms have begun to appear recently. The trail is part of Iron Horse State Park - 240 miles total. John Wayne Pioneer Trail is one of 4 or 5 total. The majority of the trails run through agriculture. They operate a "good neighbor policy" with the farmers - crossings are established, and many (70%) were grandfathered in from when the railroad operated. There is usually no fee for farmers to cross. Most farmers own land on both sides of the trail. When the trail was established there was heavy opposition, primarily to return the land to farmers, since rail was removed. Since establishment, most requests from farmers have been able to be addressed (85%) - crossings and access. The state is developing new policy now to handle this interaction. Complaints are usually regarding dumping - people break the gates and leave car bodies or other large junk on the ROW - farmers usually call just because they don't want to look at it. No issues of break-in to farmland.

The trail is unpaved, and farming operations are mainly grains. The trail itself is within a state park.

There were extensive meetings with farmers, and crossing agreements were put in place. Requests from farmers are handled on an individual basis, and are almost always related to crossings.

Trail operator and contact information: Steve Hahn, Property Management Program Manager, Washington State Parks.

MULLET HALL EQUESTRIAN TRAIL SYSTEM

Charleston County, SC

Soil trail used by pedestrians and equestrians. It is owned and operated by Charleston County Park & Rec and was established in 2005. The trails meander throughout the historic fields of the former Mullet Hall Plantation and the system boasts a swamp, active farm fields, deep forest, and meadows. The trail does go through and is adjacent to active farming of one farmer who usually grows grain. There was no conflict during the development of the trail, as the trail director and farmer had a close relationship.

No conflict between uses due to unique land ownership scenario. Soil Surface.

CONEWAGO RECREATIONAL TRAIL (Connects To Lebanon Valley Rail-Trail)

Lebanon and Lancaster County, PA

A crushed rock/compacted surface trail that accommodates cyclists, equestrians, and pedestrians, the trail is owned and operated by Lancaster County Department of Parks and Recreation-Lebanon Valley Rails-to Trails, Inc. It was established in 2004. Agriculture includes horse farms specifically mentioned along trail, and possibly corn, soybean, alfalfa grown in the watershed area in proximity to the trail, but no specifics of crops interacting with the trail. The majority of the Conewago Creek watershed is in agricultural production (approximately 53%) with many of the main stem and tributary floodplains actively pastured or cultivated for crop production. There is private farmland along the trail, but contact had no information about it. Mainly pasture adjacent to the trail.

OAK CREEK TRAIL

Butler and Saunders County, NE

A crushed limestone trail for bicycling, equestrian activities, walking, roller/inline skating, cross country skiing, and snowshoeing, the trail is owned and operated by Lower Platte South and was established in 2007. Resources state that “the route continues through natural prairie, open farmland and oak woodlands until the trail reaches its endpoint at the trailhead in the town of Valparaiso.” Contact with the operator’s office confirmed fields are corn, soybeans and other grains, but no orchards. No reports of conflicts with the farmers in the area.

ICE AGE TRAIL

Statewide, WI

Ice Age Trail Alliance owns and operates this trail, which passes through farmland. Approximately 650 miles of trails, most of which is through agricultural lands. Multiple agreements are made with farmers, worked out one at a time. There are all kinds of agriculture, but more crops than grazing. Portions of the trail are rail-trail. Some issues include very narrow corridors left by farmers and also many areas are on farmers' land. The trail operators have brought landowners together to fill gaps in the trail and have worked with each farmer to ensure farms remain viable. They have also purchased easements, going well with farmers. Farmers sometimes disliked the trail and were upset at the lack of ability to drive the length of the rail line, which was not legal prior to the trail’s development, but crossings were provided to alleviate the conflicts. An example was given of a farmer whose land was acquired with an easement and had to modify his practices somewhat, but it worked out. There was also a band of landowners who wanted to buy out a portion of rail line so trail couldn't go in, which went to court and the landowners lost. Ice Age has an elaborate planning process that takes many years that includes a lot of community outreach in order to slowly build support. It is, for most of the trail’s distance, a narrow footpath, rather than a heavy-use paved trail.

Individual agreements were arranged with farmers and communities, formed over decades. Many stories about these agreements are available from the trail operator.

Operator contact: Kevin Thusius, Director of Land Conservation (800) 227-0046 - kevin@iceagetrail.org

HANOVER TROLLEY TRAIL

York County, PA

Owned and operated by York County Rail Trail Authority. Portions of the trail were constructed in 2008, while others were scheduled for 2013, but have not yet been constructed. There was opposition from farm operators during the feasibility study for the non-constructed portions.

STAVICH BIKE TRAIL

Mahoning (OH) & Lawrence (PA) Counties, PA and OH

An asphalt paved greenway and rail trail that is owned and operated by Lowellville Hillsville Charitable Foundation and Lawrence County Tourism. It was established in 2003. While there are agricultural fields in the area, they do not directly come in contact with trail itself.

MACOMB ORCHARD TRAIL

Macomb County, MI

This trail was built on former orchard land. current agricultural adjacencies are minimal, and the trail is inside a park.

LATAH TRAIL

Moscow, ID

This trail is owned and operated by Latah Trail Foundation. It passes near, but not directly adjacent to agricultural areas, and does not conflict with them.

ROW RIVER TRAIL

Lane County, OR

Asphalt paved equestrian, fitness, and mountain bike trail. The trail is also considered a nature trail, rail trail, and urban trail. It is owned and operated by the Eugene Bureau of Land Management and was established in 2005. It passes through "pastoral farms" but these consists of historical farmhouses, not active agricultural production.

MONTEREY BAY SCENIC SANCTUARY TRAIL

Santa Cruz County, 3 miles east of Santa Cruz, CA

This is an unpaved beach path that approaches row crops. Short stretch of the trail interacts with agriculture, and the surface is unpaved.

HENNEPIN CANAL PARKWAY

Bureau, Henry & Whiteside Counties, IL

This trail is partially paved and partially natural surface, and is used by cyclists, equestrians, snowmobiles, pedestrians, and cross-country skiers. It is operated by the Illinois Department of Natural Resources and established in 2004. It passes through "rolling farmland," that consists predominantly of grazing land.

HARLEM VALLEY RAIL TRAIL

Dutchess and Columbia Counties, NY

This trail is paved, and used by bicyclists, pedestrians, roller/inline skaters, cross-country skiers, and snowshoers. It is operated by the Harlem Valley Rail Trail Association. The trail passes dairy farms and grazing land. Adjacent agriculture is grazing and dairy production.

ARUNDELL BARRANCA BIKE PATH

Ventura County, Unincorporated, CA

Established prior to 1999, this trail is a paved bicycle and walking trail that passes row crops. It follows a drainage channel, and is only minimally adjacent to crops.

VENTURA RIVER TRAIL (Ojai Valley Trail Extension)

Ventura County, Ventura, CA

Also called Ventura River Parkway Trail, this paved bicycle, equestrian and pedestrian trail has a short segment (1/4 mile long) that runs along row crops.

RUSSELL BOULEVARD BIKE PATH

Yolo and Solano Counties, unincorporated; between Davis and Winters, CA

This paved bicycle and pedestrian trail passes row crops, horse pastures, and nut tree orchards. Directly adjacent agriculture is predominantly pasture land.

RACCOON RIVER VALLEY TRAIL

Dallas County, IA

This trail is operated by the Dallas County Conservation Board, Guthrie County, and Greene County, and covers 88 miles, some of which is adjacent to farmland growing corn and soybeans. The trail surface is asphalt and concrete, with unpaved segments. Trail users include bicyclists, inline skaters, snowmobiles, pedestrians, and cross-country skiers. It receives approximately 125,000 visitors per year. Major concerns during development on this trail were trespassing and occasional snowmobile activities. This never became an issue. There has been a close working relationship between the trail and adjacent landowners, which has resulted in 99% cooperation, with the occasional encroachment on the trail by farmers. Fencing, maintained by the Conservation Board, is in place for grazing livestock. Enhanced crossings were installed for farm equipment, with signs indicating trail users to yield to farm equipment.

LAKELANDS TRAIL

Ingham, Livingston, and Washtenaw Counties, MI

The only opposition to the trail was an onion farmer. Other adjacent farmers, with orchards and soybean crops, did not express concern. The Michigan Department of Natural Resources worked with Michigan State University to address concerns. The trail is 26 miles long, with a surface that varies between asphalt, ballast, and crushed stone.

HART-MONTAGUE TRAIL

Muskegon and Oceana Counties, MI

An asphalt rail-trail that passes orchards and soybean crops, this trail runs for 22.7 miles, and is managed by Michigan Trails and Greenways.

CATSKILL SCENIC TRAIL

Delaware County, NY

This rail-trail opened in 1997, is 26 miles long, with cinder, crushed stone, and natural surfaces. It sees heavy equestrian use. Barbed wire fencing separates the trail from adjacent cornfields. User groups include cross-country skiers, horseback riders, bicyclists, snowmobilers, pedestrians. Primary crops include feed corn and livestock. The trail is occasionally used to move livestock between fields. Dan Riordan, Executive Director of the Catskill Revitalization Corporation, the trail management agency, reports that farmers do cross trail with tractors and ride along the trail for short distances, and this has not been a problem. There have been no trespassing issues on farms.

NORWOTTUCK RAIL TRAIL

Hampshire County, MA

This rail-trail is 14.9 miles long and has an asphalt surface. Corn fields are adjacent to portions of the trail. Bob Clark, of the Massachusetts Department of Conservation and Recreation, reports minimal trespassing issues. Occasionally local youth cut through farms to reach the nearby mall.

6 APPENDIX A – SAN DIEGUITO RIVER VALLEY JPA INDEMNIFICATION RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY ADOPTING DESIGN INDEMNITY RE MULE HILL TRAIL

WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (“JPA”) is applying for a Site Development Permit (“Permit”) from the City of San Diego for the construction of a 9.4 mile trail (the Trail) in the San Pasqual-Lake Hodges Community Planning Area which is a portion of the Trail; and

WHEREAS, conditions 21 through 23 of the City of San Diego (“City”) Permit, impose certain design criteria for the design and construction of the Trail; and

WHEREAS, the JPA desires to design and construct portions of the Trail contrary to the normally applicable City requirements for setback and separation from the roadway, and such deviations from the normal design standards have been approved by the City conditioned on the JPA providing the City with design immunity; and

WHEREAS, the City and the affected leaseholders have requested indemnity for any expenses associated with a lawsuit brought against them by any person as a result of the design and construction of the Trail; and

WHEREAS, on June 16, 2000, the Board of Directors of the JPA adopted Resolution No. R00-7 agreeing to provide indemnification to the City and its agricultural leaseholders adjacent to the Trail as set forth in said Resolution, for any expenses associated with a lawsuit brought against them by a Trail user that may occur despite the broad array of statutory immunities; and

WHEREAS, the JPA desires to further indemnify the City and its affected leaseholders for any expenses associated with a lawsuit brought against them by any person as a result of the design and construction of the Trail as set forth in the Resolution.

THEREFORE BE IT RESOLVED THAT, in exchange for approval of the alternative design and construction of the Trail, the JPA shall provide the following additional indemnity and insurance coverage:

1.1 The JPA shall defend, indemnify, protect, and hold harmless the City, its agents, officers and employees, from and against all claims, demands, causes of action, liability or loss

asserted or established for damages or injuries to any person or property arising out of the design, construction and maintenance of the Trail. Claims, demands, causes of action, liability or loss that arise from, are connected with, or are caused or claimed to be caused by the acts or omissions of the JPA, the JPA's agents, officers and employees with respect to the design, construction and maintenance of the Trail are covered. Also covered are the claims, demands, causes of action, liability or loss arising from, connected with, caused by, or claimed to be caused by the active or passive negligent acts or omissions of the City, its agents, officers, or employees which may be in combination with the negligence of the JPA, its employees, agents or officers, or any third party. The JPA's duty to defend, indemnify, protect and hold harmless shall not include any claims or liabilities arising from the established sole negligence or sole willful misconduct of the City, its agents, officers or employees.

1.2 The JPA further agrees that the indemnification agreement referred to in Section 1.1 and the duty to defend the City require the JPA to pay any costs the City incurs that are associated with enforcing the indemnification provision, and defending any claims arising from the design, construction and maintenance of the Trail. If the City chooses, as its own election, to conduct its own defense, participate in its own defense or obtain independent legal counsel in defense of any claim related to work provided under this Agreement, the JPA agrees to pay the reasonable value of attorneys' fees and all of the City's reasonable costs to the extent covered by the JPA's insurance.

2. The JPA shall maintain a policy of public liability and property damage insurance, in which the City is named as an additional insured and secured in an amount of not less than \$5 million.

3. All provisions of the indemnification agreement adopted by Resolution No. R00-7 remain in effect, except for #4, provided that the claimant/employee, agent, invitee or relative of the indemnified party was injured or damaged as a result of the alternative design, construction, or maintenance.

PASSED AND ADOPTED this _____ day of _____, 2001, by the following vote: _____ AYES; _____ NOES; _____ ABSENT; _____ ABSTAINED

CHAIR, SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK JPA BOARD
OF DIRECTORS

ATTEST:

CLERK, SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK JPA BOARD
OF DIRECTORS