



Implementation Policies

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Above: The Lied Platte River Bridge at South Bend. (Photo courtesy of NEBRASKALand Magazine, Nebraska Game and Parks Commission)

Previous page: Mayor Donn Weseley of Lincoln and Mayor Mike Fahey of Omaha cut the ribbon on the Lied Platte River Bridge, May, 2002.

Implementation Policies

Previous chapters of this plan have presented the concepts and details of a refined statewide trails system, designed to serve the people and places of our state. The plan suggests possibilities and policy directions that can lead to a new decade of trail growth in the state. This chapter makes additional policy recommendations that can further strengthen both the extent and health of the trail network. These recommendations help identify the financial and organizational capacity to realize and maintain Nebraska's present and future trail resources.

The policy recommendations are divided into the following categories:

- **Delivery and Maintenance Systems**, addressing state and regional organizational structures that can encourage further trail development, expand utilization, and successfully maintain trails.
- **Funding Mechanisms**, considering financing sources for development, acquisition and maintenance.
- **Priorities**, helping to refine methods for preparing and evaluating trail applications for grant funding.
- **Corridor acquisition**, establishing policies to purchase land, maintain the integrity of potential corridors, and build improved relationships with neighbors, especially in rural areas.
- **State Departmental Policies**, considering policies recommended for state and local agencies to encourage decisions that promote the implementation of this plan.



Whiskey Creek Trail in historic Brownville.

Delivery and Maintenance System

During the last ten years, many different types of agencies have been involved in trail development and maintenance. These have included municipal and county governments, regional agencies such as Natural Resource Districts and RC&D's, private nonprofit groups, and agencies of state government. The Nebraska Game and Parks Commission and the Nebraska Department of Roads take leading funding and management roles, while the Department of Economic Development and the Health and Human Services Department provide advocacy and technical support to other organizations. In addition, such federal agencies as the National Park Service and the US Forest Service are active in efforts to promote and develop trails.

The 1994 plan discussed the various organizations involved in development efforts and recommended a series of policies designed to manage this process. A major recommendation of the 1994 plan was the creation of a Trail Coordinator position. This recommendation was implemented, and the Trail Coordinator position was appropriately located in the Game and Parks Commission. However, in 2004, the position is vacant and unfunded. Several NGPC staff members are ably filling many of the functions of the Coordinator position. However, these staff members have other responsibilities, making it difficult to perform many of the outreach and technical assistance roles originally envisioned for the Coordinator.

The 1994 Plan also discussed "delivery systems," organizational frameworks to expedite trail development. In 2003, with both a substantial trail system in place and managing agencies facing tight budgets, trail maintenance is becoming an equally important issue. Moreover, with major facilities like the Cowboy Trail now in place, marketing of trails to increase public awareness and utilization is increasingly necessary. Maintenance and marketing issues are particularly challenging in regional settings that cross jurisdictional lines. Since 1994, Resource Conservation and Development Associations and Byway Associations have added a regional perspective to marketing, supplementing the development and management role of Natural Resources Districts. Now, as in 1994, a trails system that is regional in character must continue to encourage these regional alliances that cross city, county, and organizational lines. The following recommendations consider

organizational structures and directions to meet the development, maintenance, and marketing challenges for trails in the 21st Century.

Major recommendations include:

- Retention of a State Trails Coordinator.
- State Trails Working Group.
- Endowed Nebraska Trails Foundation.
- Regional Development and Marketing Alliances.
- Marketing and Tourism Funding.

State Trails Coordinator

RECOMMENDATION:

The State should restore funding for the position of State Trails Coordinator and proceed aggressively with filling this position.

The first implementation of the 1994 plan was the need to create a State Trails Coordinator position – a "trail impresario" in Nebraska who would coordinate state trail development policy and help initiate new efforts. Acting as a focus for technical assistance efforts, the Coordinator would pursue corridor protection and acquisition opportunities, monitor best practices in trail development and management, and make information available to Nebraska communities and regions. The Coordinator would also work with local and regional agencies on the maintenance and marketing of trails.

As noted above, this position was created, filled, and accommodated in the Nebraska Game and Parks Commission. However, a combination of staff changes and funding constraints leave the position vacant in 2004. Many of its responsibilities have been assumed by other NGPC staff. While these staff members provide excellent service, they cannot provide the focused concentration and statewide entrepreneurial and technical support needed across the state. While state government struggles under severe budget difficulties, this position remains necessary to take full advantage of the millions of

dollars invested in trails annually across Nebraska. Funding alternatives for the position include:

Legislative Appropriation. This option gives high visibility and an independent source of funding to the position and the NGPC. However, direct legislative funding also makes the position particularly vulnerable in a difficult fiscal environment.

Interagency Funding. The Trails Coordinator position may receive joint funding from NDOR, NGPC, the Department of Economic Development, and the Department of Health & Human Services. This reduces the impact on any one department, allowing the position to be funded more easily. In addition, it recognizes the multi-disciplinary nature of the program.

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

Endowed Nebraska Trails Foundation

RECOMMENDATION:

A trail endowment, generated through the agency of an invigorated Nebraska Trails Foundation, should be developed to increase private funding for trail development and maintenance.

Private funding and support for trail development and maintenance will become increasingly important as governments struggle with a variety of priorities. Like other public facilities, a quality trail system requires a good level of continued maintenance. In rural settings, natural forces such as vegetation and erosion can rather quickly reclaim a trail. At present, almost all trail maintenance is funded through public agencies, including city, county, and state governments, and Natural Resources Districts.

The Nebraska Trails Foundation (NTF) is a private, nonprofit

foundation that serves as a conduit for private contributions and funding for trail development projects. To date, much of NTF's work has been right-of-way preservation, providing private funding to acquire abandoned railroad rights-of-way, often on an interim loan basis. NTF's efforts have preserved such corridors as the Oak Creek and Homestead Trails. The NTF also administers the Cowboy Trail Matching Fund, providing grants for improvements along the Cowboy Trail to nonprofit and governmental organizations. The maximum grant request under this program is \$5,000.

However, NTF, with state support, should consider expanding its activities to develop and administer a permanent endowment to complement public sector trail development and maintenance activity. NTF, as an endowed foundation, would use earnings to:

- Acquire and preserve rights-of-way, much as it currently does.
- Provide private or incentive matches for regional trail development.
- Supplement funding for public maintenance of key regional trails.
- Market Nebraska trails through publications.
- Provide matching funding for existing grant funds.

The Iowa Natural Heritage Foundation is an excellent model for a similar endowed foundation for Nebraska. Such an organization, working closely with the Great Plains and Eastern Nebraska Trail Networks and the Nebraska Trails Council, could build a larger donor base for support of Nebraska trails, and help assure that the state's network is on a strong financial footing.

Regional Development and Marketing Alliances

RECOMMENDATION:

The State should continue to encourage regional alliances of organizations to help develop facilities recommended within Priority Regional Trail corridors.

The potential of the Priority Regional Trail (PRT) Corridor concept requires cooperative regional action, which addresses marketing and promotion as well as capital development of trails. The growth of RC&D's and Byway Associations have increased the marketing of linked networks of regional facilities. The continued development of coalitions of agencies and trail constituencies should be encouraged within the PRT corridors to develop and promote trails, communities, and attractions. These coalitions should include city and county governments, Natural Resources Districts, landowners, economic development corporations or agencies (including tourism agencies and chambers of commerce), businesses, recreational constituencies, and citizens, and regional organizations like RC&D's and Byway Associations.

Marketing and Tourism Funding

RECOMMENDATION:

The State should encourage and, where appropriate through tourism programs, assist with financing marketing campaigns that promote Nebraska trails and integrate trail promotion with the Nebraska Byways program.

Funding for the capital development and maintenance of trails is a continuing need. However, marketing completed trails and assuring a high level of use is necessary to maintain community and political support for the program. Highly visible trails that appear unused to observers (and potential trail opponents) erode support for future development and even for adequate maintenance funding. The marketing problem is less an issue for community trails, where the market is primarily local, than for regional trails such as much of the Cowboy Trail, where use

is dependent on attracting visitors.

Nebraska has, in the past, produced an attractive trail map oriented to visitors, but this map needs to be continuously updated. States such as Minnesota publish and widely distribute extensive guides in tabloid form that promote both trails and businesses along them. A private publisher in Rocheport, Missouri produces a popular guide to the Katy Trail that promotes both the features of the facility and the businesses and support services available to users. The state's Division of Tourism should encourage, and in some cases help with financing, equally aggressive marketing campaigns in Nebraska.

The integration of the Nebraska Byways program with trail development, proposed by this plan, provides additional marketing opportunities. Byway promotions should also market trail and non-motorized use opportunities along the corridors. These strategies both increase trail use and cause travelers to view points along byways as destinations, increasing length of stay and tourism spending.

In addition to promoting existing trails, marketing this Trails Plan and the economic and community development benefits of trails is also important. The Department of Economic Development, with its network of outreach relationships with communities across the state, is ideally positioned to serve this function.



Right: Stromsburg's Town Square. The town's trail connects Buckley Park, an attractive riverside park and campground with the center of town.

Funding

Successful trails programs require adequate funding for both development and maintenance. Before 1991, almost all trail development was funded locally, with the exception of the Land and Water Conservation Fund, administered by the Nebraska Game and Parks Commission. As a result, trail development was concentrated within the state's larger cities, or in the scattering of communities successful in mounting substantial private fund-raising efforts. The Transportation Enhancements Program (TE), created by the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 greatly accelerated trail development in Nebraska. TE was reauthorized under the Transportation Equity Act for the 21st Century (TEA-21) in 1998. This critical program, which provides 80% Federal funding for trails and other transportation enhancements, faces reauthorization for allocations beginning in FY 2004, through successor authorization entitled SAFETEA (Safe, Accountable, Flexible, and Efficient Transportation Equity Act). During 2003, an attempt to terminate previously authorized TE funds was overwhelmingly defeated by the House of Representatives, and Nebraska's Congressional delegation voted unanimously in favor of trails and against this effort. However, these legislative battles underscore the need to diversify trail funding, a difficult proposition in times of economic stress.

As Nebraska continues to increase its capital investment in trails, adequate funding for maintenance becomes both an increasing priority and a continuing challenge. Poorly maintained trails can be hazardous and fall into disuse, wasting the funds initially invested in them. Local and regional trail development programs must provide for long-term maintenance and sponsorship.

Strategies and implementation policies that address trail funding include:

- An Array of Funding Sources
- New Funding Mechanisms
- Planning for Maintenance
- Cooperation among Trail Constituencies

An Array of Funding Sources

RECOMMENDATION:

Nebraska and its communities and regions should employ a variety of financing mechanisms for trail development and maintenance.

Trails financing, like that of other public improvements, requires creativity and use of a variety of existing financing mechanisms. Part Seven of this plan reviews a number of the funding mechanisms available for trail development. Private or nonprofit support for trail programs becomes especially attractive, as well-placed initial trail efforts create more demand and existing and prospective residents expect trails as part of the amenity packages that communities offer. In some cases, a Chamber of Commerce may be the primary organizer of trail planning and development efforts. Locally-based efforts reduce dependence on federal funds for trails programs.

New Funding Mechanisms

RECOMMENDATION:

Trail developers should use new financing sources for the construction and maintenance of trails.

While existing techniques provide a varied array of funding options, new funding sources should be established. Of particular importance is funding for continued maintenance of completed trails. Options for additional trail network financing include:

- Trail Endowments. The concept of an expanded Nebraska Trail Foundation was discussed in the recommendations for Delivery Systems. An NTF could be a mechanism for creating trail maintenance endowments, using earnings to supplement public funding for trail maintenance.
- Sales tax surcharges on recreational equipment related to trail uses. A special sales tax surcharge on sales of bicycles, cross-country skis, OHVs, snowmobiles, and other major equipment expenditures could be directed to a special

trails development and maintenance fund. This funding source would require new state legislation.

- Registration fees for OHVs and snowmobiles. Trails for these vehicles have especially high maintenance costs because of their exclusivity and upkeep requirements. Many states use a registration fee to raise funds from users specifically directed to the maintenance of special trail facilities for these motorized recreational vehicles. Proceeds from these fees must be specifically earmarked for facilities that benefit OHV and snowmobile users. Establishing such a program in Nebraska would require new legislation.
- Trail user fees. Voluntary contributions by trail users can include season passes or single-use tickets. Collection boxes may be placed at trailheads and major access points. Fees collected through this technique would be used by the trail sponsor specifically for maintenance of that trail.
- Local funding. Trail development has become very dependent on TE and other Federal and State programs. Funding diversification will require communities to identify trail development as an essential service worthy of locally-based support through bond issues and general fund allocations.
- Developer funding. Increasingly, developers recognize that trails are an important amenity that make their projects more attractive to buyers. In many cases, developers are financing trails privately, particularly when they provide specific benefits to residents of their projects or connect local areas to regional trail systems. Cities can help encourage these private initiatives through incentives.

Planning for Maintenance

RECOMMENDATION:

All trail development plans and funding applications should address life-cycle costs and include a long-range maintenance financing plan.

This plan has strongly emphasized the need to provide adequate consideration for funding ongoing maintenance of trails, to assure that they continue to serve into the future. Trail plans developed by communities and regions should include both an assessment of maintenance costs and a plan for continuing funding. In addition, trail design should minimize life-cycle maintenance costs where possible. Sometimes, this can increase construction costs, as when trails are paved along segments subject to erosion. However, because of TE and other programs, it is easier to fund good initial construction standards than to finance constant reconstruction of damaged trails.

Trail maintenance plans should also include increases in volunteer maintenance support programs such as Adopt-a-Trail efforts. Here, corporations or organizations help maintain segments of trails, or financially support maintenance expenses, in return for on-site recognition.

Cooperation among Trail Constituencies

RECOMMENDATION:

All constituencies should work together to provide organizational, financial, and technical support for both development and maintenance of trail projects. The Nebraska Trail Foundation (NTF) and/or Nebraska Trails Council (NTC) could become the institutional vehicles for this cooperation.

The trail movement in Nebraska has largely been led by non-motorized constituencies, primarily bicyclists and to a lesser degree pedestrians and equestrians. These groups have developed considerable expertise in negotiating and financing corridor acquisition, raising funds, and advocating trail development. Motorized recreational users have also formed strong organizations, including the Nebraska Off-Highway Vehicle Association (NOHVA) and the Nebraska Snowmobile Association. NOHVA has also formed partnerships with such organizations as the National Forest Service and the Loup Public Power District, to develop and maintain off-highway trails. Private facility development is also an option; an example is the development by NOHVA members of a new ATV trail near

Arcadia in 2003.

However, the process that led to the preparation of this plan indicated that non-motorized and motorized constituencies move in parallel tracks and, in some cases, even harbor some resentments toward their counterparts. These groups have many interests in common, including liability issues, fundraising, site access, and relationships with neighbors, and considerable experience to share with one another. The non-motorized and motorized constituency groups should strengthen their cooperative relationships, perhaps under the aegis of a strengthened NTF or more diverse NTC.



Left: Bicyclists on Highway 29 in Western Nebraska (Photo courtesy of NEBRASKALand Magazine, Nebraska Game and Parks Commission).

Priorities and Funding Applications

With increasing popularity of trails and expertise in development, funding applications have become more competitive. Trail development is no longer the province of large communities – towns with populations well below 1,000 have also built successful trails and even smaller communities have ambitious, multi-stage trail plans. Consistent with the recommendations of the 1994 Plan, the Nebraska Department of Roads created a Review Committee to analyze applications for Transportation Enhancements funds. This committee reviews applications according to specific criteria and provides recommendations for funding to NDOR. Continuing this highly credible and effective application review process will help to assure that public dollars will be used in ways that further the objectives and concepts of the trails plan.

NGPC administered grants use different approval processes. RTP grants are decided by a Committee of 9 voting and 4 non-voting members and then approved by Nebraska Game and Parks Commissioners. Land and Water programs are reviewed and approved by the Nebraska Game and Parks Commission. TDA grants are reviewed and approved by an internal NGPC committee.

Recommendations that help frame the preparation of trail funding applications by regional agencies and communities, and the evaluation of these applications by funding agencies include:

- Application Requirements.
- Priorities.

Application Requirements

RECOMMENDATION:

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

Most applicants address such issues as proposed trail routes, design features, and profiles of potential users. However, the application process should require applicants to consider difficult issues at the beginning of the process. If not considered,

these issues can delay or even threaten implementation of a trail project. Some of these issues include:

- Comprehensive trails plans. While some trail applications are single routes, other communities should integrate a trail proposal into an overall, multi-year development program. In addition, trails should be viewed as an element of a town's overall transportation program. During the last several years, the TE Review Committee has encouraged the development of community trail master plans. These plans can fit individual applications into a larger context and assure funding agencies and private sponsors that their investments will be productive into the future. Applications should also ask communities to define how the trail proposal fits into their comprehensive development plans, integrating transportation, recreation, and land use.
- Plan for raising matching funds. Both TE and State Trail Assistance Funds require local matching funds. As other State-funded programs emerge, they should also require local matches. Applicants should present their strategies for raising matching funds and should have adequate matching funds committed and on hand prior to applying for grant funds.
- Land owner and community participation plan. Sometimes, trail proponents and neighboring landowners see each other as adversaries. This need not be the case. Participatory planning can assure that all parties are winners as trails are built. Applicants should present their plans for community participation, including involvement of landowners in the planning and development process.
- Maintenance and management plan. Clearly, maintenance is as important to a trail's success as is good initial construction practice. A strong management program, assuring that a trail is an asset to neighboring property, can allay fears of adjacent property owners and minimize potential opposition. In urban settings, the management plan should clarify ambiguous issues such as responsibility for snow removal and potential liability. This plan should be included in future funding applications to demonstrate that the community is planning ahead.
- Marketing plan. While community trails often have readily available markets, regional trails often must build a core

of users and may be designed to attract visitors. An effective application should include strategies that maximize awareness of the trail and increase the number of users. Cross-marketing with other attractions and with Nebraska Byways should be considered where appropriate.

- Environmental protection. An evaluation of sensitive environments and a description of the methods used to conserve these settings should be included in the application.
- Conceptual design and budget. This enables the committee to evaluate the quality of the trail design and to work with the applicant toward improving the quality of the proposal. Contact with a design professional (potentially engineers, landscape architects, or architects) is suggested before completing any application. Communities must incur some costs on their own and beginning the design process demonstrates a local commitment to the trail. Trails are not “free gifts” of State and Federal funds; rather, credible communities must pull their weight and show their commitment in order to be competitive.

Priorities

RECOMMENDATION:

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

Potential evaluation priorities include:

- Loss of corridor integrity. Will the trail corridor be lost or its integrity be compromised without concerted, short-term action?
- Inclusion as a Priority Regional Trail (PRT) corridor. Is the trail included in one of the PRT corridors identified by this plan, or in another corridor that meets the criteria for PRT designation? Is the trail connected to or accessible from part of the Nebraska Byway system?
- Tourism. Does the trail reinforce visitor attractions or destinations, including historic features?
- Community impact. Does the trail have a critical positive

impact on the community? How large is this impact as a proportion of the community's economy? Criteria for establishing a positive impact include such items as encouraging additional residential or commercial development; increasing a community's offerings in competing for industry or business investment; or expanding retail, visitor service, or tourism opportunities.

- Market. Does the trail have the ability to attract a significant number of users, and does the project include a marketing plan if necessary to take advantage of market opportunities?
- Local population density. How many people in the immediate area will be served by the trail?
- Environment and culture. What is the scenic, historical, and cultural importance of the trail? To what degree will its visual quality attract user visits?
- Access to remote areas. Does the trail provide access to areas that are inaccessible by automobile, or provide an experience that cannot be provided by roads?
- Local support. Have local efforts been mobilized to support and maintain the trail? If not, is there a reasonable expectation that organizational efforts can succeed?
- Safety. Does the trail significantly contribute to safety in a corridor with substantial existing or future recreational use, or provide safe access to major community features such as schools, parks, community centers, or other focuses of activity?
- Transportation benefits. How significant are the trail's transportation benefits? Is the trail integrated into the transportation system of a community or cluster of communities?
- Resource integration. Is the trail integrated with other resources and points of interest?
- Administrative capacity. Is the community organized to follow the Federal/State guidelines as required?
- Right-of-Way Support. If the project involves use of railroad right-of-way in either railbanked or rail-with-trail configurations, or when easements are required, are letters of intent or support included from railroads or easement



Land on the Lewis and Clark Interpretive Center site in Nebraska City. A high priority for the community is linking the Steamboat Trace to this signature feature, speaking to such priorities as tourism and resource integration. However, topographic challenges will require unusual solutions.

State Policies and Trail Development Programs: Providing Incentives and Removing Obstacles

With the exception of the NGPC-owned and managed Cowboy Trail and trails within state parks and recreation areas, most of Nebraska's trails are developed, owned, and managed by municipalities, counties, or regional agencies. Yet, State agencies are the central players in the state trail program, with roles that include trail financier, advocate, technical advisor, information clearinghouse, promoter, marketer, and general friend to local agencies. This section includes policies to help guide state agencies through these varied roles and include:

- Trail Corridor Protection.
- Recreational Liability.
- Trail Incentives.
- Departmental Policies.

Trail Corridor Preservation

RECOMMENDATION:

The State, and its Trail Coordinator, should serve as a clearinghouse and catalyst for corridor preservation, typically railbanking, learning for potential abandonments first and helping to mobilize appropriate agencies to take action. When the Nebraska Department of Roads receives first notice of potential abandonments, it should forward this information to the Game and Parks Commission and the Trails Coordinator.

Trail corridors are the building blocks of a trails program. As a result, state policies should help regional agencies, local communities, and private sponsors secure trail corridors. In some ways, securing the corridor is an even higher priority than development itself. Trails can be developed at relative leisure, over a period of years. However, the window of opportunity for preserving a corridor can be very short; once the corridor is gone, it can be recovered only with very great difficulty.

In Nebraska as in most states, railroad abandonments have been the staple of regional trail development. The Cowboy, MoPac East, Steamboat Trace, Oak Creek, and Homestead Trails have all utilized abandoned railbeds. These trails have been acquired using Federal statutes that gives public agencies an effective "right of first refusal" for continued public use of rail

corridors if proper procedures are followed. These statutes include:

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

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

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

Both the Section 8(d) and 809(c) procedures require prompt actions, within 30 to 50 days of filing notice of an intent to abandon, depending on the type of abandonment proceeding. As the State's transportation department, NDOR ordinarily receives first notice of potential abandonment petitions. NDOR should routinely notify the State Trails Coordinator, or the NGPC staff member acting in that role, who in turn monitors the status of all abandonment proceedings and acts as a catalyst for preserving strategic corridors. Initial actions should include:

- Identifying and notifying the appropriate local agencies, including communities, counties, Natural Resources Districts, and Resource Conservation and Development Associations.

- Notifying and mobilizing support groups such as the Nebraska Trails Council, and the Eastern Nebraska and Great Plains Trail Networks.
- Matching local agencies and support groups to act on railbanking and other corridor preservation opportunities.

In rare circumstances, the state might acquire or take title to corridors, as it did in the case of the Cowboy Trail. The Cowboy Trail was acquired by the Rails-to-Trails Conservancy, and in turn accepted by NGPC as directed by the State Legislature. Such actions typically require legislative approval and should be limited to trails that reinforce other major state investments, such as state parks and major recreation areas, state historical parks, or other areas of major state or national historic or cultural importance.

The supply of potential railroad abandonments is dwindling, although some very important opportunities may become available. As a result, the State may become more active in working to utilize other corridors, including trails along active railroads (Rails with Trails), utility easements, and streams.

Recreational Liability

RECOMMENDATION:

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

The Nebraska Recreational Liabilities Act (NRLA) shields public agencies and property owners from liability for recreational injuries unless the injured party can prove willful or wanton misconduct. Liability is a concern for many agencies and landowners. In general, current legislation, which has been further modified since 1994, offers significant protection to public agencies operating recreational facilities. Nevertheless,

the cause of trail development can be advanced with further refinements and inclusions in the NRLA. Areas for study and possible extension of liability extension include:

- Landowners with property adjacent to a trail.
- Railroads that permit use of a portion of their corridors for Rails with Trails development.
- Canal operators and owners who permit joint trail use of canal corridors.
- Trails management or operating agencies who request a voluntary user fee to defray the cost of trails maintenance.
- Nonprofit operators of OHV parks. Liability concerns about these facilities deter organizations from developing them. Liability protection legislation should permit nonprofits to charge a fee adequate for maintenance and operation of the facility. Fees charged for use of private land fall outside the purview of the NRLA.

These legal changes may remove important uncertainties that plague some property owners and create opposition to trail development. Proper signage should also be required along trails advising users on proper recreational uses and reminding them of their responsibilities as trail users.

Incentives for Trails

RECOMMENDATION:

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

As opportunities dwindle for trail conversions of railbanked corridors, other techniques, such as development of trails along active but lightly used rail corridors, become increasingly important. Growing national experience indicates that rail-with-trail (RWT) joint development can be both very safe and extremely practical. In Nebraska, these corridors offer exciting development opportunities in community and re-



The Homestead Trail Corridor between Lincoln and Beatrice. The action of the Great Plains Trails Network and the Nebraska Trails Foundation, with the assistance of the Nebraska Game and Parks Commission, preserved this vital corridor for trail use. It is part of the Fertile Crescent concept and may someday be part of a linked trail system, the Quad State Trail, that could extend from Marysville, Kansas to Saint Louis, Missouri.

gional settings.

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

Departmental Policies

RECOMMENDATION:

The three State agencies most directly connected with trail and bicycle facility development – the Nebraska Department of Roads, the Game and Parks Commission, and Department of Economic Development – should continue to implement policies that support trails and alternative transportation facilities.

Nebraska Department of Roads

NDOR's policy of developing paved surfaced shoulders on its Priority Commercial System (PCS) is a benefit to bicyclists and recreational users as well as motorists. This enlightened policy provides for the joint bicycle and vehicular use of hundreds of miles of roads. Recently, NDOR complemented this policy with a program to provide a 28-foot road surface on highways with traffic volumes over 850 vehicles per day. These wider lanes with a painted edge line about two feet in from pavement edge provides greater security for cyclists.

This plan recommends the following additional policy modifications to improve the friendliness of the state's road system for bicyclists and trail users:

- Provide Share-the-Road signage, consistent with the standards of the manual of Uniform Traffic Control Devices (MUTCD) on Nebraska Byways and all state highway segments included within Trans-State Trails and Priority Regional Trail (PRT) Corridors.
- Encourage counties to install Share-the-Road signage on county roads included within PRT corridors.
- Provide 28-foot paving surface on all state highway segments within PRT corridors that are not otherwise on the Priority Commercial System. Most designated segments are already programmed for the 28-foot program.
- Consider bicycle shoulder development in appropriate areas (including PRT corridors and community settings) as eligible for Transportation Enhancements funding.
- Encourage communities to consider pedestrian and bicycle transportation systems in their overall comprehensive and transportation planning programs.
- Encourage street project designs that provide safe places and facilities for bicycling and pedestrian use. Surface Transportation Program funds should be available in commuter corridors for these intermodal projects.
- Consider integrating trails into expressway development on strategic corridors.

Nebraska Game and Parks Commission

The state park system is one of Nebraska's greatest resources, reflecting the high standards developed by the Commission. Most state parks have good networks of greenway trails. Particularly notable are major trail projects in Eugene T. Mahoney and Ponca State Parks. However, some parks lack multi-use trails that accommodate bicyclists, equestrians, and casual

pedestrians. Other parks offer significant opportunities for expanded use by equestrians.

The Commission should continue to expand multi-use trail facilities within the state park system. This would add to the activities offered in the park, and improve public safety by separating pedestrians from vehicular traffic. It should also work with important trail constituencies such as equestrians and snowmobilers, to identify additional facility opportunities within state parks. At the point of distribution of this plan, NGPC is currently working on compiling an inventory of existing trails and potential trails at all State Parks, Recreation Areas, and Historical Parks. NGPC will work with individual Superintendents of areas to identify those sites for the future development of trails within NGPC sites.

Nebraska Department of Economic Development

While DED is not directly involved in trail funding or development, it sponsors tourism and promotional activities that can help market completed trails. The following initiatives can help increase utilization of trails by:

- Integrating trails resources into its tourism promotion programs and coordinate with the Nebraska Game and Parks Commission to fund PRT corridor travel guides.
- Encouraging integration of trail promotions with the Nebraska Byway system.
- Updating and republishing the State Trails Map, displaying the entire trails system in a usable and attractive format. Include multi-use trails on the Official State Highway Map, or, with NDOR, publish a version of the State Highway Map that is designed for bicycle and trail use. A similar map is published by the Iowa Department of Transportation and provides a valuable resource for trail users.

All Agencies

- Provide links to each other's websites regarding trail-related issues.



Top: Bridge on the abandoned Val-paraiso-Brainard branch of the Union Pacific in 1994.



Bottom: The same bridge on the completed Oak Creek Trail, 2003. (Photo courtesy of Lower Platte South NRD.)

