

# Indiana Trail Guidelines 2016

On April 27, 2015, Public Law 67 was added to Indiana Code and reads as follows:

IC 14-19-1-1.5 (a) Before March 1, 2016, the department shall, through the division of outdoor recreation, develop guidelines concerning recreational trails and amend the guidelines as necessary or advisable thereafter. The guidelines must address at least the following issues:

- (1) Clear statement of ownership and management of each trail.
  - (2) Right-of-way inconsistencies.
  - (3) The division of responsibility for maintenance of fences, for drainage, and for maintenance of drainage or drain tiles.
  - (4) Tree, weed and brush removal between responsible parties and landowners adjacent to recreational trails.
  - (5) Mowing responsibility.
  - (6) Law enforcement jurisdiction.
  - (7) Signage
  - (8) Conflict resolution procedures.
  - (9) Appeal procedures.
  - (10) Use by public utility facilities.
- (b) In developing the recreational trail guidelines described in subsection (a), the division shall consult with various groups, organizations, and agencies that will be impacted by the guidelines.
- (c) The department may adopt guidelines, without complying with IC 4-22-2, to implement this section.

As a prelude to proposed trail guidelines, it should be noted that the Department of Natural Resources, in partnership with dozens of interested/affected agencies and organizations, produced the 2006 Indiana State Trails, Greenways and Bikeways Plan called *Hoosiers on the Move*. *Hoosiers on the Move* established a goal of having a trail within 7.5 miles of all Indiana residents by 2016, and proposed a statewide visionary system of interconnected trails. No single group or agency was tasked with meeting the goals of *Hoosiers on the Move*. On the contrary, it was clearly stated that federal, state, local and non-government agencies must work together to achieve objectives thru a set of strategies and actions. Of particular note regarding proposed trail guidelines is Action 1 under Strategy 1 of *Hoosiers on the Move* which reads as follows:

Strategy 1: Improve coordination of trail development, planning and design at local, state and federal levels.

Action 1: Encourage interested and affected representatives including urban and rural landowners, not-for-profits, the agriculture community, businesses, public transit and governmental entities to get involved in all phases of developing new trails.

The guidelines below are intended to comply with Public Law 67, but they can also be seen as recommended ways to approach Action 1 under Strategy 1 of *Hoosiers on the Move*. Trail owners/managers are also expected to comply with all applicable laws.

Development of the trail guidelines was done after seeking public input to two online surveys. The first survey asked 183 known trail owners/managers of their experience in dealing with the issues enumerated in Public Law 67 and any recommendations on how to approach these issues in the future. A set of proposed trail guidelines was drafted with the input from the first survey and were sent out for review and input to an expanded list of 250 groups, organizations and agencies that might be impacted by the guidelines. This expanded list included Indiana Association of Cities and Towns, Association of Indiana Counties, Indiana Chamber of Commerce, Indiana Office of Tourism, Indiana Economic Development Corporation, Indiana Department of Transportation, Indiana State Department of Health, Indiana Farm Bureau, Metropolitan Planning Organizations, Regional Plan Commissions, Indiana Chapter of the International Right-of-Way Association, Indiana Park and Recreation Association and select members of the Indiana legislature that were closely involved with passage of Public Law 67. Utilizing comments from the second survey, the guidelines were revised into the listing below. It should be noted that Public Law 67 allowed for amending these guidelines as necessary or advisable.

Trail guidelines are as follows:

(1) Clear statement of ownership and management of each trail.

- Ownership and management should be clearly listed on signs at developed trailheads, on printed material and on trail manager websites so the public has access to information about who to contact about trail issues.
- In addition, the Department of Natural Resources shall continue to maintain the Indiana State Trails Inventory website where all known trails are listed along with managing entities if known.

(2) Right-of-way inconsistencies.

- Trail owners and managers should have a clear deed of ownership or easement showing the right-of-way before trail construction.
- Questions on right-of-way boundaries should typically be resolved through property surveys and title searches.
- Questions that cannot be resolved at the local level may need to be directed to knowledgeable state/federal government experts or legal counsel on complex matters such as railroad abandonment or the federal railbanking program.
- In cases where landowners adjacent to a trail need to have access across a trail for farming or other business, trail owners/managers should strive to accommodate such access, especially where such crossings have been accommodated in the past.

(3) The division of responsibility for maintenance of fences, for drainage, and for maintenance of drainage or drain tiles.

- Trail managers should do what is reasonable to help maintain the natural or constructed drainage of agricultural land and work with neighboring landowners for maintenance of shared fences and drainage tiles.
- If a mutual agreement cannot be reached, the parties involved shall abide by applicable state and local laws related to fencing and drainage.

(4) Tree, weed, and brush removal between responsible parties and landowners adjacent to recreational trails.

- Trail managers should strive to be good neighbors and stewards by keeping their property well-maintained. Appropriate maintenance should consider local site conditions, including the importance of natural vegetation and public safety. Managers should be respectful of state laws and local ordinances concerning the control of weeds and invasive species.
- Trail managers and neighboring landowners should work together managing trees near boundaries to ensure that roots, branches, limbs or entire trees do not fall upon or otherwise impact each other's land.
- Disputes over tree ownership or boundaries should be resolved through accurate property legal surveys.

(5) Mowing responsibility.

- Trail managers and neighboring landowners should respect each other's property and only mow the property they each own unless agreed to otherwise.
- Trail managers and neighboring landowners should consider agreeing to appropriate mowing alternatives such as low mow and no spray zones that fit with local site conditions, protect natural and cultural resources, and contribute to public health and safety.
- Trails that will share or impact land or facilities owned by a local government entity should strive to reach an agreement prior to trail construction about easement or right-of-way mowing responsibilities, especially at road crossings.
- Local ordinances regarding mowing should be followed.

(6) Law enforcement jurisdiction.

- Trail managers should consult with local law enforcement agencies for trail patrols and law enforcement policies.
- Because trails are typically open to the general public, law enforcement agencies are encouraged to treat the trail as public land and patrol it as such.
- Volunteer trail patrols and trail ambassadors are encouraged to help monitor trails.

(7) Signage.

- Trail managers are encouraged to use standardized trail signage such as recommended by the Federal Highway Administration (FHWA) in the Manual on Uniform Transportation Control Devices (MUTCD).

- Trails that share or use land owned by a local government entity should strive to reach an agreement about signage responsibilities, especially at road crossings.
- Installation of trail mile markers should be considered in order to assist trail users, trail managers, law enforcement agencies and emergency responders to more quickly and accurately respond to incidents of concern.

(8) Conflict resolution procedures.

- Trail managers and neighbors should strive to communicate and understand each other's concerns regarding trail issues.
- If a cooperative resolution cannot be reached, civil legal resolution assistance may need to be pursued.

(9) Appeal procedures.

- If conflict resolution cannot be mutually achieved between parties, as a last resort, a court of law may need to be involved in settling a dispute.

(10) Use by public utility facilities.

- Trails and utilities often benefit from shared use of property and these cooperative efforts should be encouraged.
- If the trail is built upon a property easement, the fee title owner of the property may need to be involved in discussion of locating of utilities on the property.
- Trails and utility corridors that intersect may have special concerns. Early coordination between parties is encouraged in order to avoid future conflicts.

(11) Other issues not specified by Public Law 67.

- Trail managers should be prepared for both short term and long term costs in maintaining a trail to standards that are appropriate for both trail users and trail neighbors.
- Trail managers should keep trail structures and surfaces in good working condition that is suitable to the trail's intended use.
- Americans with Disabilities Act requirements should be adhered to for all trail facilities, including signage.