

Little Ausable River Trail

Suggestions for Next Steps

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Healthy Trails, Healthy People

A program of



To help communities across the state become more physically active
through the creation of multi-use trails

Funded in part by a grant from the Healthy Heart Program
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INTRODUCTION

According to the New York State Health Department, in 2000 56% of New York adults were overweight or obese. Medical research has shown that a sedentary lifestyle can contribute to high blood pressure, heart disease, diabetes, osteoporosis, and an increased risk for some forms of cancer. Research indicates that easily accessible, close to home, multi-use trails can provide no or low cost opportunities for everyone, irrespective of age or ability, to increase their level of daily activity and become more involved in their community.

Healthy Trails, Healthy People (HTHP), a program of Parks & Trails New York, helps communities across the state become more physically active through the development of local multi-use trails. The effort is funded in part by a five-year grant from the Healthy Heart Program of the New York State Department of Health. The goal of HTHP is to help communities, such as the Town of Peru, build the vision, constituencies, and local support that are critical to long-term success of trail projects. HTHP provides technical assistance, workshops, mini-grants, and organizational support to a selected number of communities as well as general informational resources and conferences for trail advocates across the state. As part of HTHP, the Town of Peru was chosen in December 2004 to receive help with development of a multi-use trail. To date, Parks & Trails New York staff has worked with the Town of Peru to provide a workshop on trail development, surveyed the communities concerns regarding trail development, and inventoried conditions of the proposed trail. Based on these efforts, Parks & Trails New York is pleased to provide this document to aid in the developed of Peru's Little Ausable River Trail.

BACKGROUND

Community Selection

In December 2004, , Parks & Trails New York chose the Little Ausable River Trail in Peru NY as one of its Healthy Trails, Healthy People program projects as it met and exceeded the program's selection criteria including:

Corridor with potential links to community resources

The vision for the trail is to link several community parks with residential areas, the central school campus, the hamlet business district, and a senior residential center.

Corridor with interested private owners

The Friends of the Little Ausable River Trail reached out to most of the key landowners prior to applying for Parks & Trails New York assistance. Many of the landowners had a positive response to the concept of a public/community trail.

Active community planning effort

The Town of Peru recently initiated a formal comprehensive planning process. At the time of the application to Parks & Trails New York, the Town had a consultant under contract to provide support for this planning process.

Existing interest in trail and open space development

Trails, parks, greenway corridors, and open space were all included as key elements in the work scope and initial list of important topics to address by the comprehensive planning committee. Additionally, open space protection and having safe inviting places to walk were identified as important community values in a survey of town residents.

Community Profile

Peru is an incorporated town in Clinton County, New York about 10 miles south of the county seat of Plattsburgh.

The 2000 U.S. Census was used as a source for the following demographic information which helps describe the nature of the community.

Population

As of the 2000 U.S. Census, Peru had a population of 6,370 residents. Over half of its population is between twenty five and sixty four years of age. The average age is thirty six.

The average population per square mile in Peru is 80.27. This is well below New York State's average of 401.93 and above the national average of 79.56.

Over half (53%) of Peru's population ranges from 25-64 years of age. The average age is 36.21 years.

Income

Peru's median income is \$39,051, which is approximately \$4,342 lower than New York State's average and \$2,943 lower than the national average.

Housing

As of the 2000 U.S. Census, there are 2,489 housing units in Peru. 75.2% of Peru residents own their home, which is above the state average of 48.7% and the national average of 60.2%. 17.4% of the housing units are renter occupied. This is significantly lower than the state percentage of 43.2% and the national average of 30.8%.

The median value for homes in Peru is \$85,500, this is below the state median value of \$147,600 and national median of \$111,800.

Education

With regard to educational attainment, 11.4% of Peru's residents have a Master's, professional or doctorate degree. This is higher than the national level of 8.9%, but lower than the NY's percentage of 11.8%. 10% of the population has a Bachelor's Degree, this is below national level of 15.5% and state percentages at 15.6%.

COMMUNITY WALK & TRAILS WORKSHOP

Preparation

Parks & Trails New York met several times with the Town of Peru's Comprehensive Planning Committee and the Friends of the Little Ausable River Trail (hereafter referred to as "the Friends") to assess potential trails and provide initial feedback. In a meeting with the Peru's Comprehensive Planning Committee, the town supervisor, and other town officials, Parks & Trails New York encouraged the community to develop an outreach strategy. As part of this effort, a community workshop and trail tour was planned for November 19,



2005 at 10:00 AM in the Peru Fellowship Center. Parks & Trails New York assisted the Friends in identifying potential invitees, provided draft/template press releases, assisted with creation of a meeting flyer, and prepared maps of the proposed trails. Friends Co-Chair Adele Douglas sent out several press releases and meeting notices to individuals and organizations with potential interest.

Format

The community trail workshop was attended by about 45 individuals, almost all of who were town residents. Town Supervisor, Ken Jahn welcomed the attendees and spoke in support of trails and the work of the Comprehensive Planning Committee. Adele Douglas and Rodney Brown spoke on behalf of the Friends of the Little Ausable River in support of the proposed trail system.

Parks & Trails New York staff presented: an overview of the *Healthy Trails, Healthy People* program, described the health, social, economic, and conservation benefits of trails, and discussed common trail issues and solutions. To highlight prospective challenges and opportunities faced in developing the proposed trails, images of the current trail corridor and similar trail projects were shown.

In the second part of the program, workshop participants gave personal feedback on the issues and opportunities associated with trail development. At the end of the workshop, about 33 individuals left their contact information and 24 of them indicated an interest in joining and assisting the Friends group.

Following the workshop, about 30 individuals joined a guided tour of a portion of the proposed trail through Heyworth Town Park and along an abandoned rail line.

Participant Feedback

The following is a synopsis of the comments received at the workshop.

The tenor of the workshop and comments provided were supportive of future trail development. Several individuals spoke strongly in favor of developing this trail and other corridors in the community.

Multiple Allowed Uses

One audience member felt that too much of an effort to include every possible user group might be counter productive in that the compromise trail would not be suitable or inviting to any of the individual uses.

Motorized Use

Several individuals questioned whether motorized vehicles were compatible with other users of the trail. One individual observed that encouraging motorized use would not help address inactivity in the community. It was noted by some that most landowners were not likely to want motorized uses. It was suggested that the local snowmobile club be approached to obtain more information about their activities and potential interest in using the trail as well as their experience with shared use trails.

In response to the motorized use inquiries, Parks & Trails staff related that their research has shown that while snowmobiling and cross-country skiing can be compatible uses, any substantial level of ATV use tends to keep others away from the trail. Parks & Trails staff emphasized that ultimately the decision about what uses are allowed is up to the community to decide.

A parent of a cross-country team runner thought that the team was already using part of the proposed trail during practices. Once developed, he thought the corridor had potential for use as a course for competitive meets. This parent was not enthusiastic about the prospect of the runners sharing the trail with ATVs.

Equestrian

One attendee was concerned that horseback riding would not be allowed on the trail and thus design and construction would not include that use. She was informed that the discussion of allowed uses and trail design had not yet occurred. It was pointed out that, with rubber shoes, paved trails are compatible with equestrian use, a stone dust surface was still under consideration, and that, where space allowed, a paved path could have an unpaved natural surface next to it for use by horses and runners. Trails that allow hikers, bicyclists, and equestrians are typically well posted with special trail sharing etiquette signs indicating the widely adopted protocol of cyclists yielding to walkers, and both yielding to equestrians.

Trail Design

Someone was surprised that the trail might be paved. Another person was curious how wide the trail would be. It was emphasized that no decisions had been made regarding the trail design and surfacing and that the community would be actively involved in the designs discussions.

Parks & Trails New York staff noted that while paving initially costs more for materials and installation than stone dust, annual maintenance for a paved trail is lower than stone dust. A paved surface can also be plowed in the winter if it is important to the community to keep it open. Paving is also more universally accessible by those with disabilities, but properly installed dust can also be accessible. A project leader suggested that the Heyworth loop could be paved while other sections could be surfaced with stone dust.

With respect to width, a commonly accepted pathway standard for two-way travel of bicycles is 10 feet. In some cases with extremely low traffic, 8 feet can be justified, but this is quite unlikely.

Ultimately, community residents must decide through input sessions and an ongoing dialogue with (or as members of) the Friends of the Little Ausable River Trail and the Town of Peru.

One attendee asked how many bridges would be involved in the project. The initial phase of the trail network would require one bridge over the Little Ausable River. The second phase linking to Lapham Mills Park will require at least one and probably two bridges. These are intended to be basic, somewhat rustic bridges appropriate for bicycling and walking, that would not support the vehicle loads that can be carried with many of the expensive pre-fabricated bridges.

Opportunities for additional connections



An attendee observed that the same abandoned rail corridor that comprises a section of the proposed trail continues to the south and connects with the hamlet of Harkness to the south and west of Peru and eventually runs along the Ausable River, potentially linking the hamlets of Thomasville, Clintonville, Rogers, and Ausable Forks. The corridor is rich with wildlife and links to the Clintonville Pine Barrens property owned by The Nature Conservancy. Currently there are many washed out culverts along the rail bed, but this corridor might present a possible future

expansion opportunity which should be reflected in town and county plans.

The links that the trail would provide to community destinations got several members of the audience excited about the ways that local businesses, such as the post office could connect to the path with their own spur trails. One person had seen similar kinds of connections in Stowe, VT where businesses opened up the ‘backside’ of their stores to the trail. The Warren County bike path in Lake George, NY is also very popular with business owners since it connects the downtown to a shopping mall outside of town, linking both to all the residential neighborhoods in-between. It was observed that generating business interest and support is a useful step to building support for trail development and expansion. This vision of connected community destinations also reminded one attendee of the many well-integrated walking trails found in Europe.

Funding

Some community members wanted to know if a fund drive was planned, and whether the Friends intended to pursue grant applications. Friends' representatives expressed a desire to apply for grants, but explained that the project was not yet mature enough to do so. Parks & Trails New York staff mentioned several potential sources which are identified later in this document. A Rails-to-Trails Conservancy member in the audience asked if that organization had any money to contribute, but it was noted that unfortunately they discontinued their revolving loan fund several years ago.

Enforcement

Some individuals expressed concerns about patrol and enforcement on the trails. Parks & Trails New York staff explained that, in their experience, when a trail is largely unimproved patrol by volunteer trail groups and a regular maintenance presence may be sufficient, but as trails become more developed, the need for regular patrols increases. Such challenges can be overcome through a cooperative agreement between the municipality and a law enforcement agency such as the Clinton County Sheriff or the New York State Police, possibly supplemented by an organized volunteer patrol effort.

PARTICIPANT SURVEY

A survey form was distributed at the meeting to gather information on participants' physical activity levels, interest in trail development, and assessment of the workshop. About half (23) of the workshop attendees returned survey forms. See Appendix A for the survey questions and results tabulation.

Results Discussion

Physical Activity

Results indicated that those surveyed are a very active group. Thirty percent of respondents (7) indicated that they engaged in moderate physical activity five or more times per week. Forty three respondents (10) indicated that they were moderately active three times per week. All respondents indicated that they were physically active at least occasionally. One respondent indicated that they have health or physical limitations that prevent their ability to be active.

These results are almost the inverse of nationwide statistics. According to a 2000 report on US physical activity levels from the National Center for Chronic Disease Prevention and Health Promotion, 74 percent of Americans are not regularly physically active and 28 percent get no physical activity at all. It is likely that those who are already active are a self-selecting group as advocates for new facilities that would facilitate their active lifestyle.

Sixty one percent of respondents (14) indicated walking was their primary form of exercise and three others indicated hiking was their primary form of exercise. This correlates with and exceeds levels of reported walking frequency (38%) among Americans who engaged in any form of physical activity according to a 2000 report on US physical activity levels from the National Center for Chronic Disease Prevention and Health Promotion.

Trails were extremely popular among respondents. Almost one-quarter (10) of the respondents indicated that they used trails for exercise once or more per week. All but two respondents indicated that they used trails at least occasionally.

The primary reasons cited by those completing surveys for not exercising more were a lack of convenient places (9), with some (4) not considering it a priority. These results are a fairly good reflection of workshop participants since only about ten percent (5) did not complete this question. To some extent, though, the group attending the workshop is probably a self-selecting group with at least a slightly higher proportion of active Peru residents.

Survey responses indicate that a new trail in Peru would receive regular use. Twenty six percent (11) respondents indicated that they would use the trail at least three times per week, with an additional twelve percent (5) indicating they would use the trail at least once per week. Only five percent (2) of respondents indicated they would use the trail only occasionally.

These survey results echo findings of recent research that has shown that adults, especially women and older adults, who live near safe places to exercise, including neighborhood trails, are more likely to be physically active. In a 2000 study of rural Missouri residents, 47.5% of persons who were regular walkers indicated that they walked more after the opening of a new trail and 57.7 % of persons who were not regular walkers reported increased physical activity due to trail use.



Workshop Evaluation

The workshops received a high overall endorsement with an average score of 4.2 out of a possible 5. Respondents generally rated the other workshop aspects with scores around 4.2 out of a possible 5. Attendees gave a very high rating of 4.6 to the question of whether their opinions/contributions were heard and respected.

The lowest rated aspect of the workshop was whether participants learned something new about the benefits of trails. While a score of 3.5 out of a possible 5 is still higher than average, the score reinforces the suggestion that workshop attendees are a self-selecting group already aware of trail benefits.

SUGGESTIONS FOR NEXT STEPS

To support the town of Peru's development of the Little Ausable River Trail, Parks & Trails New York is pleased to furnish the following suggestions for the town and Friends to consider in making decisions regarding the future of this trail.



Public Outreach

In preparation for the November 19, 2005' workshop, the outreach efforts by The Friends of the Little Ausable River Trail paid dividends as indicated by the significant number of people that participated. The strong turnout at the workshop also highlighted the Subsequent outreach efforts should continue to ensure as many community members as possible are aware of the project and provide opportunities for persons to lend support to the project. The following are several outreach suggestions developed by Parks & Trails New York to reach this goal.

Activities - Getting people involved is one of the best ways to strengthen and broaden commitment to the project. Suggested actions include:

- ?? Hold public walks along the primary and secondary segments of the trail route.. To enhance these events, local experts in wildlife or vegetation should be included to interpret the biological resources near the trails.
- ?? Invite school and scout groups to help with corridor projects and events.
- ?? Invite youth from the local youth center or youth programs to participate in trail planning meetings.
- ?? Ask school art classes to prepare posters promoting the trail or a trail-related event.
- ?? Seek partnerships and with the County Health Department and other regional organizations and agencies dealing with health and populations with disabilities.

Advertise-Project updates, accomplishments, and opportunities to be involved should be presented to the public in as many ways as possible including:

- ?? Use every public meeting, media contact, and guided walk as an opportunity to inform the local and regional community.
- ?? Establish an e-mail distribution list and send occasional updates.
- ?? Make presentations to existing community civic groups such as Rotary, Elks, Lions, and Kiwanis both for the purposes of raising public awareness recruiting and fundraising.

Organization Building

The capacity of the Friends of the Little Ausable River Trail is limited. As options regarding future organizational development of the Friends of the Little Ausable River Trail to ensure the trail's successful development, Parks and Trail New York provides the following suggestions.

1. Partnering- As the Friends group is already working closely with the town government of Peru, this option may be expanded. Another option is to affiliate with an established not-for-profit organization such as a land trust, parks organization, or chamber of commerce, either temporarily or on a more permanent basis. These options are instrumental in solving the issue of accepting donations and administering funds for the group.
2. Incorporation-The Friends group is currently an informal group of concerned citizens and friends gathered to address a cause. Ultimately the Friends may wish to incorporate themselves as a nonprofit organization in order to:
 - ?? Apply for public or private grant money;
 - ?? Provide protection against legal liability;
 - ?? Enter into contracts;

- ?? Have it's own bank account; and
- ?? Solicit tax-deductible contributions

Although there are significant benefits to incorporating, there are significant cost such as the application fees and required record keeping. All these factors should be considered in this decision. For additional information on incorporation, contact the NYS Department of State Division of Corporations at (518) 473-2492. A helpful guide for forming a Not-for-Profit Corporation in New York State is available at: <http://www.dos.state.ny.us/corp/nfpguide.htm>. To download the procedures for forming Not-For-Profit Corporations in New York visit: http://www.oag.state.ny.us/business/not_for_profit.html. One can also find many of the necessary forms for incorporation at New York States Department of State's website at <http://www.dos.state.ny.us/corp/nfpfile.html>.

3. Consult Current Resources- Parks & Trails New York's Getting Started: A Guide to Planning Trails in New York State is an excellent resource for guidance on increasing the capacity and developing the organization's structure.

Celebrate Achievements, Recognize Participants, and Be Social

Keeping volunteers interested and motivated is a challenge when everyone's time is so limited. But investing in volunteers will reap huge future rewards. It is important to periodically remind participants of what they have achieved and recognize volunteers and local elected officials for their efforts and support.

Groups that have a fun, social dimension to their events or convey this spirit through interactions with new members and volunteers often are the most long-lived and successful at recruiting new blood. Follow their example and ensure that volunteer organizers are good with people and that each event includes at least some unstructured social time.

Private Landowner Partnerships

Current Situation

Adele Douglas and Rodney Brown have already done a tremendous job of reaching out to landowners along the trail corridor, making them aware of the project, and attaining their support for public access across their property.

At the time of the November workshop nine land owners had been identified as adjacent land owners, and most of the key landowners along the route had communicated that they were willing to sign a revocable agreement with the Friends.

Suggestions

Land Owner Relationship-Active participation in the trail committee by at least one corridor



landowner or adjacent landowner is key. This is essential both for the land owner being able to share the perspective of having the trail on his/her land and maintaining close relationships with other adjacent landowners. The Friends should continue to maintain these contacts and build on them as they move forward in other areas of project development.

Land Owner Agreements-The Friends should seek to have as many corridor landowners as possible, especially those along the primary trail segment, take the step beyond a verbal agreement to allow public access. To overcome the challenge of establishing public use on private land, that is for the use of the trails that require private land, the following options may be utilized.

?? **Revocable agreement-**A revocable agreement is a written form of a verbal permission to use a portion of the owner's property. The revocable agreement can be used as a way to build trust and confidence when establishing a new landowner relationship. This is generally less preferred because revocable agreements can be rescinded at any time with a typical notice period of 30-60 days. The Revocable Agreement is not appropriate for use by the Town because it is not a legally binding instrument, but is an option for its use by the Friends.

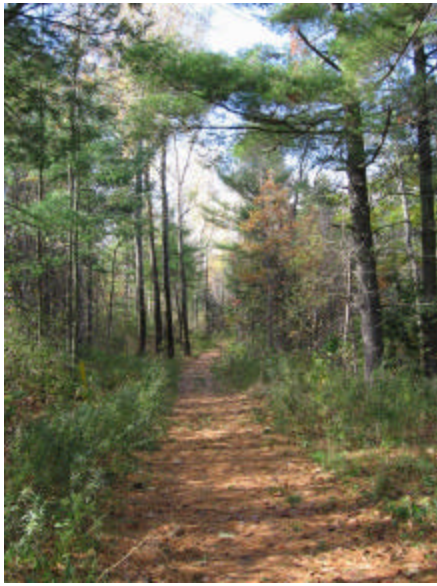
?? **Easements-**The more permanent and the preferred option for trail access agreements is a public access easement or a trail easement. This option is similar to Conservation easements¹. At its most fundamental, the easement gives the grantee (and the public) the right to use a portion of the grantor's (the land owners) property. If the landowner is willing to engage in a formal easement, the Town of Peru could be the grantee. In case the Town is not willing to accept formal easements, it would be useful for the Friends to identify an established qualified nonprofit land trust organization (such as the Adirondack Land Trust) that would accept the easements.

Examples of both types of documents are included in Appendix B for verbatim or adapted use by the Friends of the Little Ausable Trail or their partners. See Parks & Trails New York's *Getting Involved: A Community Trail Handbook for Landowners* for more detailed information about types of access agreements.

Developing a Public Access Easement

As suggested above, landowners interested in opening a portion of their land to public use have a number of options; the preferred option is having a trail easement. To assist the Friends group in developing a trail easement with landowners, the following suggestions are provided below.

¹ Conservation Easements-Owning land is like owning a bundle of sticks. Each "stick" represents a right associated with land ownership, such as development, farming, forestry, mining, recreation, and others. A conservation easement is a voluntary legal agreement between a landowner and a qualified easement holder through which a landowner may prohibit certain activities, such as residential development, or allow certain activities, such as public access on a trail, on his or her land. In the case of a public access easement, the land stays in private hands, but the public is permitted the right to access the private property on a designated trail.



Before contacting the landowner

It will be necessary to determine what organization will hold or manage the access agreements and who will insure them if requested by the landowner. The most attractive arrangement to landowners would likely be for the Town or an incorporated nonprofit to hold a formal easement agreements and extend its general liability insurance to the landowners as ‘additional insured’ parties.

It will also be helpful for the trails committee to invite a representative from a local land trust, such as the Adirondack Land Trust, to discuss tips and hints for effectively approaching landowners to enlist their support and cooperation. The Parks & Trails New York publication, *Getting Involved: A Community Trail Handbook for Landowners*, can be used as a tool to

prepare to answer common landowner questions about trails and access agreements.

Once you contacted the land owner

It is important for trust-building that landowners understand that you regard their input as important and solicit specific concerns regarding routing and design details (such as desired screening and fencing). To this end, the sample Revocable Agreement and Trail Easement in Appendix B demonstrates how these concerns can be weaved in the final easements.

In the next four to six months the Friends should seek to have landowners along the primary trail corridor segment sign a revocable agreement so that public walks can continue to be conducted with a standing permission and understanding. Ongoing contact should be maintained with all corridor and adjacent landowners so they are informed of committee meetings, activities, and trail progress even if their parcel is not a current priority.

In this initial informal phase of landowner involvement, it is simpler for the Town not to be formally involved. However, if they wish to provide some limited support with labor or equipment for basic trail improvements all that would be needed is a temporary insurance certificate to be issued to the private landowner. This would be like any arrangement that a municipality establishes with a landowner when using a private property for temporary storage of materials or equipment during the course of some public works project.

When a landowner is ready to enter a formal easement agreement, the document should describe the dimensions of the trail easement area, the effective term (ranging from several months – to perpetual), the parties to the agreement (including 3rd parties) and their responsibilities (if any), and the specific rights to the land passed to the grantee. This is usually just a right of physical access (by the public in this case) plus the right to landscape and improve the trail – but at the agreement of the landowner may include ‘conservation easement’

type restrictions on future development or on the form or appearance of structures and facilities within the easement area. It is necessary to include development restrictions for a landowner to benefit from potential income tax deductions.

An easement agreement should:

- ?? contain basic site plans or maps showing the rough location of the trail or the points on the parcel boundary where it enters and exits (to which rights of through access are promised)
- ?? identify a trail corridor a minimum of 12' in width (preferably 20-30')
- ?? allow for a minimum trail surface width of 8' (10' preferred)
- ?? allow for an 'improved' trail surface (like crushed stone, road millings, and/or asphalt)
- ?? allow for landscaping and trail surface improvements by volunteers associated with the Friends of the Little Ausable River, boy scouts, town staff, or other groups as assigned by the signatory to the easement grantee.

Issues Resolution

Insurance

Conversations with the Friends as well as Town officials indicated that the question of insurance for landowner granting trail access was an important issue as landowners had raised questions or expressed concerns regarding this issue. Town officials had expressed a willingness to explore placing easements under the municipal blanket liability policy provided the Town was signatory to a legally binding agreement.

Liability

Liability is always a concern when communities begin to consider multi-use trail development. New York's General Obligations Law section 9-103 provides protections for trail landowners and those living adjacent to the trail. For a good description of the law see *Parks & Trails New York's Getting Started: A Guide to Planning Trails in New York State* and *Getting Involved: A Community Trail Handbook for Landowners*.

Suggestions:

- ?? Experience with other municipally owned trails in New York indicates that trails generally have no impact on insurance premiums in contrast to facilities like playgrounds, skate parks, and public swimming pools or beaches. The Town should not extend its insurance umbrella to any landowner unless they have granted a formal and binding easement to the Town itself or a qualified nonprofit with which the Town has a written agreement stipulating the conditions under which it extends (and may withdraw) this coverage. However, the Town should have no liability concerns if a trail is developed using an informal agreement such as a revocable agreement with an entity such as the Friends of the Little Ausable River Trail, provided they are not party to the agreement. In this circumstance they may even provide some basic material or equipment support to the trail effort as they might for any other community organization, with no special provision other than obtaining an insurance certificate for the period involving access or use of private land by town employees or equipment.
- ?? Members of the Friends should educate themselves about the General Obligations Law to aid in answering questions from landowners regarding liability concerns.

Safety/Enforcement

Evidence shows that trails are generally very safe. Typically vandalism and other instances of negative use will decrease after an 'out of sight' corridor is converted into an active public trail, because it puts the eyes and ears of responsible adults on it regularly.

In 1998, the Rails to Trails Conservancy studied crime rates on 372 urban, suburban, and rural rail trails across the country and found the incidence of crime to be very low, especially when compared to national crime rates for urban, suburban, and rural areas. The study authors concluded that increased public use, good trail design, and a professional or volunteer trail



Mohawk-Hudson Trail

patrol were important to ensuring trail safety. (The study, "Rail- Trails and Safe Communities," which contains a number of letters offering the perspective of law enforcement officials, can be found at www.trailsandgreenways.org/resources).

Statistics from the Town Police Department show that Peru is a safe community with low crime rates compared to state and regional rates. The proposed trail should echo that quality.

Current experience with the old rail bed along the Little Ausable River (parallel to Route 442) has been generally positive. There is informal public and neighborhood use without incident. There are clear indications that it is used as a youth 'party spot' with chairs, tarps, and campfire rings. However, experience with trails across the country shows that the more the general public is encouraged to use the corridor, the less likely it is that these undesirable activities will occur, because of the public 'eyes and ears' effect described above. The same can be said of the path in the pine woods between the Town baseball field and Maiden Lane.

Because the proposed trail system interacts with and uses segments of the public roadways, traffic speed and enforcement are relevant safety issues. A number of recommendations in the trail concept plan included in this report include installation of defined pedestrian / trail street crossings as well as use of limited portions of public road right-of-way. It is recommended that the Town take advantage of the state traffic regulations permitting placement of certain warning signs/devices within the defined crossing areas reminding drivers that they must yield the right of way to pedestrians. Occasional targeted enforcement of this regulation by the County Sheriff or State Police will help maintain a safe and inviting environment for pedestrians in the hamlet area of the Town and in the vicinity of its public parks.

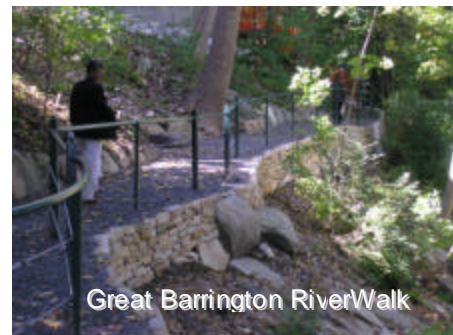
An area of particular concern for speed limit enforcement is along the recently rebuilt stretch of Route 22 just south and west of Lapham Mills Park. The roadway is well over-designed for the posted speed limit. With few visual cues to discourage them, large trucks serving the

local mill barrel at a high speed, particularly when traveling north to avoid losing momentum on the hill at that location. If that segment of roadway is to be used by children for a link between the off-road trail and the public park, a concerted effort to enforce the posted limits should be made. Additionally the Friends and the Town should team to encourage DOT to extend the lower Hamlet speed limit out to Lapham Mills Park.

Construction & Maintenance Costs

Town of Peru elected officials have shown interest in the trail concept, but have concerns about its potential impact on the community budget. They should be made aware that many other (and even smaller) communities have successfully developed trails with minimal municipal budgetary support.

The Great Barrington RiverWalk (www.gbriverwalk.org) in the Berkshire Mountains of Massachusetts was proposed by a coalition of community residents and environmental organizations that wanted to draw attention to the need to protect natural habitat along the Housatonic River. Using the non-profit status of the Great Barrington Land Conservancy, the coalition obtained donations, grants, and in-kind services and established a funded maintenance and enhancement program. The community residents of Great Barrington became so enthusiastic about the new opportunity to walk the river's edge that the town government now contributes an annual amount to the organization's budget for enhancements to the corridor.



Ontario Pathways, a grass-roots trail organization in Ontario County, bought and cleared a former rail-bed for public use in spite of active municipal opposition to the concept. They used fundraising and volunteer sweat equity to build, maintain, manage, and insure a valuable community resource.

In the Village of Delhi (Delaware County), the Delhi Beautification Committee worked with the Catskill Outdoor Education Corps to develop several community pocket parks and public trails. A local community foundation helped to fund these projects. Delhi insures these facilities through its general liability policy, but does not pay higher premiums as a result, because there are no active recreational facilities like pools or playground equipment.

However, the town's ultimate economic health may actually benefit from at least some local financial commitment to the trail project. Several state grants sources are available to assist with trail development costs. Such grants bring in money from outside the community where they are spent on local services and products. Certain trail-related grants only require a 20% local match meaning that the community would bring in \$5 for every one it spent.

Additionally, local grant match does not need to be in the form of cash. Many donated services, equipment use, or materials count toward meeting the local contribution requirement. If the town were to contribute resources, it would be possible to apply for larger

grant amounts than possible if only the Friends of the Little Ausable River Trail contributed matching funds. Larger grant awards would improve the quantity and quality of trail that could be completed in a given time.

Nevertheless, Peru's community organizations and municipal government have a limited resource base. Neither community groups nor the town government would want to take on a multi-million dollar project that would tie up their scarce resources for several years. A phased development approach using only volunteers from the Friends of the Little Ausable River Trail and their partners can certainly build a wonderful trail resource over time. However, enlisting municipal support at the town, and county levels will allow more rapid progress and inclusion of trail enhancements that would be unaffordable under a smaller volunteer or grant supported scope of work.

Finally, there are several grant sources that would be well matched to the Little Ausable River Trail project. The competitive Recreational Trails Program, administered by the NYS Office of Parks, Recreation, & Historic Preservation provides up to 80% of project costs for projects ranging from \$5,000 to \$100,000. With passage of a new Federal Highway Bill in Washington, Transportation Enhancements grant rounds are

expected this year and likely again in within two years. While this source tends to fund large projects, it could be appropriate for the off-road solution settled on for the final link along Route 22 to Lapham Mills Park. This link is bound to be costly owing to the amount of engineered structures required to negotiate the steep slopes. In the next few years, there may also be potential to tap into hundreds of millions of discretionary funds available to the Governor, Senate majority leader, and Assembly speaker under the recently passed Transportation Bond Act.



Phased Development Plan

Peru is blessed with existing resources and opportunities that could form a community trail system that would truly tie together the river corridor, inviting recreational green space, important community destinations, and centers of population, employment, and education. This seamless network would be a valuable asset to Peru's quality of life as well as encourage a healthier lifestyle by providing inviting walking facilities that connect the center of the community with its recreational parks, central school campus and other significant destinations.

The long-term vision for the off-road portion of the network is a 10' (8' minimum) wide trail with running slopes not in excess of 5% maximum and below 3% generally. Surface could be stone dust (as detailed in Appendix D) or paved surface (such as soil binding resin, bound road millings, or fresh asphalt) suitable for use by cyclists, strollers, and wheelchairs. This improved trail would have a compacted sub base as well as crowned smooth surface layer for drainage. A crushed limestone surface may be preferable as it can be installed and maintained

by volunteers with minimal equipment and at relatively low cost. When compacted and weathered stone dust can provide an even, stable trail surface that can be used by bicycles at low speed and accessible by persons with mobility limitations.

The phased construction recommendations apply to the maps found in Appendix C. These maps depict the primary concept routes (in light purple) for a Little Ausable River trail system in the Town of Peru, key public road and sidewalk corridors (in blue), as well as important site links (in yellow) and route alternatives/options (in red).

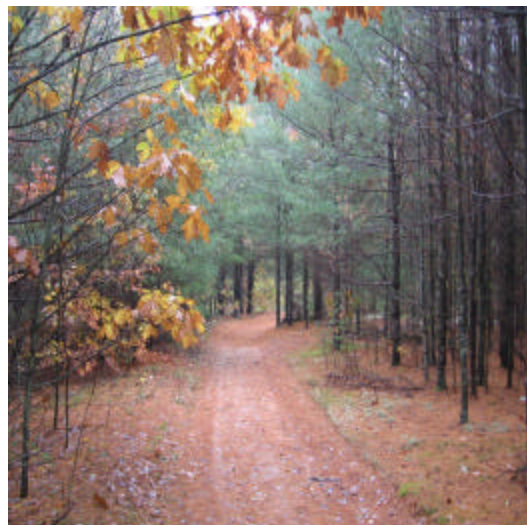


Primary Segments

The suggested initial phase segment is indicated with a solid purple line. Subsequent phases of the core trail route are indicated with increasingly broken purple lines as indicated in the map legend. Because of the relative ease of construction and potential landowner cooperation, the link between Heyworth Village Park and the Dashnaw Road / bridge location B1 should be completed first. Once funds or expertise is available to develop the crossing of the Little Ausable River, the link to the Town Baseball Field should be developed. Then easements agreements should be sought for the link between the baseball field and Maiden Lane. Together these segments would establish a primary loop linking the river, two parks, residential neighborhoods and the central school campus (using public roads and sidewalks).

While the community vision is for a bicycle friendly path, the primary segment of trail from Heyworth Village Park to the field and riverbank near Dashnaw Road could be opened fairly easily to public use as a ‘rustic path’ with minimal improvements. Once revocable agreements or easements are secured, volunteers with the Friends can work to clear the old rail bed of branches and limbs; re-grade or fill the larger ruts; and re-establish functioning drainage on wet portions. This is worth pursuing because active use of the corridor by the public will help expand public support for the trail concept and create opportunities to build membership and donations. It will also establish a track record for the Friends in managing and maintaining the corridor, which will help in outreach to landowners for future phases.

The old field between the rail bed and the Little Ausable River (location B1) can be made initially accessible with some simple improvements. First, the final route should be worked out with the landowner. The simplest way to prepare the route would be to simply mow the route and allow regular foot traffic to pack the soil and suppress vegetation. However, it would create a more inviting pathway if some grading equipment built up a



compressed, crowned (or slightly elevated – 3-5 inches) of dirt/soil to keep the trail surface drained. Some form of this basic ‘causeway’ design should be pursued along any trail segment located in a current or former agricultural field due to the tendency for these to drain slowly and get soft.

Additional improvements to this segment can be made by pressing some stone dust, river pebbles, or pea gravel into the causeway surface when the soil is wet (spring) to give the surface enough additional hardness to accommodate foot traffic and hold down weed growth. Until funds are secured for construction of the bridge at B1, a basic rest area/overlook can be developed at the terminus of this segment. ‘Permanent’ improvements to the sub base and surface of the initial trail phase should not be made until formal easements with all segment landowners and funding for the bridge are both secured.

Site Links

The short link trails indicated with a broken yellow line on the Appendix C maps identify some key sites such as the Post Office, the senior residence center, and the central school campus to which new links should be made or existing links improved fairly early in the process of trail development to ensure these facilities are safe and inviting portions of the network and tie in with these key destinations.

Roads and Sidewalks

Existing public roadways and sidewalks will be important segments of the final trail network. An action plan for the Little Ausable River Trail should inventory these facilities and identify any that require improvements to function as safe and inviting segments of the system. An important aspect of this inventory and assessment is identification of road crossings that should be formalized with striping and/or signage to enhance the safety of users.

Final Segment

The link between the Little Ausable River (location B1) and Lapham Mills Park should remain the ‘final phase’. This segment needs several bridges and includes the most challenging segment for siting the trail – the rebuilt section of Route 22. Figure 4 in Appendix C zooms in on the problematic section of roadway, identifying the two most practical route options. The route in red would be the easiest to implement and the least expensive...it would involve recapturing some of the roadway width from the possibly unneeded striped center median as well as from the generously wide shoulders (and possibly the lanes themselves). This regained space would be used to site a 10’ wide shared-use (dual carriage) pathway along the east side of the roadway separated from the traffic by jersey barriers or box guide-rail. A precedent for this treatment on NYS DOT facilities can be found on the Route 9 Bridge over the Croton River in Westchester County (picture would be nice). In addition or instead of recapturing some lane/shoulder width it might be possible to partially cantilever a decked path off the east edge of the roadway, though this would obviously raise the cost. DOT is not likely to be receptive to either of these concepts and professional input from a transportation planner or engineer versed in context-sensitive design solutions will help make the case. (they need to know what is the best approach to provide a safe crossing)

The route option in light purple would be an 8'-10' wide shared use pathway adjacent to and below the level of the east side of Route 22. A level bank for the trail could be built using



concrete piers holding up a railed and decked surface, including a bridge span over the creek culvert outlet at location B5. Once on the north side of the culvert the piers would continue for a distance until a stable bench could be cut into the bank (reinforced with gabions) which would rise gradually as it turned to the east following the curve in the river until it reached the level of Lapham Mills Road at a location opposite the new parking area at Lapham Mills Park. A visible crossing area should also be installed at that location.

Bridges

The current draft alignment would also require installation of several bridges crossing the Little Ausable River. The possible needed locations for these structures are identified by the label B1 through B6 on Figure 1-3 in Appendix C. The most critical bridge location for initial trail development is location B1, which would allow completion of the first parks link. Because the east bank is higher than the west at location B1, a pier would need to be built on the low side to act as an abutment. A low-slope ramp suitable for bicycles would also need to be built on the low side as an approach/exit to the elevated pier.

While some prefabricated bridges can be extremely costly (appx. \$50,000-\$100,000), that type of structure capable of carrying vehicle loads would not be required for this trail. Many bridges suitable for use only by cyclists and pedestrians spanning similar distances have been designed and built in the range of \$5,000-\$15,000. Construction of the pier and ramp should only moderately elevate the total cost of construction (appx. +25%) above the bridge itself.

The more robust types of these lower cost bridges are typically constructed of welded aluminum beams/tubes or of steel I-beam stringers with wood or plastic lumber rails and decking. Less robust types of low cost bridges have been constructed using telephone poles (or peeled tree trunks) as stringers with wood rails and decking. The Adirondack Mountain Club's professional trail crew and NYS DEC facilities or engineering staff would likely have experience with these types of structures and could be consulted for advice. There are several contractors around the state that build aluminum structures such as boat dock ramps that would be potential resources for aluminum bridge design and construction.

Planning

The bottom line for projects like the Little Ausable River Trail is that visible planning efforts significantly increase the chances of getting funded. State and foundation funders like to see that communities are thinking proactively about the future development and priorities of their community and that their investments will be reinforced by the community's future decisions as indicated by the goals and objectives in its formally adopted plans.

It is recommended that the trail committee develop a formal action plan for the Little Ausable River Trail incorporating recommendations contained in this report. An action plan would inventory conditions along the proposed and alternative routes, identify actions needed to bring those conditions to the final desired state, and provide rough estimates (including costs) of resources (human or material) that would be required. This action plan could serve as a blueprint that would guide the efforts and track the progress of the trail committee as a key resource to share with potential funders.

The Town of Peru's Comprehensive Planning Committee has already identified development of the Little Ausable River Trail as a significant community goal in the draft comprehensive plan. The Friends should seek to ensure that the draft plan is adopted with these pro-trail elements. It is also suggested that Peru identify the trail route on its official map. Including the Little Ausable River Trail corridor in County or other town planning documents (such as open space plans) would also be desirable.

Engaging a consultant with context sensitive design experience (particularly for bicyclists or pedestrians) would help the Friends and the town identify some feasible options that fall outside of 'boilerplate' DOT solutions.

Additionally some extra planning analysis and/or a feasibility study by a transportation specialist (planner or engineer) would be very helpful to bolster the community's argument to get beyond the 'rote' recommendation of NYS DOT to route cyclists and pedestrians along the existing roadway shoulders on Route 22 at the rebuilt road section just south of Lapham Mills Park. While using shoulders looks fine on paper, the specific circumstances of this road segment with fairly heavy truck traffic at fairly high speed renders the shoulders impractical.

Pedestrians and cyclists seek routes that not only meet official safety standards, but also paths, that 'feel' safe and inviting to them. Because the trail is targeted toward the community's youth a higher duty of care and consideration in design is warranted. Use of the shoulders for two-way traffic would only encourage multiple crossing movements by this vulnerable roadway user group. Shoulder use and the extra crossing movements would expose children to the path of high-speed automobiles, heavy trucks, and the turning movements from a busy intersection. This unsafe exposure is unnecessary when alternative (though more costly) options exist to route a separated shared-use path parallel to the east side of this road segment.

At the very least, the Friends should continue to appeal to the Regional DOT Director to assign the regional bicycle/pedestrian coordinator to spend some time with the community examining the site, learning about the trail project goals, discussing Peru's needs, and possible alternatives to meet them. Additionally, DOT has a special division that deals with 'context sensitive design'. Advocacy by local and state elected officials with the regional bike/ped coordinator, DOT regional Director, and the DOT Commissioner's office to involve these professionals would be very useful. It would be ideal if the consultant mentioned above also participated in these discussions as a professional representative of the community. Their involvement could help coax a more creative examination of the trail segment design issues and options.

Concurrent with exploring this issue with DOT staff, the desire to eventually build a trail link underneath the Route 22 Bridge to connect Gazebo and Heyworth Village Parks should be brought to DOT's attention and their advice sought on how best to accomplish it.

CONTINUED PARKS & TRAILS NEW YORK SUPPORT

Parks & Trails New York recognizes that it takes time, sometimes as much as ten years, to develop the vision and build the constituencies and local support needed to ensure long-term success for trail projects.

Parks & Trails New York's Healthy Trails, Healthy People program anticipates multi-year support for communities that are actively committed to and involved with trail development. With the suggestions found in this report, expanding future support from the Town Government, and growing interest and commitment of local citizens, the Town of Peru is in a good position to move forward with trail development.



As the project proceeds and passes significant milestones, the community is encouraged to contact Parks & Trails New York for further assistance and to apply for an additional year of Parks & Trails New York technical support.

APPENDIX A – WORKSHOP SURVEY RESULTS

About You

1. All but one of the respondents from the 12972 zip code (Town of Peru including the hamlets of Lapham Mills, Valcour, & South Junction), with the other from the 12962 zip code (hamlet of Morrisonville west of Plattsburgh).
2. Favorite forms of exercise:
 - (14) Walking
 - (6) Hiking
 - (4) Bicycling
 - (4) Cross-Country Ski
 - (2) Yardwork/Gardening
 - (2) Canoe/Kayak
 - (1) Running
 - (1) Snowshoeing
 - (1) Riding horse
3. Are you limited in any way in any activities because of physical, mental, or emotional problems?
 - (1) Yes
 - (22) No
 - (0) Did not respond
4. Do you now have any health problem that requires you to use special equipment, such as a cane, a wheelchair, a special bed, or a special telephone?
 - (0) Yes
 - (23) No
5. I use trails for exercise:
 - (8) More than once per week
 - (2) Once per week
 - (2) Once per month
 - (9) Occasionally
 - (2) Never
6. I engage in moderate physical activity (i.e. brisk walking, a sport, or physically active hobby):
 - (7) 5 or more times per week
 - (10) 3 times per week
 - (3) Once per week
 - (3) Occasionally
 - (0) Never
7. Finding time to exercise is hard because (check all that apply):
 - (2) No time
 - (9) No convenient place to exercise
 - (2) No safe place to exercise
 - (1) No one to do it with
 - (4) Not a priority
 - (5) No response given
8. If Peru had a public trail along the river within the town, I would use it for walking or other forms of moderate physical activity
 - (6) 5 or more times per week
 - (5) 3 or more times per week
 - (5) Once per week
 - (2) Occasionally
 - (0) Never
 - (5) No response given <lack of response may be result of misprint of 'Delhi' instead of 'Peru' on questionnaire>

Reasons offered: 3 responses indicated distance/living outside the town as an obstacle to more regular use

About the Workshop

9. Help us improve our workshop for other communities. Please rate the following aspects on a scale of 1 to 5

Strongly Disagree (1) Strongly Agree (5)

The trail benefits information was useful and relevant		4.3
The physical activity and health information was useful and relevant		4.1
The trail benefits presentation was delivered clearly and professionally		4.2
I learned something new about the benefits of trails	3.5	
The images of other trails helped me visualize what a trail in my community would be like		4.0
The images of the proposed route/current conditions helped me visualize the proposed project		4.2
The breakout session was a good way to allow everyone's ideas and questions to be heard		4.2
The workshop helped gauge public interest in the trail		4.2
I would recommend the workshop to other communities considering trail development		4.3
I felt my opinions/contributions were heard and respected		4.6

10. Suggestions for improving the workshop:

- ☒ great job
- ☒ none
- ☒ shorten the presentation
- ☒ establish concrete goals and timelines and set up fundraising process
- ☒ add more times/dates

11. Topics that should have been covered but were not:

- ☒ at what stage in process is access for the disabled a priority

12. Suggestions for other persons/groups to be involved:

- ☒ a friends group is essential
- ☒ Boy Scouts
- ☒ newspaper coverage

13. I am interested in helping to develop a community trail

(16) Yes

(0) No

(7) No response

Reasons why: 'I live here,' 'Like walking', 'Need the exercise', 'For my health and to connect with nature',

14. I learned about the workshop from:

- (9) newspaper
- (0) mailing
- (3) poster
- (4) friend
- (0) telephone
- (0) email
- (3) other
- (6) no response given

APPENDIX B – DRAFT LANDOWNER DOCUMENTS

REVOCABLE TRAIL ACCESS AGREEMENT

[Date]

[Grantor of Access / Landowner]

[Address]

[City, NY Zip]

Dear _____:

Thanks in large part to the cooperation and support we have received from you, [Name of Landowner], the Little Ausable River Trail is now closer to becoming a reality. The "Friends of the Little Ausable River Trail" are truly appreciative of your cooperation and willingness to commit to this exciting project. This letter summarizes our discussions, and will serve as a revocable agreement that can be modified or terminated at your request.

The trail corridor now being contemplated will generally follow the designated route depicted in the attached sketch map. The specific location of the trail will be determined at such time as we work with you and other landowners along the path to finalize development plans. The route may shift over time upon your request or approval to meet changes in your own needs or those of trail users.

When the trail is opened for public use, members of the Friends of the Little Ausable River Trail will check it on a regular basis. The Friends of the Little Ausable River Trail shall have the obligation and responsibility for the repair, maintenance, operation and general condition and use of the trail. The Town of Peru may from time to time contribute support in the form of materials, equipment, and/or personnel.

We both acknowledge that this access is being provided for purposes of public recreation without charge. It is understood that the use is non-exclusive. This agreement also recognizes that we are both relying on the indemnification protections afforded landowners who grant free public recreational access under the New York State General Obligation law § 9-103 <as well as the duty of your property owner's / homeowner's insurance company to defend you in suits brought against you – THIS IS OPTIONAL TEXT – PROBABLY BEST TO EXCLUDE>.

This agreement for public access is for the purpose of human-powered (walking, hiking, bicycling, running, cross-country skiing e.g.) recreational activities involving through-travel along the trail route during daylight hours. From time-to-time, the Friends of the Little Ausable River Trail will lead group tours of the corridor. At your request, they can provide you with notice prior to these events. Both you, and the Friends of the Little Ausable River Trail agree to encourage no other uses. It is not the intent to permit use of the trail for motorized vehicles, camping, hunting, and trapping by the general public.

Thank you for your help and cooperation! Your generosity will allow the Friends of the Little Ausable River Trail to make the trail a reality. We believe that the creation of this trail will provide an outstanding resource for the Town of Peru, and will increase the quality of life for both children and adults.

Should you decide to amend or suspend this agreement you agree to give our group prompt notice so that appropriate provisions can be made.

It is our hope that the trust we have just begun to build through this agreement will one day encourage you to grant a formal and permanent conservation/public access easement. Such a legacy to the community would ensure future public access along the Little Ausable River Trail and enable the creation of a town-wide trail network linking the school, downtown, and recreational parks.

We look forward to a long and mutually rewarding partnership.

Most sincerely,
Friends of the Little Ausable River Trail

RIGHT OF WAY TRAIL ACCESS EASEMENT

This right of way easement is made and entered into this [] day of [], 200__, by and between
[*name of Grantor; donor of the easement*]

a [*describe Grantor's legal status (e.g.: an individual, a limited partnership)*] having an address at (*or whose principal office is at*) [*address*] shall be referred to as the "Grantor," and

[*name of Grantee; recipient of the easement*]

a [*describe Grantee's legal status (e.g.: a non-profit corporation, a municipal government)*] created under [*governing state law*] having an address at [*address*], shall be referred to as the "Grantee".

RECITALS

WHEREAS Grantor is the owner of certain real property commonly known as [*name of property if relevant*] located at [*address including the county*], and more particularly described as [*set forth legal description including reference to recorded deed map and tax parcel#*].

WHEREAS Grantee is [*description of the public body or not-for-profit conservation organization as well as purpose of the organization if relevant*].

WHEREAS Grantor desires to grant to Grantee an easement across that portion of the Servient Estate (the "Trail Easement Area") to create a trail (the "Trail"), the Grantee desires to accept said easement.

WHEREAS the Trail is intended to provide Grantee, [*list any other relevant party*] and the general public with access to scenic, safe, and healthy transportation and recreational opportunities through hiking, biking, and walking activities and links between community destinations. [*and whatever else may be appropriate*]

NOW, THEREFORE, The grantor, in consideration of \$ [*at least \$1.00*] and other good and valuable consideration, given by the grantee to the grantor, receipt of which is acknowledged, has granted, bargained, sold, and conveyed, does grant, bargain sell, and convey, to grantee and [*his, her or their*] heirs or assigns, for the purpose of [*describe desired uses*], a private right-of-way of [*describe location, width (should be wider than the planned trail), and length of right-of-way*] and as shown in attached sketch map, Schedule A, to be called the Trail Easement Area (within which the Trail will be located).

1. **Recitals.** Each and every recital and representation of the respective parties set forth above, including those contained in the conservation easement, is relied upon by the parties as part of the consideration for the grant of rights and restriction of uses hereinafter contained and are incorporated herein with the same effect as if restated in their entirety.

2. **Grant of Easement.** Grantor hereby grants, transfers and conveys to Grantee, for the benefit of the Grantee and the public, a non-exclusive easement and right-of-way (the "easement") for ingress, egress and access by Grantee and the public without charge over and across the Trail Easement Area.

Together with and hereby granting to Grantee an easement across the Grantor's property in such locations as may be reasonably acceptable to Grantor from time to time for purposes of bringing in workers, vehicles and equipment for the aforesaid construction, maintenance, replacement, relocation and repair of the Trail and appurtenances. Grantee shall request permission from Grantor and receive written permission prior to bringing workers, vehicles and/or equipment into the Trail Easement Area for any purpose.

3. **Purposes.** This Trail Access Easement is established for [*specify permitted activities e.g. – non-motorized transportation and recreation by community residents including but not limited to pedestrians, wheelchairs, persons on bicycles or horseback, children in strollers, and cross-country skiers*]. Permitted uses shall not include [*specify prohibited activities e.g. – hunting, camping, and all motorized vehicles except wheelchairs and police or emergency vehicles*]. Grantee shall have the right to regulate or further restrict uses (including but not limited to those specific

uses listed above), which Grantee determines to be unsafe or otherwise detrimental to the continued use and vitality of the trail or the condition of the Trail Easement Area.

4. Reliance upon State Law. Grantor and Grantee agree that in creating this easement for public access that each party is relying on the protection against liability contained in section 9-103 of the New York General Obligation Law (the recreational use statute), as the same may be amended from time to time, and that for such purposes both the Grantor and the Grantee shall be deemed “occupants” of the area of the easement as designated above. Notwithstanding the foregoing, any repeal or amendment of that section 9-103 which may diminish its protective effect shall not affect the validity of the easement of way herein granted

5. Management And Maintenance.

(A) Grantee shall have the right and sole responsibility to construct, maintain, replace, relocate, and repair the Trail, together with signage and other appurtenances which may be deemed necessary, suitable, and incidental to the full and safe enjoyment by the public of the rights and privileges granted by this easement; and to manage the Trail Easement Area, including *[specify specific areas or facilities]*, at its sole cost and expense. Maintenance activities may include but are not limited to the following: cutting trees, clearing vegetation and brush, posting signs, erecting fences and barriers, and repairing the trail surface.

(B) If and when the Trail Easement Area shall be opened for public use, the following shall be considered partners of Grantee and privilege to the same rights of access for the purpose of encouraging responsible use of the trail as well as construction, maintenance, or management duties: *[mention any supporting management groups or agencies]*. The roles and duties of these partner groups are specified in the *[mention any management plan, agreement, or memorandum of understanding that may be appropriate here]* attached as Schedule B.

(C) The Trail or path within the Trail Easement Area shall be developed so that it is no greater than *[specify width]* feet wide with a *[specify border/shoulder width]* foot clear area to each side. In response to changing conditions or needs of Grantor or Grantee, the specific location of the Trail within the Trail Easement Area may change from time to time with the mutual agreement of both parties. The surface will initially be natural and unimproved, but as funds allow may be graded and improved with either soil binders, compacted crushed stone, or asphalt paving.

(D) At all times Grantee shall maintain, at its sole cost and expense, conspicuous barriers and signs at any entrance to the Trail Access Area from Grantee’s adjoining property in order to prevent and discourage any trespass

(E) The Grantor shall advise the Grantee Promptly of required maintenance or any dangerous condition on the trail of which the Grantor becomes aware.

(F) Grantee’s regulations for the public use of the Trail Easement Area will prohibit those activities and uses specified in Section 3 above.

(G) Grantor agrees there will be no filling, excavating, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any change of topography of the land in the Trail Easement Area in any manner *[include development restrictions here, such as: nor construction or placing of buildings, mobile homes, advertising signs, billboards or other advertising material or other structures upon the Trail Easement Area]*.

6. Assignment of Duties. Upon written notice to Grantor, Grantee shall have the right to assign its responsibilities for maintenance, insurance, and other duties under this agreement to an agency of government or a qualified not-for-profit entity, as the Grantee may determine in its sole discretion, or to another person, association, or organization reasonably acceptable to Grantor. The person(s) or entity accepting such an assignment shall be deemed to have assumed that part of Grantee’s obligations pursuant to this agreement which are within the normal scope of the delegated role throughout the period that assignment remains in effect.

7. Temporary Closure.

(A) Grantee shall have no obligation to open the Public Access Area for use by the public or other invitees of the Grantee as permitted in this instrument and may suspend any such use from time -to-time as it may determine in its sole discretion. No such closure or suspension shall be deemed abandonment by Grantee of its rights under this easement of way.

(B) Grantor shall have the right to immediately enter onto the Easement Area to remedy any condition which threatens public safety or health, or interferes with or which could reasonably be expected to interfere with the

normal use and enjoyment of Grantor's property and/or immediately and temporarily suspending or limiting access to the affected Trail Easement Area if conditions including unauthorized use by third parties require suspending or limiting access to protect the public safety or the Grantor's property, until such conditions are corrected or sufficiently abated, as determined by Grantor in its reasonable discretion. Grantor agrees to notify grantee as soon as reasonably possible regarding such closure and to work cooperatively and quickly to reopen the trail.

(C) In the event that Grantor and/or Grantor's invitees make use of the Trail Easement Area at any time it is closed to the public, Grantor shall be solely responsible for any losses from damages or injuries to persons or property resulting there from, from which Grantor shall fully indemnify and hold Grantee harmless, including reasonable attorneys fees required for the defense of any such claims.

(D) *[section for regular temporary closure]* Grantee further understands and agrees that the Trail Easement Area will be closed *[specify frequency: annually, e.g.]* for a [] day duration for the purpose of *[name event or interim use]*, which typically occurs on *[period during/from]*. During that time, Grantor agrees to provide a temporary public easement routed as shown in the attached sketch map, Schedule A. For this particular closure Grantee or its assigns agree to provide temporary signage or other equivalent means of informing trail users of the temporary closure and directing them along the detour route.

8. Insurance and Liability.

(A) Grantee or its assign *[a partner entity e.g., the Town of Peru]* agrees to maintain, at all times during which the Trail Easement Area is open for public use, a standard policy of general commercial liability insurance with respect to the Trail Easement Area; said policy shall have a coverage limit not less than \$1,000,000 per occurrence / \$3,000,000 cumulative. The coverage limit shall be adjusted upon request of the Grantor, not more frequently than every three years, to an amount equivalent to that sum in 200[] Dollars. Grantee or its assign shall cause Grantor to be named as an additional insured on said policy of insurance and will annually provide Grantor a proof of insurance certificate.

(B) The Grantee agrees to indemnify and hold harmless the Grantor their heirs, successors, and assigns for any loss costs suit or claims for property damage or personal injury whatsoever and howsoever caused arising out of or by reason of the use occupation or possession of the within described easement by the Grantee the public and intended users

9. Term. The easement shall be perpetual in term. *[OR- continue in effect for ___ years]* *[OR- continue from the effective date until terminated by either party hereto giving to the other party not less than ninety (90) days notice in writing but should the Grantee default in carrying out any of the terms and conditions of this agreement the Grantor (S) may cancel the agreement forthwith]* *[OR- other term]*.

10. Amendment, Variance, and Waiver. This agreement may be amended from time-to-time upon the written consent of Grantee and Grantor. Consent to any amendment, variance or waiver shall be in the discretion of the Grantee, and shall be consistent with the Right of way Easement referred to above; any amendment, variance or waiver which is not consistent with the purposes stated above shall be void and shall have no force or effect.

11. Taxes and Assessments. Grantor shall remain fully liable for the payment of all taxes and assessments thereon and shall, upon request of Grantee, provide to Grantee copies of any current tax bill and receipts for payment thereof. Grantee shall have no obligation whatsoever to pay any taxes, assessments, levies, or other charges of any kind assessed against the property subject to this right of way easement, any portion thereof, or any owner thereof.

12. Enforcement. The parties may enforce this agreement in law or equity, including, without limitation, Grantee's authority pursuant to *[cite statutory authority – i.e. NYS real property law]*, against any or all persons responsible for any violation thereof. Failure to enforce any provision herein contained shall in no event be deemed a waiver of a right to do so thereafter as to the same violation or breach or as to any violation occurring prior or subsequent thereto.

13. Notice. Any notice required or intended under this agreement shall be provided 30 days in advance and via written and notarized instrument. Notice shall be deemed given when received or three (3) days after mailing by United States Registered or Certified Mail, postage prepaid or dispatch by Federal Express, or similar courier service which provides receipt of delivery, addressed as follows: (a) if to Grantee, at its address set forth

above; (b) if to Grantor, at its address set forth above; and (c) if to any subsequent owner, at the address of the property. Any party may change the address to which notices are to be sent under this agreement by giving the other party notice pursuant to this paragraph.

14. Severability. Invalidation of any provision of this Easement of Way by court order, judgment, statute, or otherwise shall not affect the validity of any other provisions of this agreement, which shall remain in full force and effect.

15. Easement Runs with the Land; Binding Effect on Successors and Assigns. The provisions of this easement shall run with the Servient tenement (Grantor's property) [*in perpetuity OR for ___ years- use term above*] and shall bind and be enforceable by and against the parties and all subsequent owners, successors and assigns of the Servient tenement or any portion thereof. As used in this agreement, the term, "owner," includes the owner of any legal or beneficial equitable interest in the subject property or any other portion thereof; the terms, "Grantor," shall include the original Grantor and the heirs, successors, and assigns of the partners, and all future owners of all or any portion of the subject property; and the term "Grantee," includes the original Grantee and its successors and assigns. Notwithstanding the foregoing, no party shall be liable for a breach of this agreement resulting from acts or conditions occurring prior to or after the period of his or her ownership.

16. Recording: Grantee shall record this Trail Access Easement in the [] County Clerk's Office or other place designated for recording or filing deeds.

17. Effective Date: This easement shall take effect only when signed by both parties and grantee shall have complied with the insurance obligation set forth herein.

18. Governing Law. This Right of way Easement shall be governed by and construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have executed the Trail Access Easement as of the date set forth above.

Witness: _____

By: _____
Grantor

Date: _____

Witness: _____

By: _____
Grantee

Date: _____

APPENDIX C – MAPS

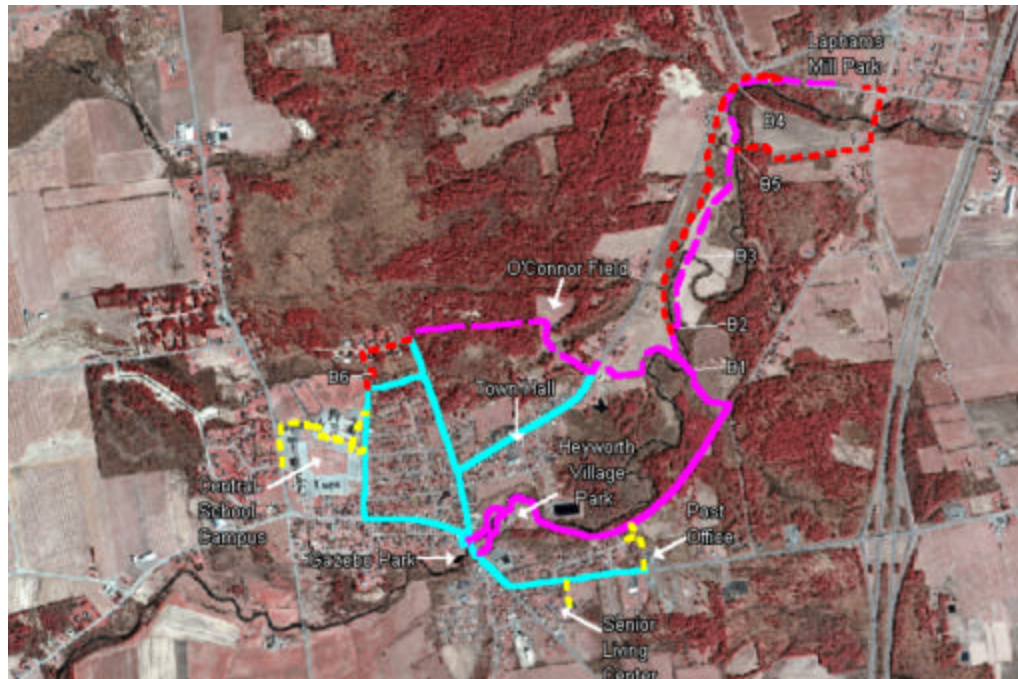


Figure 1



Figure 2

MAPS LEGEND	
	Phase 1 Trail Segment
	Phase 2 Trail Segment
	Phase 3 Trail Segment
	Trail Segment Options
	Public Roads & Sidewalks
	Special Site Links

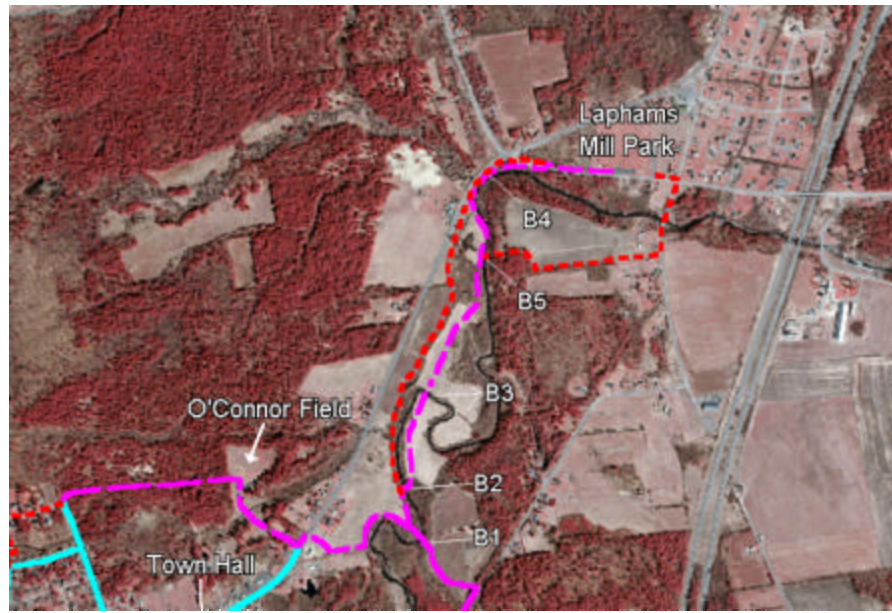


Figure 3



Figure 4

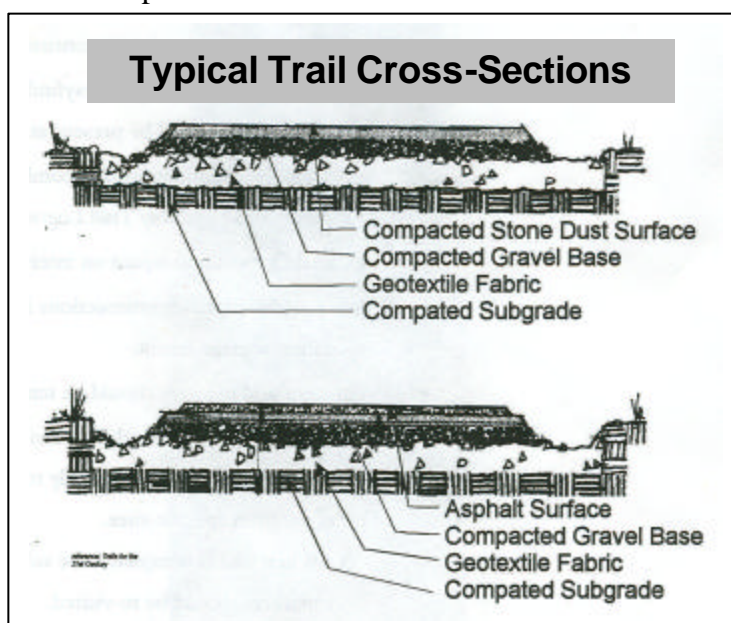
MAPS LEGEND	
	Phase 1 Trail Segment
	Phase 2 Trail Segment
	Phase 3 Trail Segment
	Trail Segment Options
	Public Roads & Sidewalks
	Special Site Links

APPENDIX D – TRAIL CONSTRUCTION DETAILS

Building trail in field specs

Trail Facility Specifications:

- ?? 5' minimum trail tread width (8' preferred)
- ?? 2' minimum graded clear areas/shoulders (3' preferred)
- ?? Woven geotextile fabric set on undisturbed or compacted sub-grade
- ?? 6" minimum compacted sub-base (NYS DOT Item #304.03 gravel) laid over geotextile
- ?? 2" compacted surface layer of 'stone dust'
- ?? 2" centerline crown to promote surface drainage
- ?? Place rubber strips (commonly used for landscaped bed edges) perpendicularly across trail tread at least every 10 running feet of trail on any slopes with a running grade between 3 and 5 percent to help hold material in and prevent erosion
- ?? Use a 'paved' surface material (asphalt or soil binding resin e.g.) on any slopes with a running grade over 5 percent



Stone Dust Trail Surfacing Specification Data (Source: NYS Canal Corporation):

Material Requirements: Material shall consist of crusher run limestone. All materials furnished should be well graded and free from unsuitable materials.

Gradation:

Sieve Size	Percent Passing
<u>Designation</u>	<u>by Weight</u>
6.3mm	100
2.0mm	55-75
425 µm	10-40
75 µm	0-20

Plasticity Index: Plasticity Index of the material passing the No. 425µm mesh sieve shall not exceed 5.0.

Elongated Particles: Not more than 30 percent, by weight, of the particles retained on a 2.0mm sieve shall consist of flat or elongated particles. A flat or elongated particle is defined herein as having its greatest dimension more than 3 times its least dimension.

APPENDIX E – TRAIL CONSTRUCTION BUDGET

Little Ausable River Trail 2006 expenses 1st Loop

Department of Public Works / Highway Dept. staff
5%+ of annual budgeted time to:

- ?? Operate excavating/grading/compacting equipment - their own or rented (no bigger than a backhoe needed - a Bobcat loader is often ideal for trail work)
- ?? Remove vegetation (chain saws and brush-hogging),
- ?? Haul material (to bring in gravel for sub-base, stone dust for surface, and position large 'immovable' boulders to block ATV's);

Surveying costs for trail corridor easements (appx 30' wide corridors within which trail will be located). AES Northeast has estimated \$15,000 - \$20,000.

Base material for use in sandy areas where old railroad stone base removed: NYS DOT Item# 304.03 gravel at 6" deep by 10' wide by ? feet long = ? cubic yards @ \$(get a local quarry price)/cu. Yd

Surfacing of crusher run limestone / stone dust: @ 4" deep by 10' wide by ? feet length = ? cubic yards @ \$(get a local quarry price)/cu. Yd

Woven geotextile fabric: 10' wide by ? feet length (local construction firm / highway dept't should know price).

Many 'immovable' boulders for blocking trailhead ends of trail, 'key' access points, and on a few 'tight' spots along trail corridor to make it difficult and unattractive for them to use the corridor by requiring stops and slowing down to avoid and get around the obstacles. I think the magic number of spacing is at least 2.7 feet between each boulder to allow bikes and wheelchairs, but less than 3.5 feet to restrict ATVs. Need power equipment (backhoe) to place.

30' span fiberglass or aluminum pedestrian bridge for approximately \$25,000. Amount should roughly cover abutments and installation too...also time or money (\$2-4,000 value tops) set aside for Town engineer to help implement/customize standard abutment design of bridge company using Town DPW crew.

Time and/or money for municipal attorney to review easement agreements (not needed with interim revokable agreements) before being accepted by Town. Municipal attorney may want to consult (briefly only) with outside attorney having more easement experience...so possible small fee there.

Money for appraiser to value amount of 'donated' value in any conservation easement (likely no more than a few hundred per property and may not be needed for all properties)

