

Committee of Jurisdiction: Transportation

Title of Resolution: Support for Rails-with-Trails

Issue: Use of active railroad right-of-way offers opportunities to develop continuous trails that are safe, direct and beneficial to the community, however, it is exceedingly difficult to obtain approval from railroad companies to allow for trail development within their right-of-way on active railroads. Expanding planning for current and future transit networks is also necessary to incorporate multi-use trails within light-rail and transit corridors.

Proposed Policy: NACo urges the Federal Government to support and advocate for Rails-with-Trails. Furthermore, it encourages the Federal Railroad Administration, the Federal Transit Administration, and Federal Highway Administration, in partnership with the railroads, transit agencies, and with trail providers, to develop national standards for Rails-with-Trails that would ensure the safety of railroad workers and the public, which could be used to mitigate any potential increase in liability for shared use, and which would address potential impacts to future rail operations.

Background: The term "rail-with-trail" describes a shared-use path or trail open and developed for public use that is located on or adjacent to the rights-of-way of an active railroad or rail transit corridor. Rails-with-trails are fundamentally distinct from "rails-to-trails," in which all rail service has been discontinued or abandoned, tracks and other rail infrastructure are removed, and the entire right-of-way is converted to a shared-use path or trail.

In May of 2021, The Federal Railroad Administration and Federal Highway Administration jointly published the "*Rails with Trails - Best Practices and Lessons Learned*". The report noted that:

- There are 8 major railroads (Class 1) within the US. Four have official policies of not permitting adjacent bicycle, pedestrian, or multiuse trails within the railroad's right-of-way. The other four do not have official policies but have noted that in practice, they do not encourage or allow parallel trails except on a very limited basis when a proposal meets specific criteria.
- There is no standard or uniform rail-with-trail development process or criteria.
- Liability is frequently raised as a concern in rail-with-trail projects; however, to date, there is little real-world information on the frequency or outcome of claims involving rails-with-trails.

These concerns can be met with active advocacy by the Federal government, including development of national standards for Rails-with-Trials, and negotiated changes in liability when Rails-with-Trails partnerships are involved.

Fiscal/Urban/Rural Impact: Rails-with-trails can help counties better serve their residents through increased trail network opportunities that provide safe, direct and continuous trail segments along active railroad corridors.

Sponsor:

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