

# Summary of SW Trails Proposed Changes to PBOT Draft Community-Initiated Trails Process

This document provides a brief summary of the proposed changes by SW Trails (SWT) to PBOT's Draft Community-Initiated Trails Process of November, 2014. In some cases entire sections of PBOT's Draft have been rearranged to improve the flow of the document. Additionally, some new sections have been added by SW Trails to provide important historical information and/or other relevant details that provide a more accurate and comprehensive document.

**TITLE and BACKGROUND** - SWT document expands the perspective for this policy to apply to the entire city of Portland.

**HISTORY OF RIGHT OF WAY** - SWT document adds an explanation why unbuilt rights of way exist, and emphasizes that pedestrian access, including trails, is a basic right on all public rights of way.

**PAST PRACTICES** – SWT document adds this section to add pertinent historical information to set up the next section about the change in liability law.

**IMMUNITY FOR CERTAIN LANDOWNERS** – SWT moves up this section on the seismic change in state law: the passage of ORS 105.668. It concerns the liability of certain adjacent landowners under specific conditions, granting them immunity from liability under certain circumstances. City of Portland policies do not yet reflect this important change in liability.

**RIGHTS OF WAY ARE PROTECTED FOR PUBLIC USE** – SWT adds this section to note that ROWs are intended for public use as provided by State and City law. The section also notes that Portland does not consistently address issues of encroachment on unbuilt rights of way.

**PROTECTION OF PUBLIC RIGHTS OF WAY AND EASEMENTS FOR PUBLIC USE** – SWT adds this section to point out that the city is the responsible party to address encroachments.

**MAINTENANCE OF EXISTING TRAILS** – SWT adds this section to affirm that the City of Portland is responsible for notifying property owners when trails on adjacent right of way are insufficient, including removal of obstructing vegetation.

**BENEFITS OF TRAILS** --- SWT moves this section for better flow, and emphasizes that trails are an inexpensive way to expand the existing pedestrian network, and when built as formal trails, (when compared to 'demand' or 'social' trails) are superior in protecting environmental resources.

**COMMUNITY INITIATED WORK** -- SWT notes trail building fosters community-building and a sense of ownership and responsibility.

**SW URBAN TRAILS PLAN** – SWT moves this section into the Process Framework Section (see below).

## **PROCESS FRAMEWORK --**

**PUBLIC INVOLVEMENT** – SWT changes this subsection title from Resident Support to Public Involvement - more in keeping with the processes followed by city bureaus in developing projects throughout the City of Portland.

**MAINTENANCE** – SWT adds notification of adjacent owners of upcoming trail maintenance. (Note that the City of Portland seldom notifies nearby residents of most maintenance activities.)

**FUNDING** – SWT provides additional options and flexibility for funding trail maintenance and construction.

**SW URBAN TRAILS PLAN** – SWT moves this section into the PROCESS FRAMEWORK section for better flow.

**PROPOSED PROCESS FOR COMMUNITY-INITIATED IMPROVEMENTS TO ROW TO TRAIL STANDARDS** – SWT includes and identifies the three different classifications of trails: 1) those in the SW Urban Trails Plan; 2) reconstruction or re-establishment of trails or trail structures in existence prior to 2010; and 3) new trails.

**Step 1, Check with Public Agencies** – SWT added contact information for utilities.

**Step 2, Determine if or how the proposed trail...**-- SWT changes the requirement from “two” essential destinations to “one” to account for the differences in neighborhood character and levels of infrastructure. Adds that an urban trail can be a destination in its own right, for example the 4T Trail. Also provides less restrictive language to provide some level of flexibility (which PBOT staff endorsed in a public meeting on Nov. 17, 2014), and addresses the need to consider that trails may be safer than crossing busy roads or walking along roads with restricted sight distances, narrow shoulders, no, or intermittent, pedestrian facilities.

**Step 3, Public Involvement** – SWT changes this section, including the title, to a less restrictive process more in keeping with the processes employed by the City on its major construction projects. We also discuss the need to maintain our existing SW Urban Trail System and provide certain ways that could be achieved. SWT also suggests the adjacent property owners shall be involved in the decisions of how and where the trail shall be located in the right of way and what the materials should be. They do not have the right to decide if the trail should be built at all.

SWT also specifies that PBOT shall remove obstructions on the trail to enable the public to walk on the route. SWT also provides examples of what constitutes prior public use, or prior public interest in the route, such as earlier maps, prior documented use of the trail. SWT also specifies where announcements of public meetings on the proposed trail might be posted.

SWT also eliminates the matrix that gives adjacent landowners unprecedented ‘veto power’ to halt development of a proposed urban trail transportation improvement.

**Step 4, Design...** -- SWT modifies the language such that a survey “may” (in lieu of “must”) be required if the ROW is not clearly identified/visible. A survey should not be required if the ROW is visible and undisputed.

**Step 5, Obtain the applicable permits...** -- SWT modifies the language to allow the permitting organization, at their discretion, to waive some permit fees.

**Step 6, Approval and Construction** -- SWT provides for steps to build community and responsibility for the trail. It also provides for inspection in the presence of members of the constructing organization.

**Benefits of Developing Trails** – SWT amends the original title “Mutual Respect” to a more all-encompassing title, and removes a paragraph about ‘respecting decisions’ to be consistent with the SWT proposed Step 3, Public Involvement.

**Appendix 1, Process Steps** – SWT adds this table for clarity.

**Appendix 2, How to Create an Urban Trails Plan** – SWT adds this step-by-step set of instructions to provide support to other trail-building groups interested in building urban trails.

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