

vi. Appendix B - References

A. Resident and Business Survey Example

RESIDENT AND BUSINESS SURVEY

Upper Merion Township-Wide Bike/Pedestrian Network Feasibility Study

How many people live in your home, related or un related to you, including yourself? _____

Are you a household or business? (circle)

What is your zip code? _____

1. Presently, do you or anyone in your household or workplace, participate in any of the following activities in Upper Merion Township? (*check all that apply*)

<u>Activity</u>	<u>More than 10 times/ month</u>	<u>Less than 5 times/month</u>	<u>Between 5 and 10 times/ month</u>	<u>Never</u>
Run or jog	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bike or walk to shopping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bike or walk to school or religious services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bike or walk to public transportation or institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bike or walk to work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bike, hike or walk recreationally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horseback ride	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cross Country Ski (in season)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partake in nature walks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. In general, how do you or your household or business find it getting to places in and around the Township by bike or walking?

☐ Easy ☐ Somewhat easy ☐ Not easy

3. In your opinion, should access to the Schuylkill River or its tributaries be improved?

☐ Yes ☐ No

3a. If *yes*, what type of improvements should be made?

3b. If *yes*, where should additional access sites or connections be made or be provided?

4. If pedestrian walking and biking access were improved, would you, or your household or business be more inclined to use the new connections?

☐ Yes ☐ No

Resident and Business Survey

July 2004 CT&C

The Upper Merion Township-Wide Bike /Pedestrian Network Feasibility Study is funded through Township Capital Funds

5. If a pedestrian walking and biking access were improved, would you use your car less often?
☐ Yes ☐ No ☐ Not sure
6. If community connections or links were improved, in which activities would you or your household or business participate?
☐ Bike or walk to public transportation ☐ Cross country ski
☐ Bike or walk to work ☐ Nature walks
☐ Run or jog ☐ Horseback ride
☐ Bike, hike, or walk recreationally ☐ other _____
7. Check off what features or connections are of the most interest and/or importance to you?
☐ Natural areas ☐ Parks
☐ Rivers and streams ☐ Cemeteries
☐ Library or other community places ☐ Shopping centers
☐ Religious services or schools ☐ Visiting neighbors and other people
☐ Transportation centers/stops ☐ Recreation areas/centers
☐ Town centers ☐ other _____
10. What concerns/ issues might you have if more pedestrian biking and walking path connections were to be created in Upper Merion Township?
☐ Access to the trails or paths
☐ Increased volume of outsiders
☐ Increased volume of bicycle/pedestrian traffic
☐ Safety/risk of accidents
☐ More crime
☐ Trespassing
☐ More trash
☐ Degraded quality of the natural areas
☐ Land erosion
☐ Noise
☐ Increase in property owner responsibility
☐ other _____
11. Would you be willing to financially support capital improvements to increase access and recreational opportunities throughout the Township?
 Increase taxes ☐ Yes ☐ No
 Permits and/or user fees ☐ Yes ☐ No
12. Please check off one box indicating your level of interest in following the progress of the *Upper Merion Township-Wide Bike/ Pedestrian Path System Study*.
☐ 1 great interest - want to attend and participate in public meetings, receive written updates
☐ 2 some interest – would like to attend some meetings and possibly receives written updates
☐ 3 interested – would only like to receive written updates
☐ 4 somewhat interested- only interested in knowing if it affects my property or neighborhood
☐ 5 no interest

Resident and Business Survey

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13. Please list your major destination points within the Township, and the corridor(s) or route(s) you currently travel, or would like to travel.

14. Do you have any additional comments regarding the future of a Township-wide bike and pedestrian path system?

15. Do you want to be placed on our mailing or emailing list for updates and public meeting notices regarding the Township's bike and pedestrian path system?

☐ Yes ☐ No

16. If yes, what is your name, mailing address, and email address? (*optional*)

Please fill this out return this survey questionnaire and *mail back to* David Broida, Executive Director, Parks and Recreation Department, Upper Merion Township, 175 W. Valley Forge Road, King of Prussia, PA 19406, no later than August 03, 2004.

Thank you!

Resident and Business Survey

July 2004 CT&C

The Upper Merion Township-Wide Bike /Pedestrian Network Feasibility Study is funded through Township Capital Funds

B. Resident and Business Survey Results

**RESIDENT AND BUSINESS SURVEY
UPPER MERION TOWNSHIP - WIDE
BIKE/PEDESTRIAN PATH SYSTEM STUDY**

How many people live in your home, related or unrelated to you, including yourself?

1 person	0
2 people	8
3 people	3
4 people	8
5 people	0
6 people	1
No response	4

Are you a household or business?

Household	22
Business	0
No response	2

What is your zip code?

19087	3
19405	1
19406	6
19428	10
No response	4

1. Presently, do you or anyone in your household or workplace, participate in any of the following activities in Upper Merion Township? (check all that apply)

Activity	> 10 x month	< 5 x month	5 to 10 x month	Never	No response
Run or Jog	8	2	2	9	3
Bike or walk to shopping		5		13	6
Bike or walk to school or religious			2	15	7
Bike or walk to public transport		2		15	7
Bike or walk to work	1	2		15	6
Bike, hike or walk recreationally	12	2	5	3	2
Horseback ride		1		16	7
Cross country ski (in season)		1		16	7
Partake in nature walks	4	6	2	8	4
Other:					
Rollerblading		1	1		

2. In general, how do you or your household or business find it getting to places in and around the Township by bike or walking?

Easy	3
Somewhat easy	2
Not easy	18
No response	1

3. In your opinion, should access to the Schuylkill River on its tributaries be improved?

Yes	17
No	4
No response	3

A) If yes, what type of improvements should be made?

Comments:

We need full township line to park riverfront access.

Access to the river from multiple locations instead of just the boat house area, a thruway connecting downtown Bridgeport to Valley Forge Park.

Should be accessible by bike.

Dedicated path from neighbor to major trails.

A bike path to the Schuylkill River.

Trails and safe crossings

It is treacherous to bike/walk to the Valley Forge bike path. Any improvements would be welcomed

Trails or walking paths

Safe routes via bike/walk to river access to the Schuylkill River Trail

Bike/walk access

Walking/biking paths would be well used, if there were various, well-marked access points in the township.

Communicated more - currently unaware of where those access points are.

Some walking/biking paths from South of King of Prussia

B) If yes, where should additional access sites or connections be made or provided?

Comments:

Connection to Chester Valley Trail, access at Heuser Park and at Abrams Railroad crossing.

Township building, farm, Valley Forge Shopping Center via Henderson Road

Heuser Park and King of Prussia Corporate Center (via abandoned rail path)

Several Upper Merion locations, including the Wayne elements of the township

Allendale to Valley Forge

Need a safe way to cross South Gulph Road.

Bike lane on Ballimingo Lane to get to bike

Conshohocken

King of Prussia

Whitegate

4. If pedestrians walking and biking access were improved, would you or your household or business be more inclined to use the new connections?

Yes	20
No	3
No response	1

5. If a pedestrian walking and biking access were improved, would you use your car less often?

Yes	15
No	5
Not sure	4

6. If community connections or links were improved, in which activities would you or your household or business participate?

Bike or walk to public transportation	8
Bike or walk to work	4
Run or jog	9
Bike, hike, or walk recreationally	19
Cross country ski	3
Nature walks	14
Horseback ride	2
Other:	
Rollerblading	1
Bike to run errands	1
No need for improvements	2

7. Check off what features or connections are of the most interest and/or importance to you?

Natural areas	16
Rivers and streams	13
Library or other community places	11
Religious services or schools	5
Transportation centers/stops	8
Town centers	4
Parks	17
Cemeteries	0
Shopping centers	8
Visiting neighbors and other people	11
Recreation areas/centers	9
Other:	
No need for improvements	2

8. What concerns/issues might you have if more pedestrian biking and walking path connections were to be created by Upper Merion Township?

Access to the trails or paths	16
Increased volume of outsiders	6
Increased volume of bicycle/pedestrian traffic	5
Safety/risk of accidents	13
More crime	6
Trespassing	6
More trash	8
Degraded quality of the natural areas	9
Land erosion	4
Noise	4
Increase in property owner responsibility	6
Other:	
Increasing number of pets and pet litters	1
Wildlife	1

9. Would you be willing to financially support capital improvements to increase access and recreational opportunities throughout the Township?

	Yes	No
Increase taxes	13	8
Permits and/or user fees	13	8

10. Please check off one box indicating your level of interest in following the progress of the Upper Merion Township - Wide Bike/Pedestrian Path System Study.

Great Interest	14
Some Interest	4
Interested	4
Somewhat interested	1
No interest	1

11. Please list your major destination points within the Township and the corridor(s) route(s) you currently travel, or would like to travel.

Adams Road to the Washington Park (Valley Forge Park) area, to the shopping centers Court, Plaza and Valley Forge and to Moore Road

Valley Forge Park, riverfront

Bridgeport to Norristown down the river trail to Conshohocken, Valley Forge Park and around Upper Merion Township
Bike access on the west side of the Schuylkill River (i.e. River Road, Swedeland Park, West Conshohocken)
Connection to the Chester County Trail

Link to Valley Forge Road and the Schuylkill Trail
Norristown Transportation Center
Court, Plaza and Valley Forge Shopping Center
Upper Merion Township Building and Norview Farm

Sentry Lane/Wayne to Chester Valley Trail and Schuylkill River, to Lockheed Martin
Valley Forge Trail from the area of the Township

Croton Road, King of Prussia Road, Warner Road, North and South Gulph Road, Church Road,
Henderson Road, Allendale Road

Mall, Grocery Stores, Transportation Centers

King of Prussia to Valley Forge

Valley Forge Road

Garrison Way to Arden Road to Gulph over SR 202
Bike paths to Perkiomen and to Chester County
Malls and restaurants, library

Schuylkill River Trail, Valley Forge Park, Conshohocken, King of Prussia Mall

Caley Road Elementary School, Upper Merion Middle School, Parks, Neighbors

Bob White Park area and Executive Estate Parks
Garrison Way to Lantern Lane

Henderson Road Shopping Center to S. Gulph to Henderson Road
Library, Township Buildings

Valley Forge Park to Warner Road to Schuylkill River Trail
King of Prussia Mall

Gulph Mills to Philadelphia

12. Do you have any additional comments regarding the future of a Township - Wide Bike/Pedestrian Path System?

Although a plan is good, we should be prepared to move piecemeal as opportunities arise.

Any pedestrian/bike trail system should be paved (instead of gravel) for best all-around use by multiple users.

The paths have to be separated from roadways and require few no crossing of traffic.

Each time you need to stop to cross a busy intersection, or have to share a road with vehicles, it will adversely affect user-friendliness. Also, all areas of the township need sidewalks preferably on both sides of the street.

There should be no exceptions permitted.

"More is better" and "sooner is better". Some trails can start as packed gravel and be paved later.

Access points are critical. The township is cut in half by SR 202, I 76 and I 276. Lets make sure all township residents have access. Loading bikes on the car and driving to the path defeats the purpose.

Converting abandoned railines into bike and pedestrian trails. Dedicated paths for bikes and pedestrians. Restrooms should be build at logical intervals.

Will the path system be maintained?

It is a great idea!

It is a wonderful idea especially for people who like to bike and hike.

Hopefully it will become reality!

It is a great project. Hopefully some changes start soon.

Would be a great asset to the community.

I would like to see the path between Garrison Way and Lantern Lane be kept natural - no pavement, rubberized surface etc.

No need for improvements.

The path should be wide enough for pedestrians and bikes, paved and have none scenic surroundings.

Gulph Mills seems isolated - I hate fighting the traffic on S. Gulph and Henderson Road.

Between Garrison Way and Lantern Lane cost/benefit does not seem justified.

13. Do you want to be placed on our mailing or emailing list for updates and public meeting notices regarding the Township's Bike/Pedestrian Path System?

Yes	19
No	2
No Response	3

C. Ownership, Management and Liability/Pennsylvania Landowner Liability Act

Community Trails

H a n d b o o k

Brandywine Conservancy

Environmental Management Center

Chadds Ford, Pennsylvania

1997

Chapter Six

Ownership, Management, and Liability

Every trail poses different factual and legal circumstances. Different trails within a single trail network may be owned and managed by a number of entities; these entities must be coordinated to provide safety and ensure proper trail maintenance. Specific decisions affecting ownership, management, and risk reduction methods must be based on sound advice from legal, insurance, trail, highway, and park management experts.

Trail ownership, management, and liability must be addressed during the trail planning process. Optimum safety should be the primary goal, as it is the best means to reduce liability. If an accident occurs on a trail as a result of inadequate management, an injured party may seek com-

pensation from the landowner, the trail-managing agency, or both. If either entity is found to be negligent, it may be held liable.

Ownership of and Access to Trails

There are various forms of ownership and possession of trails. Fee simple owners, easement holders, and tenants under a lease (discussed below), all possess various rights. For example, a private person may own land and grant an easement to a second party, such as a county or municipality, to use a portion of that land for a trail. Although the county may construct and own the trail, a third party, such as a local park or transportation department, may lease or



manage the trail.

The following individuals or entities have potential liability for injury to persons using the trail: those responsible for the maintenance and management of a trail, owners of the trail, those possessing a right to the land on which a trail is located, and owners or possessors of land adjoining a trail. The form of ownership can determine the rights and obligations of owners and possessors.

- **Fee Simple**—Fee simple owners retain the ownership of all rights and incidents a person can have in land, including possession, enjoyment, and disposal. A person who owns property in fee simple holds the right to place a trail on the property, the right to grant

another the right to place a trail on the property, and the right to prohibit others from using the property without consent. A trail or path located within a county-owned park would fall into this category. A strip of land constituting only a trail may be held in fee simple if all rights to the property are held by a single owner.

- **Easement**—An easement is a grant of select property rights from a fee simple owner to a second party. Generally, the easement holder has rights against all successors to the grantor (original owner granting easement) and can transfer these rights. Depending upon the terms, an easement holder is granted either

shared or exclusive use of the easement area. The title to the original parcel of land is held by the grantor subject to the rights of the easement holder. An easement must be in writing and should explicitly state terms and conditions for use. In the context of trail development, a fee simple holder may grant an easement to a second party for use of a portion of his property for a trail, usually for a fee.

- **Lease**—A lease is a grant by a fee simple owner of the right to use and possess all or part of the land, generally for a term of years. The tenant's right to possession of the leased area is not shared with the owner or others. The lease can contain terms and conditions under which the right of use and possession is granted.
- **License**—A license is the consent or permission by an owner, lessee, or other possessor of land to the use of the land by another person. Generally, a license is not transferable by the licensee to another person. It may be either verbal or in writing, with or without conditions as to the terms of use and possession, and is generally revocable at will. An example of a license is the permission of a landowner to allow another individual to cross a portion of his property.
- **Invitee**—An invitation encourages others to enter upon or make use of the property. An invitee is an individual who is not licensed by the possessor to enter the property and whose decision to do so is based on an invitation. There is generally no written agreement between the possessor and the invitee, although sometimes admission tickets or signs stipulate terms and conditions of entry. The terms of use and occupancy are therefore somewhat less precise than for the typical easement or lease. The category of invitee applies to most persons using trails held open for public use. The invitee is generally owed the highest degree of care by the owner or possessor of the land, as compared to the duty owed to other persons using the land. While there is no clear line between a license and a public invitee, persons will be public invitees only if the possessor of the land has taken some action which appears to hold the land open to the public, such as by improving the land for that purpose. Merely allowing someone to use wholly unimproved land may not give that person the rights of an invitee or impose a higher duty of care on the owner or possessor; however, persons who own land along a public trail should be sure that their land does not look as though it is being held open for use by those who are using the trail.
- **Maintenance Agreement**—A maintenance agreement is not necessarily a right of use possession but is often associated with such rights. A maintenance agreement is a legal relationship that could exist between a land owner and a managing agent, such as

a municipality or trail club, that agrees to maintain a trail.

- **Trespasser**—A trespasser is a person who enters onto the land of another without any consent of the possessor or owner.

Fee simple owners, easement holders, and lessors all have rights of possession in land. They are the primary legal relationships under which most trails will operate. Most users of a trail are considered invitees of the possessors. Those who stray from the trail onto private property (clearly identified or set apart as not a portion of the trail) are considered trespassers.

Managing Agencies

Management responsibilities must be clearly defined with regard to any trail network. There are many reasons why management responsibilities are not always best vested in owners or possessors, but perhaps the most compelling is that a single trail may have many owners, and it is preferable to have one agency manage a single trail. Increasingly, partnerships between different levels of government and private and public agencies are forming for the management of trail systems. For example, bikeways may be located within state highway rights-of-way although their development and management has been undertaken by a county or municipality. Private citizens may purchase or dedicate trail corridors that are later developed and managed by governmental agencies.

The proper managing agency will depend upon the type of trails involved and the resources of the potential agencies. A trail network may be comprised of interstate trails, regional trails, and community trails. Individual trails for transportation or recreation may need to be managed according to their designation. Management of the two types of community trails may differ. Bicycle-oriented trails are generally regularly managed by road crews who are routinely driving the roads that the bikeways parallel or include. The major problems for those trails are tire treads, automobile parts or other objects in the roadway that could cause bicycle damage or injury. Pedestrian-oriented trails may be better managed by park and recreation departments in larger communities (because they are more likely to have tree and grass trimming equipment and small vehicles necessary for management) and road crews, supplemented whenever possible by volunteers in small municipalities. With the exception of ownership and management by landowners of private collector trails, it is preferable for a trail network system to be managed by government. When two departments share responsibility for community trails, a single agency should be designated responsibility overall. Depending on the leadership and the equipment resources, continuity to a trail system providing for uniform trail surfaces, regulations, maintenance, and a single entity to whom problems may be addressed and to whom volunteers will report.

Apart from community trails, the determination of who manages a trail or trail network will depend on where the trail or system is located and the number of jurisdictions through which it runs.

- **Federal Management**—In general federal management of trails is uncommon and is usually limited to trails which run across federally owned properties. The National Park Service, the U.S. Forest Service, and the Bureau of Land Management manage and maintain trails on their properties.
- **State Management**—Most trails that are located within state parks are managed by state agencies. State agencies may also be the best choice for managing interstate or intrastate trails which pass through several counties. Management may be performed by a state transportation, or natural resource, or park agency.
- **County Management**—Generally, if a corridor traverses several municipalities or is located within a county park, county level management is preferred. In Pennsylvania where counties have no road maintenance responsibility, a county parks department may be the only properly staffed and equipped agency for management. In other states, county public works departments may be more appropriate. If state transportation departments manage all major roads (as in Virginia), properly vesting responsibility in the State Department of Transportation may take legislative action. Therefore, an interim agency may be needed.
- **Local Management**—A trail corridor or system that is located within a community or municipality is most appropriately managed locally by a city or township department of parks, recreation, public works, conservation, or transportation. Many municipalities with extensive trail networks establish a separate trail management agency.
- **Private Organizations**—Nongovernmental organizations and private groups are playing an increasing role in trail management. The former should be the managing agent for the low volume collector trails that provide access from private developments to the trail network system. In general, other than collector trail ownership and management, nongovernmental agencies and private groups should manage a trail system only if they have the personnel and financial resources to take on the responsibility and if there is no government entity willing to be responsible for the task.

Choosing a managing agency is dependent upon an agency's resources, orientation and connection with other managed lands. Ideally, the local government agency should manage any trail network within its bounds. This will result in consistent trail management over the entire system.

From functional and political standpoints, local govern-

ment officials may prefer that higher levels manage regional multipurpose trails and that state transportation agencies build and manage most bikeways. Many state transportation agencies are also attuned to local needs and particularly those of nonmotorized users.

Liability and Risk Management

Legal Duty of Care

The majority of trail users are public invitees. The legal duty of care that a possessor of land owes to an invitee in Pennsylvania is set forth in the *Restatement of Torts*, (2d ed.):

A possessor of land is subject to liability for physical harm caused to his invitees by a condition on the land if, but only if, he:

- 1) knows or by the exercise of reasonable care would discover the conditions, and should realize that it involves an unreasonable risk of harm to such invitees; and
- 2) should expect that they will not discover or realize the danger or will fail to protect themselves against it; and
- 3) fails to exercise reasonable care to protect them against the danger.

In other words, an owner or possessor of land who holds the land open for use by the public must make reasonable efforts to discover any hazardous conditions on the property and must take reasonable care to protect invitees against such dangers. This effort to protect the public might include eliminating the dangerous conditions by filling a ditch along a trail, fencing around a deep hole along the trail, or making sure the public is adequately warned of the condition in such a way that the public can reasonably protect themselves from it.³³ With respect to known and obvious dangers, the possessor of land might not be liable for harm caused by known and obvious dangers, unless the possessor of the land anticipates that invitees might be harmed even though they know about the danger.

Trail Maintenance and Risk Management Trail Owners, Planners, and Operators

Careful professional planning, maintenance, and operation of a trail network system are essential to reducing the risk of loss to landowners and managing agencies affected by a trail. Managing agencies should develop comprehensive budget and management plans which provide for routine maintenance to ensure trail safety and reduce the potential of legal liability. They must provide a reasonably safe facility by discovering and eliminating any hazardous situations before an accident occurs. Landowners should ensure that such management plans are adopted and implemented to reduce their own liability. At a minimum, the following should be part of any planning process:

- The trail should be designed or located so as to avoid, to the extent possible, obvious dangers. This requires identifying potential hazards and the imple-

menting of mitigating factors. The primary goal of design and location is to provide for the personal safety of the user.

- The trail network plan should be constructed by professionals who are experienced and qualified in the design of trail surfaces, markings, gates, fences, and barriers.
- The trail should be adequately marked and have regular signage that warns users of uncorrectable hazards and of the users' obligations and duties. Trail regulations should be adopted and disseminated to the public.
- The trail should be regularly inspected by qualified personnel who have the experience and expertise to identify potential hazards and maintenance problems. Procedures for the regular inspection and maintenance of the trail must be developed and followed.
- Maintenance problems should be corrected promptly. Advances in the techniques and materials for construction and maintenance of trails should be incorporated as they are identified and become available. A mechanism for citizens to file complaints and maintenance requests should be established.
- Proper procedures for handling medical emergencies, including training of personnel, should be established.
- Records should be kept of the efforts made in regard to all of the following: memoranda and maps involved in the original trail design, maintenance schedules, repair efforts, regular documentation and photographs of trail signage, and documentation and follow up of all medical emergencies.

The implementation of these risk management techniques will help identify potential problems before injury occurs thereby diminishing the potential for lawsuits, reducing insurance costs and claims, and enhancing the safety of the trail network system and its support facilities.

Adjoining Land Owners

The potential liability of a person owning land abutting a trail or path is affected by several factors. As a general rule, people who own land adjoining a highway, or who even own land on which a highway is constructed and used by easement, do not have responsibility for the maintenance of that highway. The obligation of maintenance has been undertaken by the government, or in the case of trails, by the managing agency. If the owner of the adjoining land could reasonably foresee, however, that people using the highway or trail might be endangered by a condition on their land, such as a dead tree or ditch at the edge of a highway right-of-way, he or she may have liability for the resulting injury. The owner of land adjoining a trail may reduce risk of loss by doing the following.

- Work with trail designers, where possible, to have

the trail located away from hazards that would be infeasible or prohibitively expensive to correct.

- Make sure the land does not appear to invite users of the trail to enter thereon and use the land as they use the trail. Insistence that designers use signage, landscaping screens, and fencing in certain areas may reduce this potential.
- If a hazardous condition exists close to the trail, eliminate the condition or warn people of the danger. The choice between the options will depend on the conditions.

A landowner should pay attention to obvious attractions to children that might be hazardous. Many states recognize that children may trespass to investigate certain attractive features. States that recognize the "Attractive Nuisance Doctrine" require a legal responsibility to children, even as trespassers, that is greater than the duty of care owed to others. Municipalities or trail clubs maintaining a trail should help adjoining land owners avoid liability by carefully marking or blazing trails. Municipalities should also post signs or notices that advise trail users that they are obligated to stay on the trail and do not have a right to deviate from the trail. Finally, to avoid risks to adjacent landowners, trail designers should locate the trail in areas that do not pass the vicinity of obvious hazards on adjoining private land.

Maintenance Agreements

Landowners and possessors may request that a maintenance agreement be established between the involved parties. First, a landowner should be confident that the parties responsible for trail maintenance are competent and will maintain the trail at a sufficiently safe level. A maintenance agreement should set forth the allocation of responsibilities and costs for repairs, marking, maintenance, inspection, and access control. The agreement should require that the managing agency have sufficient liability insurance to cover the likely amount of loss in the event the maintainer fails to perform its obligations. The insurance should be sufficient to cover the costs of providing a legal defense in the event of a liability suit. In certain circumstances where risks are particularly high a landowner or possessor may request that an indemnification agreement be created in the owner or possessor's favor.

Recreational Use Statutes and Limited Immunity from Liability

Many states have adopted a recreational use statute (RUS) to shield landowners from the liability which arises from permitting the public to use their land for recreational purposes. Although state RUS legislation and its court interpretations differ, a few generalities can be made. The statutes were created to encourage landowners to make their land available for public recreation purposes by limiting liability of possessors. The RUS limits the duty of care of a landowner to keep his or her premises safe for entry or use

by a recreational invitee. It also limits a landowner's duty to warn of hazardous conditions provided such failure to warn is not considered grossly negligent (that is, willful, wanton, and reckless). The result of many of many of these statutes is to limit landowner liability for injuries suffered by people engaging in certain recreational activities upon their land. They many also have the effect of reducing insurance premiums for landowners whose lands are used for passive recreation. (Alaska and the District of Columbia have not adopted some form of recreational use statute.)

Pennsylvania's Recreational Use of Land and Water Act (RULWA) and the courts' interpretations of its protection are an instructional example of an RUS. RULWA operates to reduce the risk of liability of landowners by granting limited immunity to those landowners whose property is used by the public for recreational purposes. Provided access to the property is not subject to a fee or charge, a landowner's duty of care and duty to warn is no greater than that owed to a trespasser. There is no duty to exercise reasonable care to make a condition safe or to warn the recreational user of an unsafe condition. In addition, a landowner's implied warranty of safety, sometimes imposed by the courts, and liability for acts of others on the land, is limited.

The protection offered by RULWA is not absolute. Both legislative and court exceptions exist. RULWA protection may be affected by whether the land has been improved, the degree of improvement, whether injury was caused by an improvement or activity being performed by the injured party, and whether a fee or other charge was imposed for the use of the land. The following summary of considerations for Pennsylvania landowners concerned about liability by recreational users, both invited and uninvited, may be useful when interpreting the RUS liability limitations in other states.

- Always maintain adequate insurance. Although RULWA may afford immunity in the long run, it does not cover the legal costs of defending against a frivolous suit, even if you ultimately prevail. Most homeowner policies cover usage comparable to that of sidewalks.
- Improvements tend to exclude you from RULWA, meaning that the statute's limitations may not apply if injury is suffered in areas where improvements exist.
- RULWA liability protection will not apply if an access fee is charged.
- RULWA applies to landowners. Thus the issue of whether a possessor of land, such as an easement holder or tenant under a lease, is protected under RULWA depends upon the court's interpretation of a land owner. More importantly, it seems logical that if the easement holder has management responsibilities under the terms of the easement, the fee title owners would generally be protected by law regardless of the determination of the applicability of RUS

to the easement holder.

- Willful or malicious acts are not afforded RULWA immunity.

The Pennsylvania Supreme Court has determined that the legislature's intent in RULWA was to limit liability protection only to "largely unimproved land."⁵⁴ The Court held:

When a recreational facility has been designed with improvements that require regular maintenance to be safely used and enjoyed, the owner of the facility has a duty to maintain the improvements. When such an improved facility is allowed to deteriorate and that deterioration causes a foreseeable injury to persons for whose use the facility was designed, the owner of the facility is subject to liability. We do not believe that RUA was intended by the legislature to circumvent this basic principle of tort law.⁵⁵

Thus an important issue under RULWA is whether the land where an injury occurs is "largely unimproved land." Court decisions have addressed this issue. In *Pomeroy v. Commonwealth of Pennsylvania*, the court ruled that the state was eligible for RULWA immunity from a hiker who was injured when stepping into a mudhole along an earthen trail.⁵⁶ The court distinguished between "ancillary structures attached to open recreation land" (presumably immune) and "enclosed urban recreational facilities such as easily supervised swimming pools" (not immune).⁵⁷

The courts appear to look not at whether the land generally is improved, but whether the injury occurred on the improved part of the land or as a result of poor maintenance of the improved part of the land. Three cases illustrate this point. First, a landowner was not protected by RULWA when an athlete playing lacrosse on a field designed and built for that purpose was injured by a pothole in the field, arguably the result of poor maintenance. Although the sport was played on "open land," the court was persuaded RULWA did not apply as the field was specifically improved for sports play, the field was not difficult to maintain, and the injury resulted from poor maintenance.⁵⁸ Second, the court determined that RULWA did provide immunity for two landowners whose properties were improved with baseball fields when bystanders were injured, one by a falling tree branch and the other by a poorly hit baseball. Since the injuries did not occur on the improved parts of the properties, the baseball fields, nor as a result of poor maintenance, RULWA prevailed even though the bystanders were present as a part of the activity for which the improvements were constructed. From the above cases one might conclude that, in Pennsylvania, a trail improved by man-made features designed to be used by recreationists might not be entitled to RULWA immunity from liability for injuries resulting from factors such as defective design or maintenance. It is important here to reiterate the distinction between fee ownership and trail easement ownership and who has the design and maintenance responsibility. If the fee owner has main-

tenance responsibility for a *paved* trail, potential liability will be much higher than it would be if the easement holder had specific maintenance responsibility or if the trail were unpaved and the fee owner had maintenance responsibility.

Friedman v. Grand Central Sanitation involved a hunter stalking prey was injured on landfill property when caustic fumes caused him to fall and injure himself. The court held that RULWA "affords protection to owners whose land is used for recreational purposes free of charge, even though the landowner has not donated the land to the public for such purposes."⁹⁹ The holding would appear to show that a landowner is afforded immunity under RULWA for injury to an uninvited person who nevertheless uses his property for recreational purposes if there is no connection between the improvement which caused the injury and the recreational use to which the improvement was put; however, in this case, the landowner demonstrated that he actively sought to prohibit uninvited persons from entering the property. Whether the holding would still apply without this demonstration is unclear.

Limiting Liability and Insurance

Regardless of the high degree of care and maintenance at which a trail is maintained, at some point during the period of a trail's use it can be anticipated that a trail user will be injured on the trail. The American legal system permits private persons to recover damages from others responsible for injury or loss. Although the cause of injury may be unclear, in our litigious society trail managers and possessors should expect that a recovery suit for injuries will be filed. A RUS may (or may not) protect the landowner or managing agency from ultimate liability. At present, a RUS does not cover the costs of defending such a lawsuit, which may run into the thousands of dollars.

(If cost recovery were provided by legislation for lawsuits involving gross negligence or malicious acts of injured claimants or in cases where usage or the reasonable standard of care would be low, landowners and trail owning entities would be protected from nuisance suits and trail development could move through evolutionary stages at lower costs.)

In general, the legal person or group (that is, government agencies or non-profit organizations) responsible for trail maintenance is the most exposed if an injury claim is brought. The responsible management entity must buy an insurance liability policy sufficient in size to cover the costs of a potential jury award. The policy should also provide for the insurer to cover the costs of defending a suit for injury. The management entity must be prepared to pay for the costs in defending a suit, no matter how groundless. Many governmental agencies that take on the responsibility of managing trails carry insurance sufficient to cover the additional liability of a trail; however, the extent of coverage of existing policies must be reviewed to ensure they will cover any potential injury that might occur during a trail's con-

struction phase and use. If existing insurance coverage is insufficient, managing agents should purchase additional coverage to ensure adequate protection. Some management entities may consider excess liability policies or umbrella policies to protect against awards which exceed the limits of existing policies.

General Comprehensive Liability policies are usually sufficient to protect landowners and homeowner associations who may own and maintain private collector trails. Most such policies provide coverage to an owner if someone is injured on the property whether or not the person has permission to be there. Landowners should review their policies to insure that trails are not excluded from claims and that the amount of coverage is sufficient to cover potential claims. When reviewing the coverage of such policies make sure that all potential uses of the trail are considered. Some insurers may require separate policies for certain uses (such as equestrian use).

Trail liability issues are a questions of maintenance and usage. Developing a comprehensive trail management plan and budget that implements risk management strategies is the best defense against a suit for injury; however, no landowner or trail managing agent will ever be free from the filing of a lawsuit, no matter how frivolous. Therefore, adequate liability insurance is a necessary expense to protect the trail network system.

Pennsylvania Landowner Liability Act

No. 586, HB 1005, signed into law Feb. 2, 1966

Amended March 26, 1992

Encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

Section 2. As used in this act:

(1) **"Land"** means land, roads, water, watercourses, private ways and buildings, structures and machinery or equipment when attached to the realty.

(2) **"Owner"** means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(3) **"Recreational purpose"** includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, water sports, **cave exploration** *, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) **"Charge"** means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

Section 3. Except as specifically recognized or provided in section 6 of this act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Section 4. Except as specifically recognized by or provided in section 6 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(1) Extend any assurance that the premises are safe for any purpose.

(2) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(3) Assume responsibility for or incur liability for any injury to persons or property caused by an act of omission of such persons.

Section 5. Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

Section 6. Nothing in this act limits in any way any liability which otherwise exists:

(1) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(2) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for recreational use thereof, except that in the case of land leased to the State of a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of its section.

Section 7. Nothing in this act shall be construed to:

(1) Create a duty of care or ground of liability for injury to persons or property.

(2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Section 8. The act of September 27, 1961 (P.L. 1696), entitled "An act limiting the liability of landowners of agriculture lands or woodlands for personal injuries suffered by any person while hunting or fishing upon the landowner's property," is repealed.

All other acts or parts of acts are repealed in so far as inconsistent herewith.

Section 9. This act shall take effect immediately.

Approved -- The 2nd day of February, A.D. 1966 by Gov. William W. Scranton

* The words "Cave Exploration" was added to this act by the act of 1992-10, signed by Gov. Robert P. Casey on March 26, 1992. Cave exploration became a covered activity on May 26, 1992.

VII. Appendix C – Study Results

A. Final Study Results Discussion

Upper Merion Township Parks and Recreation made the *July 2005 DRAFT Township-Wide Pedestrian and Bicycle Network Study* available to its citizens, organizations, and the Upper Merion Township Board of Supervisors. Comments were received. This section outlines key concerns raised by individuals and provides any necessary responses to these concerns. Since the completion of the July 2005 Draft Report the following tasks were undertaken:

- UMT and the consultants met with Valley Forge National Historical Park's Chief of Planning to gather comments
- The July 2005 Draft Report was made available for public review
- The consultants presented the July 2005 Draft Report findings to the Upper Merion Township Board of Supervisors, including prioritized routes and their associated construction costs
- The consultants updated generalized costs for non-priority segments of the entire network
- The consultants updated the maintenance and expense section to include the entire network
- The consultants updated the maps and report to reflect the above

Valley Forge National Historical Park (VFNHP)

Meeting Date: August 1, 2005

Attendees: Deirdre Gibson (Chief of Planning VFNHP), David Broida (UMT), Robert Thomas (CTC), Benjamin Beckwith (CTC)

Valley Forge NHP is currently reviewing their own Draft Report of the General Management Plan / Environmental Impact Statement. A new conceptual plan for transportation and trail systems is included in this report. The report is scheduled to be presented to the public in the Spring of 2006. The following items were discussed:

Overall: Valley Forge NHP's concept is to close Gulph Road to vehicular traffic within the boundaries of the park. SR 23 and SR253 would remain open, but the intention is to reduce noise in the park by closing off the interior of the park to vehicles and providing access by shuttle. Parking spaces will be removed from various parking lots and landscape will be restored. Archeological requirements are the largest consideration and obstacle to be overcome before construction can begin within park boundaries.

Gulph Road Bicycle Route: The *July 2005 DRAFT Township-Wide Pedestrian and Bicycle Network Study* called for Gulph Road to become a Bicycle Route within the boundaries of the park. Valley Forge NHP believes that this could be a viable proposal. North Gulph Road's right-of-way will be abandoned due to the reconstruction of the Schuylkill River Crossing Project and can also be used as a bike path, but will need to maintain vehicular access to a ranger station.

Valley Forge NHP Connection: The *July 2005 DRAFT Township-Wide Pedestrian and Bicycle Network Study* called for a connection to Valley Forge NHP from Tredyffrin Township via the SR252 corridor. Valley Forge NHP does not support this concept as a good bicycle/pedestrian connection to the Park. Rather, the park supports the "Patriot's Path" conceptual trail corridor that would connect to the park via the Wilson Road turnpike underpass, and then through Tredyffrin Township to connect the site of the Paoli Massacre to the site of the Battle of the Clouds. The UMT plan has been revised to reflect this desired connection.

Schuylkill River Corridor: An informal discussion took place regarding Valley Forge NHP's concept for a new pedestrian and bicycle bridge crossing of the Schuylkill River. This crossing would be located near Varnum's Quarters and would link the north and south side of the park. It was suggested that the underpass at Washington's Headquarters might be a possible connection to Schuylkill Township. Valley Forge NHP does

not see this as a viable proposal due to flooding and storm water controls and also stated that there are no plans to restore or reconstruct the towpath in this area.

Public Review Period of Draft Report

Date: July, 2005 and August, 2005

The public review period of the *July 2005 DRAFT Township-Wide Pedestrian and Bicycle Network Study* was open from July 2005 until August 2005. A printed version of the report was available for review from Upper Merion Township Parks and Recreation and electronic versions were made available upon request.

Presentation for Bicycle/Pedestrian Study to the Upper Merion Township Board of Supervisors

Date: July 7, 2005

Attendees: UMT Board of Supervisors, UMT Citizens, David Broida (UMT), Robert Thomas (CTC), Benjamin Beckwith (CTC)

This event was televised. Minutes from the presentation read as follows:

Presentation for Bicycle/Pedestrian Study by consultant firm of Campbell Thomas, Inc.[sic]. Bob Thomas of the company made the presentation which studied the feasibility and potential for bicycle paths connecting throughout the township. The study found approximately 45 miles of trails that could be linked or easily built. The highest priority was some 20 miles along the river and other connections. The total 45 miles would cost some \$26 million dollars. The next step will be to take feedback from the Board and the firm will then identify funding sources. There were some questions regarding operational costs and the priorities of different type of pathways. Other residents approved of the concept of the plan and its future use. The costs were of concern to a number of residents. The Board will act at a future date after the report has been finalized.

Detailed comments follow below:

Comments from the Board of Supervisors

Barbara S. Frailey

Comment: Ms. Frailey noted the small public participation in the survey results and found it hard to make this type of commitment without public opinion.

Response: It should be clarified that Upper Merion Township only solicited a small statistical sample of resident and business surveys to be taken from the public. The survey was not sent out to all 12,000 homes. It was selectively sent to the committee members - approximately 30 people (sample households) - who were participating in the study. The study was not designed to have a mass involvement of people, instead, the study encouraged public participation at the study meetings and presentations. The public attended the Park and Recreation Board Meetings, members of the public were on the Open Space Plan Committee, and other concerned citizens also participated in the study. The statistical description of the survey results will be revised to reflect the statistical sample.

For clarification, according to the American Research Group, Inc. a population size of 12,150 households, such as in Upper Merion, would require the distribution of 5,364 samples to achieve a 1% theoretical margin of error (+/-, 95% of the time). 372 samples would achieve a 5% margin of error; and 95 samples would achieve a 10% margin of error. The number of households sampled in this study was 24, therefore there is a +/- 19.99% margin of error. It should be noted that the study's consultants recommended that Township solicit surveys from approximately 10% of the households, or 1,200 households or businesses.

Over the course of the study, public participation was encouraged at the following events:

- June 11, 2005 – **Schuylkill River Hike in Upper Merion, Bridgeport, West Conshohocken & Lower Merion** – with Montgomery County Planning Commission, Upper Merion Township, Lower Merion Township, West Conshohocken, & O’Neil Properties
- Sept 12, 2005 – **Schuylkill River Trail West Hike** – Open Space and Bicycle/Pedestrian Committees hiked along the Schuylkill River
- March 15, 2005 – **Garrison Way/Lantern Lane Path Reconnaissance Hike** – with residents, consultants and Upper Merion representatives
- Feb 17, 2005 – **Making the Link** – a hike from Lower Merion to Valley Forge.
- Nov 18, 2004 – **Upper Merion Township Board of Supervisors Meeting** – Presentation of Ped/Bike Study Status and Draft Master Plan
- Oct 11, 2004 – **Park and Recreation Board Meeting** – Presentation of Ped/Bike Study Draft Analysis and Master Plans
- July 31, 2004 – **Reconnaissance Bike Ride** – to follow routes and find hidden connections that the public travels.
- July 12, 2004 – **Park and Recreation Board Meeting / Ped/Bike Study Design Workshop** - presentation of the Draft Analysis Plan.
- June 6, 2004 – **Ped/Bike Study Public Ideas Workshop** – gathering of ideas and routes from the public.

Scott Sibley, Vice Chairman

Comment: Mr. Sibley requested clarification on priorities. Mr. Sibley was under the impression that this study was to be a “menu of possible improvements”. The draft presents the long term priorities, which is good, but asked about the rest of the network segments. Mr. Sibley also inquired about why the Prioritized Network was divided into A, B, and C.

Response: The July 2005 Draft Report presented the construction, design and engineering costs associated with Priority Routes of the network only. These routes will provide the “backbone” of the cross-township network, and are intended to be the focus of future implementation. This Priority Network is divided into “A Routes” that are of a multi-use trail type (pedestrian and bicycle), “B Routes” that are of a sidewalk type (pedestrian only), and “C Routes” that are a bicycle route only type (bicycle only).

The Final Report now includes the construction, design and engineering costs associated with the remaining Trail Network Segments, Pedestrian Network Segments, and Bicycle Network Segments. This accounts for 103 additional segments that were not included in the draft study. These segments along with the identified Priority Routes make up the entirety of the study’s recommended routes or, in other words, the “menu of possible improvements”.

Ralph P. Volpe, Chairman

Comment: Mr. Volpe’s major concern was centered on the operation and maintenance costs involved with the network and asked for some figures.

Response: The July 2005 Draft Report presented, in the “Recommendations Section” under the “Analysis of Expense and Revenue”, a generalized per mile figure for the operation and maintenance costs of the various routes. At the time of the draft we recommended that UMT use an annual

figure of \$3,250 per mile for multi-use trail maintenance; \$1,500 per mile for sidewalks; and \$1,500 per mile for bicycle routes. Given those figures, when completed the 20.5 miles Prioritized Trail Network would have a yearly operational cost of \$66,625; the 10.9 miles of Prioritized Sidewalks would cost \$16,350 per year; and the 13.5 miles of Prioritized Bicycle Routes would cost \$20,250 per year. This means if all prioritized routes are implemented a walk-able and bike-able township could cost a total \$103,225 per year in maintenance expenses.

Since the publication of the Draft Report we have received some updated multi-use trail figures from Montgomery County Parks and Recreation, who are actively maintaining approximately 40 miles of multi-use trail in the region. We have updated the Analysis of Expense and Revenue Section of the Final Report to reflect this new maintenance cost information; a summary of the Township-Wide Network Maintenance Costs is copied below:

When fully implemented the Township should at a minimum be prepared to budget \$169,600 dollars per year for repair and maintenance costs for the 43.4 miles of Priority Network. When the entire recommended Township-wide network is constructed, the Township should at a minimum be prepared to budget \$283,100 dollars per year for repair and maintenance cost for the entire 104.4 mile Bicycle and Pedestrian Network. This opinion does not include snow removal or equipment costs.

TOWNSHIP-WIDE NETWORK MAINTENANCE COST

TYPE OF FACILITY	COST PER MILE PER YEAR	PRIORITY NETWORK MILEAGE	PRIORITY NETWORK COST PER MILE PER YEAR	OTHER NETWORK SEGMENTS MILEAGE	OTHER NETWORK SEGMENTS COST PER MILE PER YEAR	TOTAL YEARLY MAINTENANCE
MULTI-USE TRAILS ROUTES	\$7,000	19 miles	\$133,000	4 miles	\$28,000	\$161,000
SIDEWALKS ROUTES	\$1,500	10.9 miles	\$16,350	24.5 miles	\$36,750	\$53,100
BICYCLE ROUTES	\$1,500	13.5 miles	\$20,250	32.5 miles	\$48,750	\$69,000
TOTAL	–	43.4 miles	\$169,600	61 miles	\$113,500	\$283,100

Comments from all of the citizens who spoke for the record; Citizens generally OPPOSED to the project:

Mr. Rolland Obano

Comment: Mr. Obano noted the following:

- He was under the impression that this study was complete and that any study over \$10,000 dollars must be put out to bid, that the trailways investigation is never ending, and that when the bid for the study was submitted, that it was final, and now questions the increased cost of the study.
- That seniors, in his opinion, do not use trails. That no one uses the 422 trailway.
- For a few more miles in UMT, he questioned how much this would cost and wanted a full figure, stating that this investigation is “nickel and dime-ing off of the taxpayers of this Township”.
- Although not opposed to good projects, Mr Obano stated that the township is spending money on Parks and Recreation that is not beneficial to the older citizens.

- Mr. Orbano stated that if there is a rape, for instance, on the Perkiomen Trail, that the township would have to pay the insurance.
- Mr. Orbano does not “buy this” for a few more miles of trail on this side of the township.

Mr. Orbano seated and returned to the podium after the other citizens voiced their concerns to say the following:

- That Montgomery County turned over portions of Perkiomenville to the Perkiomen Trail and that such a thing for UMT is outrageous.
- A motorized wheelchair maybe able to the Perkiomen but there must be concern for the seniors of this township.
- Mr. Orbano concluded by stating to the supervisors that “You are giving this money away like a bunch of drunken sailors at port.”

Jackie Schmitt

Comment: Schmitt, explained that at a cost of \$26mil without any operational costs is just too expensive. All taxes are from the citizens pockets whether, state, federal or township.

Comments from all of the citizens who spoke for the record; Citizens generally IN FAVOR of the project:

Mr. Orpinski

Comment: Mr. Orpinski, a Pedestrian/Bicycle Committee member, noted the following:

- Mr. Orpinski, is supportive of any change that will improve the quality of life in Upper Merion. The latest developments, in his opinion, are negative impacts that include 1) the loss of the swimming pool; and 2) the loss of Valley Forge Golf Course.
- The ped/bike plan is a forward looking plan that will “truly help the citizens of this Township”. Long term use not only for recreation but for the community and it will help offset highway infrastructure cost if you look at the larger picture.
- Mr. Orpinski noted that the audience seems concerned with costs and usage and suggested that the township should look to the precedence of the Perkiomen Trail; that once it was built people came. To attest, Pawlings Road trail head parking lot is full by 8:30am on Sunday. He told a story about how not all people who use trails are young; they are from all age groups / ethnicities / demographics and how one day he was lapped by 70 year old man.
- Mr. Orpinski concluded by stating that if the network is built, it will not be a detriment to the township.

Mr. Steve Harris

Comment: Mr. Harris, a Pedestrian/Bicycle Committee member, and resident of 4 years, noted the following:

- This network will be a great and positive direction for the township. It will add value to home and community. The township should promote this aspect. In one area near Washington DC, Mr. Harris pointed out, a path has made people want to locate there.
- From a health and safety perspective, Mr. Harris has three young boys, all under 4 years old, and is concerned about obesity. Today, it is harder for them to ride bicycles and walk around their community. There are sidewalks down the street but then it just ends. He must take his kids in a car to get them safely to a park or to a store instead of letting them walk or cycle.
- Mr. Harris concluded by stating that the implementation of this network is about safety and complemented the township for their efforts so far.

Mr. Al Donato

Comment: Mr. Donato, a 78 year old resident who just moved from Florida, explained that he used to ride 5 miles per day, everyday. His cardiologist said it was the “best thing that could happen to me”, and concluded by saying that he didn’t bring a bicycle from Florida but will get another one to ride.

Ms. Shethra Rigg

Comment: Ms. Rigg has been a resident since 1955 and has lead hikes along the Schuylkill River before it became a liability with the railroad. She used the trails for many hikes and they are valuable to young ones and older people.