

THE BOYNE CITY TO US-31 NON- MOTORIZED TRAIL



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Issue Book

Developed by the Charlevoix County Non-Motorized Trail
Steering Committee with assistance from Michigan State
University Extension



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INTRODUCTION

A non-motorized trail for use by walkers, bicyclists, families with strollers, rollerbladers and others is being proposed to link Boyne City and US-31, mostly along the Boyne City/Charlevoix Road.

Trails like the one proposed are very popular in Michigan. As of 2005, the state boasted over 2,500 miles of roadways with wide paved shoulders, 743 miles of designated trailways and over 1,400 miles of abandoned railroads that had been converted to trails.

Many research studies state that residents want and value non-motorized opportunities. The economic benefits to communities are significant. One Michigan State University study in the 1999 calculated that participants in one bicycle event along the Pere Marquette trail in Northern Michigan spent \$260,000 locally during the outing. Walkability and access to non-motorized routes consistently rank high on the list of things expanding companies look for when making location decisions.

There is also controversy associated with many non-motorized trail projects. Area residents, especially along proposed routes, are understandably concerned about the impact a trail might have on the use and value of their property, personal liability, safety and crime. Community members are also concerned about cost, maintenance and impact on taxes. These same concerns arose regarding the Boyne City to US-31 trail proposal.

As a result of the controversy, the Charlevoix County Parks Committee appointed a steering committee of individuals with diverse perspectives to:

- Guide a process to seek common ground by assuring that all interested stakeholders can identify and discuss perspectives and opinions about the trail proposal, and can consider a variety of approaches. That process includes community forums, newsletters and information available on the county web site.
- Gather information based on the questions and concerns expressed about the trail.
- Develop recommendations to the County Parks Commission on how best to proceed with this issue.

HOW TO USE THIS BOOKLET

This booklet is intended to prepare residents to be part of the discussion during community forums about the Boyne City to US-31 non-motorized trail. It is divided into three main sections:

- History and common questions about the proposed trail – read this to get a better idea of the issues.
- Approaches to resolving the issue – these approaches will be discussed during community forums
- Useful information – references for additional information.

Please read this booklet before the next community forum and bring it with you.

A SHORT HISTORY

Interest and discussions about creating non-motorized trails in Charlevoix County began in the 1970s. The Charlevoix County Recreation Plan has included recommendations for potential trails and bicycle paths since 1984. The most recent discussions about a non-motorized path linking Boyne City and Charlevoix began in 2003 after completion of the Charlevoix County portion of the popular Little Traverse Wheelway. Interested individuals from townships and cities north of Lake Charlevoix formed a committee under the umbrella of the Top of Michigan Trails Council to consider possible routes between the two cities and funding sources. After a series of public meetings, that group recommended that the best location for a trail would be along the Boyne City/Charlevoix Road.

In 2009, grant applications were developed and submitted to fund creation of a section of the non-motorized trail between Boyne City and Horton Bay. At that time, a number of residents expressed concerns about the trail. Several contentious County Board of Commissioners meetings took place with heated debate by those in favor and those against the trail. Those in favor of the trail talked about recreational opportunities, economic development and safety. Those against the trail expressed concerns about property rights, landowner liability, legal authority, construction and maintenance costs, and specific details about the trail route.

The grants were not funded, due in part to the ongoing local controversy. (For a more detailed history of the trail effort, see the publications list on page 12)

The County Parks Committee hosted a public forum in December 2009 to hear from residents and stakeholders about their concerns and questions about the trail. Based on that successful meeting, in early 2010 the County Parks Committee appointed a steering committee to restart discussions about a potential trail along the Boyne City to Charlevoix Road. That committee includes residents along the Boyne City/Charlevoix Road, local officials, and others representing a wide range of perspectives about the trail. The Parks Committee told the steering committee to gather information, conduct additional forums and then advise the Parks Committee about next steps.

That's where we are today.

COMMON QUESTIONS AND CONCERNS ABOUT THE TRAIL

The following questions and concerns were brought up during the December 2009 non-motorized trail forum. After that, the trail steering committee organized and listed the top most important questions. Those questions and responses are listed here. The questions and concerns brought up by residents regarding the Boyne City to US 31 trail are very similar to those of other trail projects in Michigan and across the country.

Q: Is it legal to build a trail within the Boyne City/Charlevoix Road right of way?

A: Non-motorized trails, both attached and separate from the road, have been constructed within road right of ways for many years in Michigan. Exactly what can be built within a right of way depends on the easement language.

Q: Where is the legal right of way?

A: The road right of way is described in deeds and other documents filed at the County Registrar of Deeds office. The right of way on most parcels is 3 rods (49.5 feet) on each side of the road centerline. On a small number of parcels, the easement is defined by the legal property description rather than as a set distance from the centerline.

Q: What are property owner legal rights within the road right of way?

A: A landowner has many property rights, often called a “bundle of rights.” Some of those rights can be given away or sold. A road easement is one of those rights. In the late 50s and early 60s, the Charlevoix County Road Commission secured easements from nearly all landowners along the road, extending the easement from 33 feet to 49.5 feet on both sides of the road for “highway use.” Conflict over the interpretation of easement language and what is exactly permitted is sometimes challenged in court.

Q: Would landowners along the route face additional liability?

A: The Recreational Use Act protects landowners from liability claims “unless the injuries were caused by gross negligence or willful and wanton misconduct of the owner, tenant or lessee.”

Q: Would the county, townships and cities along the route face additional liability?

A: County and local governments and departments may face some additional risk, but can reduce their exposure to liability claims through regular inspection and reasonable maintenance of the trail.

Q: Will the county or townships ever use eminent domain to force landowners to sell their land for the trail.

A: Local officials at all levels have repeatedly stated that eminent domain will not be considered.

Q: Which is safer, a trail attached to the road or one that is separated by a grass or tree strip?

A: For walkers, rollerbladers, etc., a separate trail keeps users farther from the active road and better protected from accidents with motorists. The answer is less clear for bicyclists. Some research shows that a bike lane attached to the road increases visibility and reduces the number of areas where bicycle/vehicle accidents can occur.

Q: Would landowners along the route face increased crime?

A: Studies show that crime rates along non-motorized trails of all types throughout Michigan and the nation are very low and are related to crime rates in the area that the trail passes through. There have been very few law enforcement calls related to the Little Traverse Wheelway during the whole history of that trail.

Q: What are the environmental impacts of the trail?

A: Impacts to forest, wildlife, water and wetlands are very specific to each property. For instance, the route would probably pass through wetlands and boardwalks would be constructed to prevent damage to those environments. Some portions would pass through steep areas, and would have to be designed to prevent erosion from those areas.

Q: How much will the trail cost to build and who pays?

A: The total cost for the trail at today's cost is estimated to be \$3.4 million. The 2009 grant estimated the cost from Boyne City to Horton Bay to be \$1.35 million, with \$53,000 from local governments and \$53,000 from private sources. The rest would be from state and federal government. See page 12 for a list of funding sources for non-motorized trails.

Q: How much will the trail cost to maintain? Who pays?

A: Estimates for trail maintenance are between \$2,100 and \$3,560 per year, based on current Charlevoix County Parks Department maintenance costs on the Little Traverse Wheelway. This estimate does not include equipment or major repairs. A 2007 study estimated maintenance costs for trails similar to the Little Traverse Wheelway to be between \$984 and \$1,453 per mile each year. Maintenance budgets come from a combination of tax dollars, grants and private donations.

Q: Will a trail increase or lower property values along the route?

A: Proponents sometimes claim that trails will increase property values, while opponents claim the opposite. A national summary of many studies concluded that there is no real impact, positive or negative, on property values.

Q: Who will decide if a trail will be built and how?

A: Since the right of way easement is owned by the County, the final route must be approved by the County Road Commission and County Board of Commissioners after recommendations by the County Parks Committee.

APPROACHES SUMMARY

The approaches in this section were developed by the Charlevoix to US-31 Non-motorized Trail Committee. They are possible ways to resolve this issue. They are not intended to be mutually exclusive. You may, for instance, like parts of more than one approach. The ultimate resolution of the trail issue may include one of these five approaches, a combination, or new ideas that come up in community forums.

Approach 1

Build a detached trail within the Boyne City/Charlevoix Road right of way

Supporters of this approach say that a detached trail, separated from the road by a grassy or wooded strip, is the safest trail for both users and motorists. Just like the Little Traverse Wheelway, users would include walkers, parents with strollers, bicyclists, rollerbladers and others. A detached trail would also be eligible for matching grants through Michigan's Natural Resources Trust fund.

Approach 2

Build a trail attached to the Boyne City/Charlevoix Road for non-motorized travel

Supporters of this approach say that a wide shoulder, marked for non-motorized use, is the best way to provide non-motorized alternatives while minimizing the impact on property owners. In reality, most users are likely to be bicyclists and would rather travel along a wide shoulder than on a detached trail. An attached trail would also be easier to maintain.

Approach 3

Build a combined trail with portions attached and portions detached along the Boyne City/Charlevoix Road

Supporters of this approach say that a combined trail, with portions connected to the road and portions detached from the road, would be the most flexible way to avoid affecting landowners along the road, while developing a safe trail that many could use. Giving landowners along the way this option would also move the process along more quickly.

Approach 4

Build a trail to connect Boyne City to US 31, but not along the Boyne City/Charlevoix Road

Supporters of this approach say that the Boyne City/Charlevoix Road is not suitable for a non-motorized trail. Since many cars and trucks use that route, it is inherently unsafe for bicyclist and other users. There are also too many homes close to the road and any trail would unreasonably interfere with their use of their property. Other routes should be considered instead.

Approach 5

Do not continue any discussion to build a non-motorized trail

Supporters of this approach say that spending public money on constructing and maintaining a trail, regardless of where the funds come from, is the wrong thing to do. Public money should be used for other priorities that benefit more people than a trail would.

Approach 1

BUILD A DETACHED TRAIL WITHIN THE BOYNE CITY/CHARLEVOIX ROAD RIGHT OF WAY

Costs and tradeoffs

- More time will have to be invested to solve the design challenges with a separated trail.
- A separate trail may be the most costly alternative.
- Considerable time and skill will be required to address landowner concerns about a separated trail.

In 2009, 3,760 pedestrians and bicyclists were injured in motor vehicle accidents in Michigan, 145 fatally. Proponents of a detached trail argue that safety is one of the most important reasons to build a trail that is separated from the road by a grass or woods strip.

Little Traverse Wheelway is a very well-used and successful trailway. It is appealing to many different types of users including bicyclists, walkers, rollerbladers and parents with strollers because it is almost entirely separated from the road, attractive and safe.

One of the best sources of funding, the Michigan Natural Resources Trust Fund, can only be used to develop detached trails.

WHAT SHOULD BE DONE

The County Parks Committee should work with landowners along the proposed route to identify a path that is almost entirely separated from the road by a grass or woods strip. The trail would be within the existing road right of way, but can be designed to weave around trees and other obstacles. Only in places where homes and other structures are simply too close to the road should the trail be connected to the road.

The south or north side of the road would be considered for the trail based on which one has the fewest number of obstacles that would prevent the trail from being constructed apart from the road.

To minimize the impact on landowners along the route, additional landscaping could be planted to help shield homes near the trail at no cost to the landowner.

OPPOSING VOICES

Some believe that a detached trail would unreasonably interfere with landowner use and enjoyment of their property. There are too many places along the Boyne City/Charlevoix Road where homes are fairly close to the road and a trail would cut through their yards, even if the route was within the right of way.

Some landowners never knew that the Charlevoix/Boyne City Road right of way was as wide as it is. It would not be fair to them to build a trail in areas they believed they controlled.



A separated trail might look something like this section of the Little Traverse Wheelway along M-119 between Petoskey and Harbor Springs

Approach 2

BUILD A TRAIL ATTACHED TO THE BOYNE CITY/CHARLEVOIX ROAD FOR NON-MOTORIZED TRAVEL

The Boyne City area is well-known to serious bicyclists as a great place to ride. From April to November, bicyclists can be seen riding on or along our many scenic county roadways. Large events like the *DALMAC* and *Ride the Charx* attract many people to our area.

Proponents of Approach 2 argue that the biggest supporters of a trail and those most likely to use it are long-distance bicyclists. Most of them travel fast and would prefer a wide shoulder to a detached trail shared with walkers and other users. Safety would also be improved, since bicyclists would be more visible at intersections and driveway entrances.

WHAT SHOULD BE DONE

The County Road Commission should apply for funds to widen the Boyne City/Charlevoix Road to create five foot-wide paved shoulders on each side of the road. If done soon, this project could be added to the Boyne City/Charlevoix Road reconstruction project, reducing the cost.

The new shoulder should include signs and pavement markings to designate the lane for bicycles and non-motorized travel only.

OPPOSING VOICES

Opponents of this approach say that a trail should be for all non-motorized uses, not just certain types of bicyclists. Research by Michigan State University says that trail use in Michigan is approximately one-half bicyclists and one-half walkers and other users. Children and families would be unlikely to use a wide shoulder because of how close it would be to high speed traffic.



An attached trail might look something like this section of the Boyne City/Charlevoix Road near Young State Park.

Costs and tradeoffs

- An attached trail might be more attractive to bicyclists and less attractive to walkers and other users
- Some of the funding sources for a separated trail may not be available for an attached trail.
- This approach may still be a problem for landowners with homes very close to the road.
- Maintenance costs would become the responsibility of the County Road Commission.

Approach 3

BUILD A COMBINED TRAIL WITH PORTIONS ATTACHED AND PORTIONS DETACHED ALONG THE BOYNE CITY/CHARLEVOIX ROAD

Costs and tradeoffs

- A combined trail may not qualify for some state funding sources.
- Additional safety barrier signs or barriers might be needed to protect walkers.
- The process of negotiating with landowners along the route might be longer than with other approaches.

The Boyne City/Charlevoix Road is one of the more complicated potential routes for a trail. Although long sections are through forest and fields, others are adjacent to subdivisions, and built-up areas such as Horton Bay.

Proponents of Approach 3 argue that the best way to balance safety with landowner concerns, especially in residential areas, is to build a trail that combines detached and attached portions.

WHAT SHOULD BE DONE

The County Parks Commission should work with each landowner along the potential route to identify a satisfactory path through their property within the existing right of way. If after consultation, a landowner does not agree with a detached trail, that portion will be attached to the road.

The goal of this approach would be to construct as much of the trail as possible with a grass or wood strip between the trail and the roadway, but only with landowner consent.

The south or north side of the road would be considered for the trail based on which one has the fewest number of parcels and greatest number of consenting landowners.



A combined trail might look something like this section of the Little Traverse Wheelway along M-119 between Petoskey and Harbor Springs.

OPPOSING VOICES

Critics of this approach argue that a combined trail is the worst of both worlds: not safe enough for children and families and confusing to users.

The process of deciding which sections are attached or detached might unfairly subject landowners to pressure from their neighbors or advocacy groups. Decisions about the route are best done by elected and appointed officials.

Approach 4

BUILD A TRAIL TO CONNECT BOYNE CITY TO US 31, BUT NOT ALONG THE BOYNE CITY/CHARLEVOIX ROAD

The Boyne City/Charlevoix Road is the main motorized transportation link between the two cities, and has been for centuries. There are many cars and trucks on the road, especially during the busy summer season. A traffic study done by the county on a July day in 2008 recorded between 2,194 and 3,935 vehicle trips at several locations along the road.

Supporters of Approach 4 say that the combination of high speed traffic, numerous road intersections and structures close to the roads make this route unacceptable for a non-motorized trail. While a non-motorized trail would be a desirable thing for our community, locating it along the Boyne City Charlevoix road is too dangerous and has too many impacts on landowners. Other routes should be considered instead.

WHAT SHOULD BE DONE

Discussions about developing a non-motorized trail along the Boyne City to Charlevoix Road should end. Instead, a new group should be appointed by the County Parks Committee to consider all possible alternative routes between Boyne City and Charlevoix. The committee should represent property owners along all of the possible routes. A written report should then be submitted to the Parks Committee showing the advantages and disadvantages of each potential route.

OPPOSING VOICES

Critics of this approach argue that no route is perfect and the Boyne City Charlevoix route has the best combination of gentle slope, wide right of way and suitable access points.

Other alternatives have been discussed by committees and informally for years and no better route has been identified.

Costs and tradeoffs

- Additional resources would need to be invested to organize a new committee and assess other routes.
- Time delays might increase the cost of a trail
- Other potential routes may have their own set of issues.

Approach 5

DO NOT CONTINUE ANY DISCUSSION TO BUILD A NON-MOTORIZED TRAIL

Costs and tradeoffs

- Walkers and bicyclists would have to rely on current roads if they chose to travel between Boyne City and Charlevoix.
- If a trail project were to be reconsidered sometime in the future, the costs would likely be higher.
- Federal and state funds for trail development would go somewhere else, not to our community.

Even though non-motorized trails are popular throughout northwest Michigan, in reality, only a small percentage of the population uses them. A one-day trail survey in 2004 counted 405 users on the Little Traverse Wheelway near Charlevoix on a summer Saturday. Even though that sounds like an impressive number, it represents only a tiny percentage of the population. Ninety percent of the users on that day at that location were bicyclists.

Supporters of Approach 5 believe that no public funds from any source, or time and resources of county staff, should be used for the development of recreation trails. There are simply too many other issues that are important for all residents to expend any effort on this project that will benefit only a small number.

WHAT SHOULD BE DONE

Discussions to build a non-motorized trail between Boyne City and Charlevoix, or any other part of the county, should be ended.

OPPOSING VOICES

Critics of this approach argue that non-motorized trails are important for economic development and are beneficial to both residents and visitors to our area. Most of the funding could come from grants and donations, so very few local tax dollars would have to be spent to build or maintain a trail.

Useful information

Charlevoix County Non-motorized Trail Steering Committee web site. Copies of nearly all the documents and maps used by the steering committee in their discussions. <http://www.charlevoixcounty.org/trailcommittee.asp>

Michigan Department of Transportation State Long-Range Transportation Plan, 2005-2030 – Non-motorized Technical Report. 2007. An excellent overview of non-motorized trails in Michigan, benefits and issues. http://www.michigan.gov/documents/mdot/MDOT_SLRP_techrept_NM_178144_7.pdf

History of the Boyne City to US-31 trail project. http://www.charlevoixcounty.org/downloads/history_of_boyne_city_to_us31_trail_1_1.pdf

Property Value/Desirability Effects of Bike Paths Adjacent to Residential Areas Study. 2006. A national summary of research studies to assess the impact of trails on property values. <http://128.175.63.72/projects/DOCUMENTS/bikepathfinal.pdf>

Charlevoix County Road Commission memo regarding right of way easement language. August 2009. http://www.charlevoixcounty.org/downloads/road_commission_memo_8102009.pdf

Memo to Hayes Township regarding township liability and trails. December 2009. http://www.charlevoixcounty.org/downloads/memo_re_liab_on_trail_122909.pdf

Trail maintenance costs memo to the Charlevoix County Parks Committee. June 9, 2010. http://www.charlevoixcounty.org/downloads/trail_maintenance_costs_memo_to_parks_committee_6910.pdf

Statewide Greenways Maintenance Inventory and Case Studies. 2007. A statewide study summarizing maintenance costs for a variety of trail types in Michigan. <http://www.michigantrails.org/blog/wp-content/uploads/statewide-trail-maintenance-survey-final.pdf>

Michigan's Recreational Use Act. The law that protects landowners from most liability claims related to trails that pass through their property. <http://www.legislature.mi.gov/%28S%28ewnl2145jx413b45015qrjne%29%29/documents/mcl/pdf/mcl-324-73301.pdf>

Funding Sources for Pedestrian and Bicycle Trails – Compiled by the Michigan Department of Transportation. http://www.michigantrails.org/blog/wp-content/uploads/bike_ped_fundingopportunities.doc