

Kennett Township
Trail Easement Policy

1. Purpose

The Board of Supervisors of Kennett Township has determined that the provision of a Comprehensive Trail System, as identified in the Kennett Township [Insert correct reference] Plan, is an essential element in meeting the recreational, as well as the non-vehicular transportation, needs of the residents of the Township and that trails already existing in the Township represent an important resource insofar as they form the basis of such Comprehensive Trail System.

It is the purpose, therefore, of this Policy to encourage the establishment by acquisition and donation of new trails and/or trail links, to require the provision of trails and/or trail links in all subdivisions and land development, or a fee-in-lieu thereof, and to prevent the loss and regulate the use of existing trails.

2. Definitions

Comprehensive Trail System. A system of interlinking trails throughout the Township and connecting with trails in adjacent municipalities, designed for non-vehicular transportation and recreation purposes. The comprehensive trail system is delineated in the Kennett Township Trails & Sidewalk Plan.

Major Trail Element. Important existing and/or future recreational, educational, natural and commercial features or uses to which trails may provide access.

Trail. A corridor of twenty (20) feet in width through which passes, or will pass, a trail as part of the Township Comprehensive Trail System or as otherwise authorized by the Township. A trail is to serve transportation and recreational functions for walkers, joggers, recreational bicyclists, and cross country skiers; trails shall exclude all motorized vehicles except as authorized by the Township for maintenance, management and emergency purposes. Horses are not permitted on a trail unless specifically designated on a trail segment.

Trail Link. A corridor of ten (10) feet in width through which passes, or will pass, a trail that serves as a link from a development to the Township Comprehensive Trail System. A trail link is to serve transportation and recreational functions for walkers, joggers, recreational bicyclists, and cross country skiers; trail links shall exclude all motorized vehicles except as authorized by the Township for maintenance, management and emergency purposes. Horses are not permitted on a trail unless specifically designated on a trail segment.

3. Provision of Trails

The Board of Supervisors shall endeavor to acquire trail easements as part of the Comprehensive Trail System by purchase or donation.

In all subdivisions and land developments, provision shall be made for the reservation and/or dedication of trail corridors and the construction of trails in accordance with the Comprehensive Trail System, and/or for the provision of trail links to the system.

4. Maintenance of Trails

- a. The Township shall maintain those trails and trail links where the Township holds the trail easement. The Township will encourage the use of volunteers to assist in the maintenance of Township trails.
- b. Where the maintenance of trails is to be the responsibility of individual private owners, a homeowners association or similar entity, or any other organization capable of maintenance responsibilities, the Township shall require that such responsibilities be established in perpetual covenants or deed restrictions binding on the landowner's successors in interest.
- c. All trails shall be maintained to a standard determined by usage. The Township shall have the right, but not the obligation, to keep trails passable. A trail may be maintained by a property owner when such maintenance does not infringe upon passage by trail users.

5. Use of Trails

The Board of Supervisors shall regulate the use of trails by a Trail Use Ordinance. The Township shall have the right to close a trail entirely, or to specific uses, in cases of abuse of rules and regulations established for the appropriate use of such trail.

6. Fee-In-Lieu of Trails

- a. In all subdivisions and land developments wherein trails have been identified, as part of the Comprehensive Trail System, the Applicant shall set aside land and construct such trails, or shall set aside land and construct trail links. In such cases that the Township determines a trail set-aside will not contribute directly to the Township's Comprehensive Trail System, a fee-in-lieu for the acquisition, construction and maintenance of trails shall be required.
- b. A note shall be placed on the Final Plan stipulating the amount of the fee as established by paragraph a, above.

- c. The full amount of the fee shall be placed in escrow as a condition of Final Plan approval. Payment of the fee for any lot shall be made at any of the following points, whichever occurs first: (i) at the time of conveyance of the lot; (ii) at the time of application for a building permit; or (iii) at the time any public improvements are offered for dedication.
- d. All fees received pursuant to this Section shall be placed in a special capital reserve fund created for trail acquisition, construction and maintenance at locations consistent with the Comprehensive Trail System.

7. Trail Conservation Standards

- a. Disturbance to existing trails shall be permitted only when a property cannot otherwise be developed and then only when relocation of such trails is approved. No person may block the use of a trail or alter the path thereof unless a plan for the relocation is submitted to the Township. The plan shall be approved by the Board of Supervisors upon recommendation of the Trail and Sidewalk Committee. No relocation shall be permitted if such relocation will impede the use of the trail or result in a trail width of less than ten (10) feet. Properties within which trail relocations are permitted shall maintain existing connections to trails on adjacent properties.
- b. The Township shall maintain a map of existing trails that shall indicate: (i) whether the easement of such trails has been confirmed by grant, agreement or judicial decision; (ii) the identification of the entity assuming responsibility for maintenance of the trail; (iii) any restriction(s) on the use of the trail; and (iv) whether the location of the trail has been established by survey.
 - c. Except by approval of the Township, motor vehicles shall not be permitted on trails.

8. Trail Construction Specifications

- a. General Standards
 - (1) Proposed trails shall be properly related to such trail plans or parts thereof as have been officially prepared and adopted by the Township and adjacent townships, including recorded subdivision and land development plans, and shall be classified according to their function within the Comprehensive Trail System.

- (2) Proposed trails shall further conform to such county and state trail plans as have been prepared, adopted and filed as prescribed by law.
- (3) Thoughtful and imaginative design of trails and their relationship to the shape and arrangement of lots and structures is required. Trails shall be logically related to environmental features so as to minimize disturbance of such features and they shall be constructed on reasonable grades, have proper drainage and provide for adequate vision.
- (4) Trail links shall be designed to serve local residents and provide connections to the Comprehensive Trail System.
- (5) Major Trail Elements
 - (a) Where a subdivision or land development abuts or contains an existing or proposed major trail element, the Board of Supervisors may require dedication of additional trails or such other treatment to provide protection of abutting properties or reduce trails that are duplicative in purpose.
 - (b) Where warranted, due to additional traffic, drainage or comparable conditions, major trail elements that are part of, or connect to developments shall be improved by the Applicant or by means of escrowed funds for use by the Township to provide such improvement(s).
- (6) Partial Trails
 - (a) Partial trails shall not be permitted except where essential to the reasonable development of the tract and where dedication of the remaining portion of the trail has been secured.
 - (b) Dead-end trails shall not be permitted except as stubs to permit future trail extension into or from adjoining tracts.

b. Trail Widths

- (1) The minimum trail path for all new trails shall be as follows:
 - (a) Multi-use Trails and Bikeways
8 Feet
 - (b) Trail Links

5 Feet

- (2) Greater trail path widths may be required by the Township for the following purposes:
 - (a) To promote public safety and convenience.
 - (b) To accommodate special topographic conditions that may result in grading outside the standard trail width.

c. Trail Alignment

- (1) To ensure adequate sight distance, the minimum centerline radii for horizontal curves should be as follows where feasible:

Bikeways 65 Feet

Multi-Use Trails
and Trail Links 15 Feet

- (2) Sight lines and stopping sight lines for all new trails should be as follows where feasible:

	<u>Sight Lines</u>	<u>Stopping Sight Lines</u>
Bikeways	130 Feet	150 to 175 Feet
Multi-Use Trails and Trail Links	60 Feet	50 Feet

d. Trail Grades

- (1) Grades for Multi-Use Trails and Trail Links should not exceed four percent (4%), however steeper grades may be permitted due to the topography.
- (2) Grades for Bikeways shall not exceed five percent (5%), however steeper grades may be permitted due to the topography.

e. Trail Construction

- (1) General

All materials and methods used in the construction of trails and the drainage facilities thereof should conform to the standards of this Section and the applicable standards of the American Association of

State Highway and Transportation Official (AASHTO). Bikeways should be designed for speeds not to exceed thirty (30) mph, and Multi-Use Trails should be designed for speeds not to exceed ten (10) mph.

(2) Surfacing

- (a) Macadam trails should, at a minimum, consist of a base course of four (4) inches of crushed stone and a wearing surface of two (2) inches of asphalt.
- (b) Stone trails should, at a minimum, consist of four (4) inches of three eighths (3/8) inch crushed stone.
- (c) Natural trails should, at a minimum, consist of four (4) inches of licorice root mulch, wood chips or other natural mulch material approved by the Board of Supervisors, or may be, upon approval of the Board of Supervisors, left in its natural state.

(3) Trail Clearance

Overhead clearance for both Bikeways and Multi-Use Trails should be a minimum of eight (8) feet.

(4) Trail Lighting

- (a) Trail lighting is not required unless the Township determines that parking areas, trailheads or major road crossings warrant such.
- (b) In the event that lighting is required, such lighting shall conform to the Zoning Ordinance.

(5) Trail Signage

- (a) Trail signage shall conform to the standards of the Federal Highway Administration (FHWA) *Manual on Uniform Traffic Control Devices* with regard to sign shape and color. FHWA standards with regard to sign size shall not apply to trails, except as specifically required for bicycle facilities. Signs should be clearly readable, easily understood and sized according to the scale of the trail.

- (b) Unless specifically waived by the Township, the following types of signs should be placed at applicable points along trails:

Regulatory Signs - Such signs are to be used for traffic control or to provide operational requirements. Examples of such signs include: stop and yield signs; speed-limit signs and right-of-way signs.

Warning Signs - Such signs are to be used to advise trail users of existing or potential dangerous conditions. Examples of such signs include: Grade change warnings; surface condition change warnings and bridge, intersection and tunnel approach warnings.

Guidance Signs - Such signs are to be used to provide trail information or directions. Examples include signs that advise of local points of interest or service facilities.

- (c) Excessive signage or signage that detracts from the natural or scenic qualities of the trail shall be avoided and no advertising signs shall be permitted.

(6) ADA

Trails shall be designed in compliance with the Americans with Disabilities Act (ADA) requirements. If ADA requires a different minimum width than those stated above, the greater width shall apply.

9. Private Trails

Private trails, in addition to the public trails acquired by the Township and required trail set aside or fee-in-lieu of trails, may be permitted by the Board of Supervisors when there is a recorded agreement between the private trail owner and the Township specifying that such trails will not be considered part of the Township's Comprehensive Trail System and will not be offered for dedication. Private trails may not become part of the Township's Comprehensive Trail System or be accepted by the Township unless constructed to the standards of this policy existing at the time of offer of dedication.