

IMPLEMENTATION, STRUCTURE AND NEXT STEPS

The purpose of this Chapter is to outline the generalized steps in implementing the Warwick-to-Ephrata Rail-Trail, should the municipalities decide to do so, as well as to provide insight into the organizational structure that the municipalities might consider so as to achieve implementation of the Rail-Trail.

Implementation

Should the municipalities decide to proceed with the development of the Rail-Trail, the generalized steps in implementing same include acquisition, development, and maintenance/upkeep.

1. Acquisition

As described elsewhere in this Feasibility Study, considerable effort has been expended in trying to determine the current ownership of the railroad corridor. Because the records of deed transactions are not clear, a defined approach toward acquiring an interest in the rail corridor cannot be thoroughly determined at this time. The following considerations and steps are therefore necessary to consider:

- A. The municipalities must decide what manner of interest is most prudent to obtain. Three likely scenarios exist: 1) fee-simple right-of-way (30' width), 2) easement interest (30' width), and 3) a combination of fee-simple/easement on a property-by-property basis. In each of these scenarios, the interest in the rail corridor would transfer, along with the liability thereto, from the adjoining/underlying landowner to the municipal entity.
- B. In any of these cases (fee-simple, easement, or combination), the municipal entity must acquire the interest from the landowner of record, which could include Pagnotti/Reading Company and/or the individual, adjoining property owners. Consequently, a process by which to identify the owner-of-record must be undertaken so that the municipalities can fairly compensate the landowners while at the same time be stewards of the public trust and financial resources.

As a result, it is important to note that the process of determining the underlying ownership of land may entail considerable time and expense. Ranging from the conduct of property-by-property title searches to determine ownership to the use of eminent domain in those cases where ownership cannot clearly be established, these approaches require careful consideration.

- 1) To this end, it is strongly encouraged that the municipalities first work at amicably negotiating with the landowners for fee-simple or easement interests. This is a particularly good approach in those cases where the underlying ownership can be determined relatively simply.

- b) However, as advised by legal counsel, the use of eminent domain may need to be considered as a last resort, especially in those cases where the underlying ownership of land cannot be clearly determined and the courts must decide the matter of equitability.

Maps #6 and #7 provide some level of guidance as to those properties, through which the rail corridor runs, in which title to the rail corridor may be at issue.

- C. As also identified in this Study, several farms along the rail corridor are subject to agricultural preservation easements (these farms are shown on **Map #8**). It is important that, in acquiring the fee-simple or easement interest in the rail corridor, the municipalities clear the issues of Agricultural Preservation easements, determining if same apply to any portions of the corridor. The letters from the Lancaster County Agricultural Preservation Board and the Lancaster Farmland Trust (**Appendix E**) provide guidance in regard to this matter.
- D. It is important to note that, in granting fee-simple or easement interests in the rail corridor to the municipal entity, the underlying landowner may be changing his/her tax status, either by increasing or decreasing his/her tax liability.
- E. Finally, during the process of acquiring interests in the corridor, existing improvements that encroach into the rail corridor can be addressed on a case-by-case basis.

2. Development

Should the municipalities decide to proceed with the development of this Rail-Trail, several factors must be considered, including acquisition, prioritization/phasing, and available funding.

- A. In terms of where the municipalities might want to begin trail development, the first consideration is likely to entail the ability of acquiring the above-described interest(s) in the corridor. Naturally, it is important to focus the first efforts at trail development in those portions of the corridor where acquisition of a fee-simple or easement interest can be accomplished relatively easily. Additional time could then be taken to work toward amicable resolution of those title issues that cannot be easily resolved.
- B. Ideally, the ability to acquire the interest in the rail corridor will coincide with those portions of the trail that make the most logical sense to complete. In general and in terms of geography and density of populations to be served, it makes sense that the trail would be prioritized/phased as follows:
 - 1) southwesterly from Ephrata Borough (extending the trail improvements that are proposed to be constructed in 2007);

- 2) outward (to the northeast and southwest) from Akron Borough; and,
- 3) northeasterly from the Warwick Township Municipal Campus.

This approach would lead to trail development that is logical and continuous (not haphazard and disjointed), while focusing on serving the most-dense concentrations of potential users.

- C. Clearly, the development of this potential rail-trail depends on the availability of grant funding. Elsewhere in this Study sources of such grant funding are identified for all aspects of trail development, from acquisition to design/permitting to construction. A well-coordinated strategy matches public and private grant funding to the acquisition and development of the trail, considering all available funding sources as a means of leveraging each municipality's available funds.

In applying for funding, the municipalities should focus on this trail's role in the development of a potential 7-mile trail system that could ultimately connect Ephrata to Lititz and all points in between. Further, the municipalities should emphasize the regional cooperation that has been the hallmark of this Feasibility Study and its vision for the future.

Organizational Structure

It is important to note that the Feasibility Study Committee considered the question of whether separate organizational structures could or should be considered in the acquisition of the rail corridor, in the development of the trail, and in its maintenance/upkeep. While no specific recommendations are made in this regard by the Study Committee, the following considerations were discussed:

1. Municipalities Working Separately

While the implementation of the potential rail-trail has been a cooperative, regional effort thus far, the participating municipalities may want to separately move ahead in terms of acquiring the necessary interests (fee-simple, easement, or combination) in the rail corridor. Each municipality may also want to independently move forward with the preparation of further plans, permits, and construction/bid documents for the trail, cooperating on specific, uniform design standards and in the sharing of costs related to structures that might be located across municipal boundaries. The municipalities may also want to work independently to construct and then maintain the trail.

2. Inter-Municipal Agreement

In some cases, however, it might make sense for the four municipalities to strike a cooperative working relationship, especially if portions of the trail could be constructed by municipal forces shared between the municipalities. This approach might also provide

the means by which to share costs and expertise in the maintenance and upkeep of the completed trail; in this way, the costs could be shared on a pro-rata basis, providing for the efficient use of labor and equipment and the benefit of economies in scale.

3. Formalized Authority

While there appeared to be little interest in developing a local trail authority (and even less enthusiasm for transferring this potential rail-trail to a County-based authority or larger trail conservancy), there is some merit to formalizing an authority structure, especially as it might relate to long-term upkeep and maintenance..

Next Steps

1. More thoroughly gauging public and adjoining landowners' support.

While a number of meetings/public meetings were convened and several surveys/questionnaires were circulated, interest in this project was relatively low. Perhaps each municipality should hold separate meetings to review the Feasibility Study with its residents and business owners.

2. Enlisting the input of municipal advisory committees.

Before deciding whether to adopt this Feasibility Study, each municipality should request the input of its Recreation/Park Advisory Committee and/or Planning Commission.

3. Determining the feasibility of the rail-trail, on a municipality-by-municipality basis.

After obtaining further public and/or advisory committee input, each municipality should determine whether the rail-trail is feasible for its citizenry. In doing so, however, consideration must be given to the impact that a positive or negative decision will have on the other municipalities that have participated in this Study.

4. If determined to be feasible, clearing title and agricultural preservation issues and acquiring interests in the rail corridor for purposes of implementing the rail-trail.

Finally, if each municipality should deem that the rail-trail is feasible, the logical next step toward implementation will be the task of clearing the documented title and agricultural preservation issues and begin acquiring interests in the corridor for purposes of developing the trail. It may be determined at this time that additional grant funding may be required in order to complete title searches and acquire the rail corridor.