Rails *With* Trails in Canada

Written by Anne Robinson.
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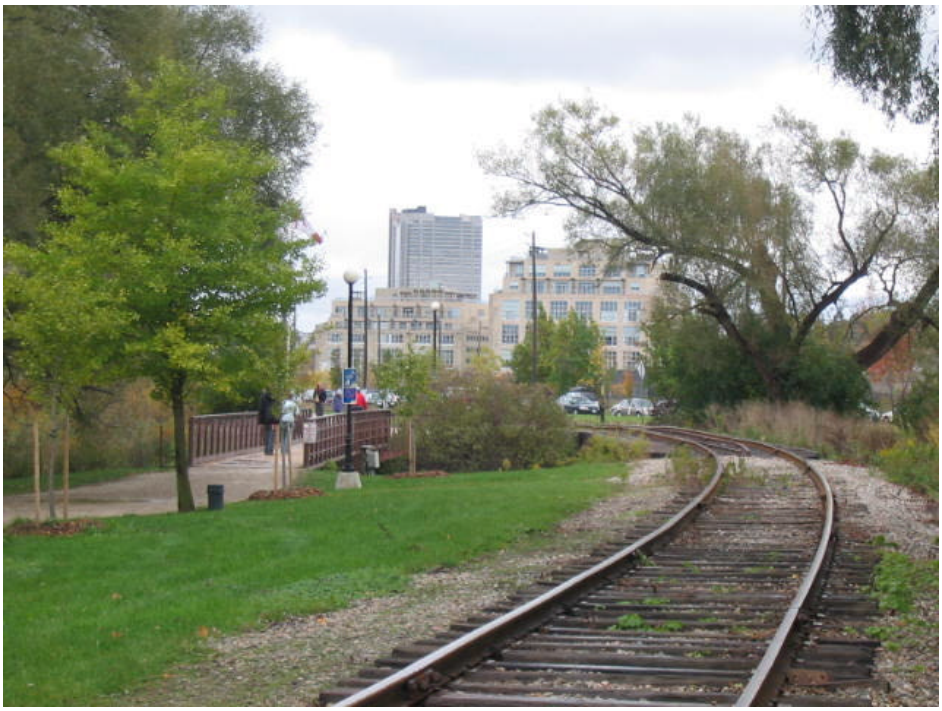

With trail development being a "growth industry" and urban intensification in vogue, it is inevitable that the future will bring further exploration of the possibility of combining "rails *with* trails" (RWT). There are a few examples of rails with trails in Canada and several projects in the planning stages. This article outlines some of the potential benefits of rails with trails, concerns, design elements to be considered, and highlights of existing Canadian examples.

The average rail corridor is 100 feet wide. The rail system itself utilizes about 12-15 feet in the middle of that corridor, leaving 85 +/- feet. But railroad companies, transportation and recreation planners, and trail advocates are not always of similar mind regarding rails *with* trails. It is also important to note that the rail corridor is often privately owned by the rail company. The U.S. Department of Transportation, Federal Highway Administration notes:

"Advocates of RWTs and railroad companies offer contrasting viewpoints. Trail planners view railroad property, often located in scenic areas with favorable topography, as a better alternative than bike lanes on roadways. They note that legal protections exist in all States, and that a litany of successful RWTs should provide comfort. Railroad company representatives respond that the court system has not yet tested the lease and/or use agreements for existing RWTs. Railroads have borne the burden of litigation for many incidents on their property, even for crashes with at fault trespassers or automobile drivers who ignored obvious warning systems."

The U.S., facing increased urban congestion and having strong rail-trail advocates, has more on-the-ground RWT examples than Canada and there has been much more written on this subject in the U.S. than Canada. However, their findings are not fully applicable for Canadians as liability, legal and policy conditions vary significantly in the two countries. As longtime trails proponent Russell Irvine noted in 1999, "Within the US approach, a key priority is the formulation of comprehensive state trail plans that are linked to National programs for support funding. To date Canadian trail programs and in particular planning activities have been rather ad hoc compared to the US model." (Irvine, 1999) In Canada, trail planning, management, research, funding and administration are essentially left to the provinces, territories and local governments.

Benefits of Rails with Trails

Some of the potential benefits of developing a well-designed RWT are:

- With more usage of the corridor, incidents of vandalism, trespassing, or dumping may be reduced;
- Increased public awareness of the rail service and hence more usage of the rail service;
- Increased tourism revenue;
- Increased adjacent property values;
- Reduced liability costs;
- Possible financial compensation;
- Reduced illegal track crossings by channeling users to well-designed at-grade crossings; and
- Maximized use of existing infrastructure.

When evaluating the merits of a RWT project, consideration should be given to property rights, competing demands, agreements between parties, compensation, operating responsibilities, and the effects that may result.

Landowner Liability

As noted in Go for Green's publication, *Risk Management and Liability for Trails*, "A trail owner/ manager is required by law to take all necessary precautions to ensure that the required standard of care is upheld." (online) If the railroad company owns the corridor and permits trail use, they may owe a higher duty of care to trail users than they want to have. Railroad operators are concerned because trail users may be injured by railroad activities, such as hazardous materials, or a derailment. Injured trail users might also sue the rail company, whether or not the injury was related to railroad operations.

Rail companies may also be reluctant to entertain the mixed use as it compromises their options for the future, such as expansion or restriction of access points for maintenance. The former Regional Municipality of Ottawa-Carleton acquired several rail corridors within their boundaries for long-term transportation purposes. They were reluctant to allow an interim trail use, given the eventual priority for transportation. However, with mounting pressure from the community, a trail was constructed. The corridor may eventually house both a commuter transit and a trail system.

Interestingly, U.S. research could not find a history of crashes or claims on the existing RWTs. "There is only one known case of a specific RWT claim (in Anchorage, Alaska). The railroad was held harmless from any liability for the accident through the terms of its indemnification agreement." (U. S. Department of Transportation. online) In 2005 the U.S. Rails to Trails Conservancy plans to undertake a review of incidents on rail corridors versus combined corridors.

Design

Both rail companies and trail groups seem to prefer the development of design *guidelines* versus national standards related to shared use paths, pedestrian or rail amenities and roadway crossings of rail rights-of-way. American research suggests that a feasibility assessment should be done in each situation contemplating a RWT initiative. A comprehensive and specific assessment should produce a good design, if implemented.

Regarding setback distance (the distance between the paved edge of a RWT and the centerline of the closest active railroad track), the following factors should be considered:

- Type, speed and frequency of trains in the corridor
- Sight distance
- Maintenance requirements and access provision
- Historical problems
- Security
- Corridor ownership
- Risk of Injury.

With respect to separation between the path and active train track, over 70 percent of the U.S. examples used some type of treatment and all but one of the Canadian examples had some form of separation including fences, vegetation, ditches or other means.

A whole host of other design concerns also need to be considered including crossings, maintenance, elevation, warning devices, signage, design approvals, drainage, lighting, landscaping and more.

"Based on the lessons learned in this study, it is clear that well-designed RWTs can bring numerous benefits to communities and railroads alike. RWTs are not appropriate in every situation, and should be carefully studied through a feasibility analysis. Working closely with railroad companies and other stakeholders is crucial to a successful RWT." (U.S. Department of Transportation, 2001)

In 1998 there were about 50 RWTs in United States. Six Canadian examples are highlighted below.

Montreal, Quebec

In the heart of Montreal there is a 3 km path alongside a four track mainline of CP Rail. The corridor is owned by the City with a portion leased back to CP. There is a seven-foot separation chain-link fence between the tracks and the path. The fence, however, has numerous illegal openings as users created shortcuts and connections to adjacent neighbourhoods.

The project was initiated in the early 1990s by the former City of Montreal, Parks Service Department. This initiative began because of an interest in developing a separate highway for cyclists, thus minimizing their conflict with cars. This corridor runs east/west through a very populated part of Montreal and the train speed is slow in this location.

There is some interest by the community to extend the route south to the St. Lawrence River and north Prairie River, but there is little political will and it's not a key priority at this time.

For more information contact
Serge Lefebvre, Bikeway Network Coordinator, 514-872-4338
E-mail slefebvre@ville.montreal.qc.ca

City of Laval, Quebec

The City of Laval took about two years to negotiate with CP Rail and Hydro Quebec, to locate a 10 km trail adjacent to an active rail line. However, as Normand Rock, City of Laval, noted "Without the negotiations and an agreement, we could not move forward to construction."

The corridor is presently jointly-owned by the City of Laval, Hydro Quebec and CP Rail. While the first phase of construction took about two months, the second phase will be done over the next 2-4 years and include fountains, benches, plantings and the like. There is a five-foot chain-link fence separating the rail and trail functions.

The path development and negotiations were feasible, in part, because early planning documents had identified the corridor as a potential cycling corridor and new residents that had moved in over the subsequent decade were quite aware that a bicycle trail was being planned. Therefore there was no opposition when construction began.

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Normand Rock at 450-978-6888 ext. 2710
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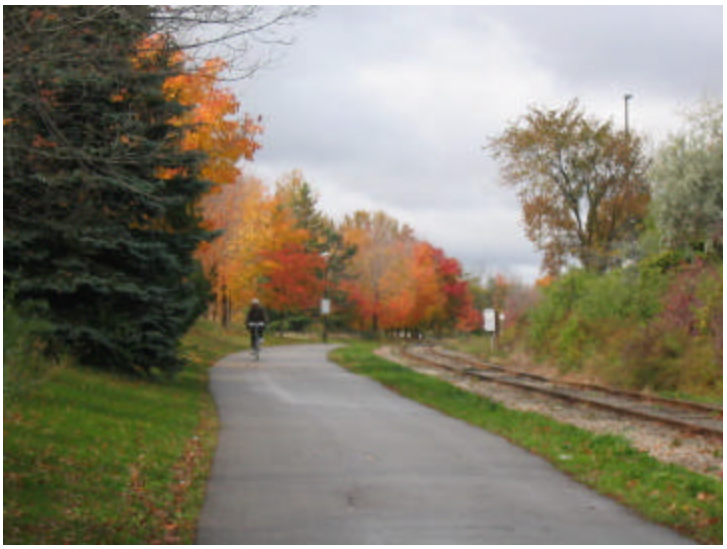
Waterloo, Ontario

The Laurel Trail, a 5 km section of the Trans Canada Trail in the City of Waterloo, is a "trail" spine through Uptown Waterloo. The need for a trail arose from an existing pattern of use. The trail runs right through the densely populated core of Waterloo and the University of Waterloo and is a popular thoroughfare for both residents and students.

The corridor was the property of CN, but is now owned by the Region of Waterloo. There are no passenger trains that use the track, but freight trains move slowly and infrequently, two or three times daily. At some locations the track and trail are within less than a metre of each other but no barrier fencing is in place. Since establishment as a trail route, there has never been an incident. Nor has vandalism been an issue, perhaps due to so much consistent, regular activity on the corridor.

As Karen Anderson, Landscape Architect for Recreation and Leisure, City of Waterloo, said "It doesn't have to be complicated". This corridor is well used by commuters, shoppers, students and those seeking a recreation experience. A trail count on a very cold Sunday in *February* 2004 found 458 users during a 6-hour period.



Laurel Trail *Photo by Sarah Mullan*

This corridor has been identified as a major transportation line for future light rail transit but within the last two years it's also been recognized as a major regional trail corridor for trail opportunities.

For more information contact
Karen Anderson at 519-747-8738
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St. Thomas, Ontario

St. Thomas, a community of about 35,000, has a 4.8 km RWT corridor, which runs east/west through the heart of St. Thomas. The area is owned by CN/CP with a portion leased to the CASO[1] St. Thomas Trans Canada Trail Committee and the City of St. Thomas. The line is considered a live corridor as long as trains use it, but the tracks are not as heavily used today as in the past.

A 6-foot chain-link fence, some of which has been vandalized, separates the rail from the trail. The 10-foot asphalt path is well signed and maintained by committee members, trail users, and the City, and is well used by commuters, families, youth and seniors. The trail connects the Trans Canada Trail (TCT) Pavilion, a skateboard park, seniors' apartments, and a community complex that will house a twin pad ice surface when it's completed in 2005.

Negotiations with CN/CP for the joint-use of the corridor, were principally handled by Alderman Marie Turvey, Chair of the Trail Committee. The agreement was signed when "Relay 2000" came through St. Thomas in the year 2000. In the end some CN representatives who worked on the negotiations, attended the opening of the TCT Pavilion and first phase of the trail.

The Community Committee raised approximately $450,000 for this project, which will be completed in 2005. In the near future the City hopes to undertake a full trail study for the entire community. Alderman Turvey attributes the trail's success to a very committed Community Committee and supportive City Council and staff.

For more information contact
Alderman Marie Turvey
Tel. 519-631-0936

Peterborough, Ontario

A .3 km railway bridge in the heart of Peterborough, crossing the Otonobee River, has a cantilevered 3-foot pathway that is decked and railed, and functions as a major pedestrian and cycling connection between residential areas across the river and the Central Business District. Precipitated by a nearby accident (not on the bridge) when someone decided to catch a ride on the train and was hurt, the pathway is a part of the railway bridge structure that is owned by CP but maintained by the City, with permission from CP.

While the path is narrow and those cyclists meeting have to dismount, it has been used by families, shoppers, commuters and the community forever. Train activity is infrequent. As Richard Straka,

[1] CASO stands for Canadian Southern Railway, the company that originally owned the rail line.

Planner with the City of Peterborough, noted, “People will go where they have to and seek the easiest way to get there. It is often better to safely facilitate their tendencies than to cut them off.”

Straka cites Duluth Minnesota where an active RWT exists near the inner city. The corridor is an example of good design including a separation distance between the railway bed and the fence, and a well-developed trail for pedestrians and cyclists, that is distinctly separate from the railway line.

For more information contact
Richard Straka, City of Peterborough
Tel. 705-742-7777 ext 1733

Toronto, Ontario

The Toronto RailPath is a 6 km corridor in downtown Toronto with the potential to provide the 200,000+ people within a 10- minute walk of the corridor with an off-street alternative to get directly downtown. As Toronto lawyer and Railpath Steering Committee volunteer, Thomas J. Timmins, remarked, “It’s the 401 of train tracks. Having had 7 historic train tracks on it at one time, there is considerable width in some areas. Located close to a number of Toronto schools and community centres, Railpath will become a linear park, a destination for school nature walks, family outings and community events. Simultaneously, it will also be a strategic transportation corridor, running diagonally across Toronto’s street grid, in the west end of the city.”

The idea for the RailPath came out of a 1998 City of Toronto Bicycle Master Plan that identified the corridor. “The Railpath idea had been discussed at resident’s association meetings in Toronto’s West End for years. Finally, in 2001, a group of members of the Roncesvalles Macdonell Resident’s Association formed a partnership with the Community Bicycle Network and Evergreen, and began working actively towards making the project a reality.” (www.communitybicyclenetwork.org, www.evergreen.ca)

The City of Toronto owns 2.2 km where the tracks have been removed but hopes that CN will sell a portion of the remaining 4 km. With the width of this corridor, it’s anticipated that the Railpath will not interfere with existing train routes or with the proposed Union/Pearson Air Rail Link. As Timmins noted, “This is a vastly underutilized area.”

The community expects to raise and leverage some of the $3-4 million that will be required for the development of this Railpath.

For more information visit
www.comunitybicyclenetwork.org
Or Contact: Sharon Airhart (Media) at 416-767-3389 or
Thomas J. Timmins at 416-369-7821

If you know of additional Canadian Rails *with* Trails, contact Anne Robinson at 613-692-3934 or e-mail Robinson@sympatico.ca or mail your information/ photos to 5434 North Riverside Dr., Manotick, ON K4M 1H2

Article Sources

Cook, Carolyn. June 1999. *Rails-with-Trails: A Progress Report*.
http://www.americantrails.org/resources/railtrails/TrailandRailUpdate.html
Rowe, Michael. December 2000. *Rails and Trails: An Idea Whose Time Has Come.*
http://www.americantrails.org/resources/railtrails/RailsAndTrailsMike.html
Trails Canada. 2000. *Canadian Trails Bibliography.* Go for Green.
http://www.trailpaq.ca/english/03_builders_e/03_builders_e.cfm
Trails Canada. 2003. *Trail Monitor #3 Risk Management & Liability for Trails.* Ottawa
http://www.trailscanada.com/documents/Monitor_3_Final.pdf
Railway Association of Canada http://www.railcan.ca
U.S. Department of Transportation, Federal Highway Administration. 2002. *Rails-with-Trails: Lessons Learned Literature Review, Current Practices, Conclusions*
http://www.americantrails.org/resources/railtrails/FHWArwt.html
www.comunitybicyclenetwork.org
www.evergreen.ca