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TRAILS
CONSERVANCY
Pennsylvania
Chapter

Thomas P. Sexton, Director
Rails-to-Trails Conservancy, Pennsylvania Office
Testimony before the House Environmental Resources and Energy
Committee
on House Bill 1400
April 27, 1995

Thank you for the invitation to testify on House Bill 1400, which seeks to create the Department of Conservation and Natural Resources (DCNR) and the Department of Environmental Protection (DEP), from the present Department of Environmental Resources (DER). As a member of Governor Ridge's Environmental Transition Team and Co-Chair of the Governor's Conference on Greenways and Trails, I hope my input today will be helpful.

The Rails-to-Trails Conservancy (RTC) is the largest membership-based trail building organization in the nation with nearly 62,000 members. Established in 1986, and headquartered in Washington, D.C., RTC has 35 staff and five state offices, of which Pennsylvania is the largest with nearly 7,000 members. RTC's mission is to enhance America's communities and countrysides by converting thousands of miles of abandoned rail corridors, and connecting open space, into a nationwide network of public pathways.

Today, 681 trails totaling 7,865 miles of abandoned railroad corridors have been secured in 48 states, and an additional 900 rail-trail projects are in the works in all 50 states. Pennsylvania is a leading state with 56 rail-trails totaling nearly 600 miles, plus 70 projects in various stages of development. Although difficult to predict, at least a few thousand more miles of rail corridor are eligible for conversion in Pennsylvania.

While rail-trails are most often thought of as recreation resources, recently they have gained considerable attention because of their transportation use. This is especially true in urban and suburban areas where these pathways also provide a safe and convenient environment for commuting pedestrians and bicyclists. In fact, Pennsylvania has committed more funding to rail-trails through the new Intermodal Surface Transportation Efficiency Act (ISTEA) than any other state. Current funding commitments total over \$35 million for 51 different rail-trail projects in the Commonwealth.

In more specific regards to this Committee's expertise, I can sight many projects in the Commonwealth where municipalities and local trail volunteer councils have joined in partnership to create enormous recreation opportunities. Some communities hope to develop their rail corridors for use by local residents, while others see rail-trails as an

Pennsylvania Chapter Office:
105 Locust Street
Harrisburg, PA 17101
717-238-1717
FAX: 717-238-7566

National Office:
1400 Sixteenth Street, NW
Suite 300
Washington, DC 20036
202-797-5400
FAX: 202-797-5411

economic boost via tourism. Users young and old are enjoying time on these trails as they walk, bicycle, cross-country ski, horseback ride, and in-line skate. Recent studies from Penn State and the National Park Service have illustrated this fact, and its not uncommon to see real estate listings include rail-trails as an amenity when listing homes for sale.

Increasingly these rail corridors are also under various forms of joint-use. Utilities best suited for rail-trails are those that can be installed underground, such as water, sewer, natural gas, buried electric cable and fiber optic lines. However, above ground utilities, such as telephone, cable television and over-head electric lines may also share a corridor with rail-trails. Even rails "with" trails where active rail lines run parallel to existing trails are gaining wider acceptance. Always very popular in Europe, we even have a few examples in Pennsylvania.

Except for one important issue, RTC supports House Bill 1400 for many of the reasons you have heard today. However, instead of covering the same ground let me concentrate on a program within this legislation that may not have received as much attention today -- heritage corridors, rivers, rail-trails, and other type pathways; generally categorized as "greenways".

While our parks and forests are the core of Pennsylvania's natural resource base and are in desperate need of additional resources and priority attention, by far the largest growth area for America's natural resource development and management in the next century will be in the area of greenways. Pennsylvania is uniquely blessed with a landscape of rivers and streams, which by necessity brought about the construction of railroads and related infrastructures that in large part shaped the culture of the Commonwealth. Starting today we need to seize the opportunity to both preserve and utilize these natural and cultural resources.

The most important first step is to designate a champion of this cause -- the new Secretary of the Department of Conservation and Natural Resources. The combined tasks the current position of Secretary of the Department of Environmental Resources is expected to administer is an impossible job that will leave little time for what will be the new frontier in natural resource development and conservation.

While DER provided the early impetus for rail-trails in Pennsylvania with such jewels as the Youghiogheny River Trail, Lehigh Gorge State Park Trail, and the soon-to-be developed Pine Creek Trail, most rail-trails, and especially the majority of greenways will be developed outside the boundaries of state park or forest lands. Thus new perspectives and

tools will be required for DCNR to work closer with local communities to build and manage this very different type of recreation resource.

That is why RTC wholeheartedly supports the transfer of the Department of Community Affairs' (DCA) Bureau of Conservation and Recreation into the new DCNR. This Bureau of DCA has been involved with all aspects of greenway development within a community context. Not only does this involve working with many more stakeholders than traditional park development, it also means the ability to provide technical assistance of a different kind and through different methods -- all of which ultimately requires building local support through a very grassroots- bottoms-up type approach. In addition, this transfer will bring about a consolidation of funding programs that are identical. At present, greenway applicants seeking assistance have to work through DER and DCA for the same type requests.

In order for Pennsylvania to reach the potential it possesses for rail-trail development and make the leap from traditional park development, the new Secretary must implement our state Rails-to-Trails Law, Act 188 of 1990. Because this Act authorizes DER to develop a program outside its traditional scope of operation, it is of course a challenge. However, it is a challenge the citizens of Pennsylvania do clearly want our leadership to meet as is evidenced by the number of rail-trail projects underway.

To date, rules, regulations and program standards for key provisions of the Rails-to-Trails Act have not been promulgated by DER. More fundamental is the fact that in order for the Act to work it requires coordination among DER and other state agencies -- the Public Utilities Commission, Department of Transportation, and the Historical and Museum Commission. None of these agencies have wanted to take a leadership role - to even call for cooperation, let alone work out the details. Instead the agencies attempt to build legal walls around their programs to protect their interests and prevent their operation from changing.

A good specific example of this type of bureaucratic foot-dragging, and the number one issue facing rail-trails today, is found in Section 208 (e) of HB 1400. We strongly oppose this section which reads, " Nothing in this act shall be construed to be grounds for the imposition of the responsibility by the Public Utility Commission for the maintenance or costs of any railroad crossing or abandoned railroad crossing under Chapter 27 of the Public Utility Code, 66 Pa. C.S. 2701-2706." Central to the development of rail-trails is the preservation of rail bridges and tunnels which are referred to in sub-section (e) as crossings. Without these structures, trails will be cut into many segments, creating a safety hazard for the user and the motoring public. In addition, the heritage value of many corridors are being devalued because many historic

structures are being demolished , even old stone arch structures which state engineers have found structurally sound.

This type of legal maneuver is not consistent with the spirit of HB 1400 and pushes us farther away from remedies. It is a means of protecting turf and is a result of the agencies tossing the issue of responsibility for these structures amongst each other for the last five years. Because of their inability to cooperate DER and the PUC recently debated this issue in Commonwealth Court - however, this is not the forum which will yield results. Demolition is occurring all over the Commonwealth, and millions of dollars and dozens of trail projects are in jeopardy because of the unwillingness of the state agencies to sit down and cooperate, and become problem-solvers.

We therefore recommend the deletion of Section 208 (e) as presently written, and instead request the addition of language that recommends the creation of an interagency task force composed of the beforementioned agencies to solve this problem, and a moratorium be imposed on further demolition until an appropriate program is designed.

Further, I would like to mention a related issue, while not specifically contained in HB 1400, it is of critical importance to environmental groups and unfortunately runs counter to HB 1400 -- to give greater significance to our natural resources. This issue is the Office of Administration's recent decision to exclude charitable giving to environmental and natural resource causes through the State Employees Combined Appeal (SECA) because this work does "not provide direct health and human services to people". I hope both the new DCNR and DEP will work to reverse this ridiculous ruling which demeans the work of their employees, and reflects poorly on the Ridge Administration.

In closing, without the cabinet level support provided in HB 1400, the greenway potential Pennsylvania possesses will never be realized. Additionally, while there may be a relatively small increase in costs by creating two new Departments, as an environmentalist I think it is money well spent and will yield tremendous return on the investment to the economy of Pennsylvania.

Thank you for your time and consideration, and I would be happy to meet with you at any time to further explore these issues.