



5. MANAGEMENT, MAINTENANCE, AND SAFETY GUIDELINES

Pathway management and maintenance are important factors in pathway success. The psychological effects of good maintenance can be a highly effective deterrent to vandalism and littering. When new pathways are implemented, the managing agency effectively becomes a new neighbor to adjacent landowners located along the pathway corridor. As a neighbor to the various residential communities the pathway passes through, the managing agency has an ongoing relationship with those neighbors and the state of maintenance along the pathway is a significant factor in the success or failure of that relationship. Though statistics show that pathways are generally safe places for people, the managing agency of any pathway cannot afford to be complacent about maintenance. Pathways must be proactively managed and maintained.

Pathway Management Roles and Responsibilities

Parks and Recreation Staff

One of the most important issues facing Meridian will be to establish maintenance standards and to ensure that the City and any maintenance partners are aware of and will adhere to such standards.

Continuity and consistency in management is also an important element. There should not be varying degrees of maintenance experienced along the pathway corridors. From the public's perspective, as issues and concerns arise along the pathway, it must be clear who the public should contact to address these concerns.

The Parks and Recreation department should identify a key staff person that will be designated to serve as the Pathway System Manager. The following list represents the major tasks of the designated Pathway System Manager for the City:

Implementation

- Coordinate future development of the pathway system
- Organize, coordinate and implement pathway operations plan
- Develop and implement maintenance plan and ensure adequate funding
- Obtain bids and manage contracts for maintenance and improvements

Management

- Monitor security/safety of the pathway system through routine inspections
- Oversee maintenance and rehabilitation efforts
- Acquire pathway easements and other agreements, where applicable
- Establish consistency in the pathway user regulations with nearby agencies
- Manage and respond to issues and incidents throughout the pathway system
- Coordinate routine law enforcement needs
- Assist in coordination of art in public places programming
- Act as the local pathway system spokesperson with the public and elected officials, and respond to the issues and concerns raised by pathway users
- Develop and manage an emergency response system in coordination with local fire and police departments

Pathways Technical Advisory Committee

The Pathways Technical Advisory Committee (TAC) is a subcommittee of the Meridian Parks and Recreation Commission, along with members of the Meridian Police and Fire Department. The TAC meets occasionally to review the status of any existing or proposed pathway projects, discuss priorities for short-term pathway projects, discuss and identify funding opportunities for the City to pursue, and to act as liaison to the neighborhoods and communities. In addition, the City should consider forming specific Pathways Advisory Committees for any extensive feasibility or design study for any new pathways within the City.

Community Members

Active and informed community members are a wonderful resource for a Parks and Recreation Department. Creating an Adopt-a-Pathway program would create stronger connections to the excellent pathway system the City is developing. Additionally, community members can be encouraged to form “Friends of” groups, such Friends of the Five Mile Creek Pathway, or Friends of the Treasure Valley RWT, and really take pride and a sense of ownership in their local pathways.

Property Management

Non-pathway use needs arise such as utility installations, private driveway accesses, and roadways that will affect the pathway system. A separate set of policies and procedures that outline the details of property management for the planned system should be developed and implemented in order to protect the quality of the user’s experience. Key elements of such a policy are summarized below:

Roadways

Each motorized vehicle crossing of the pathway presents an interruption to the pathway user and a potential hazard. For this reason, approval for new crossing agreements should be limited to those that



are necessary, such as land locked parcels with no alternative access available. Existing crossings should be formalized with new agreements, and where possible, consolidated with other crossings. Existing and new crossing agreements will be considered and charged a fee based upon land value and impact. Where anticipated automobile volumes are high, grade separation of new crossings should be pursued.

Encroachments

Given the public nature of the planned system, private encroachments should not be overlooked. Resolving encroachment issues to minimize their impact on future pathways should be a priority for all effected parties.

Utilities / Shared Usage

Compatible utility and shared usage agreements may be of benefit to both the planned system and the requesting party. For example, underground fiber optic cables will not interrupt use of the pathway while providing an annual rental fee for maintenance of the pathway. Utilities should not be granted exclusive use of the right-of-way but would be expected to share use with other compatible and even competing utilities. It is strongly recommended that a utility corridor be defined and conduits running the length of the corridor be installed as each phase of paved pathway is built. This will minimize construction and design impacts to the pathway as future utilities are installed. Under-grounding of utilities is encouraged whenever feasible.

Pathway Regulations

The purpose of pathway regulations is to promote user safety and enhance the enjoyment of the pathway by all users. The Pathway Manager should review proposed pathway regulations with the City's legal advisor for consistency with existing ordinances and enforceability. It may be desirable to pass additional ordinances to implement pathway regulations.

In general, the initial set of rules proposed for the pathway system will stress courtesy and cooperation with others rather than a restrictive set of edicts. The rules are outlined below:

- Motorized vehicles prohibited except emergency and maintenance vehicles.
- Keep pets on a leash and scoop up after them.
- Stay to the right except when passing.
- Give a clear, audible warning signal before passing.
- As a courtesy to other pathway users and neighbors, refrain from loitering near adjacent homes.
- Cyclists yield to pedestrians.
- When entering or crossing the pathway, yield to those on the pathway.
- Help keep the pathway clean.
- Exercise caution and obey all traffic laws at all intersections.



Maintenance Guidelines

A high level of pathway maintenance is critical to the overall success and safety of the pathway system. Maintenance includes such activities as pavement stabilization, landscape maintenance, facility upkeep, sign replacement, fencing, mowing, litter removal, painting, and pest control. However, the effects of a good maintenance program are not limited to the physical and biological features of the pathways:

- A high standard of maintenance is an effective way of helping advertise and promote pathways as a regional and state recreational resource.
- The psychological effects of good maintenance can be an effective deterrent to vandalism, litter, and encroachments.
- Good maintenance is necessary to preserve positive public relations between adjacent landowners and government.
- Good maintenance can help make enforcement of regulations on the pathways more efficient. Local clubs and interest groups will take pride in “their” pathway and will be more apt to assist in protection of the pathway system.
- A proactive maintenance policy will help improve safety along the pathways.

A successful maintenance program requires continuity and a high level of citizen involvement. Regular, routine maintenance on a year-round basis will not only improve pathway safety, but will also prolong the life of the pathways. Maintenance activities required for safe pathway operations should always receive top priority. The following should be part of the maintenance checklist:

Paved Surface Maintenance

Cracks, ruts and water damage will have to be repaired periodically. In addition, vegetation control will be necessary on a regular basis. Where the pathway is adjacent to extensive vegetation, the pathway should be constructed of concrete to reduce the damage from root uplifting.

Where drainage problems exist along the pathways, ditches and drainage structures will need to be kept clear of debris to prevent washouts. Checks for erosion along the pathways should be made monthly during the wet season, and immediately after any storm that brings flooding to the local area.

The pathway surface should be kept free of debris, especially broken glass and other sharp objects, loose gravel, leaves and stray branches. Pathway surfaces should be swept periodically.



Vegetation and Pest Management

In general, visibility between plantings adjacent to a pathway should be maintained in order to avoid creating the feeling of an enclosed space. This will also give pathway users good, clear views of their surroundings, which enhances the aesthetic experience of pathway users. Under-story vegetation along pathway corridors should not be allowed to grow higher than 36 inches. Trees species selection and placement should minimize vegetative litter on the pathway and root uplifting of pavement. Vertical clearance along the pathway should be periodically checked and any overhanging branches over the pathway should be pruned to a minimum vertical clearance of 10 feet.



Some basic measures should be taken to protect the pathway investment. This includes regularly moving or spraying 6-8 feet on each side of the pathway, except where there are lawns or ornamental plantings. Wherever possible, weed control should be accomplished by mechanical means. This is especially true along drainage ways crossing the pathway. Innovative weed control methods such as grazing and steaming should be explored. Use of chemical sprays should be limited to use only on those plants that are harmful to the public.

Litter and Illegal Dumping

Litter along the pathway corridors should be removed by staff or volunteer effort. Litter receptacles should be placed at access points such as trailheads and intersections with neighborhood micro paths. Litter should be picked up once a week and after any special events held on the pathway, except where specially designed trashcans have been installed throughout the City.

Illegal dumping should be controlled by vehicle barriers, regulatory signage, and fines as much as possible. When it does occur, it must be removed as soon as possible in order to prevent further dumping. Neighborhood volunteers, friends groups, alternative community service crews, and inmate labor should be used in addition to maintenance staff.

Signage

Signage will be replaced along the pathway on an as-needed basis. A bi-monthly check on the status of signage should be performed with follow-up as necessary.

Trailheads

The specialized facilities at trailheads will require frequent inspections and maintenance. Restrooms must be cleaned on a regular basis. Site furniture and lighting should be kept in good repair.



Table 5-1 summarizes a recommended maintenance schedule for the Meridian pathway system. These guidelines address maintenance on the off-street portions of the system. On-street portions should be maintained per City standards.

Table 5-1. Recommended Maintenance Schedule

Item	Frequency / Extent
Inspections	Seasonal - at both beginning and end of summer
Signage Replacement	1 - 3 years, inspect bi-monthly
Pavement Markings Replacement	1 - 3 years, inspect bi-monthly
Major damage response (fallen trees, washouts, flooding)	Repair as soon as possible
Pavement Sealing, Potholes	5 - 15 years
Introduced tree and shrub plantings, trimming	Every 1- 3 years
Culvert Inspection	Before winter and after major storms
Cleaning Ditches	As needed
Trash Disposal	Weekly during high use; twice monthly during low use
Lighting Luminaire Repair	Repair as soon as possible, monitor on a regular basis
Pavement Sweeping/Blowing	As needed, before high use season. Weekly in fall.
Maintaining culvert inlets	Inspect before the onset of the wet season, then again in early fall
Shoulder plant trimming (weeds, trees, brambles)	Twice a year: middle of growing season and early fall. Overhanging branches should be trimmed back to 10' above pathway
Site furnishings, replace damaged components	As needed
Graffiti Removal	Weekly, as needed
Fencing Repair	Inspect regularly for holes and damage, repair immediately
Shrub/Tree Irrigation for introduced planting areas	Periodically during summer months until plants are established
Litter Pick-up	Weekly for high use; twice a month for low use
Mowing	6'-8' wide bi-weekly



Pathway Safety

Pathway safety is a major concern of both pathway users and those whose property is adjacent to a pathway. Creating a safe pathway environment goes beyond design and law enforcement and should involve the entire community. The most effective and most visible deterrent to illegal activity on pathways in the city will be the presence of legitimate pathway users. Getting as many “eyes on the corridor” as possible is a key deterrent to undesirable activity. There are several components to accomplishing this as outlined below:

Provide Good Access to the Pathway System

Access ranges from providing conveniently located trailheads along the pathway, to encouraging the construction of sidewalks to accommodate access from private developments adjacent to the pathway. Access points should be inviting and signed to welcome the public onto the pathway.



Good Visibility from Adjacent Neighbors

Neighbors adjacent to the pathway can potentially provide 24-hour surveillance of the pathway and can become the City’s biggest ally. Though some screening and setback of the pathway is needed for privacy of adjacent neighbors, complete blocking out of the pathway from neighborhood view should be discouraged. This eliminates the potential of neighbors’ “eyes on the pathway,” and could result in a “tunnel effect.”



High Level of Maintenance

A well-maintained pathway sends a message that the community cares about the public space. This message alone will discourage undesirable activity along the pathway.

Programmed Events

Community events along the pathways will help increase public awareness and thereby attract more people to use the pathway. Neighbors and residents, as well as a Friends of Meridian Pathways group, can help organize numerous public events along the pathway that will increase support for the pathway. Events might include a daylong pathway clean up or a series of short interpretive walks led by long-time residents or a park naturalist. The Friends of the Pathways can also generate public support for future funding applications.

Community Projects

The support generated by community groups could be further capitalized by involving neighbors and friends of the pathway in a community project. Ideas for community projects include volunteer planting events, art projects, interpretive research projects, or even bridge building events. These community



projects are the strongest means of creating a sense of ownership along the pathway that is perhaps the strongest single deterrent to undesirable activity along the pathway.

Adopt-a-Pathway Program

Nearby businesses, community institutions, and residential neighbors often see the benefit of their involvement in pathway development and maintenance. Businesses and developers may view a nearby pathway as an integral piece of their site planning and be willing to take on some level of responsibility for the pathway. Creation of an adopt-a-pathway program should be explored to capitalize on this opportunity and build civic pride.

Active Law Enforcement

The Meridian Police Department currently uses the pathway system as access for police vehicles during routine patrols. As the pathway system grows and matures, the Department will continue to patrol the pathways in vehicles and on bicycles to promote community and safety on the pathway system.

Pathway Watch Program

Partnering with local and county law enforcement, a pathway watch program would provide an opportunity for local residents to become actively involved in crime prevention along the pathways in Meridian. Similar to Neighborhood Watch programs, residents are brought together to get to know their neighbors, and are educated on how to recognize and report suspicious activity.

Design Elements that Improve Pathway Safety

Below are common pathway safety concerns and ways that thoughtful design treatments can prevent safety problems along Meridian Pathways.

Table 5-2. Safety Recommendations

Safety Issue	Recommended Improvements
<p>Privacy of adjacent property owners</p>	<ol style="list-style-type: none"> 1. Encourage the use of neighborhood-friendly fencing and planting of landscape buffers. 2. Clearly mark pathway access points. 3. Post pathway rules that encourage respect for private property. 4. Strategically place lighting. 5. Consider strategic placement of surveillance cameras to protect property owners’ privacy and discourage trespassing.
<p>Litter and dumping</p>	<ol style="list-style-type: none"> 1. Post pathway rules encouraging pack it in, pack it out etiquette. 2. Place garbage receptacles at trailheads. 3. Provide good visual access to the pathway. 4. Strategically placed lighting, utilizing light shields to minimize unwanted light in adjacent homes.



Safety Issue	Recommended Improvements
	<ol style="list-style-type: none"> 5. Manage vegetation within the right-of-way to allow good visual surveillance of the pathway from adjacent properties and from roadway/pathway intersections. 6. Encourage local residents to report incidents as soon as they occur. 7. Remove dumpsites as soon as possible. 8. Encourage use of yard debris recycling service.
Trespassing	<ol style="list-style-type: none"> 1. Clearly distinguish public pathway right-of-way from private property with vegetative buffers and the use of good neighbor type fencing. 2. Post pathway rules that encourage respect for private property.
Crime Undesirable transient activity should be handled following these recommendations as well.	<ol style="list-style-type: none"> 1. Manage vegetation so that the corridor can be visually surveyed from adjacent streets and residences. 2. Select shrubs that grow below three feet in height and trees that branch out greater than six feet in height. 3. Place lights strategically and as necessary. 4. Place benches and other pathway amenities at locations with good visual surveillance and high activity. 5. Provide mileage markers at quarter-mile increments and clear directional signage for orientation. 6. Create a "Pathway Watch Program" involving local residents. 7. Proactive law enforcement. Use pathway corridors for bicycle patrol training.
Intersection Safety Roadway and pathway crossings present a potential safety concern between pathway users and cars. See Pathway-Roadway Crossings on page 3-22 for more information.	<ol style="list-style-type: none"> 1. Require all pathway users to stop at public roadway intersections through posting of stop signs. 2. Provide crosswalk striping and pathway crossing warning signs for vehicle drivers. Put Meridian Pathway logo on warning signs. 3. Manage vegetation at intersections to allow visual access at crossings.
Local On-Street Parking	<ol style="list-style-type: none"> 1. Post local residential streets as parking for local residents only to discourage pathway user parking. Place "no outlet" and "no parking" signs prior to pathway access points.
Trailhead Safety	<ol style="list-style-type: none"> 1. Clearly identify trailhead access areas. 2. Provide sufficient lighting and visibility around trailhead. 3. Provide a Public Safety telephone to provide access to communications.



Safety Issue	Recommended Improvements
Vandalism	<ol style="list-style-type: none"> 1. Select benches, bollards, signage, and other site amenities that are durable, low maintenance, and vandal resistant. 2. Respond through removal or replacement in rapid manner. 3. Keep a photo record of all vandalism and turn over to local law enforcement. 4. Encourage local residents to report vandalism. 5. Create a pathway watch program; maintain good surveillance of the corridor. 6. Involve neighbors in pathway projects to build a sense of ownership. 7. Place amenities (benches, etc.) in well-used and highly visible areas.

Safety Inspections

Regular inspection of the pathway and associated amenities is a key factor to pathway safety. Periodic visual inspections should be conducted by Parks and Recreation works crews and can help identify and correct problems before they become an issue. A fallen tree or limb for example can be readily removed from the pathway or coned off to divert pathway users away from the hazard until maintenance crews can remove the hazard. A written record of inspections is recommended and will help create a database of information that can assist the Parks and Recreation staff in several ways. Written records can reveal safety trends and use patterns that can assist with prioritizing of maintenance dollars. Written records also can help protect the City from potential liability, providing documentation of diligent maintenance practices targeted towards protection of the public. A typical inspection record should include:

- Inspection reports noting any hazards that have been found along the pathway along with remedial action. This should note basic items such as debris found on the pathway, wash outs, or other pathway obstructions
- Monthly inspections of the pathway system. These inspections should document the condition of the pathways and notes should be made of any potential hazards on the pathway (cracks, erosion, overhead vegetation, etc.). Corrective actions should be integrated into the next 30-day work plan.
- Quarterly visual and operational inspections of all of the park amenities such as benches, signage, drinking fountains, bike racks, etc. Recommended corrective actions should be made and be integrated into a three-month maintenance work plan.

The City should set up a resident response system so that problems with the pathway can be systematically recorded if maintenance crews are unable to visit the pathway daily.



Pathway Closure

Any City pathway should be closed if any heavy equipment is expected to use the pathway, or when any maintenance or construction activities are occurring that could be injurious to the public. Meridian should take appropriate measures to notify the public of closure of the segment of pathway and arrange detours where appropriate.

Pathway Liability

Liability is an important area of concern for many pathway projects. Liability refers to the obligation of the pathway operator or owner to pay or otherwise compensate a person who is harmed through some fault of the pathway operator.

Overview of Concerns

These are the likely liability concerns about the intentional location of the pathway near or on private property:

- The concern that the pathway users might not be considered trespassers if the property owner invites and permits pathway use within a portion of their right-of-way, and if that were the case, the concern that the landowner might therefore incur a higher duty of care to pathway users than they would otherwise owe to persons trespassing on their corridor.
- The concern that incidents of trespassing might occur with greater frequency due to the proximity of a pathway.
- The concern that pathway users might be injured by activities on the private land.
- The concern that injured pathway users might sue the property owner even if the injury is unrelated to activities occurring on the property.

Definitions and Laws

As the owners and occupiers of their rights-of-way, property owners have legal duties and responsibilities to persons both on and off their premises. The property owners have a duty to exercise reasonable care on their premises to avoid an unreasonable risk of harm to others on adjacent properties.

In most states, the duty of care owed to persons who enter another's property depends on whether the injured person is considered a trespasser, a licensee, or an invitee. A trespasser is a person who enters or remains upon land in possession of another without a privilege to do so, created by the possessor's consent or otherwise. A licensee or invitee is a person on the owner's land with the owner's permission, express or implied. Trespassers are due a lesser duty of care than invitees and licensees.

Unique characteristics of potential pathway corridors in Meridian that may affect the extent to which liability is potentially enlarged include:

- Ownership of land by multiple parties



- Irrigation district policies and standards
- Narrow ROW of certain corridors
- Roadway and railroad crossings

Available Legal Protections

Potentially offsetting some or all of a landowners liability are the State-enacted Recreational Use Statutes (RUSs). All 50 states have RUSs, which provide protection to landowners who allow the public to use their land for recreational purposes. A person injured on land made available to the public for recreational use must prove that the landowner deliberately intended to harm him or her. States created RUSs to encourage landowners to make their land available for public recreation by limiting their liability provided they do not charge a fee. Companies, institutions, and individuals that agree to a pathway on their property would have limited liability due to these statutes.

In Idaho, the following laws and statutes apply:

Recreational Use Statutes (RUS)	Pathway, Rails-to-Pathways Program, Recreational Pathways System, or Similar Statute	Government Tort Liability Act
Idaho Code §§ 36-1601 to -1604 (2000)	Idaho Code § 67-4236 (2000) Indemnification of owners of land adjacent to trails Allows State to indemnify the owner of private land adjacent to trail, for damage caused by trail users, for which the owner was unable to recover from the user who caused the damage	Idaho Code § 6-901 et seq. (2000)

Idaho Code §§ 36-1604: Limitation of liability of owner states:

(a) Statement of Purpose.

The purpose of this section is to encourage owners of land to make land and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:

1. “Land” means private or public land, roads, trails, water, watercourses, irrigation dams, water control structures, headgates, private or public ways and buildings, structures, and machinery or equipment when attached to or used on the realty.



2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
3. "Recreational purposes" includes, but is not limited to, any of the following or any combination thereof: hunting, fishing, swimming, boating, rafting, tubing, camping, picnicking, hiking, pleasure driving, bicycling, running, playing on playground equipment, skateboarding, athletic competition, nature study, water skiing, animal riding, motorcycling, snowmobiling, recreational vehicles, winter sports, and viewing or enjoying historical, archeological, scenic, geological or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. Neither the installation of a sign or other form of warning of a dangerous condition, use, structure, or activity, nor any modification made for the purpose of improving the safety of others, nor the failure to maintain or keep in place any sign, other form of warning, or modification made to improve safety, shall create liability on the part of an owner of land where there is no other basis for such liability.

(d) Owner Assumes No Liability. An owner of land or equipment who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Provisions Apply to Land Subject to a Conservation Easement. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land subject to a conservation easement to any governmental entity or nonprofit organization.

(g) Owner Not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.



2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.

3. Apply to any person or persons who for compensation permit the land to be used for recreational purposes.

(h) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property.

Liability Exposure Reduction Options

Besides the federally mandated RUSs, there are additional available legal protections that reduce risk for adjacent property owners on RWT projects. Table 5-3. lists the options for additional measures.

Table 5-3. Liability Protections

Options	Intent
Pathway state statute	Create state legislation that limits liability
Trespassing legislation	Creates state legislation that specifically prohibits pathway users from going onto private property outside of the pathway
Insurance	Purchase additional insurance to indemnify and provide additional protection to certain landowners.
Transfer of ownership	The City enjoys additional limitations of liability for injuries occurring on City-owned property.

