

To: Tunbridge Selectboard
From: John Echeverria
Re: Bikes on Legal Public Trails
Date: September 13, 2020

I am writing to urge you to adopt a clearer policy or legal ordinance recognizing that bicycles or other wheeled vehicles are not an appropriate public use of the Tunbridge legal public trails. I have an interest in this issue because my wife Carin Pratt and I own the Dodge Farm, which has portions of two legal public trails on it. (There are several other trails on the Dodge Farm, including a segment of the VAST trail system, which the public currently uses with our permission.) This recommendation addresses the need for a clearer rule regarding bicycles and other wheeled vehicles on all of the legal public trails in Tunbridge.

Current Policy and Practice: My understanding of the town's current policy and the longstanding practice has been for bicycles not to use the legal trails without landowner permission. The Town Plan states: "Bicycles and Pedestrians. Many residents bike or walk on town roads in Tunbridge. The rural nature of most of Tunbridge's roads makes bike and pedestrian travel reasonably safe. However, bike and pedestrian travel along the Route 110 is less safe due to higher traffic volume and speed and a lack of available shoulders. Tunbridge has 2.45 miles of legal trails, **all of which can be used by the public for hiking**. Additional recreational opportunities can be found using trails maintained by VAST." As landowners, our practice has been to ask operators of bicycles (and other wheeled vehicles) not to use the legal public trails on the Dodge Farm. They have generally complied with these requests. Opening the legal trails to legal use by bicycles (and perhaps other wheeled vehicles) without landowner permission would represent a change in town policy and current practice, at least on the Dodge Farm. Notwithstanding the current policy and practice, conflicts over use of the legal trails by bicycles have recently increased and could increase even more in the future for the reasons described below.

Physical Unsuitability of the Legal Public Trails for Use by Wheeled Vehicles. I recently walked the legal trails and have had the opportunity and talk to the owners of the lands subject to the trails. It is apparent, for a variety of reasons, that the town's modest legal trail system is not physically suitable for intensive use by bicycles and other wheeled vehicles:

- Several of the trails include significant segments of sloped, sunken former roads that are very wet and severely eroded, making it near if not completely impossible for any biker to navigate from one end of the trail to the other. In addition, there is significant natural blowdown obstructing these trails. The trails I am referring to are Baptist Hill Road trail and Cross Road trail. It is not practical to try to remedy these problems, even if there were interest in doing so, given the large volume of water that flows through the eroded segments. I understand that periodic efforts have been made to make the

Cross Road trail passable, but those efforts have been abandoned as useless. On the Dodge Farm, we have made efforts to make the eroded Baptist Hill segment passable but have likewise given up. As a result, there is apparently little public use (by bikers or anyone else) of the eroded segment of the Cross Road trail, and as far as we know the eroded segment of the Baptist Hill Road trail has not been used by anyone for any purpose in recent years.

- Several of the trails cannot practically be used without going onto adjacent private lands either because the trails dead-end into private property (Falls Hill Road trail) or because a portion of the trail is impassable due to wet conditions and blow down in the public right of way, as discussed above (Baptist Hill Road Trail, and Cross Road trail). Thus, these trails, in practice, cannot be used by bikers without trespassing on private lands if the owner objects to bicycle use.
- Finally, bicycle use of several of the trails would severely impinge on private uses of private lands for residential and commercial purposes because of the locations of the trails immediately adjacent to private homes and other buildings. The trails falling into this category include the Orchard Road trail (at both ends), the Baptist Hill trail (at both ends), and the Cross Road trail (at both ends).

Maintenance Burden on Landowners. Use of the legal trails by bicycles and other wheeled vehicles would place an unfair maintenance burden on the owners whose lands are subject to the trails. The town does not maintain either Class Four roads or public legal trails. As discussed above, some of the trails have fallen into disuse and are presently impassable. Other trails are currently maintained by the owners for various reasons. Intensive bicycle and other wheeled vehicle use would degrade the trails, potentially causing permanent damage of the kind some of the trails have already suffered or, at a minimum imposing significant, costly maintenance burdens on the owners.

Public Safety Concerns. Making bicycle and other wheeled vehicle use lawful on the legal trails also would create a serious public safety problem, and potential legal liabilities for the town and/or the landowners. We are all familiar with the stories about visitors to the region using GPS maps to navigate and finding themselves trapped on impassable, unmaintained roads. If the legal trails were declared open to bicycle use, novice bikers would predictably find themselves stuck or injured on impassable legal trails. It would be irresponsible to invite general public use of trails that are not physically suitable for general public use.

Planned Expansion of Biking in Tunbridge and the Region. Concerns about the impact of bicycle use on the legal trails are heightened by recent initiatives in the community to expand bicycle use as a recreational sport. In particular, following on the Four-Town project, a group of citizens is advocating making Tunbridge and the surrounding region a center for biking activity. The proponents of this initiative have secured the assistance of the National Park Service in planning this major initiative. The proponents have cited the example of the very popular (but controversial) Kingdom Trails in Burke, Vermont, as the model for this project. If this project goes forward, it will inevitably generate greatly increased bicycle traffic throughout the town. Now, before this initiative is launched, is the right time to clarify where bicycles (and other wheeled vehicles) ARE allowed by public right and where they are NOT allowed by public right.

The Variety of Wheeled Vehicles. A prohibition on all wheeled vehicles without landowner permission will provide an appropriate line between permitted public uses of the legal public trails and other uses of the trails that are not permitted by public right. All of the legal public trails (or at least parts of them) are currently used by public right by hikers, which presumably should include runners, birdwatchers, skiers, and snowshoers. Opening the trails to bicycles would create a need to grapple with the definition of a bicycle; for example, would increasingly common e-bicycles be allowed? If e-bicycles were allowed, would gasoline-powered bicycles (i.e., motorcycles) be allowed as well? Would ATV's be permitted? A clear rule prohibiting all wheeled vehicles without landowner permission has the advantage of being relatively easy to understand and enforce.

The Availability of Expansive Opportunities for Biking in Tunbridge (and the Surrounding Towns). The obvious also deserves emphasis: Adopting a clear rule against the use of bicycles on the small, scattered pieces of legal trail in Tunbridge without owner permission would not materially detract from the opportunity for bicyclists to ride in the town. Tunbridge is blessed with many miles of paved and unpaved roads that are maintained by the town and can be used by bicyclists. In addition, there is virtually no limit on the potential for bicycle advocates to obtain regular access to private lands by forging cooperative relationships with private landowners. The extensive, cooperative outreach to private landowners conducted on an ongoing basis by VAST may provide a useful model for bicycle advocates.

Thank you for your consideration.