MANAGEMENT STRUCTURE

no responsibility. During the course of this study we evaluated several successful trail management structures. They included:

1. Trail Organization
2. County Parks / Trail Department
3. Intergovernmental Trail Coalition
4. County Trail Advisory Board
5. Trail Authority

These management structures were evaluated to determine which option best meets the needs of the County, the municipalities, and the trail itself. At the conclusion of this analysis, we recommended a structure which includes establishing a new intergovernmental agency whose sole purpose is the management and operation of the trail, supported by a non-profit organization which will be established to maximize funding opportunities and coordinate volunteer services. We recommend this organization consist of representatives of each municipality impacted by the trail, as well as, one representative from Centre County, one representative from the Pennsylvania State University, and one representative from the Spring Benner Walker Joint Authority.

The intergovernmental agency should be created in accordance with Pennsylvania Act 177, which specifies the requirements for creating such an agency in Pennsylvania. Further, we recommend discussing potential opportunities with the Centre County Community Foundation, Inc. to serve as the private, non-profit component that is desired.
The Centre County Planning and Community Development Office conducted this feasibility study to determine the viability of constructing a shared use path, connecting State College and Bellefonte, following the former Bellefonte Central Rail corridor. The corridor is approximately fourteen miles long. This study was completed by the Centre County Planning and Development Office on behalf of the participating municipalities: College Township, Ferguson Township, Benner Township, Patton Township, Spring Township, Bellefonte Borough, and State College Borough.

**STUDY FORMAT**

The goals of the Bellefonte Central Rail Trail project are to:

- Protect and enhance the existing rail / stream corridor and ensure its viability for a recreational trail.
- Determine the feasibility of constructing a shared use path connecting Bellefonte and State College – economic, environmental, political and social feasibility.
- Involve the general public in the development of the Feasibility Study by using a variety of public outreach techniques throughout the process.
- Provide opportunities to develop partnerships: 1) among local governments; 2) between private property owners, local governments, and state agencies; 3) between the public, private, and nonprofit sectors; and 4) with municipal / inter-municipal organizations, departments, and authorities.
- Identify links between environmental protection, recreational opportunity, and economic prosperity related to the trail and integrate resource management and economic development in a sustainable growth plan for the area. Use the synergistic links between the environment and the economy to expand the local economy’s sustainable growth and development.

The duty of care owed to trespassers is very low. The rule in many jurisdictions is that the landowner only needs to refrain from willful, wanton or reckless conduct that could harm a trespasser. Under the attractive nuisance doctrine, a landowner can be held liable for injuries to a trespassing child when the same landowner would not be held liable were the trespasser an adult. An attractive nuisance is anything that may capture the interest of a child and attract the child to trespass onto land in order to investigate the object that is attracting them. The Superior Court of Pennsylvania set forth the rule for determining whether or not something thing is an attractive nuisance in the case Murdock v. Pennsylvania Railroad Company.

What the Murdock court was essentially saying is that the determination of whether or not something is an attractive nuisance is heavily factual and depends greatly upon the individual situation in question. However, the court makes clear that things like farm ponds, streams, and other such features of the land are not attractive nuisances per se. Such things only become attractive nuisances if the pond or other land feature is an open and notorious, “recreation center” that children have been attracted to for a significant period of time or if there is some reason that the pond or other land feature constitutes an, “unusual danger.” Then, the landowner would have a heightened duty to make the premises as safe as possible. Otherwise the landowner has premises safe or to provide a warning of dangers that the trespasser would not likely discover on his own. In addition to tolerated trespassers, a landowner may have a special duty with regard to child trespassers. Most jurisdictions, including Pennsylvania, apply section 339 of the Restatement (Second) of Torts, commonly referred to as the attractive nuisance or child trespasser doctrine. This doctrine requires that the following elements be met in order to win on a claim of attractive nuisance against a landowner:

1. Trespass by children is foreseeable
2. Landowner knows or has reason to know of the danger
3. The child, by reason of age, will not be able to protect himself from the danger.
4. The burden of eliminating the danger is slight compared to the gravity of the potential harm. (Called the Risk Utility Formula)
5. The landowner fails to exercise reasonable care to eliminate the danger or otherwise protect the children.

**INTRODUCTION**

Murdock v. Pennsylvania Railroad Company

“The amount of use that will bring otherwise private ground within the playground rule must depend to a large extent on the circumstances of each case. It may be said that the use contemplated is such as to cause the place to be generally known in the immediate vicinity as a recreation center, and its occupancy should be shown to be of such frequency as to impress it with the obligation of ordinary care on the part of the owner.” The court further states, “To compel the owners of such property either to enclose it or fill up their ponds and level the surface so that trespassers may not be injured would be an oppressive rule. The law does not require us to enforce any such principle even where the trespassers are children. It would be extending the doctrine [attractive nuisance doctrine] too far to hold that a pond of water is an attractive nuisance.”
Richard C. Wilson, P.C. conducted a legal review of the title search prepared by Stone Consulting and Design, Inc. and related title documents to determine the legal requirements for public access to the proposed Bellefonte Central Railroad corridor.

The title search and legal assessment determined a four and one tenth mile segment of the corridor is held by the Spring Benner Walker Joint Authority. Furthermore, it noted 2.75 miles of the proposed trail corridor passes through the existing Toftrees Golf Club & Resort and through those properties being held for future phases of development at Toftrees. Representatives of the Spring Benner Walker Joint Authority and the Toftrees Resort and Golf Club were contacted during the course of this study. Both organizations agreed in principle to provide easements on their properties to provide for the proposed segments of the Bellefonte Central Rail Trail.

The results of the legal feasibility also indicated ownership of the remaining former rail property has reverted to the property owners who are immediately adjacent to the former corridor. In his legal opinion Richard C. Wilson recommends as implementation of the trail begins those responsible for trail development must look ahead to those sections that are likely to be implemented in the upcoming three to five years. Property owners should be contacted in these segments to determine their willingness to permit public access to the proposed trail corridor, and determine what it will require to convey that right. This should occur in steps.

**Step One:** Determine if property owner is willing to donate property or easement for the proposed trail through their property. If yes proceed to negotiating the sale or easement agreement. If the answer is no, proceed to step two.

**Step Two:** Determine if the property owner is willing to sell property or easement for the proposed trail through their property. If no, proceed to step three. If yes, establish sale price.

When property and / or easements are donated or acquired at below market values, that transaction should be discussed with potential funding agencies before the transaction takes place. In the case of PA DCNR, they may allow the value of the property / easement to be used as an in-kind match for a potential trail development grant. Typically, in-kind matches cannot occur before the contract date between PA DCNR and the grantee. However, in this circumstance PA DCNR may approve a request for retroactivity to allow the cost to be applied on a currently submitted or future grant application. However, this must be documented in writing before the property transaction takes place.

This scenario has the potential to play out where the corridor passes through both the developed and undeveloped portions of Toftrees. If the managing partners of Toftrees are willing to provide property or an easement for the proposed trail, the value of this transaction could be used as an...
in-kind match for a grant application in which funds are requested for trail development. If the property is acquired, then the PA DCNR requires a covenant be attached to the grant which permits only recreational use of the land into perpetuity. If an easement or lease is granted, it must be for a term of at least twenty years.

**Step Three:** Is the property a key parcel that must be acquired? Are those who are responsible for developing the trail willing to pay above market value for the right to have public access to the corridor? If yes, proceed with caution. In this scenario you may be setting a precedent, or expectations, for others whom you may need to acquire property from in the future. Further, those who may oppose the trail may chose to hold the development of a particular segment of trail ransom by asking an unreasonable price for the property. This option should be used sparingly, if at all, for key segments where there are no alternatives for the proposed trail alignment.

**Step Four:** Is a public agency willing to use eminent domain to acquire the property for public use upon payment of fair market value.

This is a very controversial topic, a costly and time consuming process that should only be considered as a last resort. In 2007 the Centre County Commissioners went on record by indicating they are not willing to use eminent domain to acquire public access to the proposed Bellefonte Central Rail Trail corridor. Each municipality has jurisdiction at the local level to consider, as a last resort, the use of eminent domain to acquire land for the proposed trail as it passes through their municipality.

Before the use of eminent domain is taken off the table, the following must be considered. Without the use of condemnation, there is no alternative to voluntary acquisition. Individual property owners can ransom the project by demanding a price in excess of fair market value. The potential use of condemnation can itself avoid the use of condemnation by facilitating the private acquisition of the trail corridor.

Each governmental agency must weigh their desire of their community to have the proposed Bellefonte Central Rail Trail with the negative aspects of utilizing eminent domain. In the end this is a difficult decision that may need to be considered by local municipalities and / or the county along the proposed Bellefonte Central Rail Trail corridor.

Taking into consideration the likelihood of obtaining grants, and other financial resources, the following scenarios have been developed to illustrate the true cost of each phase of development to the participating partners. The following table illustrates a potential funding scenario for Phase Ia.

<table>
<thead>
<tr>
<th>Phase Ia - Upper Gyp Road to Coleville Park</th>
<th>Amount</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Value Match</td>
<td>$2,880</td>
<td>Value of donated SBWJA Easement</td>
</tr>
<tr>
<td>In-Kind Services</td>
<td>$161,073</td>
<td>Trail Construction with Road Departments of Multi-Municipal Agency</td>
</tr>
<tr>
<td>Grants</td>
<td>$327,906</td>
<td>PA DCNR</td>
</tr>
<tr>
<td>Cash Match</td>
<td>$115,000</td>
<td>Foundations</td>
</tr>
<tr>
<td>Total</td>
<td>$767,932</td>
<td>Multi-Municipal Agency</td>
</tr>
</tbody>
</table>

Extending this out for each proposed phase of trail development, and assuming participation by seven municipalities, we estimate the required cash and in-kind services matches will average $21,700 and $16,900 respectively. All costs are in 2008 dollars.

Taking into consideration the projected economic development impact of such a trail to the region will be approximately $4 M per year we believe the initial investment to develop the proposed trail will be returned to the region in economic development impact very quickly.
The proposed Bellefonte Central Rail Trail will be an extension of the existing Bellefonte Central Rail Trail located on the Pennsylvania State University’s Arboretum. The existing trail is approximately one and three tenths of a mile in length. The trail extension being considered in this study is a ten feet wide, compacted stone trail. The trail will be designed and constructed in accordance with the American Association of State Highway Transportation Officials guidelines for shared use paths contained in their publication “Guidelines for the Development of Bicycle Facilities”.

### Trail Master Plan

The proposed Bellefonte Central Rail Trail will be an extension of the existing Bellefonte Central Rail Trail located on the Pennsylvania State University’s Arboretum. The existing trail is approximately one and three tenths of a mile in length. The trail extension being considered in this study is a ten feet wide, compacted stone trail. The trail will be designed and constructed in accordance with the American Association of State Highway Transportation Officials guidelines for shared use paths contained in their publication “Guidelines for the Development of Bicycle Facilities”.

### Executive Summary

Opinions of probable construction costs were prepared for each phase of trail discussed in the study. Based on these projections, we estimate the total construction costs to implement each phase of the Bellefonte Central Rail Trail is projected to be $7.6 million in 2008 dollars. To cover escalated costs for construction in future years, beyond 2008, an additional 4% per year should be added to the cost of each phase that remains to be constructed.

#### Opinion of Probable Construction Costs Summary

<table>
<thead>
<tr>
<th>Phase</th>
<th>Description</th>
<th>Opinion of Probable Construction Cost</th>
<th>Ave. Cost per L.F.</th>
</tr>
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<tbody>
<tr>
<td>Ia</td>
<td>Upper Gyp Road to Coleville Park</td>
<td>$764,228</td>
<td>$60.41</td>
</tr>
<tr>
<td>Ib</td>
<td>Buffalo Run Community Park to Lower Gyp Road</td>
<td>$1,381,335</td>
<td>$130.81</td>
</tr>
<tr>
<td>IIa</td>
<td>Montauk Circle Extension</td>
<td>$252,182</td>
<td>$45.28</td>
</tr>
<tr>
<td>IIb</td>
<td>Village at Penn State through Toftrees</td>
<td>$409,176</td>
<td>$31.89</td>
</tr>
<tr>
<td>IIIa</td>
<td>Bellefonte Loop North</td>
<td>$1,151,900</td>
<td>$127.56</td>
</tr>
<tr>
<td>IIIb</td>
<td>Bellefonte Loop South</td>
<td>$1,782,178</td>
<td>$200.92</td>
</tr>
<tr>
<td>IV</td>
<td>Toftrees West to Lower Julian Pike Trail Access Point</td>
<td>$654,370</td>
<td>$116.54</td>
</tr>
<tr>
<td>V</td>
<td>Lower Julian Pike Trail Access to Buffalo Run Community Park</td>
<td>$1,157,482</td>
<td>$46.24</td>
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<tr>
<td><strong>Total Cost</strong></td>
<td></td>
<td><strong>$7,552,851</strong></td>
<td><strong>$95</strong></td>
</tr>
</tbody>
</table>

During the legal feasibility analysis it was determined that Phase V, Lower Julian Pike Access to Buffalo Run Community Park, is currently not feasible due to property owner opposition in the Stevenson Road / Buffalo Run Road corridors.

Assuming seven municipalities will share in the cost of developing Phases I-IV the per municipality cost is $103,666, in 2008 dollars, for each phase proposed. This has not taken into consideration any reduction in cost that may be realized with through grants, gifts, and foundation awards, in-kind services provided by participating municipalities, and /or volunteer services. These aspects can further reduce the cash contribution of participating municipalities.

The projected cost of the overall project can be overwhelming at first. However, to fully understand the financial implications of implementing such a project we must also evaluate scenarios for implementation and

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**Village at Penn State through Toftrees – Proposed Mile Markers 1.25 to 2.75 - Phase IIb**

The existing Bellefonte Central Rail Trail begins on the Arboretum at Penn State’s property in Ferguson Township and extends approximately 1.3 miles to the northwest, passing beneath the Mt. Nittany Expressway and ending at the Penn State/Toftrees property line approximately 600 feet beyond the overpass. An informal trail (for the most part following the former railroad bed) continues through Toftrees from the Penn State/Toftrees property line and existing trail currently ends at the Toftrees Resort and Golf Club. The proposed alignment follows the former rail bed through Toftrees. Approximately 1.25 miles from the former corridor’s intersection with the Mt. Nittany Expressway the proposed trail crosses Toftrees Avenue.
Montauk Circle Extension - Phase IIa

The proposed trail will then continue west past the Tofrees Clubhouse, crossing over Alto Lane, and through several undeveloped properties for a distance of 1.36 miles. These undeveloped parcels are typically held by investors who intend to develop the properties as Tofrees is expanded. There is one exception. The last parcel, 13.68 acres, adjacent to the western boundary of the Cedar Cliff development is held by Beth and Robert Johnson. Approximately 0.34 miles of the proposed trail would cross through this parcel.

At this point the former railroad intersects with Montauk Circle in the Cedar Cliff neighborhood through a 20' wide easement provided for the trail in the Cedar Cliff development. Upon reaching Montauk Circle the proposed trail connects to the Cedar Cliff plan street network. Due to the existing development and subsequent physical loss of the former Bellefonte Central Railroad corridor in the vicinity of Stevenson Road and Basin Street, we recommend the trail terminate at Montauk Circle, and the main spine of the trail progress through the undeveloped portion of Toftrees to Lower Julian Pike Trail.

Village of Penn State through Tofrees – Proposed Mile Markers 2.75 to 4.00 - Phase IIb

Several properties east of the current Tofrees development are owned by various investors who have committed their properties to the expansion of Tofrees. A master plan for these undeveloped properties provides for the continuity of the trail through the proposed Planned Residential Development. We recommend the proposed trail be extended to parallel the access road being proposed in the Tofrees West Master Plan. The proposed road will end in a cul-de-sac therefore we recommend a trail easement be obtained to allow the proposed trail to connect to Lower Julian Pike.

We recommend a Trail Access Point be developed near Lower Julian Pike. This trail access point should provide parking opportunities, a trail kiosk, and potentially restrooms depending on the availability of public sanitary sewer service to the area. This proposed trail access point is located approximately half way between the existing opportunities provided at Sunset Park and the proposed trail access facilities located in Buffalo Run Community Park. We recommend the proposed trail share the road with Lower Julian Pike for a length of approximately one half mile. When improvements to Lower Julian Pike are being considered by Patton Township, every effort should be made to increase the available width of the cartways to provide safe passage for automobiles, cyclists, and pedestrians.

Lower Julian Pike Trail Access to Buffalo Run Community Park- Proposed Mile Markers 4.00 to 8.25 - Phase V

During the public input process property owners between Lower Julian Pike and Buffalo Run Community Park expressed opposition to the proposed trail along the former Bellefonte Central Railroad corridor therefore we’ve concluded that this segment is currently not feasible.

Buffalo Run Community Park to Upper Gyp Road - Proposed Mile Markers 8.25 to 11.00 - Phase Ib

We recommend Buffalo Run Community Park serve as a trail access point. From the park’s parking lot we recommend the proposed trail continue eastward along the former rail corridor across Buffalo Run Community Park, a distance of approximately 0.30 miles, and continue along the northern bank of Buffalo Run approximately 0.50 miles as Buffalo Run turns to the north and flows towards Armagast Road. In this

Executive Summary
Just before the proposed trail reaches mile marker 11.0 the proposed trail will cross Lower Gyp Road. Approximately 0.33 miles east of Lower Gyp Road, east of mile marker 11.25, the proposed trail will cross over Buffalo Run. At this crossing concrete abutments and steel girders indicate where the rail line formerly crossed the stream. We recommend new bridge decks and rails be constructed on the remaining substructure. If the proposed Bellefonte Industrial Track is constructed then the trail would need to be relocated and we would recommend a reinforced fiberglass bridge be constructed adjacent to the existing bridge substructure.

Approximately 0.10 miles further east the former corridor crosses Buffalo Run again, returning it to the southern side of the stream. A three bay concrete arch bridge exists in this location. The rails and the decking were removed when the lines were salvaged after rail operations ceased. As with the previous crossing the proposed Bellefonte Industrial Track may re-use this bridge in the future. Until that time we recommend a deck and railings be added to the existing substructure to accommodate the proposed trail.

Approximately 1.32 miles further east, east of mile marker 12.50, the former corridor again crosses over to the north side of Buffalo Run. At this crossing concrete abutments and steel girders indicate where the rail line formerly crossed the stream. Therefore, we recommend constructing a deck and railing on the remaining substructure and if and when the Buffalo Run Industrial Track is constructed a new bridge can be constructed.

At the eastern end of this bridge the former corridor is obliterated by Burns Salvaging operation. A 0.9 acre parcel, owned by Patrick Burns, is being utilized as a scrap processing operation. It appears that the operations extend beyond the Burns property lines onto the surrounding Graymont parcel where the former rail corridor passes through.

Following the corridor east, approximately 0.41 miles, near mile marker 14.00, the proposed trail reaches Coleville Park, located on the Graymont Property. There is little known about the development of Coleville Park. The park sits on property owned by Graymont and to the knowledge of current Graymont and Borough representatives, there was never a written agreement executed for the park. However, verbal histories indicate a handshake agreement provided for the development of the park.

The park is in a state of disrepair, and has been a location which has been frequently vandalized in the past. This is primarily due to the park’s location. The park sits behind residential development along Lower Coleville Road and the local neighborhood has not taken ownership of the park. We recommend the Borough and Township formalize agreement for the park with Graymont through a written agreement. Then we recommend the park be improved by: providing wayfinding signs to direct visitors to the park; the access road be improved; that illegal dumping on the access road to and through the park be removed; that the Borough police actively patrol this area to discourage illegal dumping; a formal parking lot for ten to fifteen cars be constructed; that a trail access point kiosk be constructed, and consideration be given to placing a destination playground in the park. With increased park usage and visitation vandalism in the park should be reduced significantly. At a point in the future the park needs to be re-evaluated to determine whether conditions are appropriate to construct a restroom facility at the park to serve park and trail users.

At this point the Spring Benner Walker Joint Authority ownership of the former corridor ends. The former corridor extends approximately 0.10 miles east on the Graymont property, before reaching property of the SEDA Council of Governments (SEDA COG) Joint Rail Authority. At this point the proposed trail must divert from the former corridor to reach the Bellefonte Waterfront District, located approximately 1.10 miles east of the SEDA COG parcels.

segment the proposed trail will extend along the rear of approximately six residential parcels. In this area we recommend split rail fencing be installed between the proposed trail and the residential property as required to accommodate and be good neighbors to the adjacent residential property owners. The fencing will discourage trail users from wondering on to the private property. We also recommend landscape screening be installed as needed to maintain the privacy of the adjacent residential properties. Last, we recommend private property, stay on the trail, and no trespassing signage be installed in this area. From Buffalo Run Community Park, the proposed trail continues along the northern bank of Buffalo Run as it turns to the north and extends to Armagast Road.

East of Armagast Road and heading northeast for a distance of 4.1 miles the former rail corridor is owned by the Spring Benner Walker Joint Authority. The Authority is very supportive of the proposed trail, and during the public input process conducted for this project they have verbally committed to provide a trail easement to allow the trail to pass through their property.

Immediately east of Armagast Road is the Mace property along the southern border of the former rail corridor. This property, along with other parcels to the southeast, was known as Hunter Park during the heyday of the railroad. We recommend a split rail fence between the proposed trail and the Mace property, and that private property, stay on the trail, and no trespassing signs be placed along the border with the Mace property to discourage trail users from wandering onto the Mace property.

Beginning at the former Hunter Park the topography surrounding the corridor transitions from a broad level plain, to the ridge and valley formation for which the area is known. East of the former Hunter Park the corridor follows the southern bank of Buffalo Run and the topography on the north and south banks of the stream begins to climb not far from the center line of the stream. This section of the former corridor, from Armagast Road to Coleville Park in Bellefonte, is secluded and protected from views into and out of the adjacent properties. Therefore, it is an attractive area for unauthorized ATV use. As the trail is developed through this section, special attention must be given to placing barriers along this corridor to prevent motorized use. Furthermore, we recommend enforcement efforts be focused on this segment. From Armagast Road the corridor proceeds east for a distance of approximately 1.32 miles to its intersection with Upper Gyp Road.

Immediately north of the Mace property the former rail corridor crosses Buffalo Run twice. There are no existing structures remaining in this area. Therefore, we recommend new abutments and reinforced fiberglass bridges be installed.

Between mile markers 9.50 and 9.75 the proposed trail will cross a private drive, Rasberry Lane. The proposed trail continues eastward and in the vicinity of mile marker 10.25 the former rail bed crosses two unnamed tributaries to Buffalo Run. Crossings could not be located and are assumed to be culverts. Just east of the second crossing the proposed trail reaches Upper Gyp Road.

Upper Gyp Road to Coleville Park- Proposed Mile Markers 10.00 to 13.00 - Phase 1a

From Upper Gyp Road the former corridor continues east approximately 0.60 miles to Lower Gyp Road. Near mile marker 10.50 the trail will cross over to the north side of Buffalo Run and then after a distance of less than 200 feet cross the stream a second time and return to the south side of Buffalo Run. At these two crossings concrete abutments and steel girders indicate where the rail line formerly crossed the stream. We recommend these structures be reused, and that a reinforced fiberglass bridge be placed on top of the remaining substructures to provide for the stream crossings.
Description of Phases

Phase Ia - Upper Gyp Road to Coleville Park
Phase Ib - Upper Gyp Road to Buffalo Run Community Park
Phase IIa - Montauk Circle Extension
Phase IIb - Village at Penn State through Toftrees
Phase IIIa - Bellefonte Loop North
Phase IIIb - Bellefonte Loop South
Phase IV - Toftrees West to Lower Julian Pike Trail Access
Phase V - Lower Julian Pike Trail Access to Buffalo Run Community Park - Currently Not Feasible