

Iowa River Trail Approval: Date

Guidelines for PCC Granting Trail Access for Motorized Vehicle Crossings

Overall Rationale

The PCCB trail system mostly consists of “rail-trails” – rail line corridor conversions to trails. These rail lines are not abandoned corridors but routes set-aside for trail purposes that may at any time be returned to the rail system. PCCB is not obligated to grant additional access rights beyond those the railroad already provides. New crossings are discouraged for that reason, and for the purpose of maintaining a safe and high quality rail/trail system.

In many instances, access requests across the trail can be accommodated with access from a county road or other public right-of-ways. Those accesses must take priority over trail access. If those alternatives exist, access shall not be provided across the trail. It should be noted that failure to grant a new access does not amount to a “taking” but instead represents maintenance of the status quo.

In order to maintain a consistent trails system, these guidelines are recommended for use along all Polk County trails, regardless of their origins.

Proposed Guidelines

1. Field access for agricultural purposes, when no other access is available, would be provided in accordance with state law with party seeking access responsible for legal description, associated survey, and costs of attorney drafting easement language/agreement.
2. Residential access may be considered when no reasonable or feasible access points are available due to no fault of the landowner requesting access (including but not limited to the knowledge of the Grantor and Grantee during conveyance). Purchasers of divided or subdivided parcels are expected to obtain access from the seller or developer, or existing access points, and not through new trail crossings. Polk County Conservation is not responsible for a purchaser’s neglect to do this, or for the erroneous representations about access made by sellers, developers, or real estate agents. If granted, costs as described above apply.
3. Residential access, if granted, will be restricted to one single family residence.
4. When development is appropriate and in accordance to regional land use plans, compensation for access is required. Additional restrictions may be imposed on the grantee to provide for the safety of trail users and to maintain the integrity of the trail, including appropriate measures, should the trail return to the rail system, including the payment of damages.
5. When access points are considered appropriate, final authorization of access will be contingent upon PCCB approval of access design and construction, including checking of grade, materials, other construction considerations and environmental impacts.

6. In rural areas, access points should be spaced no closer than ½ mile apart if no other reasonable or feasible access is available.
7. Urban area access points should also be restricted to no closer than ¼ mile separation if no other reasonable or feasible access is available.
8. When an easement is granted, recommended terms of such an easement include (but are not limited to):
 - Easement terminates if rail line is reactivated
 - Similarly, accesses granted for any given land use purpose terminate with a change in that land use
 - Grantee yields to trail users at all times and will be responsible for posting and maintaining appropriate traffic yield signs required as a condition of the access easement
 - Grantee pays access costs of installation and maintenance in accordance with PCC specifications (e.g., signs, access surfacing, drainage structures, etc.)
 - Any new fencing required by grantee will be the responsibility of the grantee; any new fence required by grantor will be shared equally by grantor and grantee using the “right-hand rule.” Maintenance of any new fences shall be according to the 'right-hand rule
 - Funding for future maintenance of trail will be required as a part of any trail access easements