

55-15-1 Non-Recreational Motorized Trail Use Permits

I. PURPOSE

The long-term preservation of publicly owned and managed long-distance trail corridors has many economic, social, environmental, and cultural benefits, and the protection of the integrity of these corridors is of paramount importance. State Parks also recognizes that working agricultural lands benefit the state and that long-distance trails may, in some cases, act as barriers to efficient commerce. Some flexibility in allowing limited use of these corridors by motor vehicles is in the public interest.

The purpose of this policy is to provide guidance to Washington State Parks and Recreation Commission (State Parks) staff on permitting motorized non-recreational use of state park long-distance trail corridors. This policy does not apply to trail crossings, perpetual easements, park and corridor maintenance activities, emergency response activities, park concessions, or short-term special events or activities.

II. DEFINITIONS

- a. **Conversion:** In areas where land was acquired or improved with grant funding from the Recreation and Conservation Office (RCO), a conversion is a project status that results when use or function of recreation or habitat land or facilities changes to uses or functions other than those for which assistance originally was approved. Converted projects must be corrected by replacement with land and facilities of equivalent size, function, and value.
- b. **Corridor Maintenance Activity:** Repair, replacement or maintenance of fences, hedges, walls, or other structures by adjacent landowners
- c. **Equestrian:** A person riding a horse. For the purposes of this policy, as it relates to motor vehicle width restrictions, equestrian does not include wagon riders.
- d. **Flagger:** A person who provides temporary traffic control.
- e. **Long-distance trails:** Stand-alone trails or trails within linear parks, usually located on former railroad rights-of-way. State Parks long-distance trails include John Wayne Pioneer Trail, Willapa Hills Trail, Columbia Plateau Trail, Klickitat Trail, and Spokane River Centennial Trail. This policy does not apply to long-distance trails that only pass through State Parks property for a small portion of their extent, such as the Olympic Discovery Trail, the Pacific Northwest Trail, or the Discovery Trail.

- f. **Motorized recreational use:** Motorized use for the purpose of enjoyment, often using all-terrain vehicles, off-highway vehicles, or motorcycles.
- g. **Motor vehicle:** A terrestrial vehicle that is self-propelled using a motor or engine but not operated upon rails.
- h. **Non-recreational motorized use:** Motorized use of a State Parks long-distance trail for the purpose of access to an adjacent landowner's property.
- i. **Other Power-Driven Mobility Device (OPDMD):** Power-driven devices other than wheelchairs used for locomotion by individuals with mobility disabilities. They are devices powered by batteries, fuel, or other engines, and may or may not be designed primarily for use by individuals with mobility disabilities. OPDMDs include golf carts, electronic personal assistance mobility devices, such as the Segway® PT, or any other mobility device designed to operate in areas without defined pedestrian routes.
- j. **Significant degradation:** Unmitigated loss or diminishment of scarce or sensitive public resources.
- k. **Trail corridor:** A zone that includes the trail tread and the area to the sides of it, including all adjacent property owned or managed by State Parks that is dedicated to the trail and its supporting uses. The typical width of a State Parks trail corridor is 50 feet on center, or 100 feet total, but corridor widths can be narrower or wider.
- l. **Trail tread:** The portion of the trail on which people travel.

III. GENERAL PRINCIPLES

- a. Non-motorized recreation remains the principal use of State Parks long-distance trails, and the safety and pleasure of park visitors must not be significantly compromised by permitted motor vehicle use.
- b. State Parks facilities, recreational values, and natural and cultural resources must not be significantly degraded by permitted motor vehicle use. State Parks may, at its sole discretion, not approve non-recreational motorized use of a trail if impacts from such use cannot be sufficiently mitigated, as determined by State Parks.
- c. Other than snowmobiles in designated areas, and OPDMDs, motorized recreational use of state park long-distance trails is prohibited.
- d. Non-recreational motorized use of a trail corridor will only be considered in areas where there is no other practical alternative for access to an abutting property. A practical alternative is defined as another access route, existing or legally permissible, that is economically feasible and

environmentally acceptable, as determined initially by State Parks, and finally by the appropriate permitting agencies.

- e. Non-recreational motorized use of the trail tread will not be considered in areas of high recreational use as determined by State Parks using trail counts or direct observation of recreational trail use. When evaluating a permit renewal, State Parks will also consider whether recreational use has been displaced by the permitted non-recreational motorized use by evaluating use patterns on the impacted trail section in comparison to patterns on adjacent or similar sections of trail. If State Parks determines that recreational use would likely be high without the permitted non-recreational motorized use, the permit renewal will not be approved.
- f. Wherever feasible, and where it will not cause significant resource degradation, non-recreational motorized use should be adjacent to, rather than on, the recreational trail tread.
- g. There should be no net cost to the state to permit, maintain, monitor, or manage permitted non-recreational motorized use of State Parks trails. Permit fees should cover necessary state costs.
- h. State Parks will be the sole determiner of long-distance trail standards and condition requirements. The condition of permitted sections of trail must be maintained consistent with standards for comparable non-permitted sections of the trail.
- i. Any damage to the trail corridor caused by permitted non-recreational motorized users will be repaired to State Parks satisfaction as soon as feasible; such damage must not be allowed to accumulate for repair at the end of a use season. Permittees should consult with State Parks before undertaking any repairs. Unrepaired damage will be cause for permit revocation.
- j. Any modification to State Parks property must be approved in writing prior to construction.
- k. State Parks will abide by any deed restrictions or other requirements imposed by the RCO, other grant funding agencies, or by permitting agencies. No use that results in a conversion or that is in violation of a building or environmental permit will be permitted.

IV. OTHER REQUIREMENTS

Permits for non-recreational motorized use of State Parks long-distance trails will include language and/or contract conditions as required for the protection of the park's natural, cultural, historic, and recreational values. Such conditions may include, but are not limited to:

- a. The size and type of vehicles driven on the recreational trail tread must not prevent safe passing by pedestrians, bicyclists, skiers, or equestrians while remaining on the trail tread except under the following conditions:
 - i. The permittee provides flaggers or temporary barricades at the next road crossings or trail access points on either end of the trail section being used
 - ii. The motorized use must not delay recreational use for more than 10 minutes in one occurrence, and for no more than 60 minutes in any day during daylight hours.
 - iii. The vehicle track width, including its tires or tracks, must not exceed 90% of the width of the trail tread.
- b. Vehicle weights will be limited on trail sections and bridges when warranted.
- c. Vehicle width must not exceed the width of bridge railings or curbs.
- d. Motorized use will not be permitted through tunnels.
- e. The number of permitted vehicles using the same section of trail may be limited based on recreation use demands.
- f. The speed limit for motorized use must not exceed 15 miles per hour, except within 200 feet of recreational trail users, where speed must not exceed 5 miles per hour.
- g. Vehicle operators must yield to recreational trail users within 30 feet, and come to a complete stop to allow recreational users to pass. When encountering recreational trail users with horses or other pack animals, the vehicle operator must also turn off the vehicle until the animals have safely passed, unless the vehicle operates silently.
- h. State Parks bollards, gates, or other barriers must be replaced and relocked after each use, and permittees will not duplicate keys or make keys or lock combinations available to parties other than their employees or agents.
- i. Vehicle and equipment operators shall abide by all applicable licensing and safety regulations, and will not engage in any use of State Parks land that is in violation of any Federal, State, or local law.
- j. Vehicle operators shall carry their permit, and display it when requested by State Parks staff. Permittees are responsible for ensuring any vehicle operators under their permit understand and abide by permit requirements.
- k. In times or places where fire danger is elevated, State Parks may prohibit motor vehicles on the trails entirely or may require fire prevention and fighting measures. This may include, but is not limited to, vehicle exhaust

modification, or firefighting tools, extinguishers, and/or a pump unit until the fire danger is over.

- l. State Parks may restrict non-recreational motorized use during special events or while it implements repairs or capital projects.
- m. State Parks may restrict non-recreational motorized use in areas or times when priority, listed, or other sensitive species inhabit the trail corridor.

V. PROCESS

The following process will be used to determine whether a request for non-recreational motorized use is permitted:

- a. Applicant will complete State Parks Application for Real Property Agreements.
- b. State Parks staff will review the application.
- c. If staff is considering permitting the use:
 - i. Relevant information will be posted to the State Parks website for a 14-day public comment period. A notification will be sent to known interested parties. Longer comment periods may be considered in extraordinary cases, at the discretion of the Assistant Director, Parks Development.
 - ii. Staff will consult with the Recreation and Conservation Office, and submit an Allowable Use Request if needed.
- d. Final determination will be made by the Assistant Director, Parks Development. Most determinations will be made within 30 business days of application, but more time may be needed if the request must be reviewed by the Recreation and Conservation Office or other agencies.

VI. VALUATION

The State Parks and Recreation Commission sets application and processing fees and guides staff in deriving use fees in its annually revised "Fee Schedule—Real Estate and Concession Services." Fees for non-recreational motorized use permits are only intended to cover necessary state costs to approve and manage the permit.

- a. State Parks may, at its sole discretion, consider and accept non-monetary compensation or benefits in lieu of or in addition to monetary consideration when authorizing permits or other agreements, provided the action is consistent with federal and state law and with Commission policy. The in-kind services shall be documented and accepted in writing as being of equal or greater value than the monetary fee value for the use.

- b. State Parks may, at its sole discretion, waive or reduce use fees in lieu of other considerations when the proposed user is a public entity or a non-profit organization.
- c. In addition to use fees, State Parks may require liability insurance and a surety bond or savings account assignment.

VII. ASSIGNMENT

A State Parks non-recreational motorized user permit may only be used by the permittee or the employees or agents of the permittee. The permit is not assignable.

VIII. TERM

The maximum term for a non-recreational motorized use permit on the trail tread is 5 years. State Parks reserves the right to review and cancel use based on changing circumstances. Permits shall not be cancelled without cause and any cancellation will consider costs incurred by permit holders to comply with terms of the permit (e.g., road construction, equipment, or fencing). In trail sections with improvement projects underway at the time of application, a shorter term may be approved to allow for consideration of higher recreation use levels after the improvement project. Longer terms will be considered for use adjacent to, but not on, the recreational trail tread. After expiration, a renewal request may not be approved if conditions or recreational use patterns have changed.

IX. TERMINATION

A non-recreational motorized use permit will remain in effect during its full term unless:

- a. The permittee is twice found in violation of the terms or conditions of the permit agreement without substantive reason, as determined by State Parks.
- b. State Parks receives consistent, repeated, and substantiated complaints from recreational users or adjacent landowners about the motorized use.
- c. The cost for State Parks to maintain the trail in a condition suitable for motorized use becomes prohibitive, such as if the trail becomes unusable due to damage not caused by the permittee, and State Parks is unable to repair that damage.
- d. State Parks cancels the permit due to changing circumstances, such as increased levels of recreational use.

State Parks will communicate with the permittee before cancelling a permit, and whenever feasible will provide at least a 30-day notice of cancellation.

X. APPEAL

An applicant whose permit request has been denied by the Assistant Director, Parks Development may appeal this decision in writing to the Director within 30 days. The Director's decision is final.

Commission Action Date: January 29, 2015

Agenda Item: E-1: Non-Recreational Use of State Park Long Distance Trails Corridors

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Director's Signature