THE OTHER END OF THE TRACKS

IN THE PUSH TO CONVERT RAIL LINES TO TRAILS, FEAR MAKES A POWERFUL OPPONENT.

BY SILAS CHAMBERLIN
In March, the Supreme Court handed down a decision challenging the federal government’s right to convert an abandoned railroad right-of-way near Laramie, Wyoming, into a recreational path—or “rail trail”—known as the Medicine Bow Trail. The case, *Marvin M. Brandt Revocable Trust v. United States*, involved a landowner, Marvin Brandt, who had been granted federal lands that included a railroad easement. When the railroad company abandoned the corridor in 2004, the government sought to develop it as a trail, whereas Brandt believed the rights to the property reverted to him. The court sided with Brandt. Even Justice Stephen Breyer, a devoted cyclist, agreed that the proposed bicycle path threatened the sanctity of private property. “I certainly think bicycle paths are a good idea,” he said during the hearing, but “for all I know, there is some right-of-way that goes through people’s houses, you know, and all of a sudden they are going to be living in their house, and suddenly a bicycle will run through it.” Although the implications of the ruling were fairly limited—affecting only certain rail lines, primarily in the West, that lie on federally granted rights-of-way—the case drew new attention to a recurring threat to rail trails: opposition from adjacent landowners.

Aside from a few major court cases such as *Brandt*, most grassroots disputes involving trails have played out in municipal meeting halls and in the pages of local newspapers. “All we’re trying to do is create something here that hasn’t existed for 100 years—someplace in this county where you can go and not be concerned that you’re going to be run over,” Barry Shabbick explained, as he stood in front of his township’s commissioners and a packed room in Lehigh Township, a rural corner of Pennsylvania’s Lehigh County. This was in March 2012, and Shabbick, a township resident, was pleading the case for the development of a short path along an abandoned railroad corridor. The path—like many of the estimated 1,850 rail trails across the country—would pass through a mix of public parks, private backyards, former industrial sites, and small downtowns. Before Shabbick could finish, the crowd responded with an outcry of boos and hisses. One homeowner turned to another. “They ain’t gettin’ on my land,” he said, speaking loudly enough to be heard by all. “I’ll fight ‘em!”

In the 21st century, rail trails typically conjure up images of happy families bicycling on a flat, safe path, elderly couples out for a stroll, and new small businesses popping up to cater to trail users. The Rails-to-Trails Conservancy, a national advocacy group based in Washington, D.C., estimates that there are more than 20,000 miles of rail trails on the ground, and more than 9,000 additional miles can be found in comprehensive plans waiting to be built.

The apparent success of rail trails, however, has masked divergent and often hotly contested discussions of what the rails to trails movement represents and to whom. On one hand, rail trails are touted as a panacea for the provision of close-to-home recreation, active transportation, creating habitat, community renewal, and a number of other social goods. But rail trails meet opposition from people who live next to or near proposed trails and claim they violate private property rights, attract crime, undermine home values, and disrupt rural quiet.

The process of building a rail trail is seemingly as simple as acquiring a railroad corridor, removing the ties, grading the ballast, installing a new surface, and opening it to walkers and bikers. In reality, the conversion of former railroad lines to recreational paths creates corridors of space that challenge traditional ideas of public–private and urban–rural boundaries. Perhaps more troubling...
for some people is the potential for these spaces to restore physical connections between disparate places and populations.

The spatial politics of rail trails can be traced back to the dominance of 19th- and early 20th-century railroad companies and their sprawling networks. By 1916, the American rail network consisted of at least 254,000 miles of active rail line for steam-powered trains and electric trolleys. From that high point, mileage has since steadily declined, leaving, in 2014, more than 100,000 miles of abandoned railroad corridors across the nation, many of which connect urban areas to the surrounding countryside. Early 20th-century railroad maps show many connections between towns and cities, and also to mines, lumber districts, and countless other spur lines. When these lines were abandoned later in the century, they left behind corridors of space that could potentially serve as trails.

The modern development of rail trails could be said to have begun with Chicago’s Illinois Prairie Path in 1963 and has since become a national movement, supported by the federal government through millions of dollars in transportation funding and facilitated by legislation—known as “rail banking”—that promoted trail construction as part of the railroad deregulation and abandonment process. Railroad corridors were typically divided among adjacent landowners upon abandonment, but rail banking allowed a municipality or organization to assume ownership of the entire corridor—if it were maintained as a public trail. As interest in rail trails grew in the 1980s and 1990s, rail banking became the main way new trail projects were able to move ahead throughout the country.

Trail proponents celebrated, but adjacent landowners who believed they had something to lose reacted very strongly against them. In Missouri, an opponent to a rail trail claimed in an August 1987 letter to the *New York Times* that rail banking constituted “the most dangerous thing that has happened to property rights we have ever seen.... Our position is that the land reverted to us as
soon as it was abandoned.” A unanimous 1990 United States Supreme Court ruling in Preseault v. Interstate Commerce Commission reaffirmed the constitutionality of rail banking, but this only strengthened the belief among opponents that rail trail construction represented the intrusion of the government into private property rights.

Landowners near proposed trails seem to have a few distinct fears relating to the loss of rural isolation, having any kind of development at their doorstep, undesirable behavior, and, not subtly, a dread of connecting their community with people who are different from or are less well off than they are.

One such we/them case a few years ago involved the Saucon Rail Trail in South Bethlehem, Pennsylvania. The northern end of this eight-mile trail is in South Bethlehem, the former site of Bethlehem Steel’s sprawling main plant and a poor, majority Hispanic area where most residents rent their homes. Southward along the line, the trail reaches suburban Upper Saucon Township, which is about 94 percent white and a median income of $100,000 and a high rate of homeownership. The trail, of course, would link these two communities.

A resident of Upper Saucon Township, in a May 2011 letter to the editor of the Bethlehem Press, described the trail as the equivalent of “building a road to my flat screen TV and asking someone from Bethlehem to steal it.” Another letter in the same issue asked, “What is the point of building [the trail], if it’s just going to attract outsiders and the problems that come with them?” Later that year, in a public meeting, one resident of Hellertown, a small, middle-class town through which the trail passes, begged his borough council to “consider the impact of the trail on our lifestyles. We have always been a safe, quiet community.”

Almost identical complaints had surfaced in the early 1990s in opposition to making the Enola Low Grade Trail along 34 miles through Lancaster County, Pennsylvania. The county leadership supported the development, but township supervisors and borough council members came out against it. Much of the criticism focused on who would use the trail. “Two percent of the population may benefit from this,” a supervisor from Martic claimed in the Lancaster New Era. At that time, the rural township, best known for its historic covered bridge, had a 98.9 percent white population. “People are not in dire need of places to walk down here” in the southern part of the county. At work again were barely veiled racial and class fears, directed from the white rural areas toward the black and Hispanic populations of Lancaster City and its suburbs. “We live in very small communities down here,” a typical complaint noted in a local newspaper.

Trail proponents were stunned. As a resident of the tiny community of New Providence, located in south-central Lancaster County, wrote to a local newspaper, “No one says a word as developers chew up the farmland in Lancaster County for one more home or shopping center development. Yet, somehow, setting up a park that all people can both enjoy and use to teach others to respect the land is somehow too frightening.” The observation proved prescient. During the next two decades, Lancaster County’s development would continue and opportunities to set aside land for recreational paths would be lost. Twenty-five years
The Saucon Rail Trail connects disparate urban and suburban communities.

The louder and more vicious opponents of rail trails have sometimes seemed to express the worst of race and class enmity, and these reactions are rooted in complex historical currents. Millions of people in the white working and middle classes moved to the suburbs in the late 20th century to escape cities like Bethlehem—places that were perceived as increasingly diverse, dangerous, and, following the downturn of industry and manufacturing, without ways for people to advance. The promise of homeownership, which for many was a real possibility for the first time, drove many of these migrations. But rail trails seemed to threaten the very basis for moving to the suburbs. They are unique as public spaces that branch out from the city and intrude deeply into the conscious seclusion of suburban and rural communities.

National advocacy groups such as the American Farm Bureau, a century-old lobby for agricultural issues, and the National Association of Reversionary Property Owners (NARPO), founded in 1985 in response to the Interstate Commerce Commission’s rail banking policies, have served as clearinghouses for these complaints and provided legal support to landowners. NARPO often framed its opposition in terms of constitutional rights, but it suggests something more immediate and visceral in literature that has referred to the “emotional” toll of “having hundreds and thousands of joggers and bicyclists using the right-of-way next to their home or business whereas a train used to go by once a day or once a week.”

Despite this opposition, the rails-to-trails movement has led to the development of new trails in every state. Their continued success, however, is far from certain, particularly as a far more divisive political climate has spawned more sophisticated legal arguments to dismantle elements of federal trail policy. Targeting potential funding sources at
the state and federal levels has been an especially effective means of limiting the expansion of rail trails, and although strong advocacy groups such as the Rails-to-Trails Conservancy have managed to rally support to defend federal and state funding, an ongoing period of fiscal austerity does not bode well for future trail investment programs.

Proponents of trail development, in general, have adapted well to the opposition, in part by becoming more transparent, providing more ways for the public to be heard, and encouraging communities to discuss trail projects well in advance of construction. Opposition does not simply fade away, but nuanced approaches to community engagement have allowed planners, policy makers, and their grassroots allies to anticipate and, where possible, accommodate the critical reactions to abandonment, rail banking, and public ownership. “In a process that is mostly guided by engineering, the public element is a wild card, and this uncertainty is what drives many of us crazy,” a trail planner, Jeff Knowles, recently observed in a newsletter to trail proponents in New Jersey and Pennsylvania. “While we still face the same misinformed objections over increased crime, exposure to lawsuits, and the ‘correct’ use of taxpayer dollars, I have seen a growing number of people in communities speaking up for trails.”

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Above
A completed section of the D&L Trail in eastern Pennsylvania runs parallel to the old railroad ties.