

SECTION  
8

## Trails Program Management

### *Operations and Maintenance*

The term “management” in this section is used in broad terms encompassing all aspects of a trails program. It provides guidance with management, maintenance and operations of the County Trails Program (CTP), including other necessary information for administration.

#### 8.1 Trails Program Management Team

The County Trails Program (CTP), which includes both the Regional Trails Plan (RTP) and the Community Trails Master Plan (CTMP) is the responsibility of the Departments of Parks and Recreation (DPR), Planning and Land Use (DPLU), and Public Works (DPW), under the leadership

of the County Trails Program Coordinator (Manager). This team approach to management of the program includes public outreach, jurisdictional coordination, policy, staffing and maintenance issues as well as, costs, funding, land acquisition, trail prioritization and other implementation issues.

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#### ***Countywide Goal 4:***

*Strive to manage, operate and maintain trails so that proper use is encouraged, and user safety, resource conditions, the environment, and adjacent land uses are not compromised.*

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#### Management Model

A three department Trails Program Management Team (TPMT) participated in

development of the new CTP. The management model (**Exhibit TPM-1**) is the foundation for the County internal structure concerning management and responsibility of the new program. The management model utilizes the collective experience and expertise of three departments: Parks and Recreation, Planning and Land Use, and Public Works drawing on the authorities and responsibilities of each department to jointly operate and manage the County Trails Program.

Interdepartmental collaborative programs such as this succeed because team members bring with them unique skills from their department, and interactions among team members cause these skills to be deployed in innovative ways. This team management structure will also help the County capitalize on new trail opportunities associated with Multiple Species Conservation Program, acquisition of land by public agencies, and potentially secure significant state funding to improve and purchase parkland, trails, and habitat preserves.

The shared responsibilities for each department of the TPMT include:

- Providing sufficient staff and resources to meet programmatic needs including training/education
- Ensuring department policies, ordinances, and board actions are in place for the efficient and effective

management, enforcement and implementation of the program

- Coordinating and participating in interdepartmental activities and program operations
- Researching and identifying on-going and permanent program funding sources
- Preparing and recommending conditions for land development projects for proposed community or regional trails, staging areas or other trail related support facilities
- Meeting with property owners or their representatives to identify specific trail alignment (i.e. route study) for their proposed project prior to or at the time the project is submitted to the County
- Managing, updating and revising the Regional Trail Plan and Community Trails Master
- Coordinating trail and pathway planning issues with community members and representatives of city, state and federal agencies
- Establishing inter-jurisdictional coordination for regional trails crossing multiple jurisdictional boundaries, including city, state, federal and special district lands

## Department of Parks and Recreation

The Department of Parks and Recreation is the department with leadership responsibility for the CTP. The provision of recreational facilities, such as trails, is consistent with the public service objectives of this department. DPR has considerable experience and expertise in trail construction, operations, maintenance, and management including the existing trails within County parks and open space preserves. As the lead agency, it has oversight of the program and coordinates trail related responsibilities of the other two departments. DPR is responsible for operations, maintenance, acquisition and management of the trails program. Responsibilities also include:

- Conducting periodic existing trails condition assessment, mapping and inventorying
- Preparing and recommending conditions for land development projects for trails in the RTP, or within communities with an adopted plan for trails in the CTMP, with final review and concurrence by DPLU
- Establishing programs that provide education, participation incentives, and opportunities for volunteer involvement

- Enforcing rules and regulations of the Trails Ordinance
- Creating a marketing and promotional campaign for program support, sponsorships and collaborations with nonprofit organizations
- Exploring a variety of funding mechanisms and resource options for trails acquisition, implementation, management and maintenance
- Providing Community Outreach to communities and general public regarding trail related issues
- Coordinating trails on MSCP/Open Space Lands with the CTMP and RTP

## Department of Planning and Land Use

The Department of Planning and Land Use (DPLU) is the planning entity for County services and is responsible for planning activities related to trails. The activity of planning trails and maintaining regional planning documents such as the Public Facilities Element of the General Plan is consistent with the public service objectives of this department. Responsibilities include:

- Providing Community Outreach for updates and revisions to relevant elements of the County General Plan

which incorporates the Regional Trails Map

- Screening discretionary land development projects within communities with adopted trail/pathway plans that may potentially be conditioned for a proposed community trail/pathway
- Ensuring trail planning projects are in conformance with the General Plan and Regional Trails Map
- Enforcing the rules and regulations of the Trails Ordinance
- Coordinating and tracking requests for open space and trail vacations and forwarding/routing to DPR for their evaluation and recommendation

#### Department of Public Works

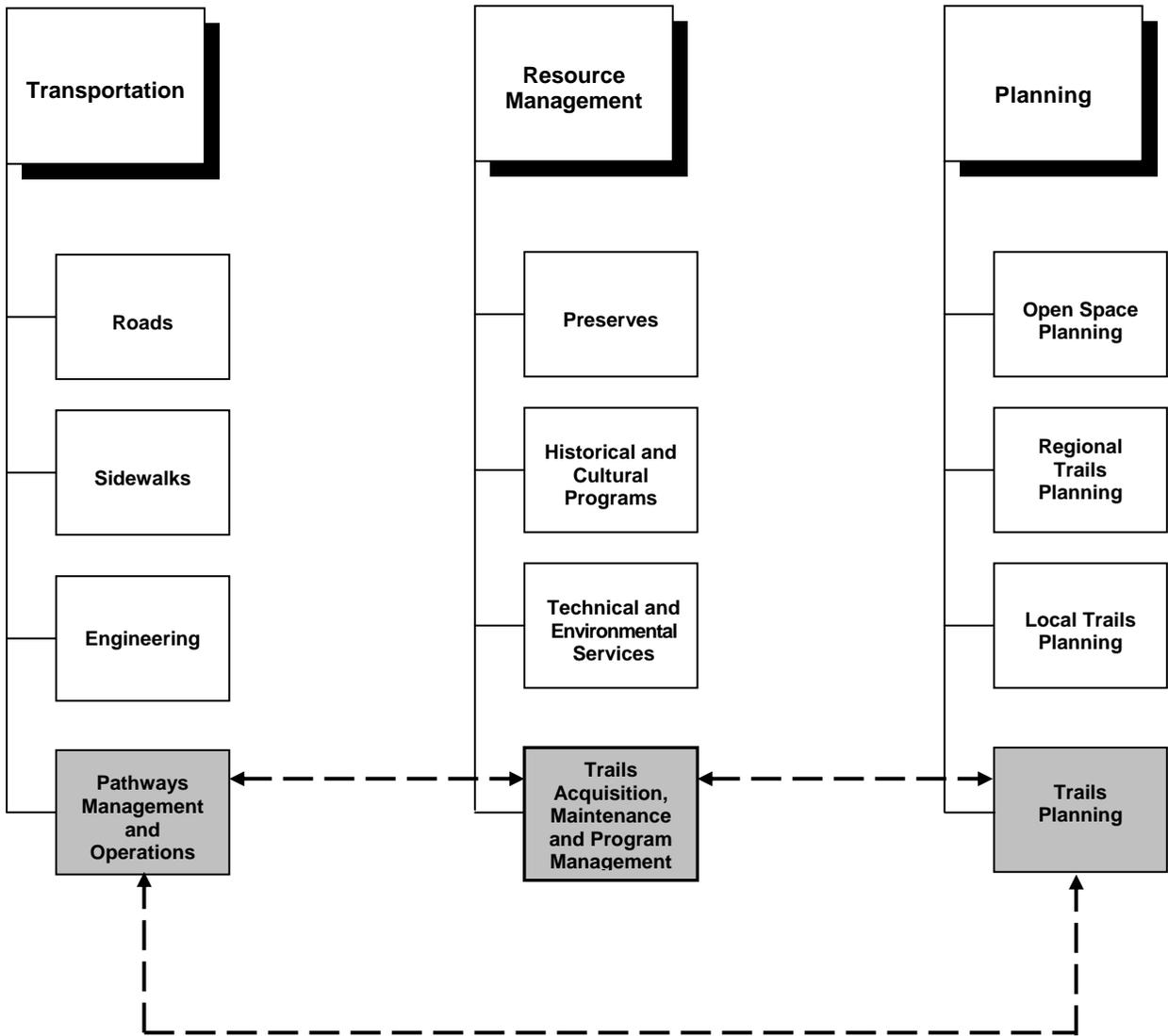
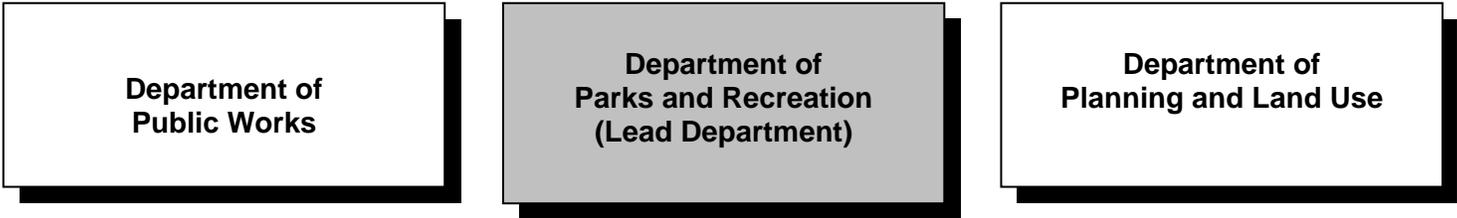
The Department of Public Works (DPW) provides countywide infrastructure primarily related to transportation and sanitation, such as roads, bridges, airports, and sanitation and storm-water facilities. As such, DPW's responsibility for the Trails Program is focused on the implementation, management, and maintenance of existing and newly developed pathways (trails within public road rights-of-way) represented in the Regional Trail Plan and/or Community Trails Master Plan. The management of pathways, which function as non-motorized modes of transportation that also have a recreational component, is consistent with

the public services objectives of the department. DPW performs construction inspection services on both public and private land development/improvement projects to assure conformance with project conditions and County construction guidelines. Responsibilities also include:

- Designing and constructing the pathway system including necessary installation of signage, trail/pathway markers, painted crossways or flashing warning lights
- Maintaining pathways, including erosion control, vegetation trimming/removal, signage and fencing
- Preparing and recommending conditions for land development projects for pathways in the RTP, or within communities with an adopted plan for pathways in the CTMP
- Coordinating and tracking requests for street vacations, sewer easement vacations and irrevocable offers to dedicate (IOD) abandonments for potential trails/pathways
- Coordinating community pathway projects with the Bicycle Transportation Plan and avoiding duplication efforts and potential conflicts in the use of available right-of-way

- Coordinating pathway construction or modification with infrastructure or capital improvement projects within road rights-of-way
- Enforcing the rules and regulations of the Trails Ordinance
- Allocating gas tax and other appropriate transportation funds for pathway implementation
- Ensuring when development projects are required to provide trails and/or pathways as a condition for approval for the project, that they are shown on the approved set of grading and improvement plans
- Notifying DPR of updates to the GIS (trails) database when new trail easements are recorded and entered into the system via new subdivision maps or separate easement documents
- Coordinating community pathway projects with requests for locating cellular facilities (i.e. towers, equipment boxes, vaults, etc.) and other utility facilities (i.e. power poles, guy wires, transformers, pedestals, etc.) within the road right of way to avoid potential conflicts in the use of available right of way

### Exhibit TPM-1: Management Model



## 8.2 Management Tools

Managing and meeting the many challenges of CTP will become more comprehensive as the number of developed community and regional trails increase along with the increase of the diversity and demands of the trail users. However, the tools available to address these issues remain basically the same.

### Trails Program Coordinator (Manager)

In addition to assisting communities with implementing their individual community trails plan, and sections of the regional trails plan within the County’s jurisdiction, the trail manager’s role includes maintaining user safety, protecting natural resources, and providing high-quality user experiences.

### Trails Management Plan

A trails management plan may include the following criteria:

- Anticipated levels of use
- Accessibility of police and fire protection
- Trail patrols
- User safety
- Annual maintenance requirements
- Emergency management

- Management agreements with other agencies
- Anticipated use of volunteers or contract services

Record keeping and budgeting should also be incorporated in a management plan with proper documentation of all expenditures and a standard for maintaining trail information. The information obtained will aid in establishing more concrete numbers on trail construction and maintenance for future developments.

### Ordinances and Policies

In order to effectively manage and administer the County Trails Program, the Directors of the Department of Parks and Recreation, Planning and Land Use and Public Works have been given certain authorities pertaining to access, control and use of public trails. These authorities are necessary for public safety and for effective and efficient management of the trail system. Trail related authorities are contained in the San Diego County Code of Regulatory Ordinances – specifically in Title 8, Division 12, Chapter 2. This ordinance grants authority to the Directors of DPR, DPLU and DPW to conduct the activities, on behalf of the public and Board of Supervisors, such as:

- Execute and terminate License Agreements with third parties pertaining to public access for trails.
- Execute and terminate Trail Maintenance Agreements with third

parties pertaining to trail maintenance responsibilities.

In the interest of responsible trail management and/or public safety, the Director may also:

- Open and close trails
- Restrict certain types of trail users where necessary
- Take actions needed to prevent unauthorized use of trails
- Initiate enforcement action to remove encroachments, obstacles or blockages within public trail easements

In addition to the specific authorities granted by County ordinance, implementation of the County Trails Program will include the Director of DPR recommendations to the Board of Supervisors, or their delegated authorities, pertaining to: revisions to the CTMP; acceptance or rejection of offered trail easements; acceptance or rejection of trail-related irrevocable offers of dedication; and the vacation or reservation of public easements. The Director's decisions and recommendations on these items will be guided by reasonable implementation of the general trail alignments specified in the Regional Trail Plan or Community Trails Master Plan.

Other existing County department and board policies and County ordinances will be

utilized in the planning and management of the trails program.

### 8.3 Liability Protection

Private property owners interested in granting easements to the County for public trails, periodically express concerns about the legal implications and personal liabilities surrounding such a decision. Their primary concerns are lawsuits and associated legal costs resulting from damages, injuries or accidents that may occur on or adjacent to the dedicated trail. In order to address these concerns, the County researched existing protective immunities. It was determined that there are two primary ordinances providing liability protection relative to trails.

#### Government Code Section 831.4

The first is Government Code Section 831.4, (**Appendix D**) which provides that: “A *public entity, public employee or the grantor of an easement to a public entity for any of the following purposes, is not liable for an injury caused by certain conditions.*”

#### Civil Code Section 846

The second protective ordinance relative to trails is Civil Code Section 846, (**Appendix D**) which provides in pertinent part: “An *owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others*

*for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.”*

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***Countywide Implementation Strategy 3.2:***

*Continue to provide indemnity (as currently provided by County Code Section 812.101) to persons granting trail easements and landowners adjacent to trails in order to encourage voluntary dedications and landowner support for efforts to implement regional and community trails*

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## Defense and Indemnification Ordinance

When researching Government Codes for liability protection, it was discovered that the California Attorney General opined that in order to acquire land for a countywide recreational trail system, a county may agree to indemnify private landowners from liability for injuries sustained by persons using the trails adjoining or traversing the landowners' properties (78 Op. Atty. Gen. 238, July 27, 1995).

The Board of Supervisors received a report on the liability issues relative to trails and the protective immunities discussed in this section in early 2000. Even though these two existing Government Code Section 831.4 and Civil Code Section 846 provide immunity to both public and private entities, the Board was interested in providing additional legal assurances to property owners. They felt that an ordinance offering

defense and indemnification to grantors of trail easements and to property owners adjacent to dedicated trails, in a case where a claim or lawsuit is brought against an owner for injuries occurring on or adjacent to the trail, would promote voluntary participation in the trails program by alleviating the fear of being held liable for injuries suffered on a trail dedicated to the County. The Board directed staff to develop recommendations for a new County Ordinance that would provide indemnification above and beyond what already existed.

County Counsel and the Office of Risk Management reviewed and considered the impacts of implementing such an ordinance. They found that the County's agreement to defend and indemnify property owners who dedicate easements to the County for trail purposes and owners, whose parcels are adjacent to such trails, would not substantially increase the County's liability. The following information was considered in their determination:

- There was no record of any action or claim filed against the County for injuries on public trails.
- There are immunities available by statute to the County, the grantor of an easement for public use, and the owner of land adjacent to such easement.
- The County would likely be named in any litigation involving a County trails

even in the absence of the proposed ordinance.

The Board of Supervisors concluded that there is a direct public benefit to providing both legal protections for private property owners and public access for recreational trail enthusiasts. They also concluded that an indemnification ordinance would promote recreational trail systems by relieving private property owners from legal liability and encouraging voluntary dedication of trails easements. As a result of those findings, the County of San Diego enacted the Trail Defense and Indemnification Ordinance in August 2000 (**See Appendix D, San Diego County Code Section 812.101**).

The ordinance provides defense and indemnification to an owner of a parcel of land, or the owner of land adjacent to a trail, which has been or is dedicated to the County for public use as a recreational right-of-way for riding, hiking and mountain biking and other types of non-motorized recreational uses (bird or wildlife viewing) from all claims, demands or liability for injuries to a person or property that occurs on such trail, or incidental to the recreational use of the trail, with certain specified exceptions.

No indemnification is available for an owner's willful or malicious failure to guard or warn against a dangerous condition, use or activity, where permission for recreational use is granted for consideration other than the benefit received at the time of

dedication, where the person suffering injury was expressly invited by the owner of the property, or where the injured party is a member of the owner's household.

## 8.4 Trail Operations

Trails contained within the Community Trails Master Plan are intended to be non-motorized, multi-use trails for horseback riding, hiking and mountain biking unless there is a need to restrict use based on demonstrated conflicts or other issues.

Decisions to prohibit a particular non-motorize use from the community trails must be based on coordinated planning efforts involving appropriate user groups and County Trail Manager. Characteristics that should be considered as part of this process include, but are not limited to:

- Historical uses
- Community design guidelines
- Soil Types or surface materials
- Line of sight
- Level of use
- Sensitivity of surrounding environment

Trail planners and managers can attempt to control or influence many other factors affecting trail operations and user safety that include the following:

- User speed (often has more to do with speed *differential* than the speed itself)
- Trail width
- Trail surface
- Users overtaking/passing another user without warning
- Trail difficulty (obstacles, terrain, condition, etc.)
- User skill level and experience
- User expectations and preparedness (*e.g., walkers who understand they may see bicycles on a particular trail can better prepare themselves for possible encounters*)
- Emergency procedures

### Maintenance - Pathways

DPW is responsible for maintenance of designated pathways and will coordinate the maintenance with similar road maintenance activities involving clearing, grading, weed control, and maintenance of drainage control facilities. Road shoulders without designated pathways typically require maintenance based on conditions that could compromise safety. For example, weed abatement is done if there are potential line-of-site obstructions for drivers; grading or placement of erosion control devices occurs if there are significant safety concerns associated with flooding or drainage problems.

Pathways, because of their designation and distinct function as community facilities, require higher maintenance standards than typical road shoulders. Maintenance guidelines include: Keeping the pathway free of weeds, brush, rocks, or other obstructions.

- Trimming trees and other vegetation to maintain a minimum vertical (overhead) clearance of minimum 10 feet.
- Repairing erosion in a timely manner by grading, placement of new base material, or installing engineered drainage controls.
- Ensuring driveway approaches crossing designated pathways have a natural or rough surface; and enforcing the removal of non-permitted polished or slick surfaces

### Maintenance - Trails

Trail maintenance is the process of keeping a trail at or near its original or intended standards. The maintenance of a trail includes the various activities involved in keeping the trail in a safe, usable condition. This includes numerous efforts ranging from mowing and brush removal to replacement of damaged signs to reconstruction of the trail. When trails are built, managed and used properly, they become a regional and community asset. A well-built trail will require minimal maintenance. Well-maintained and managed trails will encourage proper trail usage.

With increased trail management by the County, concerns about the location of trails near private properties including agricultural lands can be effectively addressed by:

- Establishing a mechanism for trail and pathway users to notify the County Trail Manager of repair or maintenance needs.
- Constructing trails with thoughtful design guidelines that streamline the maintenance and operations process.
- Standardizing trail amenities so that trail maintenance can be accomplished more efficiently.
- Encouraging the continued involvement of volunteer groups as an important supplemental aspect of trail implementation and maintenance.
- Providing periodic assessments of trail conditions to address surface material, drainage, vegetation clearing, signage, fencing, barriers and any necessary repairs.

General trail maintenance will include clearing the trail treads to allow access and provide adequate walking or riding surface, free from serious obstacles or hazards. Trail structures, such as bridges and drainage facilities, will be inspected for safety and maintained to prevent loss from erosion. Trail easement obstructions or hazards originating from private property such as wind-fallen trees or fences, construction, grading and other such obstacles, debris or encroachments will be the

responsibility of the property owner to remove or repair and not considered general maintenance. (Refer to CTMP Figure DG-1 of the Design and Construction Guidelines section for appropriate clearance dimensions.)

Unauthorized trails will be blocked or covered with brush to camouflage them in order to discourage use, revegetate and protect sensitive habitats. Temporary trail closure may be necessary during maintenance. The trails should be marked with a temporary closed sign to ensure user safety.

In most cases, grant funds for trail construction cannot be applied to ongoing operations and maintenance. In order to maintain the quality of a newly constructed trail, the continued maintenance of the facility must be planned and budgeted yearly.

### Trail Closures

It may be necessary that specific circumstances will dictate that trail management requires the temporary closing of a trail. Trail closures will be posted at all trail entrances and staging areas. Barriers will be used if feasible. Reasons to temporarily close a trail may include, but are not limited to:

- Trail construction, maintenance or repair
- Conditions that adversely impact either the user or habitat
- Special events
- High fire or flood conditions

In addition, the County Agricultural Commissioner is authorized to close public trails for a specified period on or adjacent to land in active agricultural production when trail activity could be injurious to agriculture or the public. Such conditions could include, but not be limited to, quarantines, outbreaks of plant or animal disease, application of certain pesticides, or damaging infestations of insect pests.

### User Volume and Safety

The anticipated user volume as well as a trail's function is important in designating existing trails, implementing new ones and maintaining user safety. The anticipated volume of traffic on a trail is directly related to the width. A high volume of trail use will result in a wider trail. Therefore, it is anticipated that trails located near urban or suburban core areas will have a high volume of use and should be designed, implemented and maintained as a wide trail. Primitive trails are anticipated to have low volume and therefore a narrow tread width. Turnouts as well as other design and management tools can be used on low volume trails to address potential conflicts with multiple users and safety concerns.

### Volunteer Trail Patrol

The County will develop a trail monitoring program, such as a Volunteer Trail Patrol, for evaluating current conditions and determining whether or not new trails or trail management programs, including maintenance, reconstruction, education and use regulations, are effective. On trails that extend through more than one jurisdiction, cooperative agreements with

appropriate agencies should be formed for trail patrol and maintenance activities.

The trails system should be set up to be responsive to the general population, communities, and user group needs. Implementing a periodic survey process will help the County to be certain that trails are provided in the best manner possible to the various user groups. Objectives of trail inspections will be trail safety and security, adjacent private property security, compliance with use restrictions, visitor information and education, litter control, and minor maintenance. To the extent feasible, volunteers will perform certain aspects of trail supervision.



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*Volunteers on Patrol*

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