

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: January 18, 2023

SUBJECT: Access Management - Rail Trail Encroachment Policy

PRESENTER: Marcus Jones, PE - County Engineer

ATTACHMENTS: No

SUMMARY OF REQUEST:

On February 16, 2022, the Board approved a policy to manage the public utility and agriculture encroachments onto the Rail Trail property controlled by the County. The County Engineer was authorized to approve and manage the agreements. The process has been successful at accommodating these entities with their respective public services while protecting the public's investment into the Rail Trail infrastructure. The County Engineer has processed four agreements to date.

Staff has been approached by adjacent property owners to have separate accesses to the Rail Trail from their property. Staff recommends that the Board add this type of encroachment to the policy. Applicants should improve the Rail Trail property in a manner that is consistent with the County's construction, operation, and maintenance of the property and not negatively impact the Rail Trail. Unimproved accesses would not fall under this policy unless they create a problem for the operation or maintenance of the trail.

Also, should it be the Board's preference to task the Rail Trail Advisory Committee to act as the appeal entity for encroachments, that action is included in the Suggested Motion. Of course, no encroachment can be approved that does not comply with the National Trails Act.

BOARD ACTION REQUESTED:

The Board is requested to approve the addition to the encroachment policy for the Rail Trail Advisory Committee to manage access and authorize the County Engineer manage the policy addition. Also, authorize the Rail Trail Advisory Committee as the entity to consider appeals to the encroachment policy.

Suggested Motion:

I move the Board approve the addition to the encroachment policy for the Rail Trail Advisory Committee to manage access and authorize the County Engineer to manage the policy addition. I further move the Board authorize the Rail Trail Advisory Committee as the entity to consider appeals to the encroachment policy.