

## An Analysis of State Legislation on Community Trails

Amy Eyler, Tina Lankford, Jamie Chriqui, Kelly R. Evenson, Judy Kruger, Nancy Tompkins, Carolyn Voorhees, Susan Zieff, Semra Aytur, and Ross Brownson

**Background:** Trails provide opportunities for recreation, transportation and activity. The purpose of this article is to describe state legislation related to community trails, to analyze legislation content, and to evaluate legislation on inclusion of evidence-informed elements. **Methods:** State trail legislation from 2001 to 2008 was identified using online legislative databases. An analysis of evidence-informed elements included in the legislation was conducted. These elements included: funding, liability, accessibility, connectivity, and maintenance. **Results:** Of the total 991 trail bills, 516 (52.0%) were appropriations bills, of which 167 (32.2%) were enacted. We analyzed 475 (48%) nonappropriation trail bills of which 139 (29.3%) were enacted. The percentage of enactment of appropriations bills decreased over time while enactment of nonappropriations trail bills increased. Over half of the nonappropriations trail bills included at least 1 evidence-informed element, most commonly funding. Few bills contained liability, connectivity, accessibility, or maintenance. **Conclusions:** There is opportunity for providing evidence-informed information to policy-makers to potentially influence bill content. The number of bills with a funding element demonstrates that fiscal support for trails is an important policy lever that state legislatures may use to support trails. Lastly, trails should be considered in over-all state-level physical activity legislation to provide opportunities for communities to be active.

**Keywords:** trails, state legislation, policy, environment

Community trails provide healthy recreation, transportation, and physical activity opportunities for people of all ages. They also connect people with social destinations or points of interest, and ensure sustained opportunity for physical activity.<sup>1</sup> National physical activity guidelines released in 2008 recommend that adults accumulate at least 2 hours and 30 minutes of moderate intensity physical activity each week for health benefits and that children

be physically active for at least 1 hour per day.<sup>2</sup> A recent study found that people who use trails at least once per week were twice as likely as nonusers to meet physical activity recommendations.<sup>3</sup> Scientific evidence from the Guide to Community Preventive Services shows that providing access to (outdoor) sites for physical activity, such as trails, influences the level of physical activity in a community. Studies have concluded that when trails are introduced in a neighborhood community, people who are not regularly physically active use the trail and increase their physical activity.<sup>4</sup> Trails can be successful at reaching more sedentary populations whose activity of choice is walking. In addition, creating access to and developing trails for neighborhood communities is a cost-effective public health endeavor. Research demonstrates that for every dollar spent on trails nearly 3 dollars of public health benefits are produced.<sup>5</sup> There is also evidence that increasing access for physical activity (eg, building and promoting trails) is cost effective.<sup>6</sup>

There are numerous challenges to developing community trails. Policies, people, and promotions must be in place for trail development to occur.<sup>7</sup> Policies or legislation that support community trail development and sustainability are often one of the initial steps in making a planned community trail a reality. Federal policies such as Intermodal Surface Transportation Efficiency Act of 1991, the Transportation Equity Act for the 21st Century (TEA-21) and most recently in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A

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Eyler is with the Prevention Research Center, Washington University in St. Louis, MO. Lankford is with the Physical Activity and Health Branch, Centers for Disease Control and Prevention, Atlanta, GA. Chriqui is with the Institute for Health Research and Policy, University of Illinois at Chicago. Evenson is with the Dept of Epidemiology, University of North Carolina, Chapel Hill, NC. Kruger is with the Division of Nutrition and Physical Activity, Centers for Disease Control and Prevention, Atlanta, GA. Tompkins is with the Dept of Community Medicine, West Virginia University, Morgantown, WV. Voorhees is with the Dept of Public and Community Health, University of Maryland, College Park, MD. Zieff is with the Dept of Kinesiology, San Francisco State University, San Francisco, CA. Aytur is with the Dept of Health Management and Policy, University of New Hampshire, Durham, NH. Brownson is with the Prevention Research Center in St. Louis, George Warren Brown School of Social Work, Dept of Surgery, and Alvin J. Siteman Cancer Center, Washington University School of Medicine, Washington University in St. Louis, MO.

Legacy for Users (SAFETEA-LU), encourage support for nonmotorized transportation.<sup>8</sup> The National Recreational Trails Program coordinated through the National Parks Associations also encourages the development of trails.<sup>9</sup> Although federal programs broadly outline trail plans and provide financial support, state legislation provides more specific details on efforts to develop or expand trail systems within the context of a particular state. State policies on distributing federal funding, creating new funds, zoning, or trail promotion are important factors in trail development and sustainability.<sup>7</sup>

This project was conducted by the Physical Activity Policy Research Network (PAPRN). The PAPRN, established in October 2004, is a thematic research network of the national Prevention Research Centers program that is supported by the Centers for Disease Control and Prevention. The goal of this network is to study policies that contribute to increasing physical activity in communities. Ten universities are represented in the PAPRN, and 7 of these contributed to this study.

The purpose of this article was to describe proposed and enacted state legislation related to community trails, to analyze the legislation by content, and to evaluate legislation on the inclusion of evidence-informed elements.

## Methods

### Bill (Data) Collection and Coding

State legislation (including introduced, pending, and enacted bills) related to community trails was identified using complex Boolean search strategy in Netscan, a subscription-based provider of web-based legislative information for all states and the federal government.<sup>10</sup> Netscan reference attorneys and the research team developed the search term to capture all state bills related to trails, paths, or greenways at the municipal, regional, county or state level that was introduced January 1, 2001 through December 31, 2008. Analysis included all introduced and pending bills in addition to enacted legislation because introduced legislation demonstrates level of interest in trails by state legislators. Only codified policies (bills) were chosen because of the difficulty in collecting a comprehensive list of all noncodified policy (informal guidance documents) related to trails for each state. An additional search was completed through Lexis-Nexis,<sup>11</sup> another subscription-based legal research provider using comparable search terms to ensure the most comprehensive list of bills. The team also cross-referenced trail bills included in CDC's Division of Nutrition, Physical Activity and Obesity legislative database. Duplicates and irrelevant bills were deleted. Examples of irrelevant bills encompassed by the search term include those describing "career paths" or "paper trails." Bills were included in this study only if they had content that would affect community trails. Amended bills were included only if the amendments were relevant to trail content. For example, a bill that amended an existing law by adding a provision for some other community improvement, while the trail

content remained the same, was not included. Resolutions without related action and regulations were not included in the study. In addition, bills referring to off-highway vehicle or all-terrain vehicle trails were excluded.

### Development of Evidence-Informed Elements List

Trail bills were analyzed using 5 evidence-informed elements identified through the literature,<sup>7,12</sup> recommendations from federal agencies,<sup>9,13</sup> and trail advocacy agencies.<sup>1,7,14,15</sup> Evidence-informed elements are defined as the most important factors for trail development, improvement, or promotion based on the best available research and practice knowledge to guide policy or program design and implementation.<sup>16,17</sup>

The 5 evidence-informed elements for this study were funding, liability, connectivity, accessibility, and maintenance.

Funding is a main element in the success of a trail. Funds can be allocated through state legislation or federal programs such as the Recreational Trails Program (RTP). The RTP is an assistance program of the Department of Transportation's Federal Highway Administration (FHWA), supporting hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, 4-wheel driving, or using other off-road motorized vehicles. RTP funds are administered by the Federal Highway Administration from Federal fuel tax. States receive an apportionment each year to provide grants for recreational trail projects.<sup>8</sup> State legislation can also identify funding for trails directly through appropriations or through other methods such as taxes or lottery funds.

The second evidence-informed element was liability. Immunity to land owners or components outlining safety issues are important to trail planning and can be leveraged by state legislation.<sup>18</sup> As a result of enacted state legislation, liability can be removed from the land owner in exchange for the use of property. In many cases, the use of private property improves access to the trail or enhances connectivity of trail segments. Connectivity, the third evidence-informed element in this study, is defined as the directness of ease of travel between 2 points.<sup>19</sup> Connectivity along with land use mix are proven urban planning strategies to increase physical activity.<sup>19</sup> State legislation can enhance connectivity by providing guidance for trails crossing multiple municipalities or districts or provide funding for connecting 2 existing trails.

The fourth evidence-informed element in this study is accessibility. Accessibility is a key issue to trail development because it ensures that trails are available to all groups, including the young, elderly and disabled. Because trails are transportation and recreation facilities, accessibility is mandated by the federal Americans with Disabilities Act of 1990 (ADA), which requires certain design standards for facilities to be in compliance with the law.<sup>20</sup> ADA compliance is essential as a trail enters the design and construction phases.<sup>1</sup>

Lastly, trail maintenance is a key issue. Managing and maintaining a trail includes developing a comprehensive budget and management plan, with respect to who should protect and ensure the trail's safety in the face of changing conditions.<sup>21</sup> Funds for building the trails are important, but provisions for long-term trail maintenance can sustain the investment.<sup>8,14</sup>

## Abstraction Guide Development

The research team developed an abstraction guide to code each state bill. This coding tool was developed using past legislation research,<sup>22</sup> past trail legislation literature,<sup>5,7,19</sup> and recommendations from the Federal Highway Administration and several key trail advocacy agencies.<sup>1,8,9,14,15,18</sup> Definitions from the abstraction guide are listed in Table 1. Examples of categories for abstraction

**Table 1 Trail Legislation Analysis Coding Definitions**

Term	
Does the bill refer to exercise or physical activity?	The bill includes information on exercise or physical activity aside from a description of the trail (e.g. <i>walking</i> trail).
Does the bill “enable” trails without any specific bill components?	Supports trails without specific action. For example, the bill may give local authority for development of trails, but doesn't appropriate funds or contain any other bill components. Look for terms like “authorize.”
Is there funding planned?*	Plans or indicates funding without being an appropriations bill. An example of funding planned would be plans for a percentage of lottery money going into a fund for trails.
Does the bill encourage or promote trails?	This describes the promotion of trail or trail system, or encourages regions to develop trails. This includes things like media campaigns and website development.
Is bill about building a new trail?	Describes plan or construction of trails not yet in existence.
Does the bill describe retro-fitting trails?	This is about making trails out of something that already exists (retro-fitting) such as a “rails to trails” project. Some bills will indicate a corridor or exiting path that will be developed into a trail.
Does the bill include Preservation/Conservation.	The bill describes anything about conservation of land, shoreline etc, in relation to trail development or maintenance.
Does the bill set up a Taskforce or Committee?	The bill mentions anything about development of a taskforce or committee to study, plan, develop, or maintain the trail.
Does the bill include development of plans?	Some bills indicate provisions for regional planning, especially as part of a bigger state plan.
Does the bill indicate anything about maintaining a trail?*	The bill mentions maintenance of planned or existing trails.
Does the bill describe connectivity?*	This component describes planning or development of parts of a trail to make a larger or longer trail, often through several jurisdictions
Does the bill describe landowner issues?	This component encompasses any landowner (private or commercial) issues with regard to the trail, most often something like a request or requirement for landowners to allow access to the trail.
Does the bill mention anything about liability of landowner of trail, municipality etc. ?*	This element describes the issues of liability on landowner when someone gets hurt or an accident occurs on a trail.
Does the bill include government effort to acquire trails?	The bill includes something about state or local government purchasing or acquiring land for a trail. An example of this component would be the state buying land (flood buyout) to be used for a trail.
Does the bill describe tax deduction on trail land?	This component describes incentives given for trail land. Examples include tax incremental funding-TIF-, tax deferment, tax credit.
Does bill address accessibility? Are disabilities addressed?*	This component includes bills that describe requirements for disabilities or changes that must be made to increase accessibility and accommodate people with disabilities.
Are changes in trail use described?	This component encompasses any type of changes in usage. For example, a trail may not have allowed cyclists, but a new bill indicates that they will be allowed.
Is crime on trail described?	This component identifies anything having to do with crime along trail . Provisions for call boxes or increased patrols would be examples.
Does bill address injury?	This component describes injury of users (e.g. helmet requirements).

\* Denotes evidence-informed element.

included enactment status, evidence-informed elements, other trail components, partners, and presence of evaluation of bill implementation. Since appropriations bills most often do not contain more than line item amounts, these bills were coded only for enactment status, type of project, and amount funded. The research team was trained to use the abstraction guide and group-coded 10 bills before individually coding.

### Reliability

Two researchers coded a sample of the same bills ( $n = 27$ ) to determine a measure of interrater reliability. The codes from each researcher were compared and the bill components showed moderate to high percent agreement. (Range = 100% to 64%). The component with the lowest agreement was “encouragement” (64%) for a trail.

## Results

### Appropriations Bills With Trail Content

Of the total 991 bills analyzed, 516 (52.0%) were appropriations bills. One hundred and sixty-seven appropriations bills were enacted (32.3%). Table 2 depicts the number of appropriations bills introduced and enacted for 2-year periods from 2001 to 2008. There is a notable increase in the number of appropriations bills with trail content introduced in the 2005 to 2006 and 2007 to 2008 periods, but the percentage of those enacted was lower for those 2 periods when compared with 2001 to 2002 and 2003 to 2004. The number of bills varied by state and ranged from 0 to 238. Minnesota (MN) introduced almost half of the appropriations bills ( $n = 238$ ). After omitting MN from mean calculations, the average number of appropriations bills per state was 9. The total funding amounts listed in the bills ranged from \$10,000 to 8,000,000 US dollars. Since many of the bills included 1 sum for multiple projects, exact trail funding amounts or averages could not be calculated. The number of appropriations bills enacted per state ranged from 0 to 34 with a mean of 9 (excluding MN).

### Trail Bills (Nonappropriation Content)

From our total sample of 991 bills, 475 (47.8% of total bills analyzed) had content related to community trails. Of the trail bills, 141 (30%) were enacted. When reviewing bills by 2-year period (Figure 1[[ID](#)]FIG1[[ID](#)]) our results show a decrease in the number of trail bills introduced for the 2007 to 2008 period ( $n = 83$ ) from the previous 3 periods (124, 142, and 126, respectively). Yet the percentage of bills enacted was highest for the 2007 to 2008 periods. Thirty four of the 83 bills introduced in 2007 to 2008 were enacted (40.9%). The number of trail bills introduced by state was not uniform, MN had the highest number of trail bills introduced ( $n = 128$ ) and percent enactment was 14.8%. When removing MN, the number introduced was 350 and percentage enacted by all other states was 34.3%.

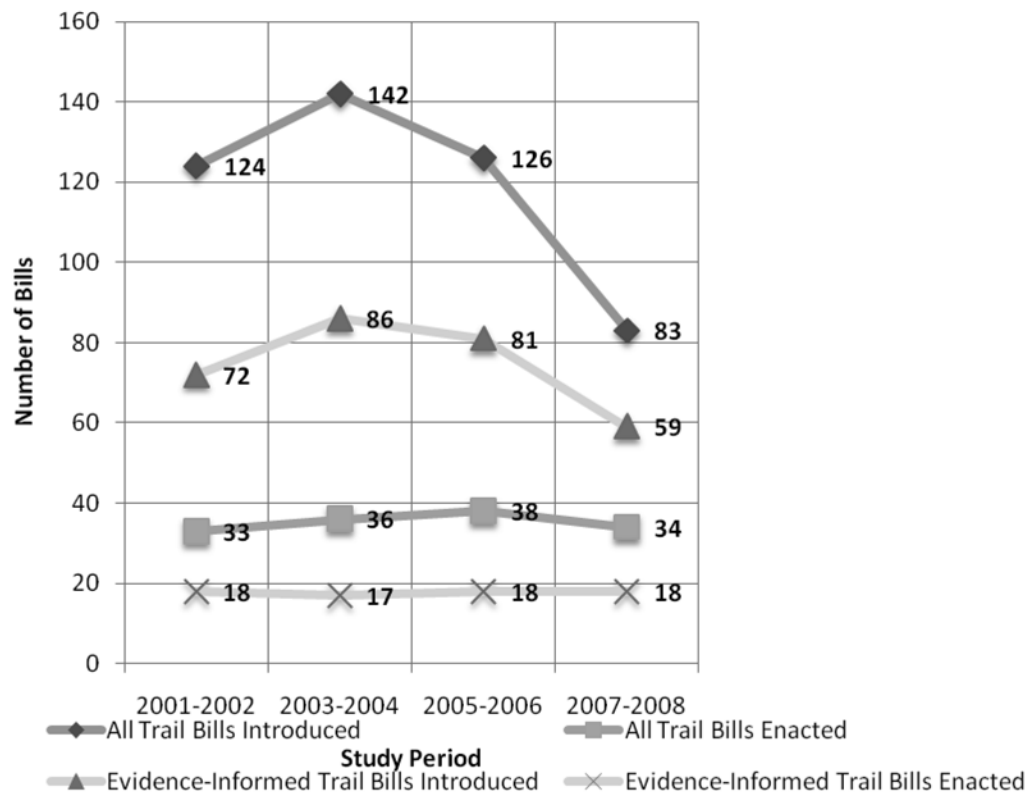
### General Bill Elements From Nonappropriations Trail Bills

Bill content in nonappropriation bills was coded for specific elements important to trails. Bills were coded for mentioning “physical activity” or “exercise” with respect to the trails content of the bill. Of the 475 bills, only 53 referred to some type of physical activity or exercise, with only 14 (26.9%) enacted. The most common general bill element was “enabling or authorizing trails” followed by elements that encouraged or promoted trails and developed a taskforce. When analyzing percentage of bills enacted by each element, bills that outlined a “taskforce” or included “preservation/conservation” and “crime” elements were more commonly enacted than bills that included the other elements.

An element of new trail development or bills that recommended action assigned to a specific trail not currently in existence was included in almost one-third of the trail bills analyzed. The least common elements present in the bills analyzed were preservation/conservation, a planning component, and a reference to retro-fitting trails, respectively. Only 11 percent of total bills ( $n = 53$ ) included a planning element either at the state or regional level. These plans included land use plans, master plans,

**Table 2** Number of Appropriations Bills With Trail Content Introduced and Enacted by 2-year Period

Year	Introduced (percentage of total bills, $n = 516$ )	Enacted (percentage of introduced bills for 2-year period)
2001–2002	74 (14.3)	30 (40.5)
2003–2004	90 (17.4)	38 (42.2)
2005–2006	175 (33.9)	50 (28.6)
2007–2008	177 (34.3)	49 (27.7)



**Figure 1** — Number of total nonappropriations trail bills introduced and enacted and evidence-informed trail bills introduced and enacted by 2-year period.

transit plans, park plans, greenways plans, safe routes to school plans and others. More bills that had a preservation/conservation element ( $n = 29$ ) were enacted than bills with either a planning element ( $n = 13$ ) or a retro-fit element ( $n = 10$ ).

### Evidence-Informed Elements From Nonappropriations Trail Bills

Two hundred and ninety-eight bills (62.7%) of nonappropriations trails bills analyzed contained at least 1 of the 5 evidence-informed elements: funding, maintenance, liability, connectivity, and accessibility. See Figure 1. The majority of bills contained only 1 ( $n = 233$ ), and this element was most often funding ( $n = 200$ ). Only 4 bills had all 5 evidence-informed elements. Figure 1 depicts the number of bills with evidence-informed elements both introduced and enacted by year. There were no noticeable trends over the 7-year study period in number of evidence-informed elements included in bills introduced or enacted. The funding element encompassed many aspects of raising or managing money for trails such as revenue from lottery, specialized license plates, slot machines, grant programs, income tax contributions, property tax, title and/or license tax, tourism tax, and others. Other evidence-informed elements were not as

frequently included in the bills. The next most common evidence-informed elements in the bills were maintenance and liability, followed by connectivity. The least frequently mentioned evidence-informed element was accessibility. Maintenance was often a part of a larger trail plan, either new trail development or improving existing state or regional trail systems. Bills that included liability mainly addressed landowner liability when privately-owned property was used to access a trail or was included as part of the trail. Bills that included the connectivity element described connecting segments of a trail which were built in phases or connecting the trails to parks, beaches, or other recreational facilities. Bills containing each of the 5 evidence-informed elements were examined by enactment status (Table 3). Bills containing the element of connectivity were the most commonly enacted, followed by those with the maintenance element. Bills with the funding element were the least commonly enacted.

When examining bills with evidence-informed elements by 2-year period, numbers of bills ranged from 59 in 2007 to 2008 to 86 in 2003 to 2004. It is evident that although there were fewer bills with evidence-informed elements in the 2007 to 2008 period, a higher percentage of those were enacted than for the comparison periods (see Figure 1).

**Table 3** Number, Percentage, and Enactment of Bill Elements

Element	Number/ (percentage of total bills, n = 475)	Number of bills enacted/ (percentage with this element)
Funding*	200 (42.1%)	46 (23.0%)
New trail development	145 (30.5%)	51 (35.1%)
Enabled trails	133 (28.0%)	46 (34.5%)
Landowner issues	124 (26.0%)	40 (32.3%)
Encourage trails	108 (22.7%)	39 (36.1%)
Preservation/conservation	77 (16.2%)	29 (37.7%)
Maintenance*	75 (15.8%)	13 (17.3%)
Government acquisition of land	75 (15.8%)	19 (25.3%)
Liability*	59 (12.6%)	17 (28.8%)
Development of taskforce	56 (11.2)	23 (41.1%)
Exercise	53 (11.2%)	14 (26.4%)
Development of plans	53 (11.2)	13 (24.5%)
Connectivity*	47 (9.5%)	17 (36.2%)
Retrofit trails	42 (8.8%)	10 (23.8%)
Safety	27 (5.7%)	9 (33.3%)
Changes in usage	26 (5.5%)	11 (42.3%)
Tax deduction/incentive	9 (1.9)	2 (22.2%)
Crime	8 (1.7%)	4 (50.0%)
Disabilities/accessibility*	7 (1.5%)	2 (28.6%)

\* Evidence-informed elements.

## Discussion

Community trails are an example of an environmental and policy strategy that has the potential to promote and increase recreational physical activity and active transportation among previously active and sedentary community residents.<sup>23</sup> Scientific literature indicates that a community trail can be part of a relatively low-cost intervention to facilitate physical activity by reducing barriers such as cost, inconvenience, and inaccessibility.<sup>24,25</sup> State legislation can fund, initiate, develop, and promote community trails. The number of bills introduced from 2001 to 2008 with community trail content is encouraging. When examining overall percentage of bills enacted, 32.4% of appropriations bills and 29.3% of the nonappropriations bills were enacted. This enactment percentage is slightly higher than bills from previous studies conducted by the research team on obesity prevention<sup>26</sup> and physical education.<sup>22</sup>

Legislation sometimes comes in the form of unfunded mandates. These laws require action, but do not provide the mechanisms for funding those actions. One positive finding is that the most prevalent element in our study was funding. Our analysis included 516 appropriations bills that provided funding for trail projects. In addition, almost half of nonappropriation bills planned funding or distribution of funds for trails. Since funding

is a major component of effective policy, our results demonstrate a level of functional state-level support for trails. However, while it is true that trails cannot be developed without funding, other important trails factors that require financial commitment include the promotion of trail use and trail maintenance.

Notably, it was somewhat discouraging that connectivity, which is clearly tied with enhanced physical activity opportunities,<sup>19</sup> was not prevalent among the bills examined for this analysis. One possible explanation for this lack of attention to connectivity issues is that they are more likely to be addressed through regional, state, and local level planning efforts rather than through state legislation.<sup>7</sup> The same may be true for maintenance provisions. While these evidence-informed elements may require a higher level of collaboration and resources locally, these are necessary for proper sustainment of a trail. The other 2 evidence-informed elements might not be represented by state legislation for other reasons. Liability issues may be established through case law that was not included in this analysis. And finally, disability provisions may not appear in legislation because of the assumption that all trail development must comply with the requirements of the Americans with Disabilities Act (ADA).<sup>20</sup>

Enactment status varied greatly by element studied. Half of the bills with a crime element were enacted. Crime prevention may be viewed as a politically viable

factor for legislators. The elements with the second and third highest percentage of enactment were changes in usage (42.3%) and taskforce development (41.1%), respectively. Both of these factors require minimal fiscal input. For example, a bill to allow motorized wheelchairs on a trail that previously banned motorized vehicles, if enacted, might only require signage changes or promotion of the change in allowable usage. Similarly, bills that included the development of a taskforce usually do not require funding. Conversely, the elements with the lowest enactment percentage were funding and maintenance. These require financial commitment which may be a barrier to enactment.

## Limitations

It is important to consider the findings of this study in context and report study limitations. Our search was developed to capture a comprehensive list of bills based on key search terms. In spite of this, some bills may have been missed (eg, bills with terms or combinations of terms not in our search string). In addition, appropriations bills that included already-codified programs may use section or program numbers from previous legislation instead of the terms for which we searched. However, by using expert input in developing the search terms, using bills from an 8-year period, and searching 2 databases, we compiled a very broad list of bills for analysis.

This study was limited solely to bills as introduced/enacted by state legislature during our study reference dates. We did not examine state statutory law which reflects the codification of all enacted laws. Thus, it may be likely that while states did not enact legislation on many topics included in our study, they already had statutory laws. In addition, MN had the majority of appropriations and trail bills introduced. Due to existing statutes, historical trail advocacy, and a well-established Regional Trails Grants Program,<sup>27,28</sup> MN has a unique avenue to enable trail legislation. Although these bills varied in content, the increased number of bills from that state may limit the generalizability of our results.

## Conclusions and Recommendations

This study provided an overview of elements included in state trail-related legislation from 2001 to 2008. Findings highlight several opportunities for action by researchers and practitioners. First, presentation of evidence-informed information may influence bill content, but the research on evidence needs to be framed in a way that is convenient and effective for policy-makers.<sup>29</sup> Second, legislative data can be difficult to access and interpret. Researchers with access to and experience with state legislation on trails can help make the information more user-friendly for use by trail advocacy agencies. In addition, fiscal support was a prominent element in our study.

Promoting legislative mechanisms for funding by state trail grants or matching funds is important. Lastly, incorporating trail-related elements into over-all state-level physical activity or obesity-oriented legislation should be considered as these elements have the potential to provide additional opportunities for communities to be active.<sup>30</sup> A particular focus should be the evidenced-informed elements identified in our study.

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