



NJ Trails Plan

Appendices

Appendix 1: Summary of Public Comments

The draft Trails Plan Update was posted on the Project Website for public comment from June 1 to June 30, 2008. Notification of the opportunity to review and comment was sent to approximately 700 people who had submitted contact information on the Website. The Trails Council and the Trails Plan Advisory Committee also distributed information through their trails-community networks.

In general, the comments reflected enthusiasm and support for the Trails Plan Update. There were also requests for clarifications and some minor corrections, which were incorporated into the final version.

The list below summarizes the comments received by topic:

Trail Priorities & Recommendations

- Need to prioritize the protection, expansion and promotion of New Jersey's long distance trails.
- Prioritize community walking paths as part of trails networks; improve pedestrian access through roadway improvement projects.
- Incorporate the potential for trails use into the State Farmland Preservation Program as a short-term action to facilitate linking trails across rural areas.
- There is an immediate need for an inventory and mapping of major trails.

- Include trails and pedestrian facilities in development, redevelopment and transit proposals.
- Prioritize bicycle trails connecting housing to mass transit.
- Prioritize funding to municipalities for mandatory planning to incorporate bicycle trails part of the transportation infrastructure.

Dedicated Trail Facilities

- Support for and protection of trails dedicated to hiking; need for expansion of hiking-only trails.
- Need for encouraging mountain biking advocates to identify and create dedicated mountain-biking trails.
- Need for incentives to engage ATV advocates and other Off Highway Vehicle (OHV) users in identifying and acquiring dedicated riding facilities.

Emerging Trail Uses

- Recognition of trail running as a fast growing sport.

Trails For Transportation

- Emphasis on trails as transportation alternatives that can help New Jersey reduce fossil fuel use and can help New Jersey achieve goals to reduce climate-warming.

Motorized Use Enforcement & Policy

- Need for stronger enforcement of illegal motorized use.
- Support for prohibiting OHV/ ATV use on state, county and municipal parkland.

State Trails System

- Need for clarification of process for designating trails for inclusion in the State Trails System.

Past Trails Plans

- Need for clarification on status of implementation of earlier trails plans.

Plan Implementation

- Inquiries about ways to become involved in Plan Implementation.
- Need for detailed strategies on how Plan will be implemented and by what organizations.

Appendix 2: Key Resources

The resources referenced during the planning process were extensive and varied. Many individuals and organizations participated in the outreach activities, providing plans, maps and other documents for review. Publications, plans, reports and articles were also gathered from both government and non-profit organizations. The list below represents a sampling of resources used in the development of the Plan.

ORGANIZATIONS

Governmental

- Brendan T. Byrne State Forest
- Burlington County Division of Parks
- Kittatinny Valley State Park
- Monmouth County Park System
- Morris County Parks Commission
- Morris Township Parks and Recreation
- New Jersey Department of Community Affairs, New Jersey Office of Recreation
- New Jersey Department of Transportation, Office of Bicycle & Pedestrian Programs
- New Jersey Department of Environmental Protection, Division of Parks and Forestry
- New Jersey Department of Environmental Protection, Green Acres Program
- New Jersey Department of Environmental Protection, Natural & Historic Resources
- Township of Randolph

Non-Profit/Other

- American Canoe Association/Mohawk Canoe Club
- D&R Greenway Land Trust
- Isles, Inc.
- Jersey Off-Road Bicycle Association
- New Jersey Conservation Foundation
- New Jersey Off-Highway Vehicle Association
- New Jersey Trail Ride Association
- New York - New Jersey Trail Conference
- Rails-to-Trails Conservancy

STATE AND COUNTY PLANS AND PUBLICATIONS

NJ Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management. “*New Jersey Trails Plan Summary.*” January 1996.

NJ Department of Environmental Protection, Green Acres Program “*New Jersey Statewide Comprehensive Outdoor Recreation Plan 2003-2007.*”

NJ Department of Environmental Protection, Green Acres Program. “*Nonprofit Assistance Application Land Acquisition and Park Development.*” January 2006.

Atlantic County Department of Regional Planning and Economic Development. "*Bicycle Element for the Atlantic County Master Plan.*" January 1995; revised September 2000.

Burlington County Department of Resource Conservation. "*Parks and Open Space Master Plan.*" August 2002.

Contra Costa County Department of Public Works and Community Development. "*Trail Design Resource Handbook.*" March 2001.

Hunterdon County Planning Board. "*County Road Bicycle Facility Assessment.*" August 1997.

Hunterdon County Planning Board. "*Hunterdon County Bicycle and Pedestrian Element.*" July 2001.

Middlesex County Planning Board. "*Open Space and Recreation Plan.*" February 2003.

Middlesex County Planning Department. "*Middlesex County Bicycle Pedestrian Plan.*" November 2001.

Monmouth County Park System. "*Monmouth County Park System Trails Program.*" January 1992; Revised February 1997 and April 2005.

REPORTS

American Trails. "*National Recreation Trails Program.*" July 2006.

Appalachian Mountain Club. "*AMC Outdoors.*" March 2006.

Delaware River Greenway Partnership. "*Delaware River Heritage Trail Handbook: Guide to Trail Management.*" 2004.

Delaware Valley Regional Planning Commission (DVRPC). "*Recreational Open Space Needs Analysis for the Delaware Valley.*" May 2002.

East Coast Greenway. "*State of the Trail Report.*" 2001

Federal Highway Administration (FHWA). "*Characteristics of Emerging Road and Trail Users and Their Safety.*" October 2004.

Federal Highway Administration (FHWA). "*Conflicts on Multiple-Use Trails: Synthesis of the Literature and State of the Practice.*"

Johnson, Lindsay. "*Case Studies of Water Trail Impacts on Rural Communities.*" September 2002.

O'Dell, Anne M. "*Designing Shared Use Trails to Include Equestrians.*" 2003.

Rails-to-Trails Conservancy. “*Rails-with-Trails: A Preliminary Assessment of Safety and Grade Crossings.*” November 2005.

Rails-to-Trails Conservancy. “*Trails & Greenways: Advancing the Smart Growth Agenda.*” September 2002.

United States Access Board. “*Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas.*” September 30, 1999.

United States Department of the Interior, Bureau of Land Management. “*National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands.*” January 2001.

United States Department of the Interior, National Park Service. “*Trails of the Mid-Atlantic Region: Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia and the District of Columbia.*”

USDA Forest Service – Northeastern Area. “*A Guide: Completing an Inventory of Urban Park Trails.*”

WEB SITES

ABC of Hiking. <http://www.abc-of-hiking.com>
American Hiking Society. <http://www.americanhiking.org>
American Trails. <http://americantrails.org>
Appalachian Mountain Club. <http://www.outdoors.org>
Appalachian Trail Conservancy. <http://www.appalachiantrail.org>
Backpacker. <http://www.thebackpacker.com>
Disabled Equestrians Organization. <http://www.disabledequestrians.org>
Equestrian Land Conservation Resource. <http://www.elcr.org>
Equestrian Trails, Inc. <http://etinational.com>
Garden State Greenways. <http://www.gardenstategreenways.org>
National Trails Training Partnership. <http://www.nttp.net>
New York-New Jersey Trail Conference. <http://www.nynjtc.org>
NJ Trails Association. <http://www.njtrails.org>
Outdoor Recreation in America. <http://www.funoutdoors.com>
Professional Trailbuilders Association. <http://www.trailbuilders.org>
Rails to Trails Conservancy. <http://www.railtrails.org>
Southeastern Equestrian Trails Conference. <http://www.southeasternequestriantrails.com>
The Mountaineers. <http://www.mountaineers.org>
Trails and Greenways Clearinghouse. <http://www.trailsandgreenways.org>
United States Census Bureau. <http://www.census.gov>
United States National Park Service. <http://home.nps.gov>
NJ Futures. <http://www.njfuture.org>

Appendix 3: State Agency Mission Statements

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Vision:

The Department of Environmental Protection is committed to providing a high quality of life for the residents of New Jersey.

Mission:

To assist the residents of New Jersey in preserving, sustaining, protecting and enhancing the environment to ensure the integration of high environmental quality, public health and economic vitality.

We will accomplish our mission in partnership with the general public, business, environmental communities and all levels of government by:

- Developing and integrating an environmental master plan to assist the Department and our partners in decision-making through increased availability of resource data on the Geographic Information System.
- Defining and publishing reasonable, clear and predictable scientifically based on standards.
- Achieving the Department's goals in a manner that encourages compliance and innovation.
- Employing a decision-making process that is open, comprehensive, timely, predictable and efficient.
- Providing residents and visitors with affordable access to safe and clean open space, historic and natural resources.
- Assuring that pollution is prevented in the most efficient and practical way possible.
- Assuring that the best technology is planned and applied to achieve long-term goals.
- Assuring that non-treatable wastes are isolated managed and controlled.
- Enhancing environmental awareness and stewardship through education and communication.
- Fostering a work environment that attracts and retains dedicated and talented people.
- Committing to an ongoing evaluation of the Department's progress toward achieving our mission.

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Vision:

New Jersey's Citizens enjoy an enviable quality of life, with greater choice, access and opportunity. The state is widely heralded as a leader in forging successful community and economic development patterns. These patterns, combined with an advantageous location, have made New Jersey a leading competitor in the global economic market. New Jersey's strong economy provides jobs for the labor force's many segments. The state's diverse service sector includes goods movement, tourism and research. The state's manufacturing sector includes advanced clean energy- and resource-efficient technologies, as well as innovative low-tech operations. The state's centerpiece of investment is based on fostering livable communities of every size and scale where people choose to live. Development and redevelopment patterns follow a more compact form promoted in the State Development and Redevelopment Plan, and supported by the transportation policies of Transportation Choices 2025.

Mission:

Improving lives by improving transportation.

Appendix 4: The Trails Council and The State Trails System

Excerpts from Legislation, Administrative Orders and Rules follow:

- “New Jersey Trails System Act” - Chapter 159; P.L. 1974 – Establishes the State Trails System
- Chapter 367; Laws of 1975 – Establishes the Trails Council and authorizes to prepare a Plan for a State Trails System
- Administrative Order No. 19 (October 23, 1992) – Officially Reforms the Trails Council and establishes its functions
- Chapter 5D – State Trails System Rules – Effective September 8, 2005 – Rules for Implementing the New Jersey Trails System Act; identifies the Trails that are included in the New Jersey Trails System and describes Trail Designation Qualifications, Criteria and Procedures

Chapter 159
P.L. 1974
STATE TRAILS SYSTEM

13:8-30. Short title

This act shall be known and may be cited as the “New Jersey Trails System Act.”

13:8-31. Legislative findings and declaration

- a. The Legislature hereby finds that in order to provide for the ever-increasing outdoor recreation needs of an expanding population, and in order to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of this State trails should be established both in natural and scenic areas of New Jersey, and in and near the urban areas of this State.
- b. The Legislature, therefore, declares that it is the policy of this State to provide the means for attaining these objectives by instituting a Statewide system of recreation and scenic trails, by designating the Appalachian trail as the initial component of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

13:8-32. Definitions

As used in this act, unless the context clearly indicates otherwise:

- a. “Department” means the Department of Environmental Protection.
- b. “Commissioner” means the Commissioner of Environmental Protection.
- c. “Scenic easement” means a perpetual easement in land which (1) is held for the benefit of the public (2) is specifically enforceable by its holder or beneficiary, and (3) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.
- d. “Scenic trail” means an extended trail so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass.

13:8-33. Classes of trails

The State trails system shall be composed of the following classes of trails:

- a. State scenic trails, which will be extended trails so located as to provide maximum potential for the appreciation of natural areas and for the conservation and enjoyment of the significant scenic, historic, natural, ecological, geological, or cultural qualities of the areas through which such trails may pass. Each of these trails will be limited exclusively to foot use, except that use by horses

or nonmotorized bicycles may also be permitted on segments of scenic trails where deemed appropriate by the department.

- b. State recreation trails, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.
- c. Connecting or side trails, which will provide additional points of public access to State scenic or recreation trails or which will provide connections between such trails. They shall be of the nature of the trails they serve.

13:8-34. Establishment of system; uniform markers; coordination with national trail system

- a. The department is hereby authorized, empowered, and directed to establish a State trails system of recreation trails, scenic trails and connecting or side trails in the State composed of (1) the Appalachian trail, and (2) such other trails that are established or designated from time to time by the department under the provisions of this act.
- b. The department, in consultation with appropriate Federal, State, and local governmental agencies and public and private organizations, shall establish a uniform marker for the trails system, and shall coordinate the trails system with the National trails system established under applicable provisions of Federal law.

13:8-35. Establishment and designation; recreation and scenic trails; Appalachian Trail; connecting or side trails

- a. The department may establish and designate recreation and scenic trails over lands administered by it.
- b. There is hereby established as the initial scenic trail the Appalachian trail, which shall be administered primarily as footpath by the department, provided however, that nothing herein contained shall be construed as amending, repealing or superseding the provisions of P.L. 1973, c. 54 (C. 13:8-29), except as specifically provided herein.
- c. Connecting or side trails within park, forest, and other recreation areas or natural areas may be established, designated and marked as components of a recreation or scenic trail.

13:8-36. Selection of routes and rights-of-way; criteria

- a. The selected route shall be compatible with the preservation or enhancement of the environment it traverses, and the boundaries of the right-of-way shall be established in such a manner that they protect the scenic values of the trail.
- b. In selecting rights-of-way, the department shall give full consideration to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the trails system shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.

13:8-37. Use of state lands, acquisition of lands or interests in land

The department may use for trail purposes lands owned by the State, with the concurrence of the head of the administering agency, and may acquire lands or interests in land by scenic easements, written cooperative agreement, eminent domain, donation, purchase with donated or appropriated funds, or exchange. Acquisition of land or interest shall be accomplished with all possible speed.

13:8-38. Noninterference with nature and purposes by use of trail; maintenance of natural and scenic qualities

Within the external boundaries of the right-of-way, the natural vegetation shall be kept undisturbed except for any clearing required for construction of the trail, occasional vistas, or trail-use facilities. The department shall make every effort to avoid any use of the right-of-way that is incompatible with the purposes for which the trails system shall be designed to harmonize with and complement any established multiple use plans for that specific area in order to insure continual maximum benefits from the land. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the department.

State scenic trails shall be managed in such a way as to maintain their natural and scenic quality.

13:8-39. Development and maintenance of trails; written cooperative agreements

- a. The department shall provide for the development and maintenance of trails established under this act and shall cooperate with and encourage other State agencies to operate, develop and maintain portions of such trails, which are located in areas administered, by such agencies.
- b. When deemed to be in the public interest, the department may enter into written cooperative agreements with local governments, landowners, private organizations or individuals to operate, develop and maintain any portion of a recreation or scenic trail.

13:8-40. Studies of designation of additional trails

The department shall make studies for the purpose of determining the feasibility and desirability of designating additional trails as recreation or scenic trails.

13:8-41. Review of formal declarations of railroad right-of-way abandonments for inclusion in system

The department shall review all formal declarations of railroad right-of-way abandonments by the Interstate Commerce Commission or other Federal agencies, for possible inclusion into the State trail system.

13:8-42. Rules and regulation

The commissioner may adopt and promulgate pursuant to law, rules and regulations governing the use, protection, management, development and administration of the trails system and such other rules and regulations as he deems necessary to effectuate the purposes of this act.

13:8-43. Violations; penalties

Any person violating any provision of this act or any rule or regulation promulgated there under shall

be liable to a penalty of not more than \$50.00 to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.)

13:8-44. Funds available for acquisition of lands or interests therein

The commissioner may use any sum hereafter appropriated by any act from the proceeds of the sale of bonds under the New Jersey Green Acres Land Acquisition Act of 1971, c. 419 (C. 13:8A-19 et seq.), and such other sums as may be appropriated for like purposes for the acquisition of lands or interests therein for the purpose of this act.

Chapter 367
LAWS OF 1975
NEW JERSEY TRAILS COUNCIL

An Act authorizing the New Jersey Trails Council created by the Department of Environmental Protection to undertake a study and prepare a plan for a coordinated system of trails throughout the State of New Jersey.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The New Jersey Trails Council is hereby authorized, in cooperation with the Department of Environmental Protection, to undertake a study and devise a plan for a coordinated system of trails throughout the State of New Jersey.
2. It shall be the duty of the New Jersey Trails Council to serve as a lay advisory board to the New Jersey Department of Environmental Protection and the Department of Transportation in coordinating the activities of the study and plan to be undertaken.

The Council shall:

- a. Be ever cognizant of the environment and shall strive to have such a system of trails planned and developed in such a way so that, the local environments will not be harmed but rather enhanced by the proposed system of trails; and
 - b. Endeavor to encourage cooperation between various governmental agencies at the Federal, State, County and municipal levels so that, the proposed trails system may be a reality and properly coordinated to realize the intent for a system of trails.
3. The council shall be entitled to call to its assistance and retain consultants in various disciplines to study the desirability and feasibility of establishing a system of trails in the State of New Jersey, including the location as well as the type of trails, and give consideration to all types of trails that may be utilized throughout the State for recreational, as well as transportation activities.
 4. The New Jersey Trails Council shall report its findings and recommendations to the Commissioner of Environmental Protection one year from the effective date of this act.

This act shall take effect immediately.

ADMINISTRATIVE ORDER NO. 19

Whereas, the New Jersey Trails Council was established by P.L. 1975, Chapter 367, to act as a lay advisory board to the Department of Environmental Protection and the Department of Transportation in coordinating the development of a plan for a system of trails throughout the State; and

WHEREAS, the Department of Environmental Protection and Energy is currently revising the State Trails Plan adopted in 1982 and requires the guidance of such a council in the development and implementation of the revised State Trails Plan;

I, Scott A. Weiner, Commissioner of the Department of Environmental Protection and Energy, pursuant to the authority of N.J.S.A. 13:8-30 et seq. and P.L. 1975, Chapter 367, do hereby order and direct the reformation of the New Jersey Trails Council which shall continue to serve as an advisory board in the Department of Environmental Protection and Energy in the development and implementation of a State Trails System (N.J.S.A. 13:8-30 et. seq.). The New Jersey Trails Council (Council) shall perform its duties in accordance with this administrative order.

The functions of the Council shall include the following:

1. To encourage the cooperation among government agencies at the Federal, State, county and municipal levels and provides recommendations to the Department on the development of the State Trails Plan.
2. To provide a forum for the public to discuss issues related to the State Trails System and the State Trails Plan.
3. To evaluate land owned by the Department and recommend to the Commissioner of the Department of Environmental Protection and Energy the designation, development and maintenance of scenic, recreation and connecting trails to the State Trails System.
4. To evaluate all potential state government offerings proposed for trail development and provide recommendations for the Department.
5. To periodically revise the State Trails Plan and recommend additions, deletions and modifications.

The Council shall be composed of eleven (11) members representing trail user groups, interest groups (those representing a broad range of interests as opposed to trail user group representatives who represent and promote specific trail uses) and State government agencies. Members of the Council representing trail user groups and interest groups shall be appointed by the Commissioner of the Department and shall serve for a period of three (3) years from the date of their appointment and until their successors are duly appointed. Members of the Council representing State government agencies shall serve at the appointment by the commissioner of the respective agency.

Five (5) members of the Council shall represent trail user groups, which may include but not be limited to hiking, canoe, bicycle, and horse, snowmobile and ski touring organizations.

Three (3) members of the Council shall consist of state government representatives, one representative from the Department of Transportation, appointed by the Commissioner of the Department of Transportation, and two representatives from the Department of Environmental Protection and Energy one of whom shall be from either the Division of Parks and Forestry or the Office of Green Acres, to be appointed by the Commissioner of the Department of Environmental Protection and Energy.

This Order shall take effect immediately.

October 23, 1992

Scott A. Weiner, Commissioner
New Jersey Department of Environmental Protection and Energy

Chapter 5D STATE TRAILS SYSTEM RULES, EFFECTIVE SEPTEMBER 8, 2005 SUBCHAPTER 1. GENERAL PROVISIONS

7:5D-1.1 Purpose and scope

This chapter constitutes the rules of the Department concerning the implementation of the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq. This chapter establishes standards, procedures and practices for designating and maintaining trails as part of the State Trails System, in order to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of the State. Designation of trails to the System is intended to help preserve the natural, recreational, ecological, geological, historic and cultural qualities of trails and the areas through which they pass; to increase open space and recreational opportunities; and to enhance the quality of life in New Jersey for all State residents and visitors.

7:5D-1.2 Construction

This chapter shall be liberally construed to permit the Department to effectuate the purposes of the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq.

7:5D-1.3 Severability

If any subchapter, section, subsection, provision, clause or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion or application directly involved in the controversy in which such judgment is rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons.

7:5D-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Act” means the New Jersey Trails System Act, N.J.S.A. 13:8-30 et seq.

“ADA” means the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

“Administering agency” means (1) any agency of the Department that is assigned responsibility for managing a particular parcel of land, or (2) any Federal agency, State department, local unit or charitable conservancy that establishes a land management policy for a particular parcel of land included in a designated State trail.

“Charitable conservancy” means a corporation or trust whose purposes include the acquisition and preservation of land or water areas, or of a particular land or water area, or either thereof, in a natural, scenic or open condition, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and which has received tax exemption under section 501(c)3 of the Internal Revenue Code.

“Commissioner” means the Commissioner of the Department or his or her designated representative.

“Conservation restriction” means an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic or open or wooded condition, or for conservation of soil or wildlife, or for outdoor recreation or park use, or as suitable habitat for fish or wildlife, executed for the purposes listed at N.J.S.A. 13:8B-2(b).

“Council” means the New Jersey Trails Council.

“Department” means the New Jersey Department of Environmental Protection, its successors and assigns.

“Division” means the Division of Parks and Forestry in the Department.

“Local unit” means a municipality, county or other political subdivision of the State or agency thereof.

“New Jersey Trails Council” means the advisory board established by the Department and authorized by P.L. 1975 c.367, to undertake a study and prepare a plan for a coordinated system of trails throughout the State, and continued by the Department for the purpose of providing public input into the administration of the State Trails System.

“Scenic easement” means a perpetual easement in land which (1) is held for the benefit of the public, (2) is specifically enforceable by its holder or beneficiary, and (3) limits or obligates the holder of the servient estate and his or her heirs and assigns with respect to their use and management of activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

“State Trails System” or “System” means the statewide system of individual trails or group of trails authorized by the Act and designated pursuant to this chapter.

“Trail facility” means any area, structure or equipment that functions to provide a service to the trail user, including, but not limited to, parking lots, picnic areas and rest rooms.

“Trail right-of-way” means a road, path, or water body and adjacent land, under the jurisdiction of an administering agency and designated for public trail access pursuant to this chapter.

“Trails Plan” means the plan for a coordinated system of trails throughout the State authorized by P. L. 1975, c.367, as updated.

SUBCHAPTER 2. NEW JERSEY TRAILS COUNCIL

7:5D-2.1 New Jersey Trails Council

- (a) The New Jersey Trails Council shall advise the Department on the designation of trails to the State Trails System and the management of the State Trails System.

(b) The Council shall consist of representatives from trail user groups, outdoor recreation and conservation organizations, and State governmental agencies. Members of the Council representing trail user groups and outdoor recreation and conservation organizations shall be appointed by the Commissioner and shall serve for a period of three years from the date of appointment and until their successors are duly appointed. Members of the Council representing State governmental agencies shall serve as ex-officio members, and shall be appointed by the Commissioner of their respective departments.

(c) The Council shall:

1. Provide a forum for the public to discuss issues related to the designation and management of the State Trails System or the contents of the Trails Plan;
2. Advise the Department on the establishment, development, and maintenance of scenic, recreation and connecting trails on lands owned by the Department;
3. Advise the Department on the trail development potential of proposed State acquisitions;
4. Review proposals for trail designation submitted by Federal or State agencies, local units, private organizations or persons and advise the Department on such proposals;
5. Periodically evaluate the Trails Plan and advise the Department on additions, deletions, and modifications;
6. Review trail proposals and funding allocations consistent with any Federal requirements for trail acquisition and management, and advise the Department on the results of its review; and
7. Encourage the development of trails throughout the State and provide information to the State and the public on trails issues of Statewide interest.

SUBCHAPTER 3. LAND ACQUISITION FOR TRAILS

7:5D-3.1 Land acquisition for trails

- (a) The Department, with the advice of the Council, may acquire interest in land for trails purposes in fee simple, or by conservation restriction or scenic easement, through purchase, donation or exchange.
- (b) The Department shall review for trails acquisition potential all formal declarations of railroad right-of-way abandonments by the Interstate Commerce Commission or other Federal agencies.

SUBCHAPTER 4. CLASSES OF TRAILS

7:5D-4.1 Classes of trails

(a) The State Trails System is composed of the following classes of trails:

1. Scenic trails;

2. Recreation trails; and
3. Connecting trails.

7:5D-4.2 Scenic trails

- (a) Scenic trails are designated to the State Trails System to provide the public with the opportunity for the appreciation of natural and cultural areas, and to facilitate the conservation and enjoyment of significant scenic, historic, natural, ecological, geological or cultural areas through which such trails pass.
- (b) Scenic trails shall be designated for a single nonmotorized trail use. The Department shall specify the uses of scenic trails upon their designation to the State Trails System. The Department may allow segments of scenic trails to be used for additional nonmotorized uses such as hiking, horseback riding, bicycling, cross-country skiing and/or snowshoeing, as appropriate.
- (c) Scenic trails must be five miles or longer in length, but a scenic trail may consist of segments or components of a group of trails totaling five miles or more.

7:5D-4.3 Recreation trails

- (a) Recreation trails are designated to the State Trails System to provide the public with the opportunity for a variety of outdoor recreational uses.
- (b) The Department shall specify the uses of recreational trails upon their designation to the State Trails System. Such uses may include hiking, canoeing, kayaking, horseback riding, carriage driving, bicycling, cross-country skiing, snowmobiling, motorcycling, use of off-road vehicles (ORVs), or cultural, educational or historical touring.

7:5D-4.4 Connecting trails

Connecting trails are designated to the State Trails System to provide additional points of public access to scenic or recreation trails or to provide connections between such trails, including connections between points of interest on such trails.

SUBCHAPTER 5. DESIGNATION OF TRAILS TO THE STATE TRAILS SYSTEM

7:5D-5.1 Qualifications for designation

- (a) To qualify for designation to the State Trails System, a trail must satisfy one of the following qualifications:
 1. The trail right-of-way is owned through fee simple title or held under a conservation restriction or scenic easement by the State and administered by the Department;
 2. The trail right-of-way is owned through fee simple title or held under a conservation restriction or scenic easement by a local unit or a charitable conservancy, and access to and use of the trail right-of-way is guaranteed through legal instrument dedicating the trail right-of-way for trail purposes duly filed with the appropriate county clerk; or

3. The trail right-of-way is owned by the Federal government or State agency other than the Department and there is a written cooperative agreement between the owner agency and the Department designating land or water areas for trail purposes.

7:5D-5.2 Procedure and criteria for designation to the State Trails System

- (a) Any Federal or State agency, local unit, private organization or person may submit to the Department a request for designation of a trail to the State Trails System in accordance with the criteria for eligibility set forth at (d)1 through 7 below. The trail designation request shall also include documentation prepared to support eligibility for designation in accordance with (e) below. The trail designation request shall be submitted to the Department at the following address: State Trails System, Office of Natural Lands Management, Department of Environmental Protection, PO Box 404, Trenton, New Jersey 08625-0404.
- (b) The Division, with advice of the Council, shall evaluate the request for designation and the eligibility of each trail according to the criteria at N.J.A.C. 7:5D-5.1 and this section. If the Division determines that the trail meets the qualifications for designation and the criteria for eligibility, the Division shall prepare a recommendation for the Commissioner's review evaluating the proposed trail's suitability for designation and recommending that the Commissioner approve or disapprove the proposed trail designation.
- (c) The Commissioner shall review all trail designation recommendations submitted by the Division and shall take one of the following actions on each proposal:
 1. Propose the trail designation and designated uses of the trail as an amendment to N.J.A.C. 7:7D-8.1;
 2. Request that the Division reconsider its recommendations and resubmit the proposal to the Commissioner's review; or
 3. Reject the proposed trail designation.
- (d) A proposal to designate a trail to the System shall be based on the following eligibility criteria:
 1. Scenic Quality: The presence of high quality or rare natural features, vistas, historical or cultural features or other points of interest that can be sighted or visited along the trail;
 2. Accessibility: The availability of access points for vehicles, trailers or disabled trail users along or adjacent to the trail right-of-way. Water trail rights-of-way shall have public access at both ends of the trail and at areas where portage is required;
 3. Length: Trails shall be a minimum of five miles in length to be eligible for consideration as scenic trails, but this criterion may be satisfied by segments or components of a group of trails totaling five miles or more. Recreation or connecting trails are not subject to a length criterion;
 4. Multiple use: Trails which are managed in a safe and environmentally protective manner to

accommodate more than one type of trail use are preferred for designation to those which can support only a single use.

5. **Development and Maintenance Costs:** Trails which require little capital development or reconstruction of areas critical to the purpose of the trail are preferred to those which require extensive time and cost to develop and maintain;
6. **Public Support:** Public input and recommendations from counties, municipalities, private citizens' groups or other persons indicating endorsement of or opposition to future trail designation; and
7. **Environmental Impact:** Trail development will cause minimal erosion or destruction of plant, animal, historic or cultural resources unless no alternative routes are available.

(e) Eligibility for designation to the system shall be determined by the Department based on the submittal of the following documentation:

1. A written narrative description of the trail area and trail right-of-way, including a description of the length, surrounding land use, physical condition, and need for land acquisition and/or development for the proposed trail, and a description of public support of or opposition to the proposed trail;
2. A United States Geological survey 7.5 minute quadrangle map marked to show the location of the proposed trail;
3. A written evaluation of whether the proposed trail should be designated as a scenic trail, recreation trail or connecting trail as set forth at N.J.A.C. 7:5D-4;
4. A written statement of how the proposed trail meets the qualifications under 7:5D-5.1 and the criteria of eligibility under 7:5D-5.2(d).
5. A listing and justification of proposed uses for the trail upon designation; and
6. If the person proposing the trail designation is not the administering agency for the trail, a letter from the administering agency supporting the designation proposal.

7:5D-5.3 Repeal of trail designation

(a) If at any time after the designation of a trail to the System the Department determines that the trail is not meeting its designated uses and/or management objectives and that mitigation measures are not available to bring the trail into conformance with its designated uses and/or management objectives, the Department may propose to repeal the designation of the trail to the System.

(b) The procedure for repealing the designation of a trail to the System is as follows:

1. If the Division makes a preliminary determination that the designation of a trail to the System

should be repealed, it shall conduct a site evaluation of the trail to determine the extent of the trail deterioration, change of use, or unsuitability;

2. Upon completion of the site evaluation, the Division shall submit the site evaluation to the administering agency for a determination of whether mitigation measures are available to bring the trail into conformance with the designated uses and/or management objectives;
3. The Division, with the advice of the Council, shall review the administering agency's determination under (b)2 above, and, if appropriate, shall recommend repeal of the trail designation to the Commissioner;
4. The Commissioner shall review all trail designation repeal recommendations submitted by the Division and shall take one of the following actions on each proposal;
 - i. Propose the trail repeal as an amendment to N.J.A.C. 7:5D-8.1;
 - ii. Request that the Division reconsider its recommendation and resubmit the proposal for the Commissioner's review, if appropriate; or
 - iii. Reject the proposed repeal of the trail designation.

SUBCHAPTER 6. TRAILS MANAGEMENT

7:5D-6.1 Trails management

- (a) Except as provided under (g) below and under N.J.A.C. 7:5D-7.1(f), all uses of a trail right-of-way that are inconsistent with the uses specified by the Department upon designation of the trail to the System are prohibited without approval by the Department.
- (b) Upon designation of a trail to the System, the administering agency, in coordination with the Department and with the advice of the Council, shall prepare a management plan for the trail right-of-way.
- (c) Management objectives to be addressed through preparation of a trail management plan include:
 1. Management of scenic trails primarily to protect and enhance their natural and scenic qualities;
 2. Protection of the natural vegetation of trail rights-of-way. Clearing of vegetation shall be permitted for public safety, trail construction, creation of occasional vistas, construction or maintenance of trail use facilities or other natural resource management that does not adversely affect the trail right-of-way or its designated uses and/or management objectives;
 3. Development of multiple compatible trail uses which allow convenient exits and entrances. Special consideration shall be given to identifying trail segments and access points appropriate for the needs of disabled trail users and conducting planning to meet any applicable guidelines and/or requirements under the ADA;

4. Full consideration of and coordination with adjacent landowners and their operations in order to minimize potential adverse effects on these owners from trail use;
 5. Identification of pre-existing trail uses that are inconsistent with the nature of the trail and its designated uses and/or management objectives, and evaluation of techniques to mitigate their impact;
 6. Description of erosion control measures, if necessary, taking into account the designated uses of the trail and preservation of the natural environment; and
 7. Identification of parking or other ancillary facilities necessary to support the classification and uses of the trail.
- (d) The administering agency shall be responsible for the initial development and continued maintenance of a designated trail. The management techniques employed by the administering agency shall be compatible with the trail classification and the purposes for which the trail was designated. The administering agency may allow uses of the trail other than the designated uses only with the prior approval of the Department.
 - (e) In developing a trails management plan, the administering agency shall solicit the advice of the local unit(s) with jurisdiction over the area(s) through which the trail passes.
 - (f) The administering agency is encouraged to solicit advice on trail design and management, and assistance for routine trail maintenance, from volunteers and user groups.
 - (g) The administering agency shall cooperate to the fullest extent possible with the owner of the trail right-of-way in complying with the requirements of the ADA, as applicable.
 - (h) Emergency vehicles and authorized maintenance vehicles shall be permitted access to designated trails for emergency and management purposes.
 - (i) The Department shall provide administering agencies with standardized trail head signs for posting.
1. The administering agency shall place and maintain signs at trail entrances, exits, and other strategic points to indicate that a trail is a component of the System.
 - (j) The Department will inspect each designated trail at least every two years, with the cooperation and assistance of the administering agency. If the Department determines that the trail is not meeting one or more of its designated uses and/or management objectives, it may authorize the administering agency to undertake mitigation measures, including temporary prohibition of one or more trail uses. If the Department determines that mitigation measures are not available to bring the trail into conformance with its designated uses and/or management objectives, it may recommend repeal of the trail designation in accordance with the procedure at N.J.A.C. 7:5D-5.3.

SUBCHAPTER 7. DEPARTMENT-FUNDED CONSTRUCTION PROJECTS AFFECTING DESIGNATED TRAILS

7:5D-7.1 Review of Department-funded construction projects affecting designated trails

- (a) The Department shall assess all proposed construction projects partially or wholly funded by the Department that temporarily or permanently cross, directly border upon, or interrupt use of a designated trail right-of-way or its facilities to determine the project's potential impact on the trail, trail users, associated facilities and adjacent property owners.
- (b) It is the Department's policy to incorporate, through a memorandum of understanding if appropriate, an informal analysis of the impact of a proposed project on designated trails into its review of non-Department-funded construction projects under its other regulatory programs. The Department may require permittees to take measures to mitigate the impact of proposed projects on designated trails if such measures are consistent with the statutory and regulatory authority governing the permit program.
- (c) The Department's review under (a) or (b) above shall assess the following:
 1. The location and nature of the proposed project, including the length of time the project is expected to be under construction;
 2. The potential impacts of the proposed project on the trail, including, but not limited to, soil erosion, sediment deposition, degradation of water quality, flooding, safety and health hazards, destruction or degradation of natural, historic or cultural resources, or disruption of scenic values; and
 3. Proposed or potential methods for mitigating or remediating the proposed project's impacts on the trail.
- (d) The Division, with the advice of the Council, shall review a proposed Department-funded construction project within 90 days of receipt of the project plans from the Department's funding program and shall provide a recommendation on the proposed project to the Commissioner.
- (e) The Commissioner shall review the recommendation of the Division made under (d) above and shall take one of the following actions on the recommendation:
 1. If the Commissioner determines that the proposed Department-funded construction project will temporarily interfere with the trail right-of-way, the Commissioner may require, as a condition of Department funding, mitigation measures to maintain or relocate the trail and its facilities in a manner consistent with the designated classification of the trail during the period of construction or permanently thereafter; or
 2. If the Commissioner determines that the proposed Department-funded construction project will permanently interfere with the trail right-of-way or its uses, thereby rendering the trail unsuitable for its designated purposes, and that no satisfactory remediation or mitigation is possible, the Commissioner may disapprove use of the trail for the proposed project. Remediation for

permanent interference with the trail right-of-way may include relocation of the trail right-of-way in a manner consistent with N.J.A.C. 7:5D-5.1 and 5.2.

- (f) Emergency measures to protect public health, safety and welfare may be undertaken in the trail right-of-way without prior review by the Department. However, persons or organizations undertaking such measures must notify the Division in writing within 24 hours of commencing such measures.

SUBCHAPTER 8. STATE TRAILS SYSTEM

7:5D-8.1 State Trails System

(a) The following trails are designated as components of the State Trails System:

1. Appalachian Trail:

- i. Location: Extending approximately 70 miles from the Delaware Water Gap to the New York-New Jersey border in Abram S. Hewitt State Forest.
- ii. Administering Agency: Department of Environmental Protection, Division of Parks and Forestry; United States Department of Interior, National Park Service, for that part in Delaware Water Gap National Recreation Area.
- iii. Permitted Trail Uses: Hiking; sections suitable for cross-country skiing and snowshoeing when snow-covered.
- iv. Trail Class: Scenic.
- v. Significance: The Appalachian Trail is a National Scenic Trail, following the ridges and valleys of the Appalachian Mountain System from Maine to Georgia. The New Jersey section passes through a variety of upland and lowland landscapes in Warren, Sussex and Passaic counties. Numerous side trails connect with the Appalachian Trail.

2. Batona Trail:

- i. Location: Extending approximately 49 miles in Brendan T. Byrne, New Lisbon, to Bass River State Forest, New Gretna, Burlington County.
- ii. Administering Agency: New Jersey Department of Environmental Protection, Division of Parks and Forestry.
- iii. Permitted Trail Uses: Hiking; sections suitable for cross-country skiing and snowshoeing when snow-covered.
- iv. Trail Class: Scenic.
- v. Significance: The Batona Trail passes through a variety of Pine Barrens upland and lowland

landscapes, connecting Lebanon, Wharton and Bass River State forests.

3. Delaware and Raritan Canal State Park:

- i. Location: Extending approximately 70 miles from New Brunswick to Lawrence and from Trenton to Frenchtown, passing through Mercer, Hunterdon, Somerset and Middlesex counties.
- ii. Administering Agency: New Jersey Department of Environmental Protection, Division of Parks and Forestry.
- iii. Permitted Trail Uses: Hiking, bicycling, cross-country skiing and snowshoeing throughout the entire length; horseback riding on the Main Canal section. Canoeing and kayaking are permitted in the canal.
- iv. Trail Class: Recreation.
- v. Significance: Delaware and Raritan Canal State Park includes a canal and towpath of the Delaware and Raritan Canal, and the former right-of-way of the Bel-Del Railroad. The park is listed as a National Recreation Trail. It is also listed on the National Register of Historic Places and has numerous historic structures and buildings associated with it.

4. Paulinskill Valley Trail:

- i. Location: Lands owned by the Department extending approximately 27 miles from Knowlton to Sparta Junction.
- ii. Administering Agency: Department of Environmental Protection, Division of Parks and Forestry.
- iii. Permitted Trail Uses: Hiking, cross-country skiing, snowshoeing, bicycling, dog-sledding, and horseback riding and carriage driving.
- iv. Trail Class: Recreation.
- v. Significance: The trail is designed to provide a variety of trail activities. It passes through a variety of rural and wooded landscapes in Sussex and Warren counties, and contains significant cultural features as an abandoned right-of-way of the former New York Susquehanna and Western Railroad. It intersects the Sussex Branch Trail and is managed by Kittatinny Valley State Park.

5. Sussex Branch Trail:

- i. Location: Lands owned by the Department extending 20 miles from Netcong to Branchville, in Morris and Sussex counties.
- ii. Administering Agency: Department of Environmental Protection, Division of Parks and Forestry.

- iii. Permitted Trail Uses: Hiking, cross-country skiing, snowshoeing and bicycling for its entire length; dog-sledding, horseback riding, and carriage driving from Andover to Branchville.
 - iv. Trail Class: Recreation.
 - v. Significance: The Sussex Branch Trail passes through a variety of landscapes in Sussex and Morris counties and contains significant natural features. It was an abandoned right-of-way of the former Erie Lackawanna Railroad and is now managed by Kittatinny Valley and Hopatcong State parks. The Sussex Branch Trail is designed to provide a variety of trail activities and access to several other outdoor recreational activities at Kittatinny Valley State Park and Allamuchy Mountain State Park.
6. Belleplain State Forest Trail System:
- i. Location: Upper and Dennis townships, Cape May County and Maurice River Township, Cumberland County.
 - ii. Administering Agency: New Jersey Department of Environmental Protection, Division of Parks and Forestry.
 - iii. Permitted Trail Uses: Hiking, horseback riding, bicycling, cross-country skiing, snowshoeing and motorized use of registered vehicles on designated trails.
 - iv. Trail Class: Recreation.
 - v. Significance: Belleplain State Forest offers a variety of trail opportunities on over 15,600 acres of predominantly Pine Barrens forest, including a trail for the visually impaired.
7. Cedar Creek:
- i. Location: Ocean County, from Dover Forge, in Double Trouble State Park to Route 9.
 - ii. Permitted Trail Uses: Canoeing and kayaking.
 - iii. Trail Class: Recreation.
 - iv. Significance: Cedar Creek provides an appreciation of ecosystems of the Pinelands, in a slow winding course. The river passes through Double Trouble State Park and the village of Double Trouble, a National Historic District.
8. Wells Mills County Park Trails System:
- i. Location: Ocean Township, Ocean County.
 - ii. Administering Agency: Ocean County Parks and Recreation Department.

- iii. Permitted Trail Uses: Hiking, cross-country skiing, snowshoeing and bicycling on designated trails.
 - iv. Trail Class: Recreation.
 - v. Significance: The park includes Pine Barrens upland oak-pine forests and lowland habitats, including Atlantic white cedar swamps. The park also includes a trail for the visually impaired, nature center, picnic area, and canoe rental for fishing and canoeing on Wells Mills Lake.
9. Wharton Water Trails:
- i. Location: Burlington and Atlantic counties, within Wharton State Forest.
 - ii. Administering agency: All portions of adjacent land to the rivers are within Wharton State Forest, administered by the Department of Environmental Protection, Division of Parks and Forestry.
 - iii. Permitted Trail Uses: Canoeing and kayaking.
 - iv. Trail Class: Recreation.
 - v. Significance: Wharton Water Trails form a network of pristine Pine Barrens water trails all converging into the Mullica River. The Lower Atsion, Batsto, Oswego and Wading rivers total 52 miles of slow-moving waterways that are available for canoeing and kayaking. The Lower Atsion is New Jersey's only designated Wild and Scenic River.

7:5D-8.2 Public Information

Interested persons may obtain information on the State Trails System by contacting:

Office of Natural Lands Management
Division of Parks and Forestry
Department of Environmental Protection
PO Box 404
Trenton, New Jersey 08625-0404
(609) 984-1339

NATLANDS@dep.state.nj.us