

G.M. & O. RAILS TO TRAILS  
RECREATIONAL DISTRICT

POLICIES AND PROCEDURES

GOVERNING CROSSINGS

AND

NON-DISTRICT USES

OF

DISTRICT PROPERTY

JUSTIFICATION AND NEED FOR POLICIES  
AND PROCEDURES GOVERNING  
CROSSINGS AND OTHER  
NON-DISTRICT USES OF DISTRICT PROPERTY

IN ANTICIPATION OF THE OPENING OF THE DISTRICT'S RAILS TO TRAILS PROJECT BETWEEN NEW ALBANY AND HOUSTON, MISSISSIPPI, THE BOARD OF DIRECTORS OF THE DISTRICT HAS DETERMINED THE NEED TO ESTABLISH GUIDE LINES, RULES AND REGULATIONS TO DEAL WITH THE REQUEST OF AGENCIES, CORPORATIONS, INDIVIDUALS, AND OTHER ENTITIES BOTH PUBLIC AND PRIVATE, TO USE DISTRICT PROPERTY FOR CROSSINGS AND NON-DISTRICT USES AND ACTIVITIES. THE DISTRICT WILL BE APPROACHED WITH PROPOSALS TO ENCROACH UPON DISTRICT PROPERTY FOR MANY PURPOSES, INCLUDING, BUT NOT NECESSARILY LIMITED TO CROSSINGS, ROADS IMPROVEMENTS AND OTHER PROJECTS WHICH WILL IMPACT ADVERSELY UPON THE PROPERTY OF THE DISTRICT AND THE USERS OF THE DISTRICT'S FACILITIES.

MANY OF THE NON-DISTRICT PROJECTS WILL BE NECESSARY, IF NOT ESSENTIAL FOR THE PROPER DEVELOPMENT AND EXPANSION OF THE AREA IN CLOSE PROXIMITY, IF NOT IN FACT ABUTTING, THE PROPERTY OF THE DISTRICT. ACCORDINGLY, THE DISTRICT DESIRES TO COOPERATE WITH AND ACCOMMODATE THOSE WHO MAKE SUCH REQUESTS, WITH RESPECT TO THEIR NEEDS.

LEFT UNCHECKED, THESE NON-DISTRICT USES AND ACTIVITIES WOULD THREATEN THE INTEGRITY OF THE DISTRICT AND ITS UNDERLYING PROPERTY RIGHTS. THESE USES AND ACTIVITIES WILL TEND TO DIMINISH THE USEFULNESS OF THE DISTRICTS PROPERTY FOR RECREATIONAL PURPOSES, DIMINISH THE QUALITY OF THE RECREATIONAL EXPERIENCES ENJOYED BY THE DISTRICT'S PATRONS, DECREASE THE VALUE OF THE DISTRICTS PROPERTY, AND LIMIT THE DISTRICTS CHOICES WITH RESPECT TO FUTURE DECISIONS ABOUT THE USE OF THE PROPERTY.

IN ADDITION, THESE NON-DISTRICT USES AND ACTIVITIES THREATEN THE DISTRICT'S ABILITY TO ADEQUATELY MAINTAIN THE AFFECTED PROPERTY AND FACILITIES AND TO PROTECT THE DISTRICT'S PATRONS AGAINST SAFETY AND HEALTH HAZARDS ASSOCIATED WITH MANY OF THE PROPOSED PROJECTS. FURTHER, A FLOOD OF NEW PROJECTS WILL STRAIN THE DISTRICT'S CAPACITY TO ADMINISTER NON-DISTRICT'S PROJECTS IN A MANNER WHEREBY THE DISTRICT'S BEST INTEREST, AND THAT OF ITS PUBLIC PATRONS, IS SERVED.

AS A RESULT, THE DISTRICT HAS ESTABLISHED A PROGRAM UNDER WHICH IT CAN REGULATE AND CONTROL NON-DISTRICT USES AND ACTIVITIES.

THE PURPOSE OF THIS DOCUMENT IS TO AFFIRM AND STATE THE DISTRICT'S POLICIES AND PROCEDURES GOVERNING CROSSINGS AND OTHER NON-DISTRICT USES OF THE DISTRICT'S PROPERTY AND THE GRANTING OF PERMITS RELATING TO THOSE USES.

THE OVERALL FUNCTION OF THE PERMITTING PROGRAM AND THESE UNDERLYING POLICIES AND PROCEDURES IS TO PROTECT THE INTEGRITY OF THE DISTRICT'S RECREATIONAL FACILITIES AND TO PRESERVE THE LAND AND OTHER RESOURCES OF THE DISTRICT WHICH HAVE BEEN ACQUIRED AND DEDICATED FOR RECREATIONAL PURPOSES.

THE POLICIES AND PROCEDURES CONTAINED THEREIN WILL SERVE TO:

- DISCOURAGE UNNECESSARY ENCROACHMENTS,
- CONTROL ACTIVITIES OF PERMITTEES,
- MINIMIZE INCONVENIENCE TO PATRONS USING DISTRICT'S RECREATIONAL FACILITIES,
- LESSEN DAMAGE TO DISTRICT'S LAND AND FACILITIES,
- PLACE LEGAL LIABILITY WITH PERMITTEES,
- ESTABLISH AND DEFINE STANDARDS FOR CONSTRUCTION AND RESTORATION,
- ENABLE THE DISTRICT TO RECOVER ITS ADMINISTRATIVE COSTS,
- ENABLE THE DISTRICT TO RECEIVE APPROPRIATE COMPENSATION FOR USE OF IT'S PROPERTY AND IT'S CORRESPONDING DAMAGES,
- ALLOW FOR THE FAIR AND UNIFORM ADMINISTRATION OF THE PERMITTING PROGRAM, AND
- INFORM PROSPECTIVE PERMITTEES, AND THE PUBLIC, OF THE EXPECTATIONS AND INTENTIONS OF THE DISTRICT WITH RESPECT TO NON-DISTRICT USES AND ACTIVITIES.

PRESUMPTION OF BEST USE- DISTRICT LANDS ARE ACQUIRED FOR RECREATIONAL PURPOSES AND SHOULD BE MANAGED FOR THEIR BEST AND MOST NECESSARY USE AND BENEFIT, THUS, THOSE REQUESTING OTHER USES SHALL ASSUME THE BURDEN OF PROOF RESPECTING THE NEED FOR SUCH OTHER USES. UNLESS OTHERWISE SPECIFICALLY DETERMINED AND APPROVED BY THE BOARD OF THE DISTRICT, RECREATIONAL RELATED USES SHALL BE DEEMED TO BE THE PARAMOUNT USES OF ALL DISTRICT'S HOLDINGS.

INCOMPATIBLE USES- THE DISTRICT SHALL DENY NON-DISTRICT PERMITS WHICH, IN ITS SOLE OPINION, WOULD ADVERSELY AFFECT ITS RECREATIONAL LAND AND USES.

POLICY SUBJECT TO OUTSTANDING RIGHTS- ANY NON-DISTRICT PERMITS GRANTED SHALL BE CONSIDERED SUBJECT TO PRE-EXISTING RIGHTS AND INTEREST OF OTHERS, INCLUDING BUT NOT LIMITED TO THE FEDERAL GOVERNMENT OR MDOT AS A RESULT OF GRANT OR OTHER FUND ASSISTANCE. WHEN REQUIRED, THE GRANTING OF ANY NON-DISTRICT USES BY THE DISTRICT SHALL NOT BECOME EFFECTIVE UNTIL SUCH GRANT HAS RECEIVED APPLICABLE FEDERAL GOVERNMENT AND MISSISSIPPI DEPARTMENT OF TRANSPORTATION APPROVAL. TO THE GREATEST EXTENT PRACTICABLE, THE DISTRICT WILL RECOGNIZE EXISTING RIGHTS AND PERMITTEES AND OTHER USERS, PROVIDED THIS POLICY SHALL NOT SERVE TO CREATE NEW OR ADDITIONAL RIGHTS OR PRIVILEGES RUNNING TO THE BENEFIT OF THOSE EXISTING LICENSEES OR PERMITTEES AND OTHER USERS.

POLICY SUBJECT TO PRIOR COMMITMENTS- THIS POLICY SHALL NOT SERVE TO TERMINATE LEGALLY EXISTING NON-DISTRICT PERMITS OR USES OR TO INVALIDATE PRIOR COMMITMENTS TO ALLOW NON-DISTRICT PERMITS OR USES BUT SHALL TAKE EFFECT WITH RESPECT TO ANY RENEWALS FOLLOWING THE EXPIRATION OF LEGALLY EXISTING USES OR COMMITMENTS. FURTHER, THE DISTRICT RESERVES THE RIGHT TO APPLY ITS POLICIES, PROCEDURES AND REGULATIONS TO EXISTING NON-DISTRICT PERMIT OR USES AT THE EARLIEST RENEWAL OR NEGOTIATION OF AN AGREEMENT.

EXCEPTIONS FOR DISTRICTS NEEDS- WHILE THE DISTRICT WILL ENDEAVOR TO FOLLOW THESE POLICIES IN ALL CASES, IT SHALL NOT BE OBLIGATED TO FOLLOW ALL OF THE CONDITIONS STATED HEREIN WHEN EASEMENTS OR OTHER OUT-CONVEYANCES ARE REQUIRED IN ORDER TO OBTAIN UTILITY SERVICES OR ROADWAYS TO SERVE DISTRICTS RECREATIONAL NEEDS.

UNIFORMITY IN ADMINISTRATION- THESE POLICIES SHALL BE ADMINISTERED AS UNIFORMLY AS POSSIBLE WITH RESPECT TO ALL NON-DISTRICT USES, WHETHER REQUESTED BY PUBLIC, QUASI-PUBLIC, PRIVATE AGENCIES OR INDIVIDUALS. NOTWITHSTANDING THIS PRINCIPLE, THE DISTRICT MAY WAIVE OR RELAX CERTAIN FEES, FORMALITIES OR PROCEDURES AS IT

DEEMS APPROPRIATE AND IN THE BEST PUBLIC INTEREST, PROVIDED IT WOULD DO SO UNDER EQUIVALENT CIRCUMSTANCES FOR ALL OTHER USERS. IN ADDITION, THE DISTRICT MAY ESTABLISH SPECIAL REGULATIONS AND PROCEDURES APPLICABLE TO ITS MEMBER JURISDICTIONS: AND IT MAY ESTABLISH APPROPRIATE RECIPROCITY AGREEMENTS WITH OTHER PUBLIC BODIES WITH WHOM THE DISTRICT DEALS ON A REGULAR BASIS. FURTHER, THE DISTRICT MAY ESTABLISH SPECIAL OR STREAMLINED PERMITTING PROCEDURES FOR DEALING WITH MULTIPLE FACILITY USERS SUCH AS UTILITY COMPANIES.

MINIMUM RIGHTS- NON-DISTRICT PERMITS AND USES GRANTED SHALL BE THE MINIMUM NECESSARY TO REASONABLY ACCOMPLISH THE OBJECTIVES OF ANY PARTICULAR REQUEST.

MINIMUM TERMS- THE TERMS OF PERMITS AND OTHER APPROVALS SHALL BE THE MINIMUM NECESSARY TO SATISFY THE NEEDS OF THE REQUESTING PARTY. IT SHALL NOT EXCEED THE FACILITY LIFE OF ANY STRUCTURE, INCLUSIVE OF MAINTENANCE.

GRANTING OF INTEREST IN LAND- THE GRANTING OF PERMITS AND OTHER ACTUAL USES OF DISTRICTS LAND SHALL BE DISCOURAGED BUT MAY BE APPROVED WHEN DEEMED APPROPRIATE BY THE BOARD. IN MOST INSTANCES, IT WILL GRANT REVOCABLE PERMITS FOR A SPECIFIED PERIOD OF TIME. IN ANY EVENT, IF FEDERAL OR STATE GRANT FUNDS WERE USED IN THE ACQUISITION AND/OR DEVELOPMENT OF A SPECIFIC RECREATIONAL PROJECT, NO INTEREST IN THAT PROPERTY WILL BE GRANTED WITHOUT APPROPRIATE AND REQUIRED APPROVAL EXCEPT, HOWEVER, THAT TO IMPROVE AND MAINTAIN STORM DRAINAGE FACILITIES MAY BE GRANTED WITHOUT SUCH APPROVALS PROVIDED THE FACILITIES WOULD NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE RECREATIONAL USES FOR WHICH GRANT FUNDS WERE RECEIVED, AND PROVIDED THE PROPOSED PERMIT-HOLDER ASSUMES FULL RESPONSIBILITY FOR MAINTAINING THE STORM DRAINAGE FACILITIES ON DISTRICT'S PROPERTY.

GRANTING TITLE OR EASEMENT RIGHTS- IN NO CASE, OR UNDER ANY CIRCUMSTANCE, SHALL THE DISTRICT CONVEY TITLE TO OR EASEMENT RIGHTS IN DISTRICT OWNED PROPERTY.

LIABILITY REQUIREMENTS- TO THE EXTENT LEGALLY PERMITTED, PERMITS OR OTHER USES GRANTING NON-DISTRICT USE IN DISTRICT'S LANDS SHALL CONTAIN "HOLD HARMLESS" CLAUSES STIPULATING THAT THE PERMIT HOLDERS OR OTHERS WILL ASSUME ALL LIABILITY WITH RESPECT TO DAMAGES AND INJURIES RESULTING FROM THE INTEREST OR USE GRANTED BY THE DISTRICT. THE DISTRICT MAY REQUIRE THAT LIABILITY INSURANCE BE PROVIDED TO SUPPORT THE HOLD HARMLESS REQUIREMENT.

THOSE AGENCIES, CORPORATIONS, INDIVIDUALS, AND OTHER ENTITIES THAT DESIRE TO ESTABLISH CROSSINGS AND OTHER SIMILAR USES FOR PEDESTRIAN OR ANY TYPE OF VEHICULAR TRAFFIC ON, OVER OR UNDER DISTRICT PROPERTY, MUST FOLLOW THE FOLLOWING POLICY AND PROCEDURES.

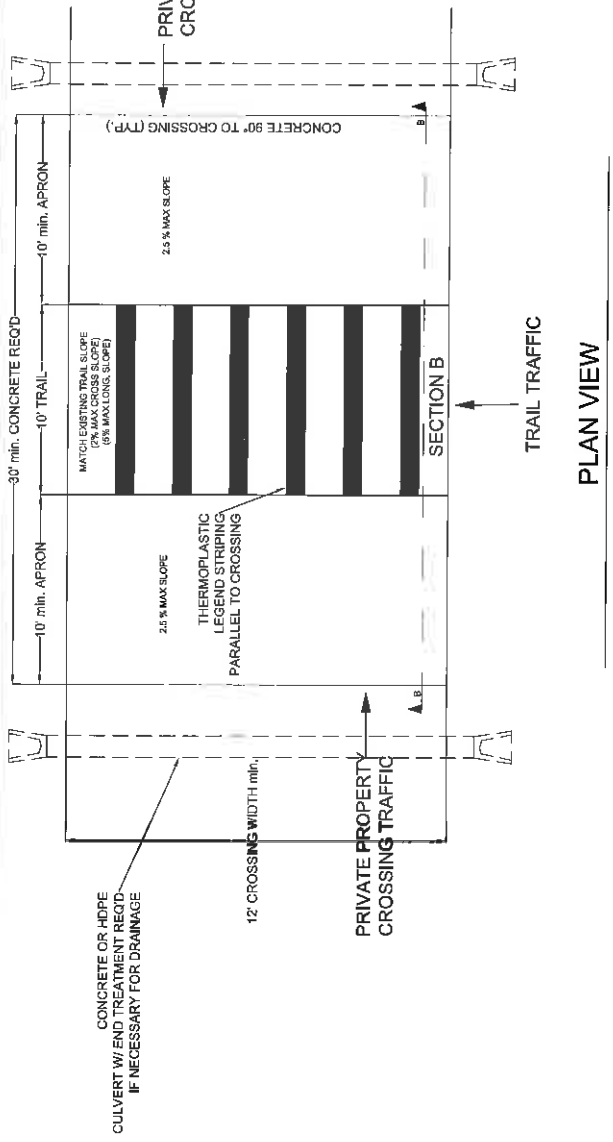
THOSE AGENCIES, CORPORATIONS, INDIVIDUALS, AND OTHER ENTITIES, HEREINAFTER KNOWN AS "PROSPECTIVE PERMITTEES", SHALL FILE AN INITIAL WRITTEN APPLICATION WITH THE DISTRICT OR ITS DESIGNATED ADMINISTRATIVE AGENT. WITH SAID WRITTEN APPLICATION, THE PROSPECTIVE PERMITTEE SHALL PAY AN INITIAL NON-REFUNDABLE ADMINISTRATIVE FEE OF FIVE HUNDRED (\$500.00) DOLLARS TO THE DISTRICT. THAT FEE SHALL BE USED TO PAY THE EXPENSES OF A PRELIMINARY ENGINEERING AND ENVIRONMENTAL REVIEW. THE DISTRICT SHALL ALSO SEEK COMMENTS AND A CRITICAL ANALYSIS FROM ITS MEMBER GOVERNMENTAL UNITS ABOUT THE REQUESTED PERMIT. THE DISTRICT, OR ITS DESIGNATED ADMINISTRATIVE AGENT, SHALL HAVE SIXTY (60) DAYS FROM RECEIPT OF THE INITIAL APPLICATION (UNLESS EXTENDED FOR GOOD CAUSE) TO RESPOND IN WRITING TO SAID APPLICATION. THE INITIAL APPLICATION MUST CONTAIN ALL NECESSARY AND REQUIRED DOCUMENTS AND INFORMATION TO ALLOW THE DISTRICT TO CONSIDER AND RESPOND TO THE APPLICATION (SEE ATTACHED FORM).

IF THE DISTRICT, OR ITS DESIGNATED ADMINISTRATIVE AGENT, FAVORABLY RECOMMENDS THE REQUESTED PERMIT OR USE, THEN THE PROSPECTIVE PERMITTEE MUST PAY A NON-REFUNDABLE DEVELOPMENTAL DESIGN FEE OF ONE THOUSAND, FIVE HUNDRED (\$1,500.00) DOLLARS TO THE DISTRICT. THAT FEE SHALL BE USED TO PAY THE EXPENSES OF ENGINEERING/ARCHITECTURAL CONSULTANTS TO DEVELOP A WRITTEN PLAN OR SCHEMATIC FOR THE CONSTRUCTION OF SAID PERMITTED USE BY THE DISTRICT.

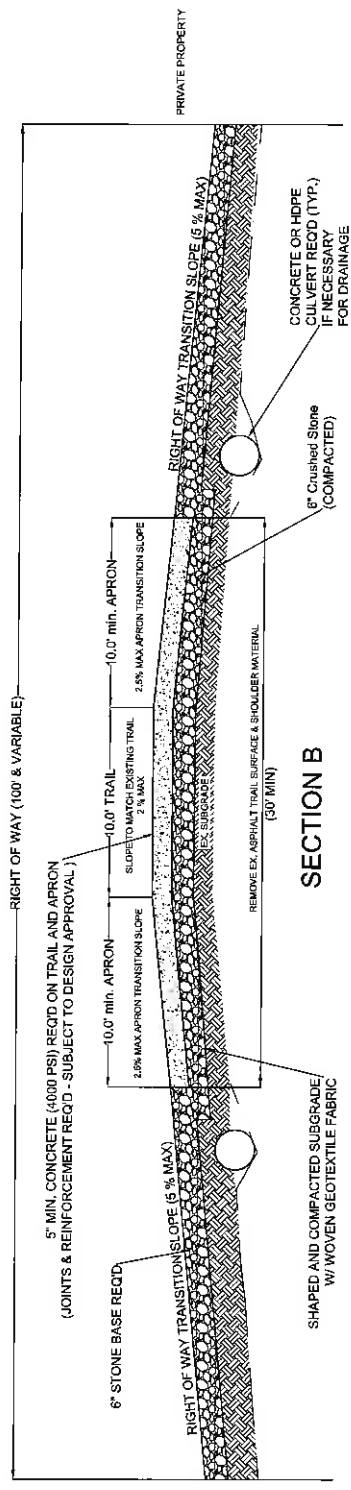
UPON COMPLETION OF THE WRITTEN PLAN OR SCHEMATIC BY THE DISTRICT FOR THE CONSTRUCTION OF THE PERMITTED USE, THE PROSPECTIVE PERMITTEE MUST THEN PAY A MINIMUM DEPOSIT OF FUNDS IN THE SUM OF EIGHT THOUSAND, FIVE HUNDRED (\$8,500.00) DOLLARS TO THE DISTRICT TO BE USED FOR THE COSTS OF CONSTRUCTION OF THE CROSSING OR PERMITTED USE BY THE DISTRICT. DEPENDING ON THE ESTIMATED COSTS OF THE CONSTRUCTION OF THE CROSSING OR PERMITTED USE, THE DISTRICT MAY REQUIRE AN ADDITIONAL OR GREATER DEPOSIT TO BE PAID BY THE PROSPECTIVE PERMITTEE. ANY FUNDS NOT ULTIMATELY USED TO PAY FOR THE COSTS OF CONSTRUCTION OR ANY COSTS ASSOCIATED WITH CONSTRUCTION, SHALL BE REFUNDED TO THE PROSPECTIVE PERMITTEE. IF CONSTRUCTION OF PERMITTED USE IS NOT COMPLETED AND CLOSED BY THE DISTRICT WITHIN ONE (1) CALENDAR YEAR OF PAYMENT OF THE CONSTRUCTION FEE DESCRIBED ABOVE, THE INITIAL APPLICATION AND REQUESTED PERMIT SHALL BE CLOSED BY THE DISTRICT AND THE CONSTRUCTION FEE REMAINING UNEXPENDED SHALL BE REFUNDED TO THE PERMITTEE.

THE DISTRICT, OR ITS DESIGNATED ADMINISTRATIVE AGENT, SHALL SUPERVISE, OVERSEE, AND INSPECT THE CONSTRUCTION OF THE CROSSING OR PERMITTED USE. THE CROSSING OR PERMITTED USE SHALL NOT BE UTILIZED OR USED AS INTENDED UNTIL THE DISTRICT ACCEPTS AND APPROVES THE PERMITTED USE IN WRITING. ONCE ACCEPTED BY THE DISTRICT, THEN THE DISTRICT SHALL BE RESPONSIBLE FOR THE ROUTINE MAINTENANCE AND UPKEEP OF THE CROSSING OR PERMITTED USE ON ITS PROPERTY.

THAT MEMBER GOVERNMENTS OF THE DISTRICT AND ANY POTENTIAL TEMPORARY PROSPECTIVE USERS OF THE DISTRICT PROPERTIES AND/OR FACILITIES, MAY REQUEST AND BE CONSIDERED FOR A WAIVER OF THESE POLICY AND PROCEDURAL REQUIREMENTS UNDER ANY CONDITIONS ESTABLISHED BY THE DISTRICT.



**NOTE:**  
 ALL DISTURBED AREAS WILL BE SEEDED OR SOLID SOD AND BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED FOR EROSION CONTROL DURING CONSTRUCTION AND FINAL ACCEPTANCE WILL NOT OCCUR UNTIL VEGETATION IS ESTABLISHED ON ALL DISTURBED AREAS.



**TYPICAL NEW CROSSING SECTION**  
 N.T.S.

**THE SHEET INDICATES MINIMUM REQUIRED DESIGN STANDARDS ONLY AND ANY PERMITTED CROSSING WILL REQUIRE A DESIGN BY A PROFESSIONAL ENGINEER AND WILL BE REVIEWED BY THE DISTRICT'S ENGINEER PRIOR TO THE BID PHASE.**



