

# Memo

To: Village Board  
From: Chris Clark, Director of Parks, Recreation, & Forestry  
Re: Fox River Trail Winter Snow Removal  
Date: January 19<sup>th</sup>, 2016

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## Background Information:

The Parks, Recreation, and Forestry Department has been working with the Brown County Parks Department (BCPD), who maintains the Fox River State Recreational Trail for the State of Wisconsin, to come up with an agreement to remove snow from the trail in Allouez during the winter season. In discussions with BCPD there are many issues to take into consideration and approvals from both the State of Wisconsin as well as Brown County would be needed prior to having a final agreement. Both the BCPD and the State of Wisconsin wanted to remind the Village that the trail is a recreational trail and not a sidewalk, and is therefore maintained to standards of a recreational trail.

BCPD is in favor of removing snow from the trail however they currently do not have the capacity to undertake these operations. They are willing to work with the individual communities, that the trail runs through, in achieving this goal as well as potentially assisting with supply acquisition or other aspects of the operations. Matt Kriese, Assistant Parks Director, from the Brown County Parks Department will be in attendance at the Board meeting to give background information and answer questions from the Board.

A Memorandum of Agreement (MOA) would be required from Brown County as well as possibly a Winter Trail Services Contract from the State of Wisconsin. These are items that are still being discussed with BCPD and the Wisconsin DNR Trails Coordinator. Some of the guidelines that it appears would be included in a MOA are:

- Snow will need to be removed when greater than 1 inch
- Anti-icing salts or chemicals are not allowed; use sand products for traction
- The minimum maintained width of a trail is 8 feet
- All signage will need prior approval before installation
- All State administrative codes and statutes must be followed

Another item that was mentioned by members of the community as well as members of the Board was making a portion of the trail available for cross country skiing. According to the Wisconsin DNR webpage for the Fox River State Trail it states under Winter Activities that *"The limestone portion of the trail is open to cross-country skiing and snowshoeing, however, the trail is not groomed and skiers and snowshoers must share the trail with snowmobilers. Skiing and snowshoeing are not allowed on the asphalt trail segment in Brown County"* (Attachment).

Additionally, plowing of the trail the minimum of 8' wide would leave inadequate space on the remaining portion of the trail for skiing.

Staff has contacted the Village's liability insurance company with regards to Recreational Immunity for winter use of recreational trails. Our insurance company also spoke with additional attorneys that have experience with Recreational Immunity and their conclusion is that RI would apply if the trail is used for recreational purposes such as walking, jogging, bicycling, etc. and not as a pedestrian sidewalk with the intended use of getting people from point A to B (Attachment). Future contracts, MOA's, and policies will be reviewed by legal staff prior to approval and implementation.

Previous Information/Action:

The Village Board asked staff to contact Brown County Parks Department to determine what it would take to maintain the Fox River Trail during the winter. At the December 15, 2015 meeting, staff was directed to develop procedures, firm up potential costs, and determine liability issues and if Recreational Immunity would apply.

Budget Item/Funding:

This item is not currently funded in the 2016 operating budget. It is estimated that funding needed for a typical winter season to plow the Fox River Trail by village staffing and equipment would be \$9000 annually. This would be for an average of 16 one inch snow events for the season.

Staff Recommendation:

Village staff recommends the Village Board direct staff to continue to work with Brown County and the State of Wisconsin to develop a working agreement and policy to remove snow from the Fox River Trail on an annual basis for recreational purposes.

Attachments:

- Email correspondence from Dennis Tweedale (League of Wisconsin Municipalities Mutual Insurance)
- Wisconsin State Park System Fox River Trail information (Wisconsin DNR website)
- Cost estimates for snow removal

**VILLAGE OF ALLOUEZ PARKS, RECREATION, & FORESTRY DEPT.**

2016

COSTS FOR SNOW REMOVAL ON TRAILS (TIME & MATERIAL)

1" MINIMUM SNOWFALL

	Per Hour Charge	Hours	
Labor Rate (per man hr)	\$ 45.90	4.5	\$ 206.55
<b>Equipment</b>			
Pickup truck w/ plow	\$ 21.06	2	\$ 42.12
Loader w/ broom or bucket	\$ 33.86	1.5	\$ 50.79
1 Ton Dump Truck	\$ 20.32	1	\$ 20.32
Salter/sander	\$ 4.04	1	\$ 4.04
<b>Supplies</b>			
Sand	\$ 14.75 per ton	Amount needed / snowfall 1 ton	\$ 14.75
			Cost per snow event <u>\$ 338.57</u>
			Cost per season (ave 16 snow events) \$ 5,417.12
			Additional trail check for icy/driftng conditons \$ 3,442.50 5 hrs/week (1 hr /day) * 15 weeks
			<u><u>\$ 8,859.62</u></u>

Note: These figures are preliminary and other fees and charges may apply

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Fox River State Trail



- [Trail map \[exit DNR\]](#) Brown County segment
- **Rail Trail:** Yes
- **Length:** 25 miles
- **Surface:** asphalt - 11 miles crushed stone - 14 miles
- **Counties:** Brown, Calumet
- **Communities:** Green Bay, Allouez, De Pere, Rockland, Wrightstown, Holland, Greenleaf, Forest Junction, Hilbert
- [State trail pass](#) required for bicycling, in-line skating and horseback riding



Contact information

For information, contact:

Brown County Parks Department  
PO Box 23600  
Green Bay WI 54305  
920-448-4466

Calumet County Parks  
N6150 County Trunk EE  
Hilbert WI 54129  
920-439-1008

## Wisconsin State Park System Fox River State Trail



Photo © WI Department of Tourism



From downtown Green Bay, the Fox River State Trail winds along the beautiful Fox River before extending for 25 miles along a former rail corridor. The Fox River corridor has a rich history, beginning with the Native Americans who used footpaths to travel between their villages located along the river. The early French explorers, missionaries and traders built their posts and missions along these trails.

From the north trailhead in Green Bay, about 11 miles of the trail is asphalt-paved to Lasee Road. From Lasee Road south into Calumet County, the trail is surfaced with limestone screenings. Along the way, the trail passes by numerous overlooks along the Fox River, many local parks and the Brown County Historical Society. A "Health Trail" along a portion of the Fox River Trail in Allouez provides trail users with an outdoor fitness challenge course.

## Trail activities

The trail may bring a number of different users to the trail at the same time. It is important to use good trail etiquette to ensure the enjoyment and safety of all trail users.

- [Wisconsin Trail Etiquette and Safety Guidelines \[PDF\]](#)



### Walking, bicycling and in-line skating

The level grade and smooth asphalt and limestone surfaces make this trail suitable for bicyclists, walkers and joggers. The 11 miles of asphalt trail in Brown County from the northern trailhead to Lasee Road are suitable for in-line skaters. Each bicyclist and skater age 16 or older needs a Wisconsin [state trail pass](#) while using the trail.

Pet owners, please be sure to have your pet on a leash, 8 feet or shorter, at all times. You must pick up after your pet.



### Horseback riding

The southern portion of the trail, south of Highway 96 in the Village of Greenleaf to Ott Road in Calumet County allows horseback riding on the gravel surface. Riders are asked to limit their use of the trail immediately following a heavy rainfall to reduce the amount of damage to the trail. Riders must pick up after their horse. Each rider age 16 or older needs a Wisconsin [state trail pass](#) while using the trail.



### Winter activities

Snowmobiles are permitted on the limestone portion of the trail in Calumet County, and from Man Cal Road north to Fair Road in Brown County. No snowmobiles or motorized vehicles are allowed on the asphalt trail segment in Brown County. Operators must follow all [Wisconsin snowmobile laws](#). The trail also connects to numerous miles of county snowmobile trails.

The limestone portion of the trail is open to cross-country skiing and snowshoeing, however, the trail is not groomed and skiers and snowshoers must share the trail with snowmobiles. Skiing and snowshoeing are not allowed on the asphalt trail segment in Brown County.



### No Hunting and trapping allowed on trail

Hunting and trapping are not allowed on the trail corridor. For more information, please see:

- [Hunting and trapping in Wisconsin State Parks](#)

## Directions

The north trailhead of the Fox River State Trail is near downtown Green Bay at the junction of Porlier Street and Adams Street, just south of the Mason Street Bridge. Parking near the trailhead is available on Adams Street and on weekends in the lot located under the Mason Street Bridge. Parking is also available at the Fox Point Boat Launch facility, Voyageur Park, Bomier Boat Launch and the corner of Klaus and Follett Streets in Greenleaf.

## Volunteering

- [Wisconsin State Park System volunteering opportunities](#)

## Department of Tourism listings

- [Green Bay \[exit DNR\]](#)
- [Calumet County \[exit DNR\]](#)

Chris Clark

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**From:** Dennis Tweedale <dennis@lwmmi.org>  
**Sent:** Monday, December 21, 2015 2:30 PM  
**To:** Chris Clark  
**Cc:** 'Kohn, Mary'; 'Krueger, David'  
**Subject:** FW: Liability for Snow Removal Operations

Chris, please see the answer from our defense attorney. I believe this should give enough guidance for the board to move forward with a budget if they wish to use the trail for recreational winter purposes.

Please let me know if there are additional questions

Dennis

Dennis Tweedale  
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**From:** Bitar, Remzy D. [mailto:RBitar@CrivelloCarlson.com]  
**Sent:** Monday, December 21, 2015 2:24 PM  
**To:** 'Dennis Tweedale' <dennis@lwmmi.org>  
**Subject:** RE: Liability for Snow Removal Operations

I agree with both of you. Rec immunity and discretionary immunity should both come into play. The more the walkway resembles a trail to be used for recreational purposes, the stronger the argument for immunity under Rec Immunity. Likewise, the stronger the record showing the Village does its best to clean-up the snow under their budget/resources/manpower, and where there is no notice of a known problem, the better the argument for Discretionary Immunity. Although signage is discretionary, it may not hurt to have a sign out there saying "snow may not be cleared; for recreational use only"

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**From:** Dennis Tweedale [<mailto:dennis@lwmmi.org>]  
**Sent:** Monday, December 21, 2015 1:27 PM  
**To:** Bitar, Remzy D.  
**Subject:** FW: Liability for Snow Removal Operations

Remzy, my thoughts – what are yours.

If the board want these trails to be used purely as recreational trails such as running and bicycling, and they are on park land, then rec immunity should apply- (no use intended for getting a person from point A to point B). Village could use their best effort they can afford and even if that was not enough to prevent an accident, we should be able to at least argue both discretionary and rec immunity. Clear pavement I do not believe is required ( nor are signs).

Dennis

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**From:** Kohn, Mary [<mailto:Mary.Kohn@willis.com>]  
**Sent:** Monday, December 21, 2015 12:47 PM  
**To:** Dennis Tweedale ([dennis@lwmmi.org](mailto:dennis@lwmmi.org)) <[dennis@lwmmi.org](mailto:dennis@lwmmi.org)>  
**Cc:** Krueger, David <[David.Krueger@willis.com](mailto:David.Krueger@willis.com)>  
**Subject:** FW: Liability for Snow Removal Operations

Dennis

Do you have any input with regards to this? I am not sure how to answer the question. Thank you for your assistance.

Mary Jo

On Dec 21, 2015, at 11:30 AM, Chris Clark <[chrisc@villageofallouez.com](mailto:chrisc@villageofallouez.com)> wrote:

Good morning David,  
I am not sure if you can help me out with this or not. Our Village Board is looking into winter snow removal of public recreational trails. Are there any guidelines or liability concerns from an insurance perspective? Our thought is that these are recreational trails and may not need to be maintained to the standards of a pedestrian sidewalk with regards to a “dry pavement” standard.

Thank you for your time and have a Happy Holiday Season!

Thank you,

*Chris Clark, CPRP*

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