

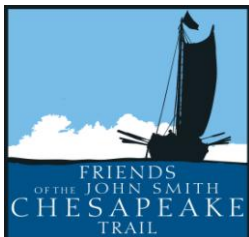
**A PROPOSAL TO PROMOTE SAFE AND
REASONABLE CANOE, KAYAK AND FISHING
ACCESS TO RIVERS, BAYS, LAKES AND STREAMS
ALONG OUR NATION’S ROADS AND BRIDGES**



May 20, 2009

**Friends of the John Smith Chesapeake Trail
American Canoe Association
Trout Unlimited
American Sportfishing Association**

A WHITE PAPER REPORT BY THE FRIENDS OF THE JOHN SMITH CHESAPEAKE TRAIL



The mission of the Friends of the John Smith Chesapeake Trail, a 501 (c)(3) organization, is to improve public access to the Trail and the Chesapeake Bay, conserve the Bay’s significant landscapes, promote recreation and tourism opportunities along the trail, and help educate the public about Captain Smith’s journeys, Native American cultures in the region and the changes that have occurred in the watershed over the past 400 years.

Promoting safe and reasonable canoe, kayak and fishing access to rivers, bays, lakes and streams along our nation's roads and bridges.

Waterways – our rivers, lakes, bays and streams – were our nation's earliest routes used for transportation. Native Americans canoed these waterways for travel, trade and fishing, and Captain John Smith and the early European settlers used them to explore and gain access to the vast American wilderness. Gradually, the development of other means of transportation – roads, railroads and later air transport -- largely supplanted waterways for personal travel, although they remain key modes for shipment of goods and for recreation.

Recent studies suggest that a growing number of Americans – estimated at more than 50 million people each year – are taking to the nation's waterways in non-motorized watercraft such as canoes and kayaks. One out of every 10 Americans has a fishing license. Unfortunately, today, every state has roadways and bridges which serve as barriers for the growing number of people who wish to use them for fishing, canoeing and kayaking. Many bridges and roads near waterways lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers and anglers safe from automobile and truck traffic. They sometimes have guardrails, which unreasonably or unnecessarily (from a highway safety perspective), obstruct access to the water. More often than not, they are constructed or reconstructed without consideration of how safe access to the waterway from the roadway or bridge could be accommodated or improved for fishing, kayaking or other recreational uses.

Why Improve canoe, kayak and fishing access?

Canoeing, kayaking and fishing access improvements offer multiple benefits, including:

- Safety – providing adequate facilities along travel corridors improves safety for recreation users and motorists alike.
- Recreation and Transportation – in many waterfront communities around the country, people are choosing canoe or kayak commuting as a means of transportation or recreation.
- Health – these activities are known to improve fitness, mental health and well being.
- Environmental stewardship – reconnecting people to their rivers, streams and other water-bodies helps to increase stewardship of the environment.
- Quality of Life – communities that provide access to waterways are, in general, more desirable, attracting new business and visitors.
- Economic stimulus and jobs –local communities that have enhanced access to navigable waters for paddlers and anglers, have experienced economic stimulus through ecotourism and development of watertrails.
- Economies of Scale – Construction in and about the potential access area will already occur during road or bridge repair and/or construction.

Existing laws:

More than three decades ago, in the Federal-Aid Highway Act of 1976, the Congress recognized the relationship between bridges and public access to waterways by authorizing the Secretary of Transportation to approve the construction of access ramps to public boat launching areas which are adjacent to bridges that are being constructed, reconstructed, replaced, or repaired on the Federal-aid primary, secondary, or urban systems. Federal highway funds may be used to construct such access ramps if a State applies, if funds are available and upon a showing of safety and utility of the highway facility including the access ramp.

But these funds are limited to areas where public boat launching areas already exist and boat ramps are not typically ideal facilities from which to fish or launch a canoe or kayak.

In California, the state has adopted a code which requires consideration of, and reports on, the feasibility of providing a means of public access to a navigable river for public recreational purposes before construction of a bridge. But the code applies only to *new* construction of bridges, not reconstruction, repair or other improvements to bridges or roads adjacent to waterways.

Proposal:

We believe that public access to waterways must be given due consideration in the transportation planning process and in conjunction with new construction, reconstruction or repair of road and bridge transportation facilities, except where such use is unsafe, not permitted or appropriate. An example of where such access could be unsafe, not permitted or inappropriate is along Interstate Highways. But there are other primary and secondary roads and bridges on the Federal-aid highway system, where such access could be provided safely and at reasonable cost. We also believe that transportation plans and projects along waterways must consider safety for anglers, canoeists and kayakers.

Opportunity:

The reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in the 111th Congress offers an opportunity to enhance canoe, kayak and fishing access from appropriate roadways and bridges. Modeled on the bicycle and pedestrian provisions codified into Title 23 of SAFETEA-LU, funding, planning, and policy tools could be made available to provide safe and reasonable accommodations for anglers, canoeists and kayakers.

Specifically, we recommend that Section 217 of Title 23 U.S.C. be amended to:

- Ensure that provision of waterway access for anglers, canoeists and kayakers is given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State.
- Ensure that waterway access facilities are considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where such use is not permitted, unsafe or unreasonable.

- Make “waterway access facilities for fishing, canoeing and kayaking” along the public rights of way of appropriate roads and bridges eligible for funding from the major Federal-aid highway, safety, and other programs, including National Highway System, Surface Transportation Program, Transportation Enhancement, and Federal lands highway funds.
- Require safe accommodations for anglers, canoeists and kayakers in cases where a highway bridge deck over a waterway is being constructed, replaced or rehabilitated with Federal financial participation *and* the Secretary of Transportation determines that such accommodations can be provided at reasonable cost and safely.
- Define a fishing, canoe or kayak waterway access facility as "a fishing platform, new or improved path to the water, soft landing, or shoulder and parking facility” for use by anglers, canoeists and kayakers.

Provision of safe and reasonable canoe, kayak and fishing access to rivers, bays, lakes and streams along to our nation’s roads and bridges need not be a costly accommodation. Paths to the water, soft landings, extended shoulders and parking, removing unnecessary barriers, as part of roadway or bridge construction or reconstruction, can, in most instances, be accomplished at a reasonable cost. Such provisions could greatly improve safety, promote waterways as an alternative means of transportation, stimulate the economies of local communities, and enhance the health and quality of life of our citizens.

“Man hoisted sail before he saddled a horse. He poled and paddled along rivers and navigated the open seas before he traveled on wheels along a road.” Thor Heyerdahl