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Limiting extensions of Trail Use Negotiating Periods

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We must ask what is "reasonable" in regards to the law. We live on a railbed that has been abandoned for over 37 years. All of the home owners have been using this abandoned rail bed as a way to access their properties. This is in an area that has seen flooding events that surpassed the 100 year event mark. Once in 2006 and again in 2011. If Rails to Trails is allowed to take this right of way that they say they own, yet they can produce no documents stating that or has any official presented themselves with any official credentials except to try to intimidate the homeowners who have resisted their verbal proclamations. They don't even know if they are talking to the homeowners they just show up and try to bully their way onto your property. That being said, If a determination has been mad that a right of way is not suitable for alternative public use following abandonment, then how can it be used for a trail ?? It goes back to the "intent" of the parties when these agreements were originally drawn up. Some of these date back to the turn of the century before America had even reached it's own Industrial Revolution. Many people thought the railroad would bring prosperity and they allowed it across their lands, not thinking that someday the railroad may not be there. When they were abandoned, many times they left a mess on the rail bed. In our case the owners maintained, cleaned up the toxic wastes, rail ties, garbage, etc. on our own dimes. In this case we need this section of road to use during times when the river is at flood stage, so that we can safely exit our homes. if Rails to Trails blocks us by putting up fences and gates, we will be put into life threatening situations. This will cost emergency services time and money all for naught. The homeowners have maintained "control" over the right of ways for many years and made improvements. As for the Notice to Landowners, it is too bad that the Board does not recognize the need for the property owners to be notified. Think about if you owned a home and there was no indication there had ever been any railroad or anything near it and suddenly you have a trail going through your property. Would not a "reasonable" person be upset and angry ? For Rails to Trails to say it would be burdensome to notify is not a valid argument especially if your property is affected. The "reasonable" person would not know this information, nor know where to look for it either. It isn't until your property rights are violated that you find these things out. Even most attorneys are not able to advise this to people when they purchase these properties.

Limiting trail extensions is just a start as to what needs to happen. No one thinks about the impact to the owners of the properties. The philosophy is what is good for rails to trails may not be good for the property owners who have to suffer with the negative impacts of these trails that impinge, impede and obstruct our rights.
thank you