

St. Croix Bike Path

Management and Operations Plan

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Prepared for:
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US Virgin Islands Government

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Island of St. Croix Bike Path Operations and Management Plan

This operations and management plan for the St. Croix Bike Path provides baseline information for routine tasks that need to be performed by Cruzan Bikeways, Inc, the US Virgin Islands government and other local and federal partners. This plan recommends a series of work items and tasks that need to be completed in order to maintain the bike path as an attractive, safe, and secure world-class amenity. The following text defines key aspects of facility management, beginning with operational policies, followed by facility management, land management, safety, security, emergency response and risk management.

Operational Policies

Public Access and Use

Island residents and visitors shall have access to and use of the St. Croix Bike Path during normal hours of operation as defined herein. All access and use is governed by a Pathway Ordinance (described herein). The use of the Bike Path is limited to non-motorized users, including hiking, bicycling, in-line skating, running, jogging, equestrian use (where provided), and wheelchair use. The only motorized vehicles permitted to use the pathway are those owned or licensed for maintenance purposes by Cruzan Bikeways, Inc. or the US Virgin Islands Government.

Hours of Operation

The St. Croix Bike Path will be operated as a non-lighted linear park and recreation facility, and shall be open for public use from dawn to dusk, 365 days a year, except as specifically designated by the US Virgin Islands Government. Residents and tourists that are found using these facilities after dusk or before dawn shall be deemed in violation of these hours of operation and subject to fines and/or prosecution.

Licensed Access and Use

Tour operators that are licensed by the US Virgin Islands government to conduct bicycle, walking, equestrian or sightseeing tours along the bike path are permitted to use the bike path during normal hours of operation. Licensed operators shall display their operating certificates at all times. Licensed operators shall conduct their tours and use of the bike path in full compliance with the rules and regulations of the Pathway Ordinance. Failure to follow these rules may result in the immediate revocation of the operator's license.

Care and Management of the Bike Path

Cruzan Bikeways, Inc. shall be responsible for the care and upkeep of the bike path and all lands, pavement surface, drainage features, signs, pavement markings, fences, bridges, trail heads, landscape plantings and trail amenities.



St. Croix Bike Path

Fencing and Vegetative Screening Policy

Cruzan Bikeways will work with each adjacent landowner on an individual basis to determine fencing and vegetative screening requirements of the St. Croix Bike Path. Cruzan Bikeways will agree to install and maintain fencing and screening that is located within the trail right-of-way. The care of fences and screening outside of the trail right-of-way is the responsibility of the adjacent landowner.

Drainage Management Policy

Cruzan Bikeways, Inc. shall maintain all drainage channels, ditches and streams that bisect or intersect with the bike path and shall ensure that all of these drainage structure are free flowing and unimpeded. Management of drainage channels and structures shall include the removal of vegetation, trash and debris that would serve to block the flow of surface waters. Under no circumstances should the pathway obstruct flow so as to cause stormwater to pond for more than 2 hours on adjacent property.

Bike Path Facility Management

The St. Croix Bike Path shall be maintained by Cruzan Bikeways, Inc. in a manner that promotes safe use during hours of operation. Pathway maintenance shall include the removal of all debris, trash, liter, obnoxious and unsafe human-made structures, vegetation and other foreign matter. Trail heads, points of public access, rest areas, and other activity areas shall be maintained in a clean and usable condition at all times. The primary concern for pathway maintenance shall always be public safety.

All trail facilities shall be maintained in a safe and usable manner during hours of operation. Rough edges, severe bumps or depressions, cracked or uneven pavement, gullies, rills and washed out tread surface shall be repaired immediately. Volunteer vegetation occurring in the trail tread should be removed in such a manner so that the trail surface is maintained as a continuous, even and clean surface.



Land Management

Right-of-way and property that is deemed to be part of the St. Croix Bike Path shall be maintained in a condition that promotes safety and security for pathway users and adjacent property owners.

Vegetation within the pathway corridor should be managed to promote safety, serve as habitat for wildlife, buffer public use from private property, enhance water quality and preserve the unique aesthetic values of the natural landscape. Removal of native vegetation should be done with clear purpose and discretion. The objective in controlling growth of vegetation shall be to maintain clear and open lines of sight along the pathway, at intersections with roadways and driveways, and along roadways. Vegetation removal should be accomplished to eliminate potential hazards that could occur from natural growth.

To promote safe use of the pathway, all vegetation should be clear-cut to a minimum distance of 3 feet from the edge of the pathway. Selective clearing of vegetation should be conducted within a zone that is defined as being between three to ten feet from the edge of the pathway. At any point along the pathway, a user should have an unobstructed view, along the centerline of the pathway, 300 feet ahead and behind his/her position. The only exception to this policy is where terrain or trail curvature is a limiting factor.

Cruzan Bikeways, Inc. is the party responsible for the cutting and removal of vegetation. Removal of vegetation within the trail right-of-way by an individual other than Cruzan Bikeways, Inc. or its designee, is deemed unlawful and subject to fines and/or prosecution.



Safety and Security

Safety is a duty and obligation of all public facility managers, therefore, as the construction documents for the St. Croix Bike Path are completed, appropriate local and federal agencies should review these plans and specifications to ensure that they meet all current safety regulations.

Cruzan Bikeways, Inc. should work in cooperation with the US Virgin Islands Government to develop and implement a safety and security program for the St. Croix Bike Path. This program should consist of well-defined safety and security policies; the identification of trail management, law enforcement, emergency and fire protection policies; and a system that offers timely response to the island residents and visitors for issues or problems related to safety and security. Important components of the safety and security program should include:

- 1) Establishment of a safety committee and/or coordinator,
- 2) Preparation of a pathway safety manual,
- 3) Establishment of user rules and regulations,
- 4) Development of pathway emergency procedures,
- 5) Preparation of a safety checklist for the pathway,
- 6) Preparation of a pathway-user response form,
- 7) A system for accident reporting and analysis,
- 8) Regular maintenance and inspection programs,
- 9) Site and facility development and review,
- 10) Public information programs,
- 11) Employee training programs for safety and emergency response, and
- 12) Ongoing research and evaluation of program objectives.

The program should discourage the general public from using any segment of the St. Croix Bike Path that is under construction. Pathway segments should not be considered open for public use until a formal dedication ceremony has been staged and authorized agents of Cruzan Bikeways, Inc. have declared the pathway open.

St. Croix Bike Path

Individuals who use pathway segments under construction without written permission from an authorized agent shall be deemed in violation of the St. Croix Bike Path operation policy.

Pathway User Rules and Regulations (Pathway Ordinance)

The following rules and regulations should be implemented for the St. Croix Bike Path. These rules should be displayed in brochures and on information signs throughout the pathway. It is recommended that these regulations be reviewed by appropriate authorities and legally adopted by the US Virgin Islands government.

- 1) **Be Courteous:** All trail users, including bicyclists, joggers, walkers, wheelchairs, and skaters, should be respectful of other users regardless of their mode of travel, speed or level of skill. Respect the privacy of adjacent landowners.
- 2) **Keep Right:** Always stay to the right as you use the path or stay in the lane that has been designated for your user group. The exception to this rule occurs when you need to pass another user.
- 4) **Pass on the Left:** Pass others going in your direction on their left. Look ahead and behind to make sure that your lane is clear before you pull out and around the other user. Pass with ample separation. Do not move back to the right until you have safely gained distance and speed on the other user.
- 5) **Give Audible Signal When Passing:** All users should give a clear warning signal before passing. This signal may be produced by voice, bell or soft horn. Voice signals might include “Passing on the Left!” or “Cyclist on the left!” Always be courteous when providing the audible signal -- profanity is unwarranted and unappreciated.
- 6) **Be Predictable:** Travel in a consistent and predictable manner. Always look behind before changing position on the trail regardless of your mode of travel.
- 7) **Control Your Bicycle:** Inattention, even for a second, can cause disaster —always stay alert! Maintain a safe and legal speed at all times.
- 8) **Don't Block the Path:** When in a group, including your pets, use no more than half the pathway so as not to block the flow of other users. If users approach your group from both directions, form a single line or stop and move to the far right edge of the path to allow safe passage by these users.
- 9) **Yield When entering or Crossing Trails:** When entering or crossing a path at uncontrolled



intersections, yield to traffic already using the other path.

- 10) **The Use of Lights:** When using the pathway during periods of low visibility each cyclist should be equipped with proper lights. Cyclists should have a white light that is visible from 500 feet to the front, and a red or amber light that is visible from 500 feet to the rear. Other path users should use white lights (bright flashlights) visible 250 feet to the front, and wear light or reflective clothing.
- 11) **Don't Use this Path Under the Influence of Alcohol or Drugs:** It is illegal to use this path if you have consumed alcohol in excess of the statutory limits, or if you have consumed illegal drugs. Persons who use a prescribed medication should check with their doctor or pharmacist to ensure that it will not impair their ability to safely operate a bicycle.
- 12) **Clean Up Your Litter:** Please keep this path clean and neat for other users to enjoy. Do not leave glass, paper, cans or other debris on or near the path. Please clean up after your pets. Pack out what you bring in—and remember always to recycle your trash.
- 13) **Keep Pets on Leashes:** All pets must be kept on a secure and tethered leash. Failure to do so will result in fines and possible detention of the pet.
- 14) **Use the Buddy System:** Always use the path system with a friend!
- 15) **Path Subject to Flash Flooding:** Please be aware that the St. Croix Bike Path is officially closed during times when floodwaters overflow the pathway surface. For your personal safety, please be prepared to leave the pathway immediately during periods of heavy rainfall.
- 16) **Vegetation Removal:** It is illegal to remove vegetation of any type, size, or species from the pathway. Please contact Cruzan Bikeways, Inc. should you have concerns about noxious weeds, poisonous vegetation, dying or dead vegetation or other concerns about vegetation growth in the pathway.
- 17) **Share the Path!** Always exercise due care and caution when using the pathway!



St. Croix Bike Path

Police Patrol and Emergency Response System

In order to provide effective patrol and emergency response to the needs of trail users and adjacent property owners, the consultant recommends that Cruzan Bikeways, Inc. work with the US Virgin Islands government to develop a specific patrol and emergency response plan for the St. Croix Bike Path. This plan should define a cooperative law enforcement strategy for the bike path based on the capabilities of different agencies and services typically required for the facility. The bike path will go through numerous phases before completion. All phases should illustrate: points of access to the pathway; approved design details for making these access points safe, secure, and accessible to law enforcement officials; and potential locations for a system of cellular-type emergency phones.



Cruzan Bikeways, Inc. and the US Virgin Islands government should also define an emergency response system in conjunction with appropriate local fire and paramedical units in order to define which agencies should respond to 911 calls, and provides easy-to-understand routing plans and access points for emergency vehicles. Local hospitals should be notified of these routes so that they may also be familiar with the size and scope of the project. The entire pathway system will be designed and developed to support a minimum gross vehicle weight of 6.5 tons to allow emergency vehicle access.

At all public entrances to the St. Croix Bike Path, appropriate signage should be installed to notify trail users of the potential for flash flooding and the need to quickly exit the pathway during periods of heavy rainfall.

Risk Management and Liability

The design, development, management and operation of the St. Croix Bike Path must be carefully and accurately executed in order to provide a resource that protects the health, welfare, and safety of the public.

Liability most often occurs when a facility has been under-designed for the intended volume of use; when management of the facility is poor; or when unexpected accidents occur because the trail manager failed to recognize the possibilities of a potentially hazardous situation. To reduce the exposure to liability, Cruzan Bikeways, Inc and the US Virgin Islands government should have in place the following measures prior to opening the first phase of the trail:

- 1) A complete maintenance program that provides the appropriate duty or level of care to greenway users,
- 2) A risk management plan that appropriately covers all aspects of the trail
- 3) A comprehensive working knowledge of public use laws and recent case history applicable in St. Croix.

Public use of the St. Croix Bike Path should be covered under existing US Virgin Islands government policies for the use of parkland and public spaces. Cruzan Bikeways, Inc. is charged with the care of the bike path and

6 Operations and Management Plan

should exercise reasonable care in the construction of all pathway facilities to reduce hazardous, public nuisance and life threatening situations. The St. Croix Bike Path is available for public use as defined by the hours of operation policy; therefore, any individual found using the pathway outside the normal hours of operation would not be covered by the Island government insurance policies for public use.

Budget for Maintenance of Bike Path

There are many factors that influence the cost of managing bike paths and trails. The estimate of probable costs itemized herein is based on 20+ years of experience by the consultant in designing and building successful bikeway and trail projects throughout the United States. These estimates are based on trail industry averages using contract labor, materials and industry practices. The following estimates have not been adjusted for any unique factors or economic conditions that might influence maintenance within the US Virgin Islands.

Long-term maintenance of the fully developed Phase I St. Croix Bike Path will require an annual source of revenue. Based on the experience of the consultant, the following maintenance costs are provided to guide future budget decisions of Cruzan Bikeways, Inc. and US Virgin Islands government.

<u>Description of Activity</u>	<u>Estimated Annual Costs</u>
Drainage maintenance (12x/year)	\$1,000
Sweeping/blowing trail surface (52x/year)	\$2,000
Pick up and removal of trash (52x/year)	\$2,000
Weed control and vegetation management (12x/year)	\$1,200
Mowing of 3-ft grass safe zone (52x/year)	\$2,000
Minor repairs to trail furniture/safety features	\$500
Maintenance supplies	\$300
Equipment fuel and repairs	\$600
Total Maintenance costs for one mile of trail	\$9,600
Total for Phase I St. Croix Bike Path (14 miles)	\$134,400

It may be possible to establish a Trust Fund for the Bike Path in order to pay for the annual maintenance costs of the Bike Path. Cruzan Bikeways, Inc. can establish the Trust Fund and use a variety of methods for raising the funds necessary for annual maintenance. Cash gifts, proceeds from Bike Path events, contributions from tourist industry and island government and donations of labor can all be used to offset these costs.

Appendix

Trail Liability

A study by the Rails to Trails Conservancy (RTC) provides a primer on trail-related liability issues and risk management techniques. The report was co-authored by RTC in cooperation with the National Park Service: Rivers, Trails, and Conservation Assistance Program.

Concerns and Solutions

There are two primary categories of people who might be concerned about liability issues presented by a trail: the trail managing and owning entity (typically a public entity) and private landowners. Private landowners can be divided into two categories, those who have provided an easement for a trail over their land and those who own land adjacent to a trail corridor.

Similarly, there may be a pre-existing corridor traversing or lying adjacent to their property such as a former rail corridor that has been converted to a trail. In either situation, private landowners may have some concerns about the liability should a trail user stray onto their land and become injured. In the first instance, where an easement is granted, the concern may be over injuries on both the granted right-of-way as well as injuries that may occur on land under their control that is adjacent to the trail. Under the latter condition, where the landowner has no ownership interest in the trail, the landowner will only be concerned with injury to trail users wandering onto their property and getting hurt or perhaps a tree from their property falling onto the trail.

In general, people owning land adjacent to a trail -- whether the trail is an easement granted by them or is held by separate title -- foresee that people using the trail may be endangered by a condition on their land. Potential hazards such as a pond, a ditch, or a dead tree may cause the landowner to worry about liability for a resulting injury. The landowners may reduce their liability by taking the following actions.

- Work with trail designers to have the trail located away from hazards that cannot be corrected,
- Make it clear that trail users are not invited onto the adjoining land. This can be aided by having the trail designer develop signs, vegetative screening, or fencing,
- If a hazardous condition does exist near the trail, signs should be developed to warn trail users of the hazard if it cannot be mitigated.

Of particular concern to adjacent landowners are attractions to children that may be dangerous, such as a pond. Many states recognize that children may trespass to explore an attractive nuisance. These states require a legal responsibility to children, even as trespassers, that is greater than the duty of care owed to adults.

If a landowner provides an easement for a public-use-trail, the easement contract should specify that the managing agency will carry liability insurance, will design the trail to recognized standards and will develop and carry out a maintenance plan. The landowner may also request that an indemnification agreement be created in their favor.

Abutting property owners frequently express concerns about their liability to trail users. In general, their liability, if any, is limited and is defined by their own actions in relation to the trail. If an abutting property owner possesses no interest in the trail, then he or she does not have any right or obligation to warn trail users about defects in the trail unless the landowner creates a dangerous condition on the trail by his own act or omission. In that event, the abutting landowner would be responsible for his own acts or omissions that caused the injury to a third party using the trail, just as the operator of one car is responsible to the operator of another for an accident he caused on a city street.

Forms of Protection

There are three legal precepts, either alone or in combination, that define and in many cases limit liability for injury resulting from trail use. The first is the concept of duty of care, which speaks to the responsibility that a landowner (private or public) has to anyone on his or her land. Second is the Recreational Use Statute (RUS), which is available in all 50 states and provides protection to private landowners and some public landowners who allow public free access to land for recreational purposes. For those public entities not covered by a RUS, states tend to have a tort claims act, which defines and limits governmental liability. Third, for all private and public parties, liability insurance provides the final line of defense. Trail owners can also find much protection through risk management.

Duty of Care

Tort law, with regard to finding fault for an incident that occurs in a particular location is concerned with the “class” of person who incurs the injury, and the legal duty of care that a landowner owes a member of the general public varies from state to state but is generally divided into four categories. In most states, a landowner’s responsibility for injuries depends on the status of the injured person. A landowner owes increasingly greater duties of care (i.e.; is more at risk) if the injured person is a “trespasser”, a “licensee”, an “invitee”, or a “child”.

Trespasser -- a person on land without the landowner’s permission, whether intentionally or by mistaken belief that they are on public land. Trespassers are due the least duty of care and therefore pose the lowest level of liability risk. The landowner is generally not responsible for unsafe conditions. The landowner can only be held liable for deliberate or reckless misconduct, such as putting up a trip wire. Adjacent landowners are unlikely to be held liable for injuries sustained by trespassers on their property.

Licensee -- a person on land with the owner’s permission but only for the visitor’s benefit. This situation creates a slightly higher liability for the landowner. For example, a person who is permitted to hunt on a farm without paying a fee, if there were no RUS, would be classified as a licensee. If the landowner charged a fee, the hunter would probably be classified as an invitee. Again, the landowner is not responsible for discovering unsafe conditions; however, the landowner must provide warning of the known unsafe conditions.

Invitee -- a person on the owner’s land with the owner’s permission, expressly or implied, for the owner’s benefit,



St. Croix Bike Path

such as a paying customer. This is the highest level of responsibility and therefore carries the highest level of liability. The owner is responsible for unknown dangers that should have been discovered. Put in a different way, the landowner has a duty to:

- 1) Inspect the property and facilities to discover hidden dangers;
- 2) Remove the hidden dangers or warn the user of their presence;
- 3) Keep the property and facilities in reasonably safe repair; and
- 4) Anticipate foreseeable activities by users and take precautions to protect users from foreseeable dangers.

The landowner does not insure the invitee's safety, but must exercise reasonable care to prevent injury. Generally, the landowner is not liable for injuries caused by known, open, or obvious dangers where there has been an appropriate warning. For example, customers using an ice rink open to the public for a fee would be invitees.

Children -- even if trespassing, some states accord children a higher level of protection. The concept of "attractive nuisance" is particularly relevant to children. Landforms such as ponds can be attractive to children who, unaware of potential danger, may be injured if they explore such items.



Prior to the widespread adoption of RUS' by the states, this classification system defined the liability of adjacent landowners. Even now, trail managers or private landowners who charge a fee are at greater risk of liability because they owe the payee a greater responsibility to provide a safe experience.

Thus, where no RUS exists or is unavailable, trail users would be of the licensee class, provided the trail manager does not charge an access fee. If a trail manager charges a fee, the facility provider tends to owe a greater duty of care to the user and thus has a greater risk of liability if a trail user is injured due to a condition of the trail.

Recreational Use Statutes (RUS)

The Council of State Governments produced a model recreational use statute (RUS) in 1965 in an effort to encourage private landowners to open their land for public recreational use by limiting the landowner's liability for recreational injuries when access was provided without charge.

Recreational use statutes are now on the books in all 50 states. These state laws provide protection to landowners who allow the public to use their land for recreational purposes. The theory behind these statutes is that if landowners are protected from liability they would be more likely to open up their land for public recreational use and that, in turn, would reduce state expenditures to provide such areas. To recover damages, an injured person must prove "willful and wanton misconduct" on the part of the landowner, essentially the same duty of care owed to a trespasser. However, if the landowner is charging a fee for access to the property, the protection offered by the recreational use statute is lost in most states.

The preamble of the model RUS is clear that it was designed for private landowners but the actual language of the model legislation does not differentiate between private and public landowners. The result is that while some states have followed the intent of the model statute and limited the immunity to private landowners, other states have extended the immunity either to cover public landowners legislatively or judicially.

Under the Federal Tort Claims Act, the federal government is liable for negligence like a private landowner under the law of the state. As a result, RUS's intended for private individuals have been held applicable to the federal government where it has opened land up for public recreation.

Under lease arrangements between a public agency and a private landowner, land can be provided for public recreation while the public agency agrees to defend and protect the private landowner. The private landowner may still be sued but the public agency holds the landowner harmless, taking responsibilities for the cost of defending a lawsuit and any resulting judgments.

While state RUS's and the court interpretations of these laws vary somewhat, a few common themes can be found. The statutes were created to encourage landowners to make their land available for public recreation purposes by limiting their liability provided they do not charge a fee. The RUS limits the duty of care a landowner would otherwise owe to a recreational licensee to keep his or her premises safe for use. It also limits a landowner's duty to warn of dangerous conditions provided such failure to warn is not considered grossly negligent, willful, wanton, or reckless. The result of many of these statutes is to limit landowner liability for injuries experienced by people partaking in recreational activities on their land. The existence of a RUS may also have the effect of reducing insurance premiums for landowners whose lands are used for recreation.



These laws do not prevent somebody from suing a trail manager/owner or a private property owner who has made his or her land available to the public for recreational use, it only means the suit will not advance in court if certain conditions hold true. Thus, the trail manager/owner may incur costs to defend himself or herself. Such costs are the principal reason for purchasing liability insurance.

Risk Management

All of the above-mentioned forms of protection aside, perhaps the best defense a trail manager has are sound policy and practice for trail maintenance and usage. Developing a comprehensive technique is the best defense against an injury-related lawsuit.

Trails that are properly designed and maintained go a long way to ward off any potential liability. There are some general design guidelines (AASHTO and MUTCD) that, if adhered to, can provide protection by showing that conventional standards were used in designing and building the trail. Trails that are designed in accordance with recognized standards or "best practices" may be able to take advantage of any design immunities under state law. Within the spectrum of public facilities, trails are quite safe, often less risky than roads, swimming pools and playgrounds.

St. Croix Bike Path

The managing agency should also develop a comprehensive maintenance plan that provides for regular maintenance and inspection. These procedures should be spelled out in detail in a trail management handbook and a record should be kept of each inspection including what was discovered and any corrective action taken. The trail manager should attempt to ward off or eliminate any hazardous situations before an injury occurs. Private landowners that provide public easements for a trail should ensure that such management plans are in place and used to reduce their own liability. Key points include:

During trail design and development:

- * Develop an inventory of potential hazards along the corridor;
- * Create a list of users that will be permitted on the trail and the risks associated with each;
- * Identify all applicable laws;
- * Design and locate the trail such that obvious dangers are avoided. Warnings of potential hazards should be provided, and mitigated to the extent possible;
- * Trail design and construction should be completed by persons who are knowledgeable about design guidelines, such as those listed in AASHTO and MUTCD documents;
- * Trail regulations should be posted and enforced.

Once the trail is open for use:

- * Regular inspections of the trail by a qualified person who has the expertise to identify hazardous conditions and maintenance problems.
- * Maintenance problems should be corrected quickly and documented. Where a problem cannot be promptly corrected, warnings to trail users should be erected.
- * Procedures for handling medical emergencies should be developed. The procedures should be documented as well as any occurrence of medical emergencies.
- * Records should be maintained of all inspections, what was found, and what was done about it. Photographs of found hazardous conditions can be useful.



These risk management techniques will not only help to ensure that hazardous conditions are identified and corrected in a timely manner, thereby averting injury to trail users, but will also serve to protect the trail owner and managing agency from liability. Showing that the agency had been acting in a responsible manner can serve as an excellent defense in the event that a lawsuit develops

Use of Volunteers for Trail Work

Trail managers often use volunteers for routine trail maintenance or even for trail construction. What happens if the volunteer is injured while performing trail-related work? What happens if an action taken by a volunteer leads to an injury of a trail user? First, make sure your insurance covers volunteer workers. Second, the trail manager should be protected from any user injury created by an act of a volunteer provided the act is not one of willful or reckless misconduct. The Federal Volunteer Protection Act of 1997 protects the volunteer worker. This act protects volunteers of nonprofit organizations or governmental entities. The Act states that such volunteers are not liable for harm caused by their acts of commission or omission provided the acts are in good faith.



