

Official Responses To Rail-Trail Plan Comments

Adirondack Explorer Sunday, November 29, 2015 by Phil Brown

The wrangling over the future of the state-owned rail corridor that stretches 119 miles from Remsen to Lake Placid has proved to be one of the most contentious issues in the Adirondack Park in recent years.



The state Department of Environmental Conservation and Department of Transportation received hundreds of public comments, raising many of the same questions that have appeared in articles and comments on *Adirondack Almanack*.

In their final plan for the corridor, the departments summarized the comments and provided their official responses. Given the public interest in this topic, the *Almanack* is reprinting those comments and responses. The result is a post that is much longer than usual. Of course, you don't have to read all the comments, but we bet some people will.

Just to recap the situation: the DEC and DOT have settled on a plan to pull up 34 miles of track between Tupper Lake and Lake Placid to create a recreational trail. It would be used by snowmobilers and cross-country skiers in winter and by bicyclists and others in the warmer seasons.

The plan also calls for fixing up the 45 miles of track from Big Moose to Tupper Lake. This would allow excursion trains to run all the way from Utica (south of Remsen) to Tupper – more than 100 miles. However, Adirondack Scenic Railroad would have to cease operating an excursion train that runs nine miles between Saranac Lake and Lake Placid. A rail-bike operator in Saranac Lake also would be forced to relocate.

The Adirondack Park Agency is expected to vote soon on whether the plan conforms to Adirondack Park State Land Master Plan. The agency is seeking public comments on the question, but APA officials foresee no legal obstacles barring such a determination.

With that, here are the public comments as they appear verbatim in the DEC/DOT proposal (including the state's categorizations of them).

Rails WITH Trail – Parallel Trail

COMMENT: *Why can't the State fulfill Alternative 6 of the 1996 UMP, specifically the recreational trail parallel to the Corridor, alongside the railroad bed?*

RESPONSE: During draft stages of the 1996 UMP, a large number of public commenters encouraged the State to embrace the construction of a recreational trail parallel to the train tracks, where feasible. This solution became a part of the Final 1996 UMP as Alternative 6. It is understandable why so many in the public support such an approach; it would seemingly accommodate all outdoor enthusiasts while preserving the train. However, in the 19 years that have transpired, attempts by many, including the Town of North Elba, DOT, DEC, and APA, to design and construct such a parallel trail in the Lake Placid to Ray Brook to Saranac Lake area, have failed.

People generally envision a railroad corridor as wide, dry, and flat. Most railroad corridors across the country are indeed like that. Many, if not most, of the current commenters that have requested this solution for the Remsen-Lake Placid Travel Corridor, may not realize that flat, wide, and dry are by far the exceptions along this Corridor, not the rule. The Right-of-Way (ROW) itself is at least 100 feet wide for most, if not all, of the Corridor, which would be sufficient for most rail corridors throughout the country, but the surrounding landscape this Corridor traverses embodies significant wetlands, open water (causeways), ledge, and fluctuating topography along its entire length. The bed is raised above the surrounding landscape for most of its course from Lake Placid to Big Moose. A safety fence to separate a train from other uses adds significantly to the expenses, and cantilevering, fencing, and wetland filling arguably alters the historic character of the Corridor more so than removal of rails.

The rail-bed in this Corridor is not conducive for a recreational trail alongside it. Such a trail has been attempted. The Town of North Elba received grant funds to build it. The Town applied to the Adirondack Park Agency (APA) and the United States Army Corps of Engineers (USACOE) for permits to construct a parallel trail. While the APA ultimately permitted the Town to build this trail, the USACOE took issue with the analysis of wetland impacts and identified the need to augment existing engineering documents. Following this USACOE determination, North Elba abandoned the construction of the parallel trail because the town concluded it would be cost prohibitive. Subsequently, the town passed a resolution supporting the removal of the rails to allow the construction of a multiple use recreational trail (See Appendix 5).

Rails WITH Trail – Combination Parallel Trail with Off-Corridor Bypasses, as Needed (T.R.A.C. proposal)

COMMENT: *Can additional space be acquired for the ROW through land exchange, such as the instance on the 2013 ballot for land exchange between New York State and NYCO Minerals?*

RESPONSE: No authority currently exists to authorize a land exchange with adjoining property owners.

COMMENT: *Various entities have spent a great deal of time and effort developing a design to accommodate both rails and trails. Why does the State ignore these proposals?*

RESPONSE: Through the original 1996 UMP, the State put forth a plan with the best intentions to create a recreational trail alongside the train tracks in the Corridor. DEC recognizes that this is a preferred option, however, in the time that has transpired since the adoption of the 1996 UMP,

efforts to design and implement a trail alongside the rail have proven to be impractical. As noted in the previous section, a trail running the entire length of the Corridor that is parallel to the tracks entirely within the Right-of-Way (ROW) is not feasible because of the terrain limitations.

Other proposals have attempted to design a recreational trail that starts within the Corridor ROW and runs parallel to the rails along suitable stretches, and when terrain with constraints are encountered, the recreational trail would move off the ROW and onto existing trails or public roads. Such a design attempts to loop around obstacles and return the trail back to the Corridor ROW.

As recently as 2014, DOT put forth a trail design that would avoid wetland impacts. The design of this trail, however, would result in off-Corridor impacts to adjacent Forest Preserve lands in a manner that is contrary to Forest Preserve standards, and is therefore unacceptable to the State.

Trails with Rails Action Committee (TRAC) is an organization that has spent considerable time and effort developing an alternative trail plan for the Corridor between the communities of Tupper Lake and Saranac Lake. DEC acknowledges the time and effort put forth on this design. However, after extensive internal review, the State has determined that the designs were not feasible because they are out of character with the best public use for the Corridor. DEC offers the following reasons why TRAC's proposal is not a viable solution (maps that highlight specific examples of these points are in Appendix 3):

A) TRAC's design does not provide the type of trail being sought by the public. The State has determined, based on years of substantial public input, that the Corridor is underutilized and the public would prefer a wide, relatively flat, family-oriented trail (i.e., baby strollers and kid's bicycles), and a more snowmobile-friendly trail in lieu of the train tracks in the Tri-Lakes Region. This comment on the Amendment sums up the predominant public sentiment in the Tri-Lakes Region:

“There are many hundreds of miles of foot trails in the [A]dirondacks, but one would be hard pressed to find a trail where you could push a stroller or a baby jogger, run a [wheelchair], or take my 83 year old mother for a walk. We have it all here in the Adirondacks except for a rail trail: a well graded, relatively level, safe, scenic pathway free of vehicle traffic that can be enjoyed via multiple forms of human powered conveyance.”

B) TRAC's off-Corridor spur trails that currently exist on the ground are already being used by the public and do not currently offer a new way to travel the direction of the Corridor without having to get back onto the Corridor at regular intervals. Once the public is dropped back onto the Corridor ROW, according to TRAC's plan, the same limitations exist that prohibit the strict parallel trail as noted in section one above. TRAC's proposed trail sections 'along the Corridor' do so in many unsuitable segments. Their own maps bear out the extensive wetlands they propose to run a trail through. The large wetland complex just west of Lake Colby is a perfect example of a location that would need cost-prohibitive cantilevering and fencing, or result in unacceptable environmental impacts from the filling in of wetlands, triggering potential federal and State wetlands permitting regulations

C) Several of TRAC's proposed routes utilize the shoulder of state highways. This conflicts with one of the core reasons why local communities want this trail. The proposed trail in the Amendment purposely avoids highways (except at crossings) in order to provide a safe route of travel for alternative modes of transportation (e.g., bicycle commuting between Tri-Lakes communities), family recreation, and recreation for people with disabilities.

D) Snowmobiles would be prohibited on several of TRAC's proposed routes due to Forest Preserve classification (e.g. TRAC's proposed route in the St. Regis Canoe Area). Cantilevering, fencing, and wetland filling arguably alters the historic character of the Corridor more so than removal of rails.

E) DEC is in initial planning stages of developing recreation locations along the Corridor for people with disabilities. There appears to be excellent potential for disabled access along the Corridor for fishing, wildlife viewing, paddling, and camping. TRAC's alternative routes conflict with the most conducive locations for such projects, such as bypassing the Corridor at Lake Clear and Lake Colby.

See Appendix 3 for examples of the limitations of TRAC's design proposal.

Other Trail Alternatives

COMMENT: *This is one of the last railroads in the Adirondacks. Why remove the rails?*

RESPONSE: After years of public input (formal and informal) and attempts at implementing Alternative 6 of the original 1996 UMP, the State has determined that removing the rails from Lake Placid to Tupper Lake and creating a multi-use trail – unlike any other trail in the Adirondacks – is the best possible public use of this part of the Corridor. There is still a railroad in this Corridor. The Remsen to Big Moose segment is currently used for scenic train rides and would be extended to Tupper Lake, making it one of the longest scenic railroads in the lower 48 states.

COMMENT: *If the tracks were removed, could a road go in its place?*

RESPONSE: The current plan does not propose the construction of a road in the right of way. DEC intends to construct a multiple use trail between the communities of Lake Placid and Tupper Lake where the rails are removed.

COMMENT: *Why can't the rails in the trail segment be covered with gravel or trail material instead of removing them?*

RESPONSE:

Federal Railroad Administration regulations require that the track be inspected on a weekly basis (49 CFR Part 213). Flooding the track with gravel would obscure the ties, bolted joints and other track components from view, making inspection impossible. In addition, such a technique would embed the track structure in moist soil, accelerating the deterioration of the ties and rails.

From a practical standpoint, it would also narrow the trail to virtually a single path. The goal of this trail is for it to be as wide as possible so as to accommodate multiple user-traffic from both directions at the same time.

COMMENT: *Couldn't a recreational trail be built that would be a loop, instead of a continuous trail as envisioned in the preferred alternative?*

RESPONSE: Recreational advocates want a flat, long distance trail capable of accommodating wheel chairs and baby strollers. Construction of a loop trail would almost certainly require using adjacent forest preserve properties with difficult topography not suitable for the required level of development. A long distance recreational trail that links communities is what the public in this portion of the Corridor have asked for, and similar trail systems in communities around New York and the country have proven very popular.

COMMENT: *What about the rail bikes operated by Rail Explorers USA, from Saranac Lake to Lake Clear?*

RESPONSE: The initial popularity of railbikes is a welcome sign to how popular a multiple use recreational trail is likely to be. While this entrepreneurial use of the Corridor is to be commended, it is still not the best public use of the Corridor. According to the Rail Explorers USA website, their railbikes depart Saranac Lake four times a day, travel one way at a time, have limited seating (12 bikes) per tour, must keep pace with each other, and charge a fee to riders. A multiple use recreational trail, on the other hand, is open year-round, 24 hours a day, and 7 days a week. The public can travel it in both directions and in unlimited numbers. Most importantly, it is free to everyone. Individuals or groups are welcome to use it at their own pace, whether they are walking, running, biking, rollerblading, skiing, sitting in a wheelchair, walking with a walker or crutches, pushing a baby stroller, riding on a snowmobile, or taking leashed-pets. They can carry a fishing rod and cast in Lake Colby, and not have to worry about impacting anyone else's enjoyment of the trail. The Corridor south of Tupper Lake, which is to have rails improved, would be an excellent place for the fun and exciting use of railbikes, which add to recreational diversity in the Corridor without impeding public use of the recreational trail north of Tupper Lake.

Additionally, multiple other local businesses stand to benefit with implementation of the trail. For example, there should be an increase in demand for ski and bicycle rentals.

Historic

COMMENT: *The Corridor and associated features are listed in the National Register of Historic Places. If a trail is constructed by removing some of the railroad tracks, will the Corridor be removed from the National Register?*

RESPONSE: When fully implemented, the new UMP would result in the railroad operating on 85.5 miles (as opposed to its current 51 mile operation, disconnected) nearly doubling its usable length and consolidating it into one continuous operation from Remsen to Tupper Lake.

Consultation with the State Historic Preservation Office would ensure that the Corridor remains on the National Register.

COMMENT: *What needs to be done to address the Historic nature of the Corridor?*

RESPONSE: Consultation with the NYS Office of Parks Recreation and Historic Preservation (OPRHP) is being carried out in accordance with Section 14.09 of the NYS Parks, Recreation and Historic Preservation Law to consider the potential impacts (beneficial or adverse) of any action that would cause changes to contributing features of the NY Central Railroad Adirondack Historic District.

Accessibility

COMMENT: *Is removing train service and creating a recreational trail discriminating against the elderly or people with disabilities, since they can no longer ride the train?*

RESPONSE: People with disabilities would not lose access to the scenic train. This amendment provides more than 100 miles for travel by passenger train and in addition, our goal is to provide one or more trail segments to allow a safe, user-defined-pace trail experience for older adults, families with small children, and individuals with disabilities.

COMMENT: *The Train is American Disabilities Act (ADA) accessible. Will the trail be ADA accessible?*

RESPONSE: Commenters have encouraged DEC to take advantage of this opportunity to provide an accessible trail which allow universal access for all visitors. The Corridor is owned by the People of the State of New York and should be enjoyed by all, regardless of their physical capabilities or age. A full demographic range of public have commented upon how difficult it is to bike, rollerblade, and even walk along the public road system in the Tri-Lakes region, and how this recreational trail would now enable them to get low-impact exercise and fresh air. All trails and facilities constructed on the corridor would comply with the Americans with Disabilities Act of 1990. The 2013 Outdoor Developed Areas Accessibility Guidelines, issued by the U.S. Access Board, would be used to provide the technical standards for trail and trail facility accessibility.

Existing Trails

COMMENT: *There are already miles of trails in the Adirondack Park, why do we need another trail?*

RESPONSE: The recreational trail proposed in this UMP Amendment would be like no other trail in the Park. It would have a much more gradual elevation change, it would be wider, and – most importantly – it would connect local communities in the process. This would be a community and family-based trail the likes of which does not exist anywhere else in the Park.

COMMENT: *What about the current trail converted from rail, the Bloomingdale Bog Trail?*

RESPONSE: The Bloomingdale Bog Trail is an old rail-bed that was converted to a trail. It starts over a mile outside of the Village of Saranac Lake and heads north and away from communities. The Bloomingdale Bog Trail is not the character of trail requested by the public during any of the comment periods, provides no community or asset destinations to attract users, and more importantly, it does not address the question at hand which is: what is the best public use of the underutilized Remsen-Lake Placid Travel Corridor?

Recreational Trail Attributes

COMMENT: *Who will maintain the recreational trail?*

RESPONSE: The DEC would be responsible for managing the trail from Tupper Lake to Lake Placid. DEC would seek partners (i.e. municipalities, citizen groups, etc.) to assist with the construction and maintenance of the trail. The Olympic Regional Development Authority (ORDA) has expressed an interest in partnering with DEC for this responsibility.

COMMENT: *If the preferred alternative of constructing a recreational trail is approved, will there be new parking areas, sanitary facilities, and service areas?*

RESPONSE: Yes, over time. Planning for the multiple use trail would include an analysis of all possible uses by the public. The State would work closely with the affected municipalities and citizen groups to develop visitor amenities as needed.

COMMENT: *What will be the surface of a recreational trail?*

RESPONSE: At this time, the State is weighing possible alternatives for trail surface which could include a stone dust, pervious pavement, asphalt, or a combination of these types. Final decisions would be made after consultation with the local affected governments and other stakeholders when developing different work-plans for different segments of the Corridor.

COMMENT: *What will a recreational trail do to property values along the Corridor?*

RESPONSE: While it is impossible to forecast precisely what would happen to property values after the creation of the trail, studies have shown that converted rails to trails have resulted in positive, economic impacts to adjacent property values.

“The majority of studies examined indicate that the presence of a bike path/trail either increases property values and ease of sale slightly or has no effect. Studies have shown that neighbors of many bike paths/trails feel that the quality of life of their neighborhood has been improved, that the trails were a good use of open space, and in the case of abandoned railways were an improvement from before the trails went in.” [Project Report for Property Value/Desireability Effects of Bike Paths Adjacent to Residential Areas”, prepared for : Delaware Center for Transportation and The State of Delaware Department of Transportation, David P. Racca and Amardeep Dhanju, November 2006.]

At the very least, the adjoining property would no longer experience the visual, noise and vibration impacts associated with a passing train.

Illegal Use of the Corridor

COMMENT: *The Corridor passes through some populated areas. Who will be responsible for enforcement against trespass on adjacent private property?*

RESPONSE: Trespass from this Corridor would be vigorously enforced against. A network of enforcement agencies, including DEC, and the affected towns and villages would work together to deter trespass. It is not expected that a recreational trail would experience more trespass than currently happens in the Corridor. Trains currently pass between Lake Placid and Saranac Lake relatively infrequently, with virtually no railroad use in the remaining portion to Tupper Lake. Experience with other trail systems has shown that trespass is not an insurmountable problem, and that when an abandoned corridor is opened for public use, more people use the resource, which helps to discourage trespass.

COMMENT: *Will public use of All Terrain Vehicles (ATVs), Side-by-Side Utility Task Vehicle (UTVs), or any motorized vehicles other than snowmobiles be allowed in the Corridor?*

RESPONSE: No.

COMMENT: *If part of the Corridor becomes a recreational trail, will it be more susceptible to illegal ATV use?*

RESPONSE: ATVs are physically capable of illegally using the corridor with rails intact today, so illegal ATV use of the Corridor could continue. As with the previous trespassing question, ATV use on this Corridor would be enforced against, and increased public use of the Corridor is expected to severely discourage illegal activity since more ‘eyes and ears’ would be more frequently utilizing the resource. DEC would post signs to inform users of the prohibition of ATV use, and public outreach would include information relating to uses that are allowed and prohibited.

COMMENT: *If part of the Corridor becomes a recreational trail, will it be more susceptible to criminal activity?*

RESPONSE: As with ATV usage and trespassing, there is no evidence that rail to trail would increase crime rates in the vicinity of the Corridor. In fact, studies have shown that there is actually a decrease in illegal activity along converted rail-trails. DEC anticipates the Corridor would be used more by members of the public as a trail than as a rail corridor. Studies have shown that trails provide a more effective deterrent against crime:

“Compared to the abandoned and forgotten corridors they recycle and replace, trails are a positive community development and a crime prevention strategy of proven value.”²

2Rails-to-Trails Conservancy in Cooperation with National Park Service Rivers, Trails, and Conservation Assistance Program, *Rail-Trails and Safe Communities, the Experience on 372 Trails*. Washington, DC, 1998.

Future Use of the Corridor

COMMENT: *Don't railroad right-of-ways revert to adjacent landowners when they are abandoned?*

RESPONSE: For the Remsen-Lake Placid Corridor, DOT acquired the Corridor from the Penn Central Corporation and used the state's power of eminent domain to obtain fee title to the Corridor. This action extinguished any reversionary property rights in the Corridor which may have existed under Penn Central's ownership.

COMMENT: *Many in the public have questioned why the State would remove rails when they might be needed in the future to serve a vital transportation function.*

RESPONSE: Creating a recreational trail is a way for the public to get outside and enjoy the environment, and travel between communities while using human-power, which is an opportunity that does not currently exist in the Tri-Lakes communities. All of the affected municipalities on the portion of the Corridor that is proposed for a recreational trail have supported this idea. The proposal also calls for the Corridor to remain intact, and the ASLMP classification to remain a Travel Corridor. Therefore, if in the future there was a desire or need to re-establish the railroad or another form of energy-efficient, cost-effective transportation, it could be accommodated without having to re-establish the Corridor.

COMMENT: *Can the railroad be used for freight service?*

RESPONSE: During the past 40 years, no freight use or demand has been identified. As discussed in the original 1996 UMP, "...freight service was continued with decreasing frequency until 1972 when this [service] stopped." Should an emergency or a change in demand for freight occur in the future, Federal authorization to operate as a 'common carrier' would need to be obtained by the railroad operator. This status change would mean that snowmobiles would not be allowed to continue using the Corridor. Should this unlikely change in demand for freight railroad service occur, a full analysis of the impacts would need to be undertaken.

COMMENT: *Can the recreational trail accommodate equestrian uses?*

RESPONSE: The State does not anticipate allowing equestrian uses on the trail at this time. However, depending on final trail design, this potential use could be reconsidered.

Economics

COMMENT: *What are the estimated costs of the preferred alternative?*

RESPONSE: It is important to note that, while important, economic considerations are not the single critical factor in the decision by the State to move forward with this Amendment. There are many other factors that have been considered, including the best public use of a public resource, and quality of life issues as brought forward time and again by the local population in the Tri-Lakes region. The State has estimated, based on experience on other rail-trail conversions and its work to date repairing the rails in the portions of this Corridor that now operate as a railroad, that the construction cost of a recreational trail between Tupper Lake and Lake Placid, a distance of approximately 33.5 miles, is about \$200,000 a mile, or \$6.7 million. This is an order of magnitude estimate and consistent with other estimates from the Town of North Elba, Regional Economic Development Councils, the Rails to Trails Conservancy, and the New York Parks and Trails Association. Assumptions about the width of the trail and the surface would affect final costs. Additional costs related to the development of a recreational trail include the potential payback to the Federal Highway Administration (FHWA) of up to \$2.3 million in costs incurred in the restoration of the rail service between Saranac Lake and Lake Placid, and trail planning between Lake Placid and Ray Brook.

Whether a reimbursement is ultimately required if the final decision is made to build a recreational trail between Tupper Lake and Lake Placid will be the focus of follow up discussions between the state and FHWA.

Also, it is estimated that the costs of the tie and rail removal would exceed the potential salvage value of these materials by \$1.1 million, thus the estimated total costs for the development and construction of the 33.5 mile recreational trail is estimated at \$10.1 million. The State also acknowledges that some of these materials could be recycled and used on the rail improvements between Big Moose and Tupper Lake. Despite losing the salvage for those materials if that scenario were to take place, the cost of construction materials would correspondingly decrease in the Big Moose to Tupper Lake section and may reduce the potential payback to the Federal Highway Administration.

DOT has estimated that the cost of rail restoration between Big Moose and Tupper Lake, a distance of approximately 44 miles, is \$250,000 a mile, or \$11 million. Thus, total costs for the rail rehabilitation called for in the preferred alternative is about \$11 million. This estimate is based on the railroad operating on Federal Rail Administration (FRA) class 2 track that allows train speeds of 30 mph, the current situation on the existing Saranac Lake to Lake Placid train. If higher speeds are decided necessary, a higher track class would need to be obtained at a higher restoration cost, with the primary difference being the replacement of a greater proportion of the ties. Estimates have been based on DOT's Pay Item Catalog, the RS Means Heavy Construction Cost Data and DOT's historic involvement in this and other rail rehabilitation projects.

Annual Maintenance costs are estimated to be similar for either an active rail or a recreational trail, about \$1,500 a mile. These estimates are consistent with DOT's actual maintenance costs, which has included reimbursement of maintenance expenditures made by the Adirondack Scenic Railroad, and cost estimates prepared by others, including the Rails to Trails Conservancy in Washington, DC. Costs include those for vegetative management, beaver control and emergency wash out repairs. Should the decision be made to construct a recreational trail on the Tupper Lake to Lake Placid segment, efforts would be made by the State to reach out to ORDA, the

Town of North Elba, villages of Lake Placid, Saranac Lake and Tupper Lake and non-profit recreational groups to help in the maintenance of the trail, a common feature in other recreational trail developments in New York and around the country.

COMMENT: *Is the Camoin study adequate to address the economics of this Amendment?*

RESPONSE: There have been concerns raised about the Camoin study. The concerns ranged from railroad advocates indicating that continued development of the train to Lake Placid would generate more tourism, to snowmobile and trail advocates indicating that the study undercounts use of the Corridor if the tracks are removed. The Camoin study was an economic analysis of the economic contributions that three possible scenarios would bring: all rail, all trail, and a trail from Lake Placid to Tupper Lake with the railroad upgraded to allow passenger excursions to Tupper Lake. The study concluded that all three scenarios would have positive economic outcomes. Camoin was selected through a competitively based procurement process by Economic State Development (ESD) because the organization demonstrated its ability and knowledge of the study area in question. It conducted a thorough review of the pertinent studies already undertaken on this issue, interviewed tourism officials, railroad advocates, snowmobile advocates and trail advocates. It based its assumptions on future railroad use directly on the estimates and assumptions provided by the Adirondack Scenic Railroad, snowmobile use from surveys conducted previously by the State Snowmobile Association and trail use by reviewing studies from the Rails to Trails Conservancy, Adirondack Action and the State Office of Parks, Recreation and Historic Preservation. The Camoin study confirmed that the Corridor is an important engine of economic growth and that all three scenarios resulted in economic benefits to the region.

COMMENT: *Is Tupper Lake a suitable last stop for the railroad, economically speaking?*

RESPONSE: Economic considerations are only part of the analysis for this Amendment. Tupper Lake businesses, citizens, and elected officials have largely favored the Village of Tupper Lake becoming the last stop for both the railroad and the multi-use recreational trail. Much of this enthusiasm is in anticipation of a better snowmobile trail coming in from Lake Clear, Saranac Lake, and Lake Placid. Tupper Lake already has a tourist business base, and excellent infrastructure, with the potential to grow further as a premier train and trail tourist destination.

Snowmobiles

COMMENT: *Why is snowmobiling such a high consideration in decision-making along this Corridor?*

RESPONSE: Snowmobiling is a strong economic engine in the Adirondack Park in a time of year when tourism opportunities are reduced compared to other seasons. State snowmobiling guidance stresses connecting Adirondack Park communities by snowmobile trail, and the Corridor offers very high potential to directly connect the Tri-Lakes region with Beaver River and the Town of Webb's extensive snowmobile trail network. Otherwise, riders are forced to travel far out of their way to connect with these destinations. While this may not seem like much of a hardship to a non-snowmobiler, the reality is that, as noted by commenters, snowmobilers do

indeed skip visiting Tupper Lake, for example, because they can get somewhere else, or must stay local, to stay on their schedule.

COMMENT: *Is the continued use of snowmobiles in the Tupper Lake to Lake Placid segment of the Corridor in jeopardy once rails are removed as a result of this Amendment?*

RESPONSE: No.

COMMENT: *Will the permitted time of year for snowmobiles (December 1st to April 30th) change with this Amendment?*

RESPONSE: Snowmobile use within Corridor Segment 1 will continue to be allowed between December 1 and April 30 each year. The railroad operator may propose rail operations on Segment 1 of the corridor between December 1 and December 31. Any such proposal shall describe the physical limits and schedule of rail operations, projected ridership and coordination with snowmobile use. The proposal would be reviewed by DOT and DEC, assessed through public comment, and if accepted by mutual agreement of these agencies, permits for use of the corridor would be adjusted as necessary to accommodate rail use through December 31st.

COMMENT: *Will snowmobiles be allowed in Lake Placid if the preferred alternative is built?*

RESPONSE: No. The village of Lake Placid currently has an ordinance in place banning snowmobiles from the village. The State will honor that ordinance and work closely with the village to enforce it.

COMMENT: *How will snowmobiles safely coexist with other trail users on the Lake Placid to Tupper Lake segment?*

RESPONSE: Details as to the surface and construction of the trail are still being analyzed, as is the safety protocol for mixed-uses. One solution being contemplated is developing lanes of travel – one for snowmobiles and one for non-motorized uses – that can be divided with a soft-flagging boundary. Just as bicycles and motorists coexist on public highways, so can snowmobiles and cross-country skiing. With proper signage and clear right of way protocol, a high margin of safety and enjoyment can be established for all users.

COMMENT: *How will snowmobile safety and courtesy be handled with respect to residents and other trail users?*

RESPONSE: Snowmobile clubs and organizations have a very good reputation for a respectful and safety conscience membership. They have been very successful policing themselves when it comes to snowmobile activity in the Adirondack Park. The State would ensure that these clubs/associations work with local municipalities to establish geographically appropriate restrictions on time of day, speed, and noise. If these privileges are abused, prohibition/restrictions of snowmobiles on section(s) of the corridor may be warranted.

Forest Preserve/Article XIV

COMMENT: *Can you explain where the railroad is covered by the Article XIV?*

Article XIV states Forest Preserve cannot be leased. Does the Corridor apply?

Will conversion to a trail be considered a “new use” according the Adirondack Park State Land Master Plan (APSLMP)? Once the rails are gone, will the Right-Of-Way have to be left alone and revert to natural forest succession?

RESPONSE: The Corridor is under the jurisdiction of DOT and serves as a railroad right of way – this railroad right of way is classified by the Adirondack Park State Land Master Plan (APSLMP) as a Travel Corridor and it has historically, and will continue to be, managed as such pursuant to the guidelines in the APSLMP. This is no different than many other similar Travel Corridors under DOT jurisdiction in the Adirondack Park.

Train, bicycle, snowmobile, pedestrian, and many other modes, are legitimate forms of transportation.

General

COMMENT: *Are the comments sent in during the comment period for this Amendment tallied to quantify support and opposition for the proposed actions?*

RESPONSE: All comments received during the comment period, and listening sessions conducted in 2014, have been reviewed by DOT and DEC staff. While the comment period was not a vote, and while staff did not tally support and opposition, it was a chance for the public to submit comments about issues that they felt needed to be addressed in the Amendment. The comments have helped inform the State’s decision-making on this important and complex issue.

COMMENT: *Wouldn’t the removal of rails result in more automobile congestion?*

RESPONSE: No. The current train is an excursion train, which requires people to drive to either Lake Placid or Saranac Lake to partake in the train ride, the operation of which does not diminish automobile traffic. The preferred alternative does not affect the operation of the current train from Remsen to Big Moose. It is possible that the construction of a recreational trail would result in people walking or biking between the communities of Lake Placid, Saranac Lake and Tupper Lake, reducing some automobile trips. Some commenters noted the advantages of being able to commute on this Corridor, by bike or otherwise, to work between these communities without having to get into their car.

COMMENT: *Can a longer term lease be put in place for the operator of the train?*

RESPONSE: One of the goals of the preferred alternative is to encourage a longer term lease. A revised contract between an operator and DOT, which manages the Corridor, must be approved by DOT and the Office of State Comptroller, which has approval authority over such matters.

COMMENT: *If a recreational trail is built on the Lake Placid to Tupper Lake segment, it will travel through many remote areas. Will this hamper emergency response and law enforcement?*

RESPONSE: DEC has much experience with remote area search and rescue, and law enforcement. Many trails in the State trail system are far more difficult and remote for emergency response personnel and law enforcement, and there is always a ‘use at your own risk’ factor when people utilize the State trail system. Specifically with regard to this Corridor, as remote as some sections might be, there are many road crossings that facilitate the ability of emergency personnel to access this trail. Increased public use of the Corridor would also result in more eyes and ears on the Corridor, which would also help reduce the time period to respond to emergencies. Rescue protocols with neighboring municipalities would be explored.

COMMENT: *Many have questioned why the State would get rid of a viable transportation use.*

RESPONSE: A long distance recreational trail is also a viable transportation use and appreciated by the many communities that are developing them. It is a healthy form of outdoor recreation, recognized by many health advocates as a positive addition to communities. A long distance recreational trail is unlike the hundreds of miles of hiking trails in the Adirondacks, which for the most part, do not accommodate bicycles, wheel chairs and baby strollers. The preferred alternative includes improving the train from its current terminus in Big Moose to Tupper Lake, a distance of 44 miles. Thus, this proposal, if adopted, would result in a continuous train that operates on 88.5 miles of the Corridor, with a long distance trail that traverses 33.5 miles, connecting the Tri-Lakes area.

COMMENT: *With an increase in recreationists taking the train into remote areas, there will be an increase in environmental, enforcement, and emergency response impacts. Will the State implement a permit system?*

RESPONSE: Train ridership offers an opportunity to manage use of remote areas adjacent to the Corridor. If problems of overuse occur, a permitting or quota system may be warranted.

COMMENT: *If there is a long-term lease implemented for a future railroad operator, and the railroad struggles or fails, will it “tie-up” the Corridor and leave it once again in its current underutilized condition?*

RESPONSE: A long-term lease agreement for the Corridor can be crafted such that controls are in place to assure that the State can move forward with utilizing the Corridor, should the active operator experience hardship beyond established performance thresholds.

COMMENT: *What happens if the current railroad company that owns and controls the section of tracks between Utica and Snow Junction fails or decides it needs more money for track usage fees from the Corridor railroad operator than they can afford?*

RESPONSE: The railroad from Utica to Snow Junction (Remsen) is not in State ownership, and therefore beyond the scope of this UMP Amendment. The present rail operator of the Remsen – Lake Placid Corridor has negotiated a private contract with the owner of the Corridor south of

Remsen for access under mutually beneficial terms. It is a risk that would need to be assumed by any rail operator embarking on a lease of the Remsen-Lake Placid Travel Corridor.

COMMENT: *What if Lake Placid wins a bid for the Winter Olympics sometime in the future? Isn't the railroad all the way to Lake Placid an important part of transportation infrastructure?*

RESPONSE: Should the Olympics return to the Lake Placid area, the Travel Corridor classification and Corridor status would still be in effect, and the railroad could be restored and upgraded as necessary.

COMMENT: *In an effort to boost local communications infrastructure, can a high-speed fiber-optic line be buried in the Corridor for the communities that it connects?*

RESPONSE: The Corridor is under DOT jurisdiction. It is possible to install underground utilities assuming that permits are able to be obtained pursuant to State and local land use regulations (e.g. setbacks and wetland disturbance, etc.).

COMMENT: *Can rail improvements include upgrade to allow Class II passenger operations (top speed 45 mph)?*

RESPONSE: DOT believes that operation at Class II speeds (30 mph maximum allowable speed) is the minimum level of service necessary in this Corridor. Class III operation (60 mph maximum speed) would be considered based on operational needs and funding availability.

COMMENT: *Railroad to Tupper should be a priority for DOT and brought up to FRA standards immediately.*

RESPONSE: The Transition Plan found in Appendix 4 of this document identifies the steps necessary for both trail implementation and rehabilitation of the rail Corridor between Big Moose and Tupper Lake. DOT would implement its responsibilities with respect to the plan as expeditiously as resources would allow.

COMMENT: *Modifying the rail bed between the tracks, such as is done on snowmobile trail networks in other states like New Hampshire, a safer, more user-friendly snowmobiling experience could be created.*

RESPONSE: DOT is not familiar with the measures described in the comment and therefore takes no position at this time. However, DOT would consider allowing installation of measures that would not interfere with the operation and maintenance of the rail infrastructure.

COMMENT: *Is there an alternative to using the train whistle in the remote areas of the Corridor?*

RESPONSE: Use of the locomotive horn at grade crossings is mandated by federal regulation (49 CFR Part 222). The regulation includes a provision for the establishment of "Quiet Zones"

by localities, who must first install supplemental safety measures at each “quiet” crossing to mitigate the increased risk caused by the absence of the horn.