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Response to Public Comments

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Introduction

NYSDEC and NYSDOT released a draft Unit Management Plan Amendment /SEIS (2020 UMP Amendment/SEIS) for public review on November 13, 2019 and provided several ways for the public to provide comments on the proposals found in the 2020 UMP Amendment/SEIS. Written comments were accepted at any time during the comment period, which was initially set to end December 20, 2019 and extended to January 8, 2020.

Four public hearings were held for the draft 2020 UMP Amendment/SEIS:

- December 3, 2019 – Tupper Lake Middle School-High School
- December 4, 2019 – Lake Placid Conference Center
- December 5, 2019 – Old Forge, the View Arts Center
- December 19, 2019 – Utica, State Office Building

NYSDEC and NYSDOT received over 700 comments, including the oral comments received during the public hearings and the written comments received during the public comment period. The comments covered a wide spectrum of issues and concerns, however a majority involved short statements noting approval or disapproval of one or more management actions proposed in the draft plan.

Below is a summary of the substantive comments received, which have been grouped into general categories based on subject matter. Following each comment is a response provided by NYSDEC and NYSDOT. All responses are consistent with Federal and

State laws and regulations and with the purposes of the 2020 UMP Amendment/SEIS, which is discussed in Section I.

A) General

COMMENTS:

- *There no mention in the planning timeline section (I.C) of this 2020 UMP Amendment/SEIS about the development and fate of the 2016 UMP Amendment/SEIS adopted by the State.*
- *Adirondack Railway Preservation Society (ARPS) won the New York State Supreme Court case in 2017 and the State must comply with the Judge's Order.*
- *Amending the 1996 Unit Management Plan (UMP) to accommodate removal of the rails circumvents the Judge's Order.*

RESPONSE:

The NYSDEC and the NYSDOT finalized an amendment to the 1996 RLPTC UMP in May of 2016. Shortly thereafter, that amendment was challenged in court. The court's decision vacated the 2016 UMP Amendment/SEIS and enjoined the State from implementing it, "...pending preparation and approval of a revised UMP that conforms with the instant Decision, Order and Judgment and all applicable law, rules, and guidance."

The court's decision was based on four deficiencies:

- (1) The 2016 UMP Amendment was not consistent with the Adirondack Park State Land Master Plan (APSLMP). The Remsen-Lake Placid Travel Corridor is designated as a Travel Corridor, however recreational uses were not included in the APSLMP definition and management guidelines for Travel Corridors;
- (2) NYS Office of Parks Recreation and Historic Preservation (OPRHP) section 14.09 requires a Letter of Resolution (LOR) prior to agency approval, but the APA's Conformance Resolution and the NYSDEC and NYSDOT approval of the 2016 UMP all pre-dated the Letter of Resolution (LOR);
- (3) the LOR was nonspecific and prospective in nature; and
- (4) there were title deficiencies along the corridor that the State was not aware of and did not address prior to adopting the 2016 UMP.

The State did not appeal the decision and immediately started preparation of this 2020 UMP Amendment/SEIS that addresses Judge Main's 2017 Decision and Order and all applicable law, rules, and guidance:

- A. The APA approved an amendment to the APSLMP to revise the definition and management guidelines for Travel Corridor that allows recreational use on the Travel Corridor, which was signed by the Governor on June 21, 2019.
- B. NYSDEC and NYSDOT are coordinating with the State Historic Preservation Office to develop a historic preservation plan with specific historic preservation measures that will be documented in a LOR signed by all parties prior to the approval of the proposed 2020 UMP Amendment/SEIS.

- C. The NYSDEC has acquired all necessary property rights to ensure that the corridor remains under State ownership and control after the rails are removed.

COMMENT: *Are the comments sent in during the comment period for this 2020 UMP Amendment/SEIS tallied to quantify support and opposition for the proposed actions?*

RESPONSE:

All comments received during the comment period and public hearings have been reviewed by NYSDEC and NYSDOT staff. Many commenters simply stated their position for or against management actions proposed in the 2020 UMP Amendment/SEIS. The comment period, however, was not a vote. It provided an opportunity for members of the public to suggest issues to be addressed, identify problems, and offer feedback on the content of the plan. The comments have helped inform the State's decision-making on this important and complex issue and are reflected in the 2020 UMP Amendment/SEIS revisions.

COMMENT: *Wouldn't the removal of rails between Tupper Lake and Lake Placid result in more automobile congestion compared to train service in that segment?*

RESPONSE:

No. Train service in the Corridor is planned as an excursion or tourist train, where the express purpose of the trip is to have the experience of riding the train or viewing the scenery, as opposed to a train providing transportation service for travel between two points, for which different modal options may exist (train, bus, personal vehicle). There has been no train service between Tupper Lake and Lake Placid segment since 2016, and NYSDOT and NYSDEC do not anticipate an increase of automobile congestion within the Adirondack Park.

The preferred alternative does not affect the operation of the current train service from Remsen to Big Moose.

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

RESPONSE:

The preferred alternative includes seeking a longer lease term. State Law requires that NYSDOT conduct a competitive process prior to entering into a long-term lease. Following completion of the track rehabilitation and construction of new rail facilities in Tupper Lake, NYSDOT will solicit new proposals from interested tourist rail operators for management and operation of the Remsen to Tupper Lake Segment. Any long-term lease must be approved by NYSDOT and the Office of the NY State Comptroller, which has approval authority over such matters. (See Section A. Introduction **Remsen to Tupper Lake Segment (RTL Segment)** of the 2020 UMP Amendment/SEIS.)

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?*

RESPONSE:

The terms of any long-term lease agreement for the Corridor will 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: *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:

NYSDEC has extensive 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. 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 help reduce the time period to respond to emergencies. Rescue protocols with neighboring municipalities would be explored. (See Section V.B.2 **Emergency Access** of the 2020 UMP Amendment/SEIS)

COMMENT: *Some commenters questioned why the State would remove potential train service from a segment of the Corridor, citing the following circumstances:*

- *NYS never followed through with implementing the 1996 UMP;*
- *This Corridor is one of the last railroads in the Adirondacks;*
- *There is a continual increase in human population growth;*
- *Train service could be critical in the event of a natural or man-made disaster; and*
- *When/If the region is awarded a bid for Olympic Events/Large Sporting Events.*

RESPONSE:

Twenty-four years have passed since the adoption of the 1996 UMP for the Remsen-Lake Placid Travel Corridor UMP, which noted that the preferred alternative should be revisited after five years. Alternative 6 of the 1996 UMP, the preferred alternative at the time, permitted a railroad to use the full length of the Corridor, and compatible recreational trail uses were allowed to the extent practicable. The 1996 UMP emphasized, “Rail development will largely depend upon privately secured funding sources because, although there are potential public sources, government funding availability can not be guaranteed.” Regardless, the State has reimbursed the rail operator for maintenance costs and upgrades to sections of the Corridor.

Most of the compatible recreational trail use in the Corridor has been snowmobiling. While some short segments of parallel trail have been developed, attempts at developing a long-distance parallel trail to increase summertime recreational trail options for the Corridor have not come to fruition. As discussed in Section C. Implementation Strategy (C.1 and C.2) the 2020 UMP Amendment/SEIS, attempts to create a trail along the railroad bed were unsuccessful because of cost, environmental, safety, and legal constraints.

Since 2013, the State has received extensive solicited and unsolicited public input on how the Corridor should be managed. The economic and community successes of converted rails to trails throughout the country is well-known to many commenters of this plan. Even if a side-by-side trail could be built in this Corridor, and it cannot with any measure of practicality, the public wants more. Every municipality between Tupper Lake

and Lake Placid, and many non-residents of the area, feel the Corridor lies underutilized, and seek development of a rail-trail.

What the State has proposed as the new preferred alternative is not a criticism of the rail operations that have occupied the Corridor since the early 1990's. The new preferred alternative is a progressive approach to invigorate an historic resource to maximum public benefit. Railroads can be a realistic approach but largely depend on the markets they connect and are economically viable when they connect large population hubs. They are the most fuel efficient of all ground transportation but in order to be so, they must carry many more passengers than a scenic tourist train. A scenic train is a great tourism asset for the Adirondacks, and this 2020 UMP Amendment/SEIS will allow for that continued and enhanced public use in the segment of the Corridor that is most scenic.

Passenger and freight service came to an end in the 1960's, and no passenger or freight private enterprise has since stepped forward, because it is not economically viable during this era of transportation. This is an era of personal transportation on an extensive highway system. Automobiles on a massive road network that grew exponentially after the Second World War doomed smaller railroads. A Corridor passenger train schedule from the 1940's shows that it took over 10 hours to get from Lake Placid to New York City. This was a good option in a time without the New York State Thruway, but this can be accomplished by automobile now in less than 5 hours, without restriction on departure and arrival times, and considerably cheaper in today's dollars. Freight trucking experiences the same advantages over a freight railroad to the same location.

The historic character of the Corridor will be maintained. The State is retaining the right to convert the entire Corridor back to rail uses. The Corridor will retain the Travel Corridor classification and bridges, trestles, and rail infrastructure will continue to be conforming structures, and conforming motorized uses will continue to be allowed.

Maintaining the rail service for the entire Corridor on the premise that there may be some future man-made or natural disaster that prohibited the use of roads is not feasible. Passenger rail-lines are expensive to maintain and have regulatory mandates that would preclude the use of the Corridor other than by trains. Non-emergency ridership has proven to be economically un-viable by the cessation of passenger service in the 1960's and would not be able to pick up the slack for a need that may never materialize.

The Olympic Regional Development Authority (ORDA), the Village of Lake Placid, and the Town of North Elba have not expressed any desire to use rail service for large sporting events such as the 2023 World University Games. Due to venues for these games being spread out regionally, they plan to use buses and the highway system as their main means of transport. Should train service be required in the future, the Travel Corridor classification and Corridor status would still be in effect.

A long-distance recreational trail is a legitimate transportation option appreciated by the many communities that are developing them throughout the country. 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 any of the hundreds of miles of

hiking trails in the Adirondacks, which do not connect communities and, for the most part, do not easily accommodate bicycles, wheel chairs, and baby strollers.

The preferred alternative in this plan includes adding miles of train service, from the current terminus in Big Moose, to Tupper Lake. Rehabilitating 44 miles of rail infrastructure will result in the potential for continuous train service on 85 miles of the Corridor, making it one of the longest scenic railroads in the lower 48 states. Additionally, a rail-trail that traverses 34 miles, will provide the Tri-Lakes area with commuting and recreational options sought by residents and visitors alike.

COMMENT: *The map titled “Planning Area Overview” shows the Corridor in several colors and makes it appear as though it was divided into sections prior to this 2020 UMP Amendment/SEIS.*

RESPONSE:

The map legend has been revised to reflect that the colors represent the proposed segments of the entire State-owned Corridor.

COMMENT: *Could a transfer of jurisdiction for the northern portion of the Corridor from the NYSDOT to the NYSDEC lead to limitations on the maintenance of the Corridor?*

RESPONSE:

NYSDEC will assume responsibility for maintenance of the rail-trail (TLLP Segment) and jurisdiction for management of the rail-trail. As described in Section I.D General Guidelines and Objectives for Management of the Unit and several other places in the 2020 UMP Amendment/SEIS, NYSDEC will enter into administrative agreements with local municipalities, perhaps under an umbrella Adirondack Rail Trail steward group, to assist the State with the day-to-day monitoring and maintenance of the rail-trail.

COMMENT: *The Alternative Snowmobile Route section of the 2020 UMP Amendment/SEIS doesn’t seem relevant to this document since the snowmobile routes displayed will require UMPs or UMP amendments for the Forest Preserve units they intersect.*

RESPONSE:

Although alternative snowmobile routes are still being considered by NYSDEC, the discussion regarding alternative snowmobile routes has been removed from this amendment/SEIS and replaced with a statement indicating that additional UMPs and UMP amendments will be needed to address future snowmobile trail connections to the Corridor.

COMMENT: *With the Governor’s recent veto of the electric-bicycle and scooter bill, will the use of e-bikes now be removed from the plan?*

RESPONSE:

Class 1 e-bikes will remain a conforming use in the Corridor. The electric bicycle and scooter bill referenced in this comment applied to motor vehicle law, within which trails are not included.

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. (See Section V.B. Description of the Proposed Action Item 1.h of the 2020 UMP Amendment/SEIS.)

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. (See 1996 UMP Section IX. Mitigation Measures 9. Noise Impacts.)

COMMENT: *Is there an alternative to using herbicide chemicals?*

RESPONSE:

See section VI. Environmental Setting Item A.1 of the 2020 UMP Amendment/SEIS for a discussion of proposed vegetation management actions in the Corridor. NYSDEC will be utilizing mechanical means, to the extent practicable, as an alternative to herbicides in managing vegetation in the TLLP Segment of the Corridor. NYSDOT will continue to manage the RTL Segment of the Corridor in accordance with the existing 2008 Vegetation Management Plan.

COMMENT: *“... propose a 50-person gondola from downtown Utica to SUNY campuses, and from there on up the train tracks all the way to White Face where there is already development, with stations at all the train stops.”*

RESPONSE: The installation of a gondola along the corridor is not under consideration at this time.

COMMENT: *Why doesn't the Stakeholder Group noted on page 20 include adjacent landowners or landowner associations?*

RESPONSE:

The Stakeholder group included elected and non-elected officials from each of the four towns and the three villages in which the proposed rail trail is located. These officials were there to represent and communicate with their constituents including sharing what they heard with the group and gather input from their constituents to share with the group. Based on discussions during stakeholder meetings it was clear this communication happened. In addition, public meetings were held during the Stakeholder process in the each of the villages and in Ray Brook seeking comments on the conceptual plan (Bergmann Report, Appendix F) for the proposed trail. Additionally, NYSDEC officials met with the Lake Clear Association twice and included a member of the Association on the Rules and Regulations Subcommittee.

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.”¹

¹“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. (See Section VIII.C.3)

COMMENT: *Why is there no mention in this 2020 UMP Amendment/SEIS of the Master Travel Corridor Unit Management Plan adopted by the NYSDEC and NYSDOT in 2019?*

RESPONSE:

The Master Travel Corridor Unit Management Plan for State Highway Travel Corridors in the Adirondack Park is a generic environmental impact statement developed for highway Travel Corridors in the Adirondack Park, not railroad Travel Corridors.

COMMENT: *Why can't the trail be constructed in 2020 instead of waiting until 2021?*

RESPONSE:

NYSDOT plans to initiate the removal of the rails and ties in the TLLP Segment and coarse preparation of the trail bed as soon as practicable but cannot begin the public bidding process until this 2020 UMP Amendment/SEIS is fully approved and all required permits are obtained. Once bids are opened, a contract awarded, and the contractor is mobilized, NYSDOT and NYSDEC believe there will be enough time left in the 2020 construction season to complete the rail removal work, but not enough time to begin trail construction.

Construction of the first segment of rail-trail is then expected to start in spring of 2021. An alternative to this plan would be to remove rails in a section and then build the rail-trail in that section in the first construction season. However, this alternative method would result in a loss in construction and contracting efficiency, and therefore increase the cost of constructing the rail-trail.

COMMENT: *When the State acquired this railroad property, it undertook the obligations as to what the public would call a “going concern”.*

This was detailed in the Bankruptcy Proceedings held in Utica.

In re Adirondack Railway, 95 B.R. 867 (N.D.N.Y. 1988) required to comply with Interstate Commerce Commission procedures because the Debtor is “cashless” and the railroad line was de facto abandoned for more than two years. See Letter from Thomas C. Buckel, Jr., Esq. to Hon. Stephen D. Gerling (Oct. 19, 1987)

The state must comply with Federal Laws.

RESPONSE:

NYSDOT and NYSDEC are fully aware of the federal procedures for abandonment of a railroad corridor. However, those procedures do not apply to the actions contemplated in this 2020 UMP Amendment/SEIS. The federal Surface Transportation Board (STB) (formerly the Interstate Commerce Commission (ICC)) has exclusive jurisdiction over the abandonment of common carrier railroad services. However, there are no current common carrier railroad services on the Corridor, and therefore no requirement that NYSDOT or any other entity obtain authorization from the STB to allow for removal of the rail infrastructure north of Tupper Lake.

The Penn Central Transportation Co. (PC), and its predecessors, had been providing common carrier railroad service on the Adirondack Division since the time of its construction. Following years of decline in the volume of freight and passengers handled on the line, the PC sought and obtained ICC authorization to abandon all freight and passenger rail services on their Lake Placid Branch, as the corridor was then known. (See ICC Docket # FD 26567 Sub 2, Decided May 11, 1972)

NYSDOT was granted permission to appropriate the corridor by the District Court on May 17, 1974 from the bankrupt estate of the PC. Since service had been abandoned in 1972, the transaction did not require ICC approval, nor did any common carrier obligation attach to NYSDOT.

Prior to the 1980 Olympics, NYSDOT leased the Corridor to the Adirondack Railway Corp. Since it was their intent to provide common carrier intercity passenger service to Lake Placid, their operation fell under the ICC’s jurisdiction, and they petitioned the ICC for permission to operate as a common carrier on the line (See ICC Finance Docket # FD 28820, Decided April 6, 1979).

After the Olympics, ridership dropped off and the Adirondack Railway Corp. entered bankruptcy. The Bankruptcy court addressed the common carrier obligation, finding “...the Trustee, citing *In re Auto-Train Corp.*, 11 B.R. 418 (Bankr. D.C. 1981), contends that it is not required to comply with Interstate Commerce Commission procedures because the Debtor is ‘cashless’ and the railroad line was de facto abandoned for more than two years.” It continued “... the Court believes that *In re Auto Train Corp., supra*, is on point with respect to the Debtor's situation, thus rendering Code §§ 1169 and 1170 inapposite. Furthermore, the Court regards the procedural requirements of Code § 363(b), if applicable, as having been met since the settlement hearing was conducted on notice to creditors.” (95 B.R. 867; 1987 Bankr. LEXIS 2334). Further, with respect to NYSDOT, the Court later established “...the State is under no obligation, nor can it even comply if one existed, to operate the Debtor’s railroad.” (95 B.R. 9; 1988 Bankr. LEXIS 2262).

The current rail operator on the corridor, the Adirondack Railway Preservation Society (dba Adirondack Scenic Railway) operates the corridor as a tourist railroad and has not

obtained federal authorization to operate as a common carrier. As such, neither the Adirondack Scenic Railway nor NYSDOT are required to obtain authorization from the Surface Transportation Board (successor to the ICC) to abandon rail service or to remove rail infrastructure from the corridor.

COMMENT: *There are several deeds of private property owners dated in the 1980's that contain easements for the railroad right of way or reversionary rights upon the removal of the railroad with varying language. If the rails remain, the easements are in place, but if they are removed, the easements are extinguished, and the underlying landowners regain the rights to their own land. The Supreme Court of the United States has resoundingly upheld these revisionary rights.*

RESPONSE:

The State acquired fee title to the Remsen-Lake Placid Travel Corridor (Corridor) from the Penn Central Corporation through the power of eminent domain. The Corridor property was acquired by the State through the preferential rights granted by Transportation Law Section 18. Under Section 18 of the Transportation Law, it states that any acquisitions shall be done in “the manner provided by section 30 of the Highway Law,” which is NYSDOT’s eminent domain authority. When a property is acquired by eminent domain, the acquisition maps are filed with the County Clerk granting fee title, unless expressly indicated otherwise on the maps. In February 1975, NYSDOT filed valuation maps acquiring the corridor within six counties encompassing the Corridor. The State has confirmed that the acquisition maps filed contained only a few locations where fee title was not acquired, and those property rights have since been acquired by NYSDEC. This action extinguished any reversionary property rights in the Corridor which may have existed under Penn Central’s ownership. (See Item 6 under **C. Potential Impacts Not Considered Significant** of the 2020UMP Amendment/SEIS.)

Some members of the public have provided language in their deeds that purport to demonstrate that they have reversionary rights. As indicated, the State acquired the bankrupt Penn Central line in the 1970’s as fee (ownership), using its power of eminent domain to ensure title was vested in the State. Deeds to private lands through which the Corridor passes or adjoins, will often reference the State’s “right of way” that has been excepted and reserved out of the deeds. Members of the public have been confused by the term “right of way”, which in this context is the State’s fee ownership of the Corridor and is not affected by the deeds from adjacent private landowners. *Black’s Law Dictionary* defines Right of Way when referring to railroads as a term to “describe that strip of land upon which railroad companies construct their roadbed, and which, when so used, the term refers to the land itself, not the right of passage over it.” By appropriating the Corridor, NYSDOT ensured that fee title to the strip of land over which the railroad was built was obtained by the State. The State Attorney General’s Office, the final arbiter of what ownership rights the State possess, is in agreement with this determination.

The Supreme Court cases cited by commenters are related to the 1875 Act, a federal law that granted railroads rights of way through public lands of the United States. The United States then sold those lands to private property owners. When the railroads were abandoned, the United States argued that the government retained reversionary rights to the property. The private property owners argued that the 1875 Act only granted an easement and once the railroads abandoned the corridors, the easements were

extinguished. The Supreme Court held in favor of the private property owners. This is not similar to the potential property rights at issue here. The Remsen-Lake Placid Travel Corridor was acquired by the State by eminent domain after it had been abandoned by the railroad. The State vested fee title (ownership) in the property at the time of the abandonment and all reversionary rights were extinguished. Property transfers of title that occurred after the State purchased title to the property did not convey property rights to the Corridor to new owners of adjacent properties.

COMMENT: *The 2020 UMP Amendment/SEIS falls short in its exploration of the overall impacts to the Adirondack Park.*

RESPONSE:

The 2020 UMP Amendment/SEIS considers the impacts to the entire Adirondack Park. The preferred alternative was selected as a result of significant outreach to members of the public, park-wide interested organizations and affected municipalities. Their responses, documented in this plan, reflect that the public values the Remsen to Lake Placid Travel Corridor and want it to be used to the maximum extent possible.

Snowmobiling is a major economic resource and continued use of the corridor for this activity is supported by virtually all of the municipalities and many members of the public. Converting 34 miles of the Corridor into a rail-trail between Tupper Lake and Lake Placid was also widely supported and makes Tupper Lake the location where the railroad will meet the trail. Municipalities along this route strongly support this idea, as do many community members. The Adirondack Park does not contain a long, flat trail capable of accommodating families with wheelchairs, baby strollers, and bicycles. By creating a 34-mile rail-trail, this need will be fulfilled, and will connect the Tri-Lake villages of Tupper Lake, Saranac Lake and Lake Placid.

The State is mindful of the overuse that is threatening the environment of the High Peaks. The rail-trail will be another destination within the Park and hopefully will attract users who otherwise might use the High Peaks. The State recognizes the need to address the public overuse of the High Peaks and established a High Peaks Advisory Committee to make recommendations on how to alleviate and mitigate the overparking that routinely occurs along the Route 73 corridor at popular High Peaks trail heads. It has implemented new parking strategies and is exploring the use of shuttle buses to bring hikers to the High Peaks trailheads without a need for cars.

In terms of the ability of NYSDEC to maintain the 34 miles of proposed rail-trail, the NYSDEC will seek funding from available sources and will continue to reach out to organizations, individuals and municipalities to help with the management of this community resource. With the trail linking the major population centers of Tupper Lake, Saranac Lake and Lake Placid, lots of public input and volunteer effort will occur. The corridor will be more accessible and accommodate wheel chairs and e-bikes and allow persons with disabilities the opportunity to utilize this resource at any time and free of charge.

B) Forest Preserve/Article XIV

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

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 NYSDOT 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 NYSDOT jurisdiction in the Adirondack Park. In 2019, the Adirondack Park Agency amended the APSLMP so that the NYSDEC can, through the UMP process, have railroad infrastructure removed, obtain jurisdiction, and manage segments of railroad Travel Corridors for recreational purposes. Thus, travel modes such as train, bicycle, snowmobile, and pedestrian are all conforming uses in railroad Travel Corridors in the Adirondack Park.

COMMENT: *Will the Remsen-Lake Placid Travel Corridor APSLMP classification revert to adjacent classification(s) once the rails are removed in the TLLP? If that were to happen, a Wilderness classification would preclude motorized uses, such as snowmobiles, on the former rail bed.*

RESPONSE:

The Adirondack Park Agency (APA) approved an amendment to the APSLMP to revise the definition and management guidelines for Travel Corridors that allows recreational use on the Corridor, which was signed by the Governor on June 21, 2019.

The State is retaining the right to convert the entire Corridor back to rail uses. The Corridor will retain the Travel Corridor classification and bridges, trestles, and rail infrastructure will continue to be conforming structures, and conforming motorized uses will continue to be allowed.

COMMENT: *The NYS Constitution has been amended to allow for bicycle paths in highway corridors crossing the Forest Preserve (Article XIV, Section 6 and ECL 9-2103). Does this bicycle path amendment render the removal of rail infrastructure and creation of a bike path in the Corridor unnecessary?*

RESPONSE:

The bike path provision in the Land Bank/Road Right of Way Constitutional Amendment (Article XIV, Section 6 and ECL 9-2103) applies only to State lands. Much of the public highways between the Tri-Lakes communities pass through villages and private lands and have limited right-of-way width. The Remsen-Lake Placid Travel Corridor converted from rail to trail between Tupper Lake and Lake Placid will be more conducive to family-oriented bicycling and other wheeled transportation, such as wheelchairs. The rail-trail will be safer, wider, and have less elevation grade changes than a highway shoulder.

1) 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 2020 UMP Amendment/SEIS will be like no other trail in the Park. It will have gentler grades, wide, large radius curves, long, straight sections, and a smooth, hard surface, and therefore provide access and active recreation opportunities to a broader spectrum of user-abilities. It will provide a safer, family-oriented biking route between Tri-Lakes communities. (See Section VIII.A Beneficial Impacts of the 2020 UMP Amendment/SEIS.)

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 commercial 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?

C) Trail Alternatives

1) Rails WITH 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 23 years that have transpired, attempts by many, including the Town of North Elba, NYSDOT, NYSDEC, and APA, to design and construct such a parallel trail in the Lake Placid to Ray Brook to Saranac Lake area, have not been successful.

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 (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 existing railroad 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 railroad bed in this Corridor is not conducive for a recreational trail alongside it. Such a trail was 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 as 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 E of the UMP)

COMMENT: *Currently there isn't a safe bike trail from the Village of Tupper Lake to St. Lawrence County. Could the State please consider a rail with trail from Route 3 south to Gull Pond Road in Piercefild?*

RESPONSE:

Unless specifically modified by this 2020 UMP Amendment/SEIS, the Remsen to Tupper Lake Segment of the corridor will continue to be managed in accordance with the terms of the 1996 UMP, which will continue to allow parallel trails within the corridor.

NYS DOT will consider requests for trail segments adjacent to the rail. Appropriate studies, including an analysis of potential environmental impacts and the consideration of safety measures for both trail and rail users would need to be conducted for any proposed trail segment.

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

COMMENT: *Various entities have spent a great deal of time and effort developing a design to accommodate both rails and trails that incorporates off-Corridor bypasses to go around obstacles such as wetlands. 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. NYSDEC recognizes that this was 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 bypass obstacles and then return back to the Corridor ROW.

The NYSDOT put forth a trail concept 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 APSLMP management guidelines, 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. NYSDEC and NYSDOT acknowledge the time and effort put forth on this design. However, after extensive internal review, the State determined that the designs were not feasible because they are out of character with the best public use for the Corridor, cost prohibitive, and ultimately not capable of meeting the trail design expectations of the public.

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

3) Other Trail Alternatives

COMMENT: *Why can't the rails in the trail segment have gravel or stone dust placed between them instead of removing them?*

RESPONSE:

This action would greatly increase the deterioration rate of the very facilities that it was meant to preserve. The rails will likely rust quickly, thus eliminating any future potential for rail reactivation or possible salvage value and requiring fill be placed as embankment settles. Further, it would make inspection of the track structure in accordance with FRA regulations impossible, rendering the railroad inoperable. NYSDOT plans to use the rails and ties to rehabilitate the segment from Big Moose to Tupper Lake Segment with the materials from the Tupper Lake to Lake Placid Segment. In addition, salvage of the unusable rails would not be available to offset construction costs.

For these reasons, any method of burying the rails with trail material is not a viable option and has been rejected for this 2020 UMP Amendment/SEIS.

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 not the best public use of the Corridor. A multi-use recreational trail 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. 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 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, other local businesses will benefit with implementation of the trail. For example, there should be an increase in demand for ski and bicycle rentals. (See Section VIII.A Beneficial Impacts of the 2020 UMP Amendment/SEIS)

D) Proposed Use of the Corridor

1) Illegal Use

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

RESPONSE:

Trespass violations from this Corridor onto adjacent property will be vigorously enforced. A network of enforcement agencies, including NYSDEC, and the affected towns and villages will work together to deter trespass. It is not expected that a recreational trail will lead to more trespass than currently happens in the Corridor. Trains have not been running between Big Moose and Lake Placid. Experience with other trail systems has shown that trespass is not an insurmountable problem, and that when an unused corridor is opened for public use, more people use the resource, which helps to discourage trespass. (See Section V.H. Public Use Management and Controls Item 1 of the 2020 UMP Amendment/SEIS.)

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. ATVs are not permitted on Travel Corridors designated as railroad corridors in the Adirondack Park State Land Master Plan.

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

RESPONSE:

ATVs riders are 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 violations on this Corridor will be enforced, 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. NYSDEC will post signs to inform users of the prohibition of ATV use, and public outreach will include information relating to uses that are allowed and prohibited. (See Section VIII.C Potential Impacts Not Considered Significant of the 2020 UMP Amendment/SEIS.)

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.

(See Section VIII.C Potential Impacts Not Considered Significant of the 2020 UMP Amendment/SEIS.)

2) Future Use

COMMENT: *Commenters suggested alternatives to Tupper Lake as the junction between train service and rail-trail:*

- *Convert the entire 119-mile Corridor to a rail-trail;*
- *Train service from Remsen to Big Moose, and rail-trail from Big Moose to Lake Placid;*
- *Train service the entire length, from Remsen to Lake Placid; and*
- *Train service from Remsen to Saranac Lake and rail-trail from Saranac Lake to Lake Placid.*

RESPONSE:

Tupper Lake was chosen as the junction between train service and the rail-trail because community support along the Corridor favored that scenario. The majority of communities north of Tupper Lake prefer the rail-trail and the majority of communities south of Tupper Lake support the train service. The municipal infrastructure, community trail system, and extent of State land within the Village of Tupper Lake make it well-suited to serve as a gateway for both rail and trail. Tupper Lake administrators have been enthusiastic and supportive of having Tupper Lake as the gateway to both trail and train. (See Section IV, Citizen Participation of the 2020 UMP Amendment/SEIS.)

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 from the Surface Transportation Board (STB). 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.

(See Section V.B. Description of the Proposed Action Item 1 of the 2020 UMP Amendment/SEIS.)

3) Snowmobiling

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 a 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 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 skip visiting Tupper Lake, for example, because they can go somewhere else, or must stay local to stay on their schedule. (See Segment V.C. Implementation Strategy, Item 4 of the 2020 UMP Amendment/SEIS.)

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 2020 UMP Amendment/SEIS?*

RESPONSE:

Once the railroad infrastructure has been removed in the Tupper Lake to Lake Placid segment of the Corridor, jurisdiction over that segment will be transferred from NYSDOT to NYSDEC. The amendment to the APSLMP that was signed by the Governor on June 21, 2019 revised the definition and management guidelines for Travel Corridors to allow NYSDEC to manage a recreational trail on a former rail bed as a conforming use within a railroad Travel Corridor.

The Travel Corridor designation allows use by train, bicycle, snowmobile, pedestrian, and many other modes of transportation. After the rails are removed and a trail is constructed, the Tupper Lake to Lake Placid segment will remain available for snowmobile use from December 1st to April 30th each year. (See Section V.C. Implementation Strategy, Item 4 of the 2020 UMP Amendment/SEIS.)

COMMENT: *Will the permitted time of year for snowmobiles (December 1st to April 30th) change with this 2020 UMP Amendment/SEIS?*

RESPONSE:

Snowmobile use within the Remsen to Tupper Lake Segment (RTL) will continue to be allowed between December 1st and April 30th each year. The railroad operator may propose rail operations on that segment of the corridor between December 1st and December 31st. Any such proposal shall describe the physical limits and schedule of rail operations, projected ridership and coordination with snowmobile use. The proposal will be reviewed by NYSDOT, assessed through public comment, and if accepted,

permits for use of the corridor will be adjusted as necessary to accommodate rail use through December 31st (See Section V.C. Implementation Strategy, Item 4 of the UMP.)

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

RESPONSE:

Safety (“Regulation”) infrastructure, such as signage, is discussed in the Bergmann Report concept plan in Appendix F. NYSDEC will work with stakeholders to determine locations of potential conflict and ensure critical safety infrastructure is incorporated into the design of the trail. As the rail-trail matures in use, more safety infrastructure may be necessary to address conflict areas unforeseen during initial design.

However, cross-country skiing and snowshoeing safely occur on many other designated snowmobile trails in the Adirondacks and across the state. Just as bicyclists and motorists coexist on public highways, so can snowmobiling 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.

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.

COMMENT: *Why does the plan advocate replacing potentially low or no emission rail transport, such as hydrogen, natural gas, or battery powered locomotives, with carbon-fueled personal vehicles such as snowmobiles?*

RESPONSE:

Just as low and no-emission technology exists for locomotives, low-emission snowmobiles are being developed as well. The State encourages the use of low- and no-emission transportation for any mode of transportation.

COMMENT: *As a result of implementing this plan, will the expected increase in snowmobile traffic in the Corridor accelerate climate change?*

RESPONSE:

While the anticipated increase in snowmobile traffic within the Adirondack Park may increase snowmobile exhaust emissions above what it would be without implementing the preferred alternative in the 2020 UMP Amendment/SEIS, stricter emissions standards phased in by EPA regulations over the past 15 years will reduce the overall impact of this increase. Because it is impossible to estimate how great the increase in snowmobile traffic will be, it is also impossible to estimate what the increase in snowmobile exhaust emissions will be, or how much these emissions offset a lack of train engine emissions where the tracks will be removed. It is therefore impossible to assess total carbon emissions and the impact on climate change due to reducing train use and increasing snowmobile traffic. The State will continue to monitor and assess air

quality impacts associated with snowmobile use along the Corridor and take appropriate future management actions.

See the Snowmobile Plan for the Adirondack Park/Final Generic Environmental Impact Statement (NYSDEC and NYSOPRHP, 2006) for discussion and analysis regarding the impacts of snowmobile exhaust emissions on air quality in the Adirondack Park. The 2020 UMP Amendment/SEIS is consistent with this plan as a “net positive benefit to the trail system and the Forest Preserve,” because snowmobile use is being concentrated within a travel corridor.

COMMENT: *Has an alternate snowmobile route to Beaver River been investigated?*

RESPONSE:

NYSDEC staff have thoroughly investigated the creation of an alternative snowmobile route, other than the Corridor, to access Beaver River. Currently, there are no alternatives. Forest Preserve classification of State lands around Beaver River, combined with the configuration of private lands, make such a route unattainable at this time. Should land ownership in the vicinity of Beaver River change in the future, NYSDEC staff can reevaluate the possibility of an alternative route.

4) Travel Modes

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

RESPONSE:

The State does not anticipate allowing equestrian uses on the trail at this time. However, the UMP has been updated to indicate that consideration will be given to future use depending on trail design, and after determining if the anticipated extent of maintenance required for the trail is accurate. Horses leave dung on the trail and their hooves can damage stone dust trail-surface, but those are relatively minor issues. The greatest concern with equestrian use on the rail-trail is horse compatibility with bicycles. Bicycles are predator-like in that they are quiet, fast, come up from behind (horses facing straight ahead, cannot see directly behind them), and are not obviously a human. This can induce panic in horses which, despite their domestication, still have the instinct of prey species. Numerous resources warn of potentially dangerous conflicts between the two uses, and the American Association of State Highway and Transportation Officials (AASHTO) recommends several mitigation measures, including separate bridle paths, maintenance of adequate sight lines so that bicyclists and equestrians are able to see each other well in advance, and signing that clarifies appropriate passing techniques and yielding responsibilities. The most difficult of those measures is creating a separate bridle path. Lake Colby Causeway is an example of a segment of the Corridor that is potentially dangerous for interaction between horses and bicycles: a trail narrower than recommended for both uses, embankments on both sides, and no room for a side-trail. Other segments of the Corridor, however, may be conducive to equestrian use. Further investigation is needed as the project develops.

Below is a diagram Figure 5.5 from AASHTO’s design guidance on shared use paths (*Guide to Bicycle Facilities, 4th Ed.*). Note that AASHTO recommends a minimum of 6-

foot separation of uses that ideally include a barrier, elevation change, vegetation buffer, or all the above.

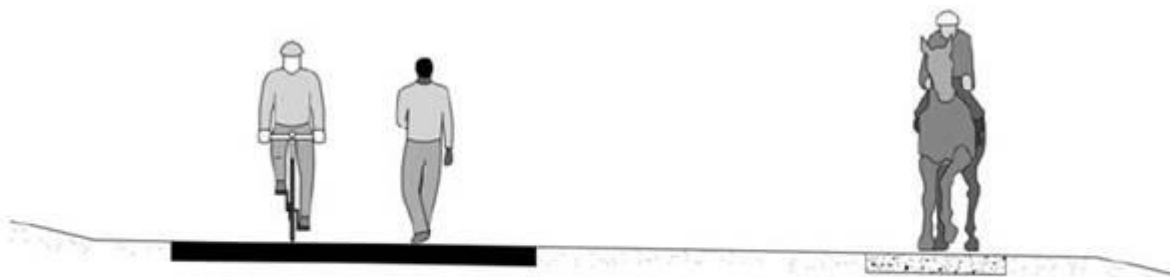


Figure 5-5. Shared Use Path with Separate Unpaved Equestrian/Jogger Path

COMMENT: *Can other classes of electric bicycles (e.g. throttle assisted) be allowed on the rail trail?*

RESPONSE:

The State is proposing that Class 1 e-bikes be allowed on the rail-trail, which is a conforming use in the APSLMP. Other class e-bikes are not allowed by the APSLMP. (See Section V.B.2 Identified Trail User Groups of the 2020 UMP Amendment/SEIS.)

E) Historic Resources

COMMENT: *The Corridor and associated features are listed in the State and National Register of Historic Places. How can the State remove the rails and be consistent with the law?*

RESPONSE:

Consistent with the Section 14.09 New York State Parks, Recreation and Historic Preservation Law, the State is required to document that there are no feasible and prudent alternatives before taking any action to adversely impact historic resources. As discussed in the Historic Preservation Plan (HPP in Appendix D), the State thoroughly analyzed the various options before selecting the preferred alternative outlined in the 2020 UMP Amendment/SEIS. That analysis is included in the beginning of the HPP (see Appendix D, Section II, Options for trail development) and in Appendix E, an analysis of TRAC's rail with trail proposal.

If there are no feasible and prudent alternatives, the next step is to consult with the Office of Parks, Recreation and Historic Preservation (OPRHP) relating to the alternative selection, and the development of measures to satisfactorily mitigate the adverse impact to historic resources. Such consultation has taken place and is ongoing with OPRHP. The State has also worked with a stakeholder group since 2016, which is composed of municipal officials and interested organizations and individuals who have met fourteen times to develop the Draft HPP. Currently, the OPRHP is reviewing public comments generated on the Draft HPP and is working with the State to execute a Letter of Resolution (LOR) which specifies how the proposed undertaking will proceed. These

actions follow and satisfy legal requirements. (See Appendix D of the 2020 UMP Amendment/SEIS, the Remsen-Lake Placid Travel Corridor Historic Preservation Plan.)

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 underway and 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, and any reasonable mitigation measures to address such impacts.

Additional preservation measures have been incorporated into the Historic Preservation Plan. (See Appendix D Remsen-Lake Placid Travel Corridor Historic Preservation Plan of the 2020 UMP Amendment/SEIS.)

COMMENT: *It looks as if the State is moving to adopt this 2020 UMP Amendment/SEIS prior to statutory compliance with State Historic Preservation Law, and there is no clear statement of a forthcoming letter of resolution from the NYS Office of Parks Recreation and Historic Preservation (OPRHP). Has OPRHP signed off on the plan?*

RESPONSE:

The NYSDEC and NYSDOT have been consulting with the OPRHP throughout the development of the 2020 UMP Amendment/SEIS process and the Historic Preservation Plan (HPP) in Appendix D. Providing the public with an opportunity to review and comment on the Historic Preservation Plan while it remains in draft form is a part of that process. A Letter of Resolution (LOR) is being developed in consultation with the OPRHP. The LOR will be signed following a review of public comments on the draft 2020 UMP Amendment/SEIS and draft HPP, and prior to the approval of the proposed 2020 UMP Amendment/SEIS.

F) 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 2020 UMP Amendment/SEIS provides more than 85 miles for travel by tourist train in the Corridor, and in addition, a 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. (See Section I.D.1, Accessibility Guidelines in the 2020 UMP Amendment/SEIS.)

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

RESPONSE:

The rail trail, access points, and infrastructure on the trail will be designed to comply with the Americans with Disabilities Act (ADA) to the maximum extent possible. (See Section I.D.1, Accessibility Guidelines, of the 2020 UMP Amendment/SEIS.)

G) Proposed Recreational Trail Attributes

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 will include an analysis of all possible uses by the public. The State will work closely with the affected municipalities and citizen groups to develop visitor amenities as needed. (See Section V.B.2, Trail Elements Proposal of the 2020 UMP Amendment/SEIS.)

COMMENT: *Would it be feasible to provide some primitive campsites along the rail trail for overnight stays to bring in more people to utilize the trail?*

RESPONSE:

Primitive campsites along the rail trail are feasible and desirable where appropriate. The APSLMP does not allow for overnight accommodations or primitive campsites on State lands, less than 150 feet from a railroad corridor. NYSDEC will gauge need and desire for primitive campsites after the trail is constructed. Primitive campsite(s) proposed in a neighboring State land unit will require a UMP or UMP amendment for that/those unit(s). (See Section V.B.2 Trail Connections of the 2020 UMP Amendment/SEIS.)

COMMENT: *Why can't the rails simply be removed and the surface re-graded, and then utilize the existing material base? Why is stone dust the preferred trail material?*

RESPONSE:

Stone dust and asphalt pavement will be utilized in segment(s) of the TLLP as determined prudent and feasible during engineering design. The ballast and cinder rail bed is not suitable for wheeled vehicles such as road bikes and wheel chairs but will remain in place as subgrade material. Stone dust is a sustainable and easily maintained trail surface.

At the approaches to paved roadways and within the developed village centers, sections of the trail are proposed to be asphalt pavement rather than stone dust. At roadway crossing approaches, an apron of asphalt pavement will contain the stone dust and prevent it spilling out into the sidewalk and roadway system. Asphalt pavement will be utilized in segment(s) of the TLLP as determined prudent and feasible during engineering design, especially within certain areas of the villages (at the Saranac Lake Depot, and trail segments between Broadway and Cedar Street for example). Asphalt surfacing is recommended to better fit the adjacent character and to maintain a neat and tidy appearance. Pervious asphalt or concrete may also be used, if feasible. (See Section V.B.2, Description of Proposal of the 2020 UMP Amendment/SEIS.)

H) Rail Attributes

COMMENT: *The UMP proposes the installation of passenger platforms in Beaver River and Sabattis. Would these be lit 24/7? Electrical service and running water are not available at these locations. Why would passengers disembark in these locations? There are also comments on aesthetic and safety concerns with a raised, long platform.*

RESPONSE:

Both Beaver River and Sabattis have been identified as locations for which demand for transportation services exist. The community of Beaver River is entirely landlocked, with no overland access, except for the railroad. NYSDOT and NYSDEC see the railroad as a viable means for both residents and tourists to reach the community. Sabattis is located at the entrance to the Sabattis Scout Reservation, operated by the Boy Scouts of America. The railroad has the potential to provide transportation to and from the reservation and the rail operator could partner with the Boy Scouts to provide transportation to other back-woods recreational opportunities or allow campers to obtain their Railroad Merit Badge. Sabattis would also be the turning point for short excursion trains operated out of Tupper Lake and a platform would provide an opportunity for riders to exit the train and stretch their legs prior to the return trip to Tupper Lake.

Detailed design of the platform structures will come at a later date, but it is not anticipated that the platform facilities would be lit 24/7.

COMMENT: *The Corridor north of Big Moose has been in a state of disrepair. How do NYSDOT ensure the rail operator maintains the rail corridor?*

RESPONSE:

As owner of the Corridor, NYSDOT has ultimate responsibility for the condition of the corridor.

In the late 1990's and early 2000's, NYSDOT made capital investments in the corridor between Remsen and Big Moose and between Saranac Lake and Lake Placid to allow for tourist passenger operations. However, between Big Moose and Saranac Lake, the investments made at that time were limited to the minimum necessary to allow for the movement of rail equipment between the Saranac Lake to Lake Placid segment and the operating segment south of Big Moose. It was not rehabilitated into a state of good repair. The current rail operator has effectively maintained those sections that were restored to a state of good repair for more than 20 years.

Moving forward, NYSDOT will secure a contractor to rehabilitate the entire Remsen to Tupper Lake Segment of the corridor. Between Remsen and Big Moose, the work will be limited to the replacement of individual failed ties and restoration of minor deviations in alignment and surface that if left unaddressed could result in future speed reductions. A more comprehensive rehabilitation is required between Big Moose and Tupper Lake, where ties and rail will be replaced, and new ballast installed.

Once the rehabilitation is complete, the rail operator will continue to be responsible for day-to-day maintenance of the corridor, including required Federal Railroad Administration (FRA) inspections and minor track repairs. NYSDOT will take an active role in corridor maintenance and will employ its own contractor(s) to perform capital rehabilitation and emergency repairs as needed for the Remsen to Tupper Lake Segment.

COMMENT: *Can the State install environmentally friendly ties for the rehabilitation work, instead of traditional creosote-treated ties?*

RESPONSE:

Creosote-treated wood timber is the most common railroad tie used in North America and is the type of railroad tie currently utilized on the entire Remsen-Lake Placid Corridor. It remains a cost-effective material for the rehabilitation and ongoing maintenance of the corridor, but NYSDOT concurs that the environmental concerns over the use of creosote warrant consideration of alternative materials.

Alternatives to creosote treated wood timbers include concrete, steel, plastic or wood timbers treated with an alternative preservative. Each material has its own strengths and weaknesses when used as a railroad tie, and NYSDOT has considered the merits of each.

Concrete ties are typically used in high speed and heavy tonnage applications, neither of which characterize the use of the Remsen-Lake Placid Corridor. Due to the differing spacing requirements and stiffness, they cannot be intermixed with wood ties. The cost of a concrete tie is 1.5 to 2 times the cost of a wood tie, plus the added cost to replace those wood ties which are still in good condition and which would not otherwise be replaced. Concrete ties have an anticipated life of 50 years vs. 30 years for treated wood. NYSDOT has rejected the use of concrete ties due to cost, incompatibility with the existing wood-tie track structure, and inconsistency with the Historic character of the corridor.

Steel ties are typically used in yard tracks and in locations where overhead clearance is restricted. Due to the electrical conductivity of steel, they are incompatible with railroad signal systems, including grade crossing warning systems, absent some form of electrical insulation between the tie and the rail. While steel ties may be intermixed with wood, they require different machinery for installation and affixing the ties to the rails than other options, which would complicate future maintenance. Steel ties have an anticipated life of 50 years. The cost of steel ties is 1.5 to 2 times the cost of wood. NYSDOT has rejected the use of steel ties due to cost and future maintenance considerations.

Plastic ties are typically used in high moisture locations and can be mixed with wood ties. They utilize the same handling and fastening systems as wood ties. Plastic ties have an anticipated service life of 50 years. Plastic ties are roughly twice the cost of wood ties. NYSDOT has rejected the use of plastic ties as the standard tie for the rehabilitation project but may consider limited use of plastic ties in locations where high-moisture levels may lead to premature failure of treated wood ties.

The use of copper naphthenate (CNAP) treated wood timber, sometimes combined with Borate treatment, is gaining popularity within the railroad industry. The ties have the same mechanical properties, fastening and handling requirements as other wood ties and are comparable in cost to creosote-treated wood timbers. NYSDOT has concluded that CNAP-treated wood timber ties are the best option for rehabilitation and future maintenance of the corridor.

I) Economics

COMMENT: *Has there been an economic study that evaluates the potential economic impact that would result from implementing the preferred alternative?*

RESPONSE:

Several years ago an analysis of the economic impacts was funded using three possible scenarios for the Corridor: railroad for the entire length, rail-trail for the entire length, and train service to Tupper Lake with a rail-trail from Tupper Lake to Lake Placid. The analysis included a thorough review of the pertinent studies already undertaken on this issue, interviewed tourism officials, railroad advocates, snowmobile advocates, and trail advocates. It used only out-of-State travelers and based its assumptions on future railroad use estimated by the Adirondack Scenic Railroad, snowmobile use from the surveys conducted previously by the New York State Snowmobile Association (NYSSA), and trail use by reviewing studies by the Rails to Trails Conservancy, Adirondack Action, and the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP). The study concluded that the Corridor is an important engine of economic growth and that all three scenarios resulted in economic benefits to the region. This economic study indicated that a rail-trail would have a positive impact on the economy of the North Country, as would a continued train operation. By separating the Corridor into a 34-mile rail-trail segment, and an 85-mile train segment to meet at Tupper Lake, the combination of these segment in the Corridor will have a more positive economic impact than only trail or only train in the Corridor.

COMMENT: *NYSDOT should undertake a market study prior to making this investment in the corridor.*

RESPONSE:

The Remsen-Lake Placid Corridor is a state-owned asset, and NYSDOT and NYSDEC have proposed the best use of the corridor in this 2020 UMP Amendment/SEIS.

COMMENT: *Tourist trains – do not generate enough revenue, they need subsidies to keep their business running.*

RESPONSE:

The Adirondack Railway Preservation Society (dba Adirondack Scenic Railroad) has been operating a tourist railroad on the Remsen-Lake Placid Corridor since 1992 and has grown from their initial start-up between Thendara and Carter Station to encompass operations from Utica to Big Moose and between Saranac Lake and Lake Placid.

Over those 28 years, NYSDOT has assumed financial responsibility for the maintenance of the rail infrastructure while the costs associated with operation of the tourist trains has been borne by the railroad.

NYSDEC and NYSDOT believe this 28-year history demonstrates that the operating of tourist trains in the corridor generates sufficient revenue to support the railroad as a going concern.

COMMENT: *The UMP should include an evaluation of long-term costs and benefits for all options.*

RESPONSE:

The Remsen-Lake Placid Corridor is a state-owned asset, and NYSDOT and NYSDEC have proposed the best use of the corridor in this 2020 UMP Amendment/SEIS.

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

RESPONSE: Economic considerations are only part of the analysis for this 2020 UMP Amendment/SEIS. 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 has a tourist business base, and excellent infrastructure, with the potential to grow further as a premier train and trail tourist destination.