

Planner's Memorandum



Ulster County Planning Department 244 Fair Street, Kingston NY 12401

Catskill Mountain Railroad Corridor Why Trail is the Right Choice

Position

In October 2012, Ulster County Executive Michael Hein formally proposed the creation of the *Catskill Mountain Rail Trail (CMRT)*, a multi-use recreational trail running along the former Ulster & Delaware (“U&D”) Railroad Corridor from Kingston to the Ashokan Reservoir and potentially westward further into the Catskills. In an effort to continue to control this section of the railroad, the Catskill Mountain Railroad (CMRR) which has a lease on the corridor until 2016 has proposed a “rail with trail”. The Ulster County Planning Department has reviewed the CMRR proposal as well as prior studies of the corridor, including other rail-with-trail analyses. After examining the available data and considering numerous factors associated with the corridor, it is the Planning Department’s conclusion that rail-with-trail (RWT) in the segment from Kingston to the Ashokan Reservoir and along the New York City Ashokan Reservoir to Boiceville is not a viable option. Extensive physical constraints, dramatic increases in cost, and adverse environmental and community impacts renders RWT unworkable. It is important to note that this is not the first time that the RWT option has been rejected for the Kingston to Ashokan NYC Reservoir lands. The 2006 Trail Feasibility Study for the U&D Corridor conducted by the Ulster County Transportation Council reached the same conclusion.

The Department concludes that rail trail on existing rail bed offers substantial benefits for this segment and should be adopted as the way forward. This does not mean that rail use should be eliminated from the corridor. Segmenting trail and rail in the corridor would allow the tourist railroad now being operated by CMRR in Mt. Tremper to continue. In Kingston, the Trolley along the waterfront has seen reinvestment and rail operations will continue. West of Ulster County segmented rail and trail operations are already in existence. The Delaware and Ulster Railroad operates from Arkville west with the right of way converting to trail at the end of its run. Valid reasons exist to bring these operations east to Belleayre if possible.

Summary of Factors Considered

The conclusion that a separation of the trail and rail uses is the best choice is summarized under the four (4) main headings below which reveal that the RWT option is virtually impossible.

I. Physical Constraints

An examination of the physical constraints in the corridor shows that for numerous locations in the Kingston to Ashokan Reservoir section, the placement of rail bed in underpasses, rock cuts and on benched side slopes would require costly divergence and/or fill sections to accommodate the

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RWT. The use of retaining walls and associated fencing would be extensive. To overcome these physical constraints there would be significant engineering and associated construction costs which would be prohibitive. Other physical constraints include the need to relocate or avoid utility infrastructure such as electric and telephone lines, business activities and parking areas. Existing underpasses through which the rail passes would force additional divergence and create at-grade crossings at Albany Ave. and Elemendorf Street that do not exist now.

2. Environmental Constraints

The physical constraints present a myriad of environmental issues that would be difficult to overcome. These include wetland encroachment, increased drainage, and extensive clearing of trees in endangered species habitat areas. The additional disturbed area and changes in slopes would effect drainage already a challenge in the corridor. Culvert extensions and relocation and redirection of existing swales along with new drainage structures would be necessary and present additional obstacles.

Vegetative clearance cannot be taken lightly. Issues related to habitat loss would require environmental permits and additional clearing would impact adjoining properties visually and also increase noise. The preservation of historic structures would present challenges, as modifications would be necessary to accommodate the RWT option.

These significant environmental factors and associated costs are not present in the trail only option that uses the existing disturbed footprint.

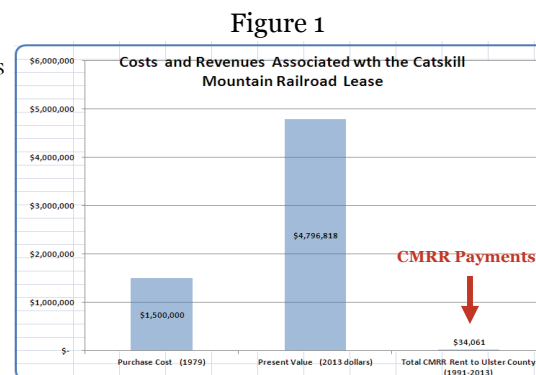
3. Funding

Rail funding is extremely limited at all levels and generally confined to safety considerations rather than maintenance of trackage. The lack of federal resources also significantly impacts the ability to implement a RWT that would require extensive infrastructure costs to accomplish. A trail only option has funding sources. The recent inclusion of \$2,000,000 in the 2013 NY State budget can accomplish a significant portion of the trail if constructed on the existing rail bed. An additional \$1,000,000 remains secured through the NYS Legislature and controlled by NYSDOT for trails along the U&D corridor. This funding is not available for rail. The Ulster County Transportation Council has been able to program NYSDOT funds with existing federal funding at an 80% match that can be used for the first, and most costly, segment of the trail.

4. Public Benefit

Taken as a whole, the rail operation with restrictions on public use across its entire length offers few if any public benefits, its economic impact is minimal, and for large segments of the line, CMRR has lost the battle to preserve the right-of-way. It is undeniable that the current situation fails to meet the goals established for the corridor. The goal of the original purchase in 1979 was not focused on saving a railroad but rather using the railroad for economic development with a major tourist railroad acting as a catalyst. Trail use has gained significant support and user base and is now understood as having significant economic development benefits.

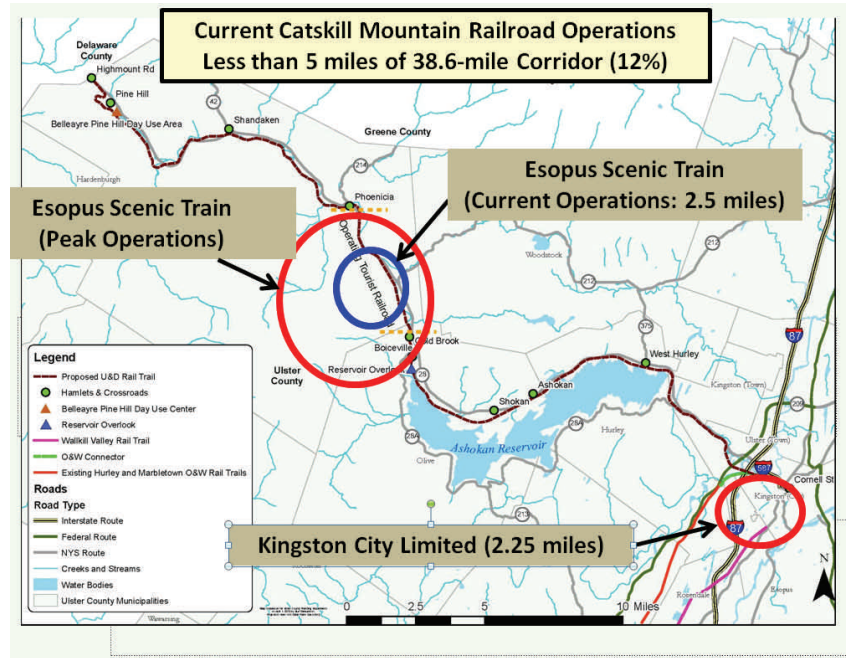
Figure I shows the costs and revenues of the U&D Railroad lease to CMRR for the current lease period. Taxpayer investment in the U&D amounts to almost \$5,000,000. In contrast for the period of the lease to present, CMRR has paid the County slightly more than \$34,000.00 in the last 22 years.



Ridership figures available from 2006 to present show that the peak was approximately 12,300 in 2010. In 2012 approximately three-quarters of CMRR’s ridership took place on the Esopus Scenic Train at Mt. Tremper. This ridership can be compared to the estimated 81,000 users of the Hurley Rail Trail (see figure 2).

Train operations are highly seasonal. An examination of the posted 2013 operational schedule for CMRR shows that the operating period is expected to be up to a total of 49 days for the Mt. Tremper Esopus Scenic Train and the Kingston sections.

Finally, a close look at the map of the rail corridor reveals that rail operations are not only limited in duration but also in geographic extent. Rail operations open to the public constitute less than 5 miles of the 38 mile corridor.



Catskill Mountain Rail Trail (CMRT)

The public benefit of trails is usually characterized by quality of life improvements related to access to recreation, reuse of poorly maintained corridors, health benefits and increase in property values along the trail. Trails become destinations in their own right and their economic impacts are closely associated with tourism and community events with associated economic multiplier effects on the surrounding area.

Usage for the proposed CMRT in the Kingston to Ashokan Reservoir section is projected to be high based on the number of users on other regional rail trails. The trail will benefit from its City of Kingston starting point where nearly 10,000 people live within one-half mile (walking distance) of the trail. The western portions of the trail will have high visitation given the spectacular views of the Ashokan Reservoir and the already significant usage seen on existing walkways around the Reservoir. In short, usage on the section will be a mix of destination draw for tourists and local users. The trail also offers significant opportunities to join communities together with special events. Figure 2 shows annual estimates of usage for several trails in New York State. It is not unreasonable to expect that usage for the Kingston to Ashokan Reservoir section to surpass that of the Hurley Rail Trail. The presence of the CMRT will also benefit other regional trails including the Wallkill Valley and the Hurley Trail as connections are established. The benefits of CMRT’s proximity to the neighborhoods in the Kingston area should not be underestimated. This section of the CMRT can provide walking access to the Kingston Plaza and other local businesses. It will provide public access to other open spaces along the Esopus and in the

Figure 2

Trail Name	Estimate of Annual Use
Hudson Valley Rail Trail - Lloyd	667,405
Hurley O&W Rail Trail - Russel Rd/Depot St	81,157
Genesee Valley Greenway - Mi. 0.5	70,367
Harlem Valley Rail Trail - Millerton	111,380
Lyons Trail of Hope	74,879

Catskills. The CMRT is in keeping with the County's adopted Open Space plan that articulates an overarching goal to connect built places such as urban neighborhoods with open spaces. Opening up this section to the public will reduce the undesirable activities that now take place in the Kingston section by having a consistent public presence and easier police response. Research has shown that active public use trails are safer and better maintained than areas that are used infrequently such as the current railroad corridor. The conversion to trail will also preserve the corridor itself, including keeping it free from encroachments, maintaining historic structures and opening the other public areas through which it passes.

Why Trail Only?

Persuasive evidence exists demonstrating that the trail and rail cannot coexist in the Kingston to Ashokan Reservoir Corridor:

A rail with trail as proposed by CMRR would:

- Require extensive divergence from the rail bed, greatly increase engineering and construction costs in a manner that jeopardizes the ability to secure funding and negotiate agreements with outside stakeholders;
- Create impacts that would disrupt adjoining businesses and residential properties;
- Create unavoidable environmental impacts that would likely require extensive mitigation;
- Increase the incidents of trespassing on rail operations that would increase the potential for injuries; and
- Undermine the quality of the trail & decrease the usefulness and attractiveness for public use.

In contrast a trail only option in this section of the corridor will:

- Greatly expand public use;
- Act as a catalyst for tourism and create an economic benefit in keeping with the original reason for the purchase;
- Serve the neighborhoods and communities through which it passes;
- Improve the value of adjoining properties;
- Cleanup the corridor and maintain its historic structures and right of way; and
- Have sufficient funding to begin implementation of substantial portions now.

In conclusion, the best alternative for the Ulster and Delaware (Catskill Mountain Railroad) right of way is to segment the trail and rail operations and construct a trail only between Kingston and Ashokan Reservoir along the existing rail bed.

Supporting Documentation

Physical Constraints

In 2006 the Ulster County Transportation Council conducted a Trail Feasibility Study for the U&D Corridor. As the study indicates its purpose was to “*analyze the feasibility and potential for the phased implementation and maintenance of a trail system within the Ulster and Delaware Railroad Corridor right-of-way. . . .*” The conclusion in the Report for the area between Kingston and Ashokan is that rail with trail is not feasible for a majority of this section due to limitations associated with placement of rail in tunnels, rock cuts and on benched side slopes that would require costly divergence and/or fill sections to accommodate the trail. This conclusion can be better understood by a examination of the area needed to construct a rail with trail (RWT). A typical RWT section would require a minimum of 24-26 feet from the centerline of the track.

The following series of photos illustrates the constraints in the existing rail corridor that construction of this typical section would encounter in the Kingston to Ashokan Reservoir section..



RWT would require either removal of rock to run along side the rail in the cut or find a way both up and down to run along the top of the cut.



RWT would require encroaching on wetlands or the parking area of the former Holiday Inn or rerouting to lands not owned by Ulster County.



At Kingston Plaza RWT would require either relocation of business activities and utility poles or encroachment into travel lanes .



At Elmendorf and Albany Avenue there is no room for the RWT. Here the trail would be required to follow the top of ROW with at-grade crossings and impacts to adjoining properties



At the C-9 bridge over the Esopus RWT would require extending the trail outside the superstructure or hanging the trail below the bridge.



Railroad side slope bench locations force RWT to cut into the slope or fill the outside. Either option will cause clearing and drainage problems, likely require retaining walls and cause dramatic escalation in costs.

Environmental Constraints

In seeking to overcome these physical constraints a myriad of environmental issues would be encountered. These includes wetland encroachment, increased drainage, and extensive clearing of areas that have endangered species habitat, Drainage is already a challenge in the corridor. The addition of disturbed areas, and slopes would require culvert extensions and relocation and redirection of existing swales. Vegetative clearance should not be taken lightly, not only would issues related to species habitat need to be addressed but the additional clearing would impact adjoining properties visually and may increase noise from both the trail and rail operations. Other issues include relocation of utility infrastructure such as electric and telephone lines, and relocation of existing business activities.



RWT would require clearing that impacts adjoining properties opening up views and increasing noise levels



RWT would require greater investment to address drainage issues including culverts and swales.

Adopted Policies in Place that Provide Guidance

Ulster County and the Ulster County Transportation Council (UCTC) have adopted policy documents that address rail and trail issues.

UCTC Long Range Transportation Plan (LRTP): The LRTP recognizes that gaps exist in the existing regional trail network (see map) and outlines a vision to close these gaps by 2035. It is important to note that the LRTP includes the completion of a multiuse trail through into the Catskills from Kingston. The UCTC in implementing the LRTP is currently using its remaining trail funding to program federal funds in Lloyd, Wawarsing, and Kingston. UCTC is also working with NYSDOT to extend the Lloyd trail to New Paltz. The Planning Department is assisting projects to remove the gaps in the Wallkill Valley Rail Trail in Shawangunk and Rosendale to complete the connection to Kingston. Similar efforts are underway for the O&W rail trail.

LRTP also includes recommendations related to rail needs with a primary consideration to improve safety at rail crossings. The UCTC is actively engaged in seeking to eliminate where possible at-grade crossings associated with the CSX main line and is conducting a safety study of the Boices Lane Crossing. Reactivation of at-grade crossings at Washington Ave. and NYS Rt. 209 by CMRR represent significant safety concerns. The County as owner should also be concerned about liability issues associated with these crossings.

Ulster County Open Space Plan (OSP): Under recreational resources the OSP Goal is to “*connect built places and communities with open spaces, including rail trails, greenways, county parks, historic sites...*” This goal is being implemented in project reviews by the Planning Department, support for funding applications, and working with local land trusts. The Catskill Mountain Rail Trail’s ability to reach into the midtown neighborhoods of Kingston and connect them to the open spaces of the Ashokan Reservoir would be a major accomplishment towards implementing this goal.

History of the County Purchase and Lease to CMRR

Ulster County purchased the U&D Railroad in 1979 for \$1.5 million, which in present day dollars would equal more than \$4.79 million. The railroad was originally purchased as part of the effort to attract a multi-million dollar regional tourism rail operation (“Steamtown”) to Ulster County along with associated hotel facilities. In any discussion of the future of the right of way it is important to note that the main purpose for the County’s purchase was not to save the railroad but rather to utilize it as an economic engine associated with tourism for the project that was Steamtown.

The loss of Steamtown was a critical blow to this effort and it was not until 1982 that the for-profit Catskill Mountain Railroad (CMRR) Co. was formed and began operating on the line in 1982. From the start the CMRR operations suffered from the lack of equipment, manpower and capital that was further hindered by a series of short term leases (5 years) that reflected the County’s inability to sign a longer term lease. To address the concerns expressed by CMRR on its difficulty in making capital improvements, the County, in 1991, agreed to use its IDA to lease the U&D to the CMRR for 25-years. The lease was performance based, having a requirement that the CMRR would spend at least \$25,000.00 to upgrade at least one-mile of track each lease year and fully revitalize the rail corridor to Class I standards from Kingston to Phoenicia (approximately 18 miles) by the end of the lease in 2016. The lease also requires that the rehabilitated track in this section be maintained by CMRR to the Class I standards. Other conditions of the lease assign the responsibility for maintenance of the entire line to CMRR. Including specifically is brush, papers and trash.

The CMRR lease with the County requires payment of a percentage of the gross revenue (5% for yrs 21-25) to the County for use of the line. For the period of the lease to present County records show that CMRR has paid the County slightly more than \$34,000.00

Conditions in the Remainder of the Corridor

West of Phoenicia

Below is a snapshot of the condition of the corridor west of Phoenicia. There is little evidence of any maintenance effort on this section. The fact that the right-of-way at Phoenicia has been destroyed for over a thousand feet, means this portion of the corridor has little chance for rail access from the east.

Approximate location of rail bed at Phoenicia shown by arrow



Big Indian rail trestle slated for demolition so as to remove risks to downstream properties



Trees growing in ROW



Rail trestle over Giggle Hollow



Although east of Phoenicia the Boiceville Trestle was destroyed by Irene and separates the rail from the Ashokan Reservoir



Washout near Pine Hill



Planner's Memorandum

The Ulster County Charter and Administrative Code includes as a function of the County Planning Director under Section A7-2 Powers and duties of the Planning Board and Director the following:

Advising the County Executive, County Legislature, County departments, and other agencies with respect to any matter relating to the development or redevelopment of the County on which an opinion is requested or upon which the Director of Planning deems it advisable to report;

The County Executive has requested an opinion of the Planning Director under this section of the Charter and Administrative Code and this Planner's Memorandum is in response to his request.