



MEMORANDUM

To: Members of the East Greenbush Town Board
From: Andy Beers, Director, Empire State Trail
Date: September 8, 2017
Re: **Albany-Hudson Electric Trail Draft Concept Plan**

Per your request, attached are initial responses to questions regarding the planning process for creation of the Albany-Hudson Electric Trail (AHET) in the Town of East Greenbush. We look forward to continuing our dialog with you and interested residents as the trail planning process advances this fall.

Overview

In August, the Hudson Greenway issued the Albany-Hudson Electric Trail Draft Concept Plan, initiating the public input process for this project. The Concept Plan and related documents are available on our website www.AHETTrail.org. The Greenway is currently receiving public input and discussing the Draft Concept Plan with elected officials, stakeholders, adjacent landowners, and interested members of the public. We anticipate issuing the Final Concept Plan this fall.

The Hudson Greenway has engaged the engineering firm Greenman-Pederson, Inc. (GPI) to develop detailed engineering design plans and specifications for the AHET Trail. The project schedule contemplates preliminary design will be completed in the spring of 2018.

Below are responses to questions provided by the East Greenbush Town Board regarding the AHET Trail.

Response to Specific Questions: AHET Trail

When will the Empire State Trail Design Guide be available on line for review? In the absence of an existing Empire Trail Design Guideline what recognized and generally accepted Trail Design Guideline has been used to make the decisions and select the trail route proposed in the Trail Concept Plan.

The Hudson Greenway is compiling the Empire State Trail Design Guide, to provide a comprehensive summary of the current guidelines for developing off-road “shared use paths” and on-road bicycle and pedestrian routes. We anticipate the Design Guide will be issued this fall. The Design Guide builds upon bicycle and pedestrian guidelines issued by the American

Association for Highway and Transportation Officials (AASHTO), which is the national standard for multi-use trail facilities.

The proposal does not identify the difference between a shared roadway and a marked shared roadway. Are proposed cross section treatments available for review to give residents and trail users a better idea of what the bike trail will look like for on-road sections?

The specific treatment of each on-road “shared roadway” section of the AHET Trail will be defined through the detailed engineering design process over the next six months. The Greenway will consult with the Town during this process.

Does East Greenbush have to approve the detailed plan? What is required? What if they do not give approval? If Town of East Greenbush Approval/Consent is required when will such Approval be required?

The Hudson Greenway is approaching development of the Albany-Hudson Electric Trail as a partnership with the involved county, town, city, and village local governments. We are committed to planning and building a trail that has the support of involved local elected officials, including the Town of East Greenbush.

The Greenway will request the Town’s concurrence for any improvements proposed for roads and property under the Town’s jurisdiction. Improvements may include installation of signage, installation of pavement markings, and improvements to roadway shoulders or sidewalks (if proposed). The Greenway will formally request Town concurrence after preliminary engineering designs have been developed in the spring of 2018, which will provide the Town a clear description of the specific road treatments.

The Public Information Meeting at Columbia High School indicated that the Town of East Greenbush must sign an Agreement. Does the Empire Trail have a standard agreement that the Town of East Greenbush will be expected to sign to confirm their consent? Who are the parties of any Agreement that the Town is required to sign? Will the Hudson River Greenway and Niagara Mohawk be parties? Who is responsible for satisfying National Grid’s clearly established requirements for use, maintenance and enforcement of the National Grid ROW? Will the Town of East Greenbush be accountable to National Grid for all or any portion of these requirements? Has a National Grid Property Transaction Review and Permit already been obtained for the portion of the trail located in the National Grid ROW in the Town of East Greenbush. If this Permit from National Grid is not yet obtained who is responsible for obtaining this Permit? Has all the Fees associated with obtaining this National Grid Permit been paid?

Responding to this range of questions:

- The Hudson Greenway will fund 100% of the cost of trail construction, and is responsible for long-term capital maintenance (for example when the trail needs to be resurfaced in the future). However, the Greenway does not have on-the-ground regular maintenance

activity, and therefore is request that local governments take responsibility for routine maintenance, most notably mowing a 2-4-foot grass trail buffer during the growing season.

- Over the coming year, the Hudson Greenway will develop a written maintenance plan to guide routine maintenance activities, for approval by National Grid. The Greenway will provide the draft maintenance plan for the town's review and comment. Ultimately, the Greenway will develop a formal trail maintenance agreement that would be signed by the Town and the Greenway, describing each party's responsibilities.
- The Hudson River Valley Greenway is the New York State entity that will construct the AHET Trail. The Greenway and National Grid have had detailed discussions and have reached conceptual agreement on development of the trail. A formal license agreement authorizing the trail will be executed and become effective after the Greenway submits final trail engineering and construction plans to National Grid, which is slated to occur in 2018. The Greenway is responsible for all costs, including required permits and approvals, for constructing the trail.

The Empire Trail Concept Plan refers to rules that will be posted along the trail to seek compliance and facilitate enforcement. Who makes these rules and who will enforce them? Can East Greenbush establish Town Rules that apply for the portion of the trail in the Town?

The Greenway will develop written trail use rules that will be posted along the trail, and will seek the town's input into the rules. In practice, trail use rules are straightforward (no motorized vehicles, do not enter private property adjacent to the trail, the trail is open dawn to dusk, etc.). The Greenway anticipates adopting a single set of rules for the entire trail (we would not support developing separate rules for the individual towns and villages the trail passes through). County, town, and city law enforcement agencies will be the primary response agencies, with support from New York State agencies if needed. Rail-trails typically do not generate significant law enforcement presence. We do not anticipate that illegal ATV/snowmobile use will be a significant concern in East Greenbush.

Concern has been raised re: the possibility of an increase in crimes, i.e. burglaries, assaults, property destruction. Has a study been conducted in heavily populated neighborhoods similar to the proposed Berkshire Drive neighborhood to examine this issue?

There are a large number of rail-trails and canalway trails in New York State. The universal experience is that these types of trails quickly become cherished community assets. We are not aware of any increase in crime associated with trails, but the Greenway will further research whether any studies exist.

What is the liability of homeowner's whose property is adjacent to the trail?

Rules will be posted informing trail users to stay on the trail and not enter adjacent property. Trail design features, such as allowing vegetation to grow up establishing a natural boundary, and installing signage or fencing in specific locations where warranted, will reinforce trail behavior. New York State, like most states, has a Recreational Use Statute (General Obligation Law Section 9-103) that protects property owners from liability from hikers, bicyclists, and other trail activities on private property.

What is the Town's Liability and Insurance Costs for assuming responsibility for the Trail? Is the Town of East Greenbush required to provide National Grid with any Liability Releases and Insurance Protection for that portion of the Trail on the National Grid ROW?

Assuming the Town accepts responsibility for mowing and routine trail maintenance, the Town will need to reflect that activity on its existing liability insurance policy. Local governments maintain comprehensive liability insurance for the many activities they undertake (road maintenance, plowing, local parks, town buildings and facilities, operation of town vehicles, etc.). Generally speaking, we anticipate local governments will see either no additional cost or a small incremental increase to add the AHET Trail to their existing insurance policies.

How will motorized vehicles be kept off the trail? If trail users will need restroom facilities how will they be directed to available facilities, especially in urban and suburban areas? How were the proposed trailhead locations selected? Will the path be lighted?

Motor vehicles will be kept off the trail through a combination of signage (no motor vehicles) and design treatments to road crossings, consistent with the latest AASHTO Guidelines. Visitors will be educated that restrooms are not available on the trail (this is typical rail-trail practice). The proposed trailhead locations are just that – preliminary suggestions that will be refined in consultation with local government officials. The Greenway will not install lighting along the path.

What is the anticipated usage of the trail? Will trail traffic disrupt an otherwise tranquil neighborhood?

Trail usage will vary significantly – higher in warm months, lower during the winter; higher on weekends and weekday evenings, lower during weekdays; higher on sunny days, low during rainy or wintery conditions. The trail will be posted for “dawn to dusk” use. Based on universal experience, the primary trail users will be local residents who walk or bike to the trail from their home. Studies have shown that pedestrian and bicycling trails are a valued amenity that add to community vitality.

What type of signage/notification will be posted during hunting season to ensure safety of trail users?

The Greenway does not anticipate installing specific signage during hunting season. There are hundreds of miles of rail-trails and canalway trails in New York State – we are not aware of a single incident of rail-trail or canalway trail user being injured by a hunter.