

A practical guide to converting rails to trails.

At one time in New York's history over 12,000 miles of railroad connected communities throughout the state with each other. These rail lines were the life blood of many areas providing access to national markets and suppliers. With the expansion of the Federal Interstate system and increasing reliance on trucking, many rail lines lost their economic viability and were no longer operated. Over the past several decades many of these rail lines have been abandoned; a process that continues to this day.

An inventory conducted by the Office of Parks Recreation and Historic Preservation, suggests that over 5,500 miles of historic rail corridor are no longer used for rail road purposes. Portions of this rail corridor have been reclaimed by adjoining property owners, while others remain in the ownership of a railroad or a utility. While the loss of a particular rail line usually means economic loss to a community, it also provides an opportunity to develop a new community asset, a multi use trail.

This guide is intended to assist municipal officials and citizens in navigating the various issues which need to be weighed when considering developing a trail from an abandoned railroad in your community.

What is the value of converting a rail to trail for the community?

Throughout New York State nearly 1500 miles of rail and historic corridors have been converted to multi use trail. These trails are found in urban, suburban and rural communities, many times connecting one community to the other. These trails are an attractive amenity to both residents and tourists alike. A survey of new homeowners conducted by the National Realtors Associations found that 36% of respondents saw the availability of walking/jogging / biking trails as seriously influencing their choice of where to buy a home. Various studies of the economic contribution of trails place per visit trail spending at between \$3 and \$30 dollars. The wide variability in spending is an indicator of who was using the trail; tourists or residents. Underlining their economic contribution, a few trails in New York are owned and operated by organizations typically associated with economic development rather than recreation.

What environmental benefits may come from converting a rail to trail?

With rising fuel prices and concern for global warming, trails offer an off highway alternative to traditional motor vehicle travel. In many communities the trail is used for a walk or bicycle commute to work, as well as for the run down to the local convenience store. Constructing a trail on a former rail bed tends to require a minimum of ground disturbance and minimal impacts to adjoining lands whether they are private land and/or sensitive habitat.

How do I know if a rail bed is available for a trail?

Many rail corridors have long ago been given up by the railroad. The best place to start is to check local tax records and see who is listed as the property owner. If the railroad is still the owner you may want to approach them regarding what their plans are for the

corridor. They may be holding on to the corridor for a future use or they may have a desire to sell the corridor in a single transaction.

In some areas of the state trail operators have purchased the old rail road bed from private landowners and in some areas they have been fortunate to have the landowner provide permission to use the bed without buying it. It never hurts to ask.

I read a notice in the local paper that the railroad has applied to the Surface Transportation Board for permission to abandon a rail line. What does that mean?

By and large every railroad which carries freight is regulated by the Surface Transportation Board, a unit within the Federal Department of Transportation. Railroads must receive the permission of the STB to abandon rail service along a line. The process is very detailed and is designed to ensure public notice and to protect railroad customers and the railroad from unwarranted financial losses. If you see an abandonment notice in the paper or hear that a railroad was considering abandoning a line, you should visit www.stb.dot.gov and carefully review the information that is on the site. All of the official documents regarding abandonment are posted on the web site including information for citizen participation.

I have heard that when converting a rail line to a trail, rail banking can be important. What is rail banking? When many rail lines were originally established, portions of the rail corridor were taken in the form of an easement. There is an implication that when the line ceases to be used for rail purposes the corridor reverts to the land from which it was taken. In 1983 Congress saw the value of these rail corridors for public uses and the stark reality that these corridors were national assets, which if broken up could never be reclaimed. Congress established, as a matter of federal law, that any rail corridor could be ensured by providing for the use of the corridor as a trail until the corridor is reactivated for rail use in the future. The rail rights are “banked” (held secure) while “interim trail use” is provided. If a property owner feels that they are damaged by the interim trail use, they can bring an action for compensation in federal court. If the case is decided in the adjoining land owner’s favor, the federal government pays compensation to the damaged party, not the trail operator or owner. Rail banking ensures that the corridor stays intact but it also ensures that if needed for rail purposes it will be available. If you are interested in rail banking you should spend time reviewing the information offered by the Rails to Trails Conservancy at www.railtrails.org.

Who can own a trail?

Almost anyone can have control of a trail. In New York State, there are examples of trails owned by the State, counties, cities, towns, villages, local and state public benefit corporations and not for profit organizations. In fact some trails are located on old rail bed that has returned to private landowners who have given permission for the use of the trail on their land.

Are there grants available to acquire and develop Rails to Trails projects?

There are many different sources of funding to support the acquisition and development of rail lines for use as trails. By far the largest source of funding is Federal Transportation funds. The Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users (SAFETEA-LU), the successor to the Federal Transportation Equity Act for the 21st Century (TEA-21) and the Intermodal Transportation Efficiency Act (ISTEA), has provided significant Surface Transportation Funds and Transportation Enhancement funds. These funds can support 80% of the cost of the acquisition and development of trails from former rail corridors. Information on this program is available by visiting <https://www.nysdot.gov/programs/tep>. State Parks administers other federal funds called Recreational Trail Grants. These grants also offer to pay up to 80% of the cost of acquisition and development of a trail. They can also support the acquisition of trail maintenance equipment. From in state sources, State Parks administers Environmental Protection Fund grants that pay for 50% of the cost of the acquisition of park and recreational facilities. Information on grants from State Parks can be accessed by visiting www.nysparks.com.

How much will it cost to acquire and develop our trail?

Land values vary greatly in New York. Generally government grants will not allow you to pay any more for the land than what a certified appraisal establishes as the fair market value. Many corridors have been acquired for far below market value. There are even examples in New York where a private owner allows a trail to be established on a rail bed which is on his land, without compensation. If you are acquiring from a railroad, some organizations suggest that you should be only paying for fee title and very little, if anything, for a corridor which is only an easement. The Rails to Trails Conservancy provides information on its web site on how to calculate the value of a corridor and some suggestions of how to negotiate for the best deal.

The cost of developing the trail varies widely depending on the types of trail use you want to encourage. Some trail operators have chosen to do few improvements to the trail after the rail is removed. (Most rail is removed by the railroad to be recycled on other sections of operating track.) These groups merely ensure that the brush is cleared from the trail and that the rail bed is secure. Other trail operators have decided to pave the trail so that it can support numerous types of recreation from walking to roller skating. Several trails have a mix of materials to support different activities in different areas. This choice is usually driven by available funding and public comment. You should plan on a few thousand dollars per mile for an unimproved surface to at least \$1 million a mile for asphalt. The good news is that once the corridor is secure, you can develop your trail as funding and resources become available.

Who is liable for the operations of the trail?

In New York State there is a provision of the State's General Obligations Law which is commonly known as the Recreational Use Statute. Section 9-103 provides in part that an owner, lessee or occupant of premises owes no duty to keep the premise safe for entry for certain enumerated recreational activities which include hiking and bicycle riding. There are exceptions to the law but it does make sustaining an action against a trail operator difficult. Groups that operate and maintain trails have found that the law enhances the liability insurance market making it both affordable and available. Some municipalities have found that the operation of a trail does not expose the municipality to any increased liability beyond their existing municipal property. Prior to acquiring a trail, this law and

related issues are worth discussing with counsel since there are things you can do to further limit your exposure.

We are just getting organized to establish our trail. How do we get technical help?

Start by meeting with local government officials regarding your vision for a trail in your community. Without a modest level of local government support converting a rail to a trail is very difficult. Check to see if your trail complements or supports a local or regional trail plan. The state based not for profit organization, Parks and Trails New York, offers technical assistance to both citizen groups and local governments to help them with citizen participation in trail planning, acquisition, and development. The nationwide organization, Rails to Trails Conservancy, offers similar services through their Pennsylvania office. The National Parks Service through their Rivers and Trails Program holds an annual application round for assistance on trail projects.

Contact information:

Parks and Trails New York
29 Elk Street
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(518) 434-1583
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Rails-to-Trails Conservancy (Northeast Regional Office)
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