PUBLIC COMMENT SUMMARY (DECEMBER 2017)

INTRODUCTION

The Hudson River Valley Greenway (“Hudson Greenway” or “HRVG”) initiated the public engagement component of the Albany-Hudson Electric Trail (AHET Trail) project in August 2017, when the HRVG released the Draft AHET Trail Concept Plan for public review.

The HRVG held two public meetings, on August 8, 2017 at Columbia High School and on August 10, 2017 at Ichabod Crane High School, to provide information about the AHET Trail and receive initial feedback. During the four-month period following the initial public meetings, the HRVG participated in more than twelve local stakeholder meetings in communities spanning the 35-mile AHET Trail route. The meetings were hosted by a variety of entities, including Town Boards, Village Boards, and interested civic groups. All meetings featured short presentations about the AHET Trail, followed by interactive question and answer sessions. In total, more than 750 people attended the various public meetings regarding the Draft AHET Concept Plan, providing a wide spectrum of comments, questions, concerns, and statements.

In October 2017, the HRVG mailed a printed AHET Trail update flyer to every individual and business owning land adjacent to the AHET Trail route – comprising 1,400 property owners – to make sure all interested parties are aware of the project. Comprehensive information about the project is regularly updated on the project’s dedicated website, www.AHETtrail.org, including the Draft Concept Plan, detailed route maps, FAQs, State Environmental Quality Review Act documents, notices of upcoming meetings, and a “submit questions and comments” function.

In addition to oral comments at public meetings, the HRVG received more than 220 specific written comments regarding the Draft AHET Concept Plan that were submitted via comment cards, submissions to the AHET Trail website, emailed comments sent to AHET Trail project staff, and summaries of comments left on a call-in number (518 898-9595).

This document serves to summarize and respond to all public comments received by the HRVG during the four-month AHET Trail public engagement process. The primary goals of the Summary are to:

• Document the major categories of comments identifying key community needs, priorities, and concerns regarding the Draft AHET Concept Plan.

• Provide the HRVG’s response to recurring comments.

• Outline the next steps in the AHET Trail project schedule and continued opportunities for public engagement and outreach.
COMMENT TYPES

#1: STATEMENTS IN SUPPORT.
Many local officials, private citizens, adjacent landowners, private businesses, organized trail groups, land trust organizations, historians, and others expressed support for creation of the AHET Trail. A number of people and organizations asked how they can help support creation of the trail, assist in future trail maintenance, and participate in historical and environmental education programming once the trail is open.

HRVG Response: The HRVG appreciates receiving support for the AHET Trail project, acknowledging the Trail’s future benefits including healthy outdoor recreation, community vitality, safe bicycle and walking facilities, tourism-related economic development, and civic engagement. The HRVG welcomes future engagement and support for trail maintenance and programming from friends groups, bicycle and hiking organizations, land trusts, fraternal and service organizations, youth organizations including Boy Scouts and Girl Scouts, historic sites and historical societies, and other entities.

#2: STATEMENTS OF CONCERN AND OPPOSITION.
A number of local officials, adjacent landowners, and private citizens expressed concerns, and in some cases opposition, to development of the AHET Trail.

HRVG Response: HRVG acknowledges that a number of adjacent landowners have questions and concerns about the AHET Trail, including some outright opposition. Such criticism is common as virtually all proposals to create new rail-trails and canalway trails generate questions and concerns from some adjoining landowners. Fortunately, the experience of hundreds of miles of existing rail-trails across New York State demonstrates that commonly voiced concerns – including trespass, crime, vandalism, litter, and illegal ATV and snowmobile use – do not materialize. To the contrary, rail-trails and canalway trails become cherished community assets, enhancing quality of life and becoming the focus of community vitality and pride. The HRVG has carefully listened to questions and concerns voiced during the public engagement process, and has made modifications to the AHET Trail route where appropriate. We remain committed to continuing the dialogue with adjoining landowners and interested citizens, as the HRVG completes detailed engineering designs, environmental review, and construction of the AHET Trail. Specific categories of concerns are identified in the comments below, along with HRVG’s responses.
#3: CONCERNS FROM ADJACENT LANDOWNERS.

The largest numbers of comments expressing concern or opposition to the AHET Trail were received from people who own property adjacent to the AHET Trail route. Adjacent landowners often asked for information on where the proposed trail would be located, if the trail would affect access to their property, and how the trail would impact current activities on their property. In addition, property owners raised concerns about safety and security, snowmobile and ATV use, liability, property values, and parking by trail users – comments which are addressed separately in this document.

**HRVG Response:** In many instances, HRVG project staff were able to directly respond at public meetings to questions and concerns raised by adjacent landowners. In addition, HRVG staff offered to conduct site visits with individual property owners, to review site-specific concerns, share information, and record and discuss landowner issues. The project team visited nearly 50 individual properties between September and November 2017, in addition to participating in 12 local and neighborhood meetings. The substance of each adjacent landowner meeting was unique to the circumstances of each property, but generally speaking the AHET Trail project staff were able to provide detailed information on the proposed location of the trail and discuss potential trail design options to mitigate adjoining owners’ concerns.

#4: CONCERNS ABOUT TRESPASS ON PRIVATE PROPERTY.

A number of people expressed concern that trail users will trespass onto adjoining private property. Concerned adjoining owners raised security concerns such as personal safety, crime, theft, vandalism, litter, and dog waste, and often asked how trail users will be prevented from entering private land.

**HRVG Response:** Questions about trespass and associated security concerns are commonly issues raised with proposed rail-trails and canalway trails. The AHET Trail will include various features to reinforce the requirement that users respect private property. Rules emphasizing that people are not allowed to enter adjacent property will be posted at trailheads. The trail will be 10-12 feet wide, whereas the National Grid electrical transmission corridor generally ranges in width from 75 to 150 feet, providing a substantial buffer to private property (and natural vegetation growth will deter users from leaving the trail). In addition, there is a large body of evidence that rail-trails do not create security concerns. There are hundreds of miles of rail-trails and canalway trails in New York State. There is no documented problem of trails creating crime or personal security issues. Litter and dog waste is not a pervasive problem. Nationally, there are thousands of miles of rail-trails across the United States. National studies have documented that there are not persistent problems with bicyclists and pedestrians leaving trails and entering adjacent private property.¹ Trail users understand that adjacent land is private property, not to be entered without permission.

¹ “Rail-Trails and Safe Communities: The Experience on 372 Trails” Tammy Tracy and Hugh Morris, Rails-to-Trails Conservancy, 1998.
#5: PRIVACY ISSUES.

Some adjoining landowners believe development of AHET Trail will negatively impact their privacy, particularly where the trail corridor is adjacent to residential backyards.

**HRVG Response:** The AHET Trail is being developed along National Grid’s electrical transmission corridor, which ranges from 75 to 150 feet in width. Because the trail will be 10 to 12 feet wide, the trail design will include a significant buffer between the trail surface and adjoining properties, which can be allowed to naturally create a vegetated buffer of tall grass, shrubs, and trees. Generally speaking, HRVG does not intend to install security or privacy fencing along the trail corridor, with the exception of safety fencing installed where there are drop-offs (typically exceeding four feet) parallel to the trail. However, in special circumstances the HRGV will consider installing additional signage, fencing, or vegetative plantings where warranted to mitigate privacy concerns of adjoining landowners.

#6: PROPERTY VALUES.

Some adjoining landowners expressed concern that having the trail adjacent to or near to their property will lower property values. Conversely, several people expressed support, citing studies that trails increase adjacent property values.

**HRVG Response:** The HRVG is not aware of any studies in New York State analyzing the impact of specific rail-trails and canalway trails on adjacent property owners. However, detailed studies in other parts of the country have found that multi-use trails are an amenity that increase property values and improve the quality of life for nearby residents. For example, in suburban New Castle County, Delaware, homes within 50 yards of bike paths on average experienced a four percent increase in property value. In southwestern Ohio, the Miami Scenic Trail was associated with higher property values in urban, suburban and rural settings.

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#7: LANDOWNER LIABILITY.
Some adjoining landowners fear they will be subject to additional liability in the event trail users trespass on their private property and engage in an activity leading to personal injury.

**HRVG Response:** The HRVG will maintain insurance for any liability resulting from the public’s use of the AHET Trail. Generally speaking, the HRVG’s liability insurance covers the actual trail corridor (not adjacent properties). 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 proper trail behavior. New York State has enacted a Recreational Use Statute (General Obligation Law Section 9-103) stating that private landowners do not have “duty of care” to provide for the safety of hikers, bicyclists, and other trail activities on private property. The general experience of rail-trails across New York State is that users stay on the trails and respect adjacent private property, and that liability concerns do not materialize on adjacent private property.

#8: ILLEGAL MOTORIZED VEHICLES.
A number of comments expressed concern that development of the AHET Trail will generate continued or increased illegal snowmobile and/or ATV use on the National Grid Right of Way (ROW). People were interested to know how the prohibition of snowmobiles and ATVs be enforced on the trail.

**HRVG Response:** HRVG is aware that illegal use by snowmobiles, ATVs, and dirt bikes is currently a problem on some sections of the corridor. Based on experience with other rail-trails and canalway trails, we anticipate construction of the trail will displace (and not increase) snowmobile and ATV activity. Signage stating that motor vehicles are prohibited will be prominently posted along the trail corridor. Most people will comply. For the few that don’t, illegal snowmobile and ATV use is inhibited by social interactions with bicyclists and pedestrians, forcing illegal motorized users to find other places to go. If there are discrete locations with persistent illegal motorized activity, state and local law enforcement agencies will be asked to mount targeted enforcement actions. In a few specific locations along the AHET Trail, such as where new bridges are installed, consideration will be given to installing specially engineered gates and bollards during winter months to preclude snowmobile access. However, gates are effective in preventing snowmobile use only in very limited circumstances, at choke points where it is impossible to go around them. As experienced at hundreds of miles of rail-trails in New York State, the combination of signage, social interactions, and occasional targeted enforcement measures is shown to be effective at displacing ATVs and snowmobiles. The HRVG is confident that development of the AHET Trail will reduce the level of illegal motorized use currently occurring on the National Grid ROW.
#9: AHET TRAIL CONSTRUCTION COST.
Several people commented that they believe the $35-$45 million budget for constructing the AHET Trail is not a priority use of state funding. Conversely, others commented they are pleased to see this level of investment of New York State funds in their local community.

HRVG Response: Funding for the AHET Trail is being provided from a $200 million state appropriation enacted in the 2017-18 NYS Budget, for creation of the Empire State Trail, a 750-mile bicycle and pedestrian trail that will connect communities across the state. The HRVG believes the AHET Trail will generate substantial benefits to local communities and the residents of New York State, including increased health and well-being, alternative transportation options, increased safety, economic development, outdoor education opportunities, environmental conservation, and community revitalization. For example, studies show that every $1 invested in recreation trails yields $3 in direct medical benefit.4

#10: LOCAL GOVERNMENT RESPONSIBILITY AND COST OF MAINTENANCE.
Some local elected officials and residents are concerned that local governments cannot afford the cost of trail maintenance after the AHET Trail is constructed. Some residents are concerned that this could result in local tax increases. Concerns have also been voiced about the cost of providing law enforcement and Emergency Medical Services (EMS) services on the Trail.

HRVG Response: The AHET Trail will be operated and maintained by a collaborative partnership including the Hudson River Valley Greenway, county, town and village governments, and interested trail groups and volunteers. The HRVG is paying for the entire cost of constructing the trail, estimated at $35 to $45 million. HRVG also retains responsibility for long-term “capital maintenance”, such as future resurfacing of asphalt and stonedust, replacement of safety fencing, inspection and maintenance of trail bridges, and repair of any washouts or culvert failures that may occur. However, the HRVG does not have staff to conduct regular trail maintenance, such as mowing a narrow 2- to 4-foot strip of grass along the sides of the trail, which will need to be done periodically during the growing season. HRVG is developing a “per-mile” cost projection for mowing and related activities (annual costs will be modest), and is currently initiating conversations with local governments regarding trail maintenance agreements. The fact that the trail crosses through eight towns and three villages minimizes the impact on any single municipality. Trail patrol and response by town and county police and law enforcement entities is anticipated to be modest (noting that unregulated, illegal motorized activities occur today on portions of the National Grid ROW). Experiences from other rail-trails and canalway trails across New York State indicates that emergencies requiring law enforcement or EMS response are infrequent.

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#11: ALTERNATE ROUTE SUGGESTIONS.

The HRVG received a significant number of written comments and verbal statements at public meetings suggesting alternative routes for various portions of the AHET Trail. Commenters typically proposed different routes based on their perceptions of the safety, impacts to adjacent properties, drainage and flooding, and the condition of the National Grid ROW. Specific locations where alternate routes were suggested included (arranged north to south on the AHET Trail corridor):

- **Dunn Memorial Bridge and City of Rensselaer.** Comments suggested that the AHET Trail be developed on a Livingston Avenue Bridge pedestrian walkway. Other comments recommended consideration of alternate on-street routes for the AHET Trail through the City of Rensselaer.

- **Berkshire Drive, East Greenbush.** A number of property owners on Berkshire Drive requested the project team consider an alternate on-street route, due to the narrowness of the road, prevalence of on-street parking, perceived changes to the current character of the street, and potential for impacts and unauthorized parking at a private K-8 school.

- **Route 20, East Greenbush.** Several comments recommended consideration for designating the AHET Trail on State Route 20, to provide trail users direct access to retail and service businesses.

- **East Schodack & Nassau Lake.** Comments suggested that the AHET Trail should utilize County Route 7 and/or East Hill Road (rather than the National Grid ROW) in this area. Other comments recommended avoiding Trolley Lane parallel to Nassau Lake.

- **Village of Nassau.** Comments were received regarding the specific route the AHET Trail should utilize through the Village, including evaluating potential impacts to several private businesses, residences, and the little league field adjacent to John Street.

- **Chatham.** A number of comments expressed concern that the AHET Trail should not be located on State Route 203 in the Town of Chatham, due to concerns over narrow shoulders, absence of sidewalks, and vehicle speeds. One comment recommended that the AHET Trail should pass next to the North Chatham Free Library.

- **Stuyvesant.** A number of people recommended that the AHET Trail utilize Smith Road, Route 9, and Sunnyside Road, to avoid the section of National Grid ROW passing directly through commercial farm operations at the large dairy farm in this area (noting the Sunnyside Road route had been proposed in a prior Kinderhook Stockport Stuyvesant (KSS) Trails study).
• **Stockport.** Multiple comments recommended that the AHET Trail not be located on County Route 25 in Stockport (suggesting alternate routes including State Route 9).

• **Preference for Off-Road Trail.** Comments were received expressing support that the AHET Trail utilize off-road alignments wherever possible, for improved safety and trail experience (in contrast to designating the trail on certain on-road locations).

• **Hudson River Route.** Several comments were received stating the AHET Trail should be developed on the shoreline of the Hudson River in Columbia and Rensselaer Counties (rather than on the National Grid ROW).

**HRVG Response:** The HRVG carefully reviewed all comments recommending consideration of alternative routes. As noted in the Final Concept Plan, the AHET Trail route has been relocated in several specific locations, reflecting detailed study by the AHET Trail design team (refer to Appendix B for full details). For the remainder of the comments, the HRVG determined that the proposed alternative AHET Trail routes were not feasible due to safety, engineering, constructability, financial, or property ownership factors.

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**#12: MAJOR ROAD CROSSINGS.**

Several comments underscored the importance of designing safe pedestrian and bicycle crossings at major road intersections, including State Route 4 in East Greenbush, Miller Road in Schodack, State Route 20 in the Village of Nassau, and the intersection of State Route 203, County Route 32, and Bunker Hill Road in North Chatham.

**HRVG Response:** The HRVG will assure that all locations where the AHET Trail crosses roadways meet the current state and American Association of State Highway and Transportation Officials (AASHTO) guidelines for bicycle and pedestrian safety. The Empire State Trail Design Guide (issued by the HRVG in October, 2017) provides an overview of approved crossing treatments for various types of roads. The HRVG will consult closely with the New York State Department of Transportation and county, town, and village highway officials as it designs each specific road crossing.
#13: TRAILHEAD PARKING.

Various comments were submitted regarding the eight potential AHET Trail trailheads proposed for consideration in the Draft Concept Plan. In addition, some property owners expressed concern that trail users will park on nearby public streets, potentially creating conflicts with residential owners.

**HRVG Response:** In response to public comment and additional study, the Final Concept Plan identifies several new designated trailhead parking areas, and removes several others from further consideration. Many of the proposed trailhead parking locations are located on municipally-owned land adjacent to the AHET Trail corridor. In these instances, the HRVG will continue to work with the involved local governments to flesh out the design of parking areas, which ultimately will require approval of the municipal landowner.

#14: RESTROOMS AND AMENITIES.

A number of comments requested trail amenities to increase the comfort and use of the trail. In particular, people asked whether public restrooms will be developed along the AHET Trail route, with some concern that trail users will utilize adjoining properties if there are no restrooms. Several comments recommended installing signage to promote local businesses located near the trail. One comment requested that trailside campsites be considered.

**HRVG Response:** The AHET Trail will include installation of parking, benches, orientation kiosks, wayfinding signage, and interpretive information at designated locations along the 35-mile route. There are no plans to construct restrooms or develop campsites on the trail and trail users will need to use existing public amenities along the route. This is common practice for trail users, as they are aware restroom facilities are not generally available on trails, and will identify appropriate accommodations. The HRVG will evaluate appropriate ways to promote nearby businesses, amenities, and services through signage and a mobile website, able to utilize the GPS function on cell phones and mobile devices (physical signage will be limited, meaning the mobile website will be the primary way to promote nearby services).
#15: EQUESTRIAN USE.

The Draft AHET Trail Concept Plan proposed that horses will not be allowed on the AHET Trail. HRVG received a number of written and verbal comments recommending that horses should be allowed on the AHET Trail.

HRVG Response: The HRVG has entered into a License Agreement with National Grid authorizing creation of the AHET Trail. The agreement limits public recreational use of the trail to pedestrian and bicycle use only, including ADA accessibility. The agreement explicitly prohibits public equestrian use of the AHET Trail, and also prohibits snowmobiles and other motorized recreational uses.

The HRVG and National Grid have reviewed public comments requesting that horses be allowed on the AHET Trail. We have jointly concluded that equestrian use is not appropriate due to safety concerns. The AHET will be a unique recreational trail due to its close proximity to electrical facilities including utility poles, guy wires, and related infrastructure. These are present along the trail for the entire length of the National Grid corridor to support a 34,500V transmission line, plus a second parallel electrical distribution line located along the majority of the ROW that provides local electrical service to National Grid customers. In many places, the distance between the edge of the trail to utility poles will be as little as two feet, and the distance to guy wires will be as little as five feet. In rural areas, the trail will be ten feet wide, with some sections reduced to eight feet wide to provide required buffers to utility poles, or to accommodate safety fencing that will be installed linearly along the trail where drop-offs present safety hazards.

Given the AHET Trail’s proximity to suburban areas, villages, and hamlets, the HRVG anticipates significant use of the trail by pedestrian and bicycle users. The HRVG and National Grid have concluded that, due to anticipated high levels of trail use, close proximity to poles and guy wires, and constrained trail width in some locations, allowing horses to share the trail with pedestrians and bicyclists would create unacceptable safety concerns and potential conflicts between user groups.

The HRVG explored the option of creating a separate bridle path along the National Grid ROW, paralleling the bicycle/pedestrian trail – but concluded this option is not feasible due to the existence of utility poles and guy wires, along with physical constraints such as drop-offs and wetlands adjacent to the historic trolley bed. The HRVG also researched equestrian use on other rail-trails in the Hudson Valley and the Capital District. Generally speaking, horses are not allowed (with limited exceptions).

Note: Where established horse trails cross the AHET corridor and have the consent of the adjacent landowner, horses will continue to be allowed to cross perpendicularly across the AHET Trail.
#16: TRAIL USE RULES.

People asked a variety of questions regarding rules governing the public’s use of the AHET Trail.

HRVG Response: Prior to completion of the AHET Trail’s construction in 2020, New York State will adopt rules governing the off-road sections of the trail. The trail rules will be straightforward: identifying allowed activities (bicycle and pedestrian use), listing prohibited activities (no motorized vehicles), emphasizing that users must stay on the trail and not enter adjacent private property, etc. Prior to adoption, NYS will provide the trail rules in draft form to involved county, town and village elected officials for review and comment. In response to frequently asked questions about the AHET Trail rules:

• **Daylight Use.** The AHET Trail will be posted for use from dawn to dusk only. The Hudson Greenway does not intend to install lighting on off-road sections of the trail.

• **Year-Round Use.** The AHET Trail will be open year-round. During winter months, weather conditions will dictate availability for bicycling and walking, or snowshoeing and cross-country skiing. Off-road sections will not be plowed or salted.

• **Dogs.** Trail users will be allowed to walk dogs on the AHET Trail, provided that dogs must be kept under control and be kept on leash at all times, and dog owners must clean up all pet waste.

• **Private Crossings.** There are a number of locations along the 35-mile AHET Trail route where private driveways and access points cross National Grid’s fee corridor. The HRVG will not restrict adjacent landowners from utilizing designated crossings, including use of motorized vehicles, to access their property. Signage will be installed to inform trail users and landowners or non-trail users to be alert for crossing traffic.

• **Signage.** Signage listing key trail user rules will be posted at trailhead parking areas and major access points. Signage emphasizing that users must stay on the trail and not enter adjacent private property will be installed at selected locations, where conditions warrant. Trail rules will also be posted on the AHET public website.

• **Enforcement.** Experience on existing rail-trails and canalway trails across New York State is voluntary compliance with trail rules is very high. In the event of isolated instances of non-compliance, the AHET Trail rules will be enforceable by state and local police and law enforcement personnel.
#17: IMPACTS ON AGRICULTURE.
Comments were received expressing concern that development of the AHET Trail could impact commercial agricultural activities on adjoining lands, particularly in sections of Columbia County.

HRVG Response: The HRVG will incorporate a variety of design features in the AHET Trail to minimize impacts to adjacent agricultural lands. For example, in places where farm equipment currently crosses the AHET Trail to access fields, this practice will continue, with the HRVG working with involved farmers to designate safe crossing locations. HRVG will install signage, and where appropriate fencing and gates, to reinforce trail users must stay on the trail and not enter adjacent agricultural areas. We note that in many places in Columbia County, agricultural fields are farmed right up to the edge of local roads, without creating undue restrictions on farmers or risks to the public. We believe the same practices can occur adjacent to the AHET Trail.

#18: NOTICE OF PUBLIC MEETINGS.
Some individuals requested that future public meetings be more widely publicized; with some people indicating they did not know about the August public meetings until after the fact. Similarly, some people requested that public comments received by the Greenway to be made publicly available.

HRVG Response: This Appendix captures all the major categories of public comments of the AHET Trail Concept Plan. The August public meetings were publicized through press releases widely distributed to all local media outlets and local officials. Notice of upcoming public meetings is prominently posted on the AHET Trail public website. There All interested individuals providing email addresses have been added to an email distribution list that receives announcements of future public meetings in their area. As previously mentioned, the HRVG mailed a printed AHET Trail update flyer in October 2017 to every individual and business owning land adjacent to the AHET Trail route – comprising 1,400 property owners – to make sure all interested parties are aware of the project. The HRVG is committed to continued conversation and working with local stakeholders to ensure that community members feel heard through this process.
OPPORTUNITY FOR PUBLIC COMMENT

Ongoing opportunities for public comments and dialogue include:

• Upcoming public engagement opportunities, which will be advertised through the AHETtrail.org website.

• The HRVG will continue to issue and email project updates periodically throughout the project. To be added to an email distribution list, please submit a comment requesting to be added to the distribution list through the project website.

• The Draft Environmental Impact Statement (DEIS), slated to be released in March, 2018, will have a formal public comment period.

• Next spring, the HRVG will share preliminary trail engineering design documents with involved Town and Village Boards and, where appropriate, with individual adjacent landowners for review and comment.

• The HRVG will continue receiving public comment through the duration of the project, including future public meetings and comments submitted through the project website at AHETtrail.org.