



# FACT SHEET

## Route to the River...specifically, Riverfront Park

Route to the River is a grassroots coalition of organizations and individuals committed to securing safe and equitable at-grade public access to Riverfront Park and the Hudson River in Castleton-on-Hudson.

### Riverfront Park

Riverfront Park is a  $\frac{3}{4}$  acre piece of riverfront land west of the train tracks at the end of Scott Avenue in Castleton-on-Hudson, NY. Prior to 1994, a business called Hudson Marine Sales was located on that property. The train crossing was protected by arms that come down and lights that flash 15 seconds before a train arrives. An audible warning likely existed but there is not one there currently. The gates and lights still exist. Vehicles and towed boats crossed the tracks to do business with Hudson Marine Sales.

### HISTORY

#### The Deal

In 1994, the Village struck a deal with NYS Dept. of Transportation (NYSDOT) to close the Scott Avenue at-grade crossing to vehicular traffic. The State would give the Village \$267,000 to purchase the land and dismantle the building on the site. In return, NYSDOT would provide access to the land via a tunnel for pedestrians and light maintenance vehicles. This Municipal Agreement became the basis of a decision by an NYSDOT Administrative Law Judge (ALJ). It is important to note that the decision recommended that access should be provided by October 1995. At some point, fencing, locked gates and "No Trespassing" signs were installed. A 3' gap was left between the pillars and, for several decades, people used it to access the area, primarily for fishing. In 2021, Amtrak filled in the gap with concrete.

Despite the agreement, 26 years have passed and NYSDOT has not given the Village a means of public access. The Village made many plans in the subsequent years. Some included hiring a development company and designing plans that connected the Castleton Boat Club landing and Cow Island (where the water treatment plant and Hudson River Foods are located). The Village proposed boardwalks and riverwalks. There are lots of correspondence and drawings but no plan progressed. The years of State budget crisis and changing local administrations were likely factors. Castleton's mayor and trustee terms are two years and those elected had differing knowledge, goals, priorities, strategies and relationships.

#### The Village's Options

In 2009, NYSDOT presented designs to the Village. There were three options: an underpass (\$3.5M), at-grade crossing (\$0.5M), and a pedestrian bridge (\$2M). (Note: These cost estimates are 13 years old. For true current cost comparisons, NYSDOT would need to provide estimates for design, construction, inspection, maintenance and operation.) The tunnel was dismissed by the Army Corp of Engineers for a variety of reasons. The at-grade crossing was not advanced;

NYSDOT's opinion was that it did not comply with the ALJ decision. As a result, the Village Board expressed support for the bridge option.

### **Declining the Bridge**

In 2010, NYSDOT offered the Village a pedestrian bridge with elevators. The Village Board looked into the cost of maintenance and operations of the elevators and felt that it would be cost-prohibitive for the Village taxpayers, so the Village declined the offer.

### **Other Options Sought**

From 2010 through the present, Village Boards and volunteers have spent hundreds of hours researching, writing letters, making calls, and having meetings with NYSDOT and other state agencies, all in an attempt to gain access to our undeveloped municipal Riverfront Park. Options such as a riverside boardwalk from either the Boat Club or Cow Island were suggested, since they have open crossings, but NYSDOT said inviting the public to cross the tracks there would be unsafe. Around 2018, smart magnetic gates emerged as the preferred solution (to the then administration and others) and one that would be vastly preferable to an overpass/bridge.

### **DEC Estuary Grant**

In 2018, the Village was awarded a grant of \$50,000 for the purposes of hiring attorneys to negotiate access to Riverfront Park and for the design of the park.

### **Open the Gate?**

We are not advocating for simply removing the fencing and "reopening the crossing." A campaign called "Open the Gate" was an effort by an earlier administration which was initially presented as a simple, fast, and inexpensive option. This idea did not progress, however it did ultimately transform into an effort to install a new, modern, safe at-grade crossing.

### **Smart Gates**

Smart gates, in conjunction with enhanced audible and visual warning devices and signage, have emerged as a safe, inexpensive and visually appealing alternative to pedestrian overpasses. The gates are open until a control box signals them to close because of an approaching train. If anyone is on the tracks, they have ample time and the ability to leave through a separate exit gate. These systems are being used in Illinois, San Clemente (CA), Pittsburgh (PA), Florida, and New York, though the specific applications (freight train vs. passenger rail vs. higher speed rail) vary.

## **ISSUES**

### **Safety**

Since 1975, there have been three deaths on the train tracks in Castleton, one each near the crossings at the Boat Club, Scott Avenue, and Hudson River Foods. Whether or not these tragedies were due to lack of safety features, these locations have standard safety measures that could be improved upon, such as increased time between signal and train, and enhanced lights, signage and audible warnings. State-of-the-art gates at Scott Avenue would prevent any unintentional presence on the train tracks at that crossing.

## **Missed Opportunities**

In 1999, the Hudson River Greenway granted the Village \$250,000 to develop Riverfront Park. They extended the grant several times and rescinded it in 2009 for lack of use. In 2010, NYS Assemblymember Tim Gordon earmarked \$250,000 for development of the park. After years of not being used, the funds were reappropriated. Because of a lack of access, the Village lost substantial funding to design and develop Riverfront Park.

## **Equity**

The Castleton Boat Club and the crossing at Cow Island have at-grade access with basic safety features. Both are considered private crossings. The State Park down the road charges to access the park on weekends and is not easily accessible without a car. We fully support continuation of these at-grade crossings, especially with enhanced safety features that are synched with the new warning and safety features at the Scott Avenue crossing. We request an at-grade crossing at Scott that affords the residents of Castleton the same ease and benefits without a fee. It's simply a matter of equity.

## **Train Speed**

In the 1990s, New York State was exploring moving to high speed rail which would put train speeds at 125 mph or more. This was one of the reasons that the Village agreed to the closure of the Scott Avenue crossing to vehicular traffic. Since then, the High Speed Rail Tier 1 Draft Environmental Impact Statement (DEIS) determined that anything over 110 mph (the current maximum) is not viable at the Scott Avenue crossing. Further, the DEIS concluded that reliability (trains arriving and departing at scheduled times) was more important than increased speeds.

At-grade crossings at 110 mph are allowed by the Federal Railroad Administration (FRA). In fact, Amtrak and Illinois DOT (IDOT) recently completed a major high speed rail corridor from Chicago to St. Louis with numerous at-grade pedestrian and bicyclist crossings. If IDOT and Amtrak can do it, why can't NYSDOT and Amtrak?

## **Public Trust Doctrine**

The public trust doctrine refers to the rule that all people have an inalienable right to waterways. Rooted in English common law and recognized by New York Courts for more than 200 years, it applies to navigable and all tidal waters, including the Hudson River. The NYS Dept. of State, which oversees the Coastal Management Program, includes in its policies several statements related to prioritizing public access to the water. These policies are further supported and strengthened by the Town of Schodack/Village of Castleton's Local Waterfront Revitalization Program (LWRP).

## BOTTOM LINE

There is new technology available that can provide safe at-grade crossing – which is a much better option for the Village than a pedestrian overpass. (See COHMSA's Position Statement on [www.castletonmainstreet.org](http://www.castletonmainstreet.org)). As one Village resident said at a public hearing on February 28, 2022: 'in a world where you can turn on your home's heat from your phone and cars can drive themselves, it doesn't make sense to think that an old-fashioned solution is the only way to go.' State-of-the-art gates are less expensive and faster to install, cost less to maintain and operate, are much more appropriate for recreational uses like picnicking and kayaking, and they will not scar the visual beauty of the area for generations to come.

We also believe they are safer because people will use them. Faced with a 3-story bridge with either stairs, ramps or elevators on both sides, fishermen, people with picnic baskets, and others will continue to use nearby private at-grade crossings and walk along the tracks to get to the park.

Because of trains, the tracks need to be closed to crossing for less than 15 minutes a day. That leaves 23-¾ hours that they could be open to allow people to get to the river. It's time we join together, with one voice, and demand safe, equitable at-grade access to OUR Riverfront Park.

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**The additional readings and supporting opinions listed below can be found on the website:**

[www.RoutetotheRiver.org](http://www.RoutetotheRiver.org)

- US DOT Federal Railroad Administration Regulations, high-speed rail at grade crossings: <https://railroads.dot.gov/highway-rail-crossing-and-trespasser-programs/railroad-crossing-safety/engineering>
- *How to Reduce Risk & Improve Shoreline Access Along Passenger Rail Lines: A case study in San Clemente, California and Recommendations for the Sites Along the Hudson River* by Marist College and Scenic Hudson, 2021
- *The Hudson River Access Plan: Rensselaer to Poughkeepsie* from advocacy organization Scenic Hudson, highlighting Castleton and identifying recommendations for state-of-the-art technology, 2020
- *At-Grade Passenger Rail Pedestrian & Trail Crossings Empire Corridor South*, White paper by McLaren Engineering Group; state-of-the-art gates best solution, 2018
- *Rensselaer County Hudson River Access Plan: A comprehensive look at ways to "get people to the River"* Access Sites and Site Sketches, highlighting Castleton, 2018 by Rensselaer Land Trust
- "On the Wrong Side of the Railroad Tracks: Public Access to the Hudson River", Matthew Atkinson. Pace Environmental Law Review, Volume 13, Issue 2, Article 28. Regarding railroad law and the Public Trust Doctrine, April 1996

**The following have also expressed interest and/or support of at-grade crossing in Castleton:**

- US Congress members Tonko, Delgado and Maloney; Rensselaer County Executive and Legislature
- Multiple municipalities including Hudson River towns and Dutchess, Columbia and Rensselaer Counties

For more information, please follow [www.Facebook.com/CastletonRiverAccess](https://www.Facebook.com/CastletonRiverAccess)

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