

# Just the Facts:

## About the Erie Cattaraugus Rail Trail (October 2023)

Erie Cattaraugus Rail Trail is a 501(c)3 not-for-profit volunteer organization formed in 2008 to serve as the trail manager for the former rail line that runs from Orchard Park to Ashford. ECRT is making great progress in its efforts to convert this 27-mile rail line to a multiuse recreational trail.



### What sections are open today?



In **Orchard Park**, a 1.3-mile section from the Orchard Park Depot to Jewett Holmwood Road has been newly resurfaced and opened in June of 2023. A 2-mile section of the trail from Ellicott Road to Jewett Holmwood Road is cleared to its natural surface and open. A 1.7-mile *Pop Warner* section in **Springville** is open, as well as another 3.5 miles of natural surface trail in **East Concord**.

### What types of activities does the trail accommodate?

Walking, hiking, cross-country skiing and snowshoeing are available in all open sections. Surface-friendly biking is available in Springville and Orchard Park. Considerate horseback riders are welcome in Concord (re: waste materials), and snowmobilers may use the Springville and open Concord sections of the trail when the local snowmobile trail system is open. ATVs, dirt bikes and other motorized wheeled vehicles are not permitted. Snowmobiles are not permitted in Orchard Park.

### Who owns the trail? Has it been abandoned?

**Buffalo & Pittsburgh Railroad owns the land and the railroad right-of-way.** The railroad has not abandoned its interest in operating a railroad on the property. **It is private property** and is owned "fee simple" which means the railroad holds the title. The railroad has railbanked its property for interim use as a trail to preserve it for the possibility of future rail restoration.

### What does railbanking mean?

The Surface Transportation Board (STB) approved the railroad's Notice of Interim Trail Use as a multi-purpose trail. ECRT was named trail manager in 2018 through a federal railbanking agreement. This corridor has been identified by the STB as a significant national transportation asset that needs to be protected and preserved for potential reuse. The railbanking order stipulates that ECRT is to develop a multiuse trail on this corridor.

### Who has jurisdiction over the trail?

**The federal government has jurisdiction over the corridor.** This preempts local and state jurisdiction of its use. Even though it is private property, the use of the property is regulated by the STB since Congress regulates interstate commerce. It's still a transportation corridor, with train traffic being replaced by trail users. It can be replaced by rail traffic again in the future. **It is a railroad right of way that is being used as a trail in the interim.**

## What is the best way to build it?

The decision to use this railroad corridor as a trail is final. It has been reviewed and approved by the STB. The best way to build it is to work in partnership with local towns and residents to gather public and municipal input and preferences. **Working together and with town support, we can be more successful in raising the funds needed to add amenities and create the best product for all.** The trail will likely be built in phases over time. Some sections may open for limited use, with future amenities and improvements made as funding permits.

## Who is responsible if someone is injured on the trail? Are adjacent landowners responsible?

**Trail users are responsible for their own safety.** The NYS General Obligations Law, Recreational Use Statute, specifically states no owner or lessee of property shall be responsible for or held liable for any injury to person or property for which access has been granted for recreational purposes. **Adjacent landowners cannot be held liable in the event someone enters adjacent property without permission.**

## Has there been recent progress on trail design?

A 1.3-mile section from the Orchard Park Depot to Jewett Holmwood Road has been newly resurfaced and opened in June of 2023. In addition, seven bridges throughout the Concord section of trail have been redecked, and trail surfaces cleared for winter use. Recently awarded grant funds have resulted in universal access to the Springville Community Trout Pond in the spring of 2023, including an on-site bike rack and a trail *Welcome/Information* kiosk.

## What's next for the trail?

2024 goals include:

- Further improvements on the 2-mile Orchard Park section between Jewett Holmwood Road and Ellicott Road
- Designs to address drainage, washout and culvert work necessary on the West Falls trail section
- Further improvements to the natural surface trail in Concord
- Evaluation and design for the historic Cascade Bridge spanning Erie and Cattaraugus counties
- Universal access to the Springville Trout Pond

Highlights of ECRT's Strategic Plan for 2023-2025 are available online at [ecattrail.org/strategicplan23-25](https://ecattrail.org/strategicplan23-25).

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