

# Just the Facts:

## About the Erie Cattaraugus Rail Trail (March 2022)

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 our efforts to convert this 27-mile rail line to a multi-use recreational trail.



### What sections are open today?

In **Orchard Park**, a 2-mile section of the trail is cleared and open, but unfinished, from Ellicott Road to Jewett Holmwood Road. Additionally, a 1.7 mile Pop Warner section in **Springville** is open, along with another 3.5 miles of unimproved trail in **East Concord**.

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

Walking, hiking, cross-country skiing and snowshoeing are available activities on all sections. Surface-friendly biking is available in Springville. 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 means?

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 multi-use trail on this corridor.

### Who has jurisdiction over the trail?

**The federal government has jurisdiction over the corridor.** This pre-empts 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 raise 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 where possible, 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.**

### How many homes in Orchard Park will be affected by the trail (are on the trail)?

There are 67 parcels that touch the trail in Orchard Park. Of those, 23 have a dwelling deemed close to the trail (150 feet or less). These 23 dwellings will be given special interest and attention during trail design.

### Has there been progress on trail design?

In 2020, Alta Planning & Design completed a Feasibility Study for the proposed 80-mile Southern Tier Trail. Alta's assessment includes ECRT's 27-mile railbanked section, which can be found on our website at [www.ecattrail.org](http://www.ecattrail.org) under the [GoBike Southerntier Trail Feasibility Study](#). Regardless of the outcome of the Southern Tier Trail, ECRT must operate a trail on the 27-mile railbanked corridor by order of the STB.

### What next for the trail?

2022 goals include:

- Surface improvements on the 2-mile Orchard Park section between Jewett Holmwood and Ellicott Road
- Rails removed from only section with rails still in (one mile in OP between Depot & Jewett Holmwood)
- Work with partners to build and connect to trailhead, north of the OP Depot
- Further potential trail development in Concord toward Glenwood
- Further potential trail development south of Ellicott Road in Aurora/West Falls

**GET INVOLVED:** To learn more, visit [www.ecattrail.org](http://www.ecattrail.org). Sign up to volunteer, donate, become a member.