

6 NYCRR Section 190.40

Regulatory Impact Statement

1. Statutory Authority:

Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands.”

Environmental Conservation Law (“ECL”) §1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.”

Environmental Conservation Law (“ECL”) §1-0101(3)(d), ensures “preserving the unique qualities of special resources such as the Adirondack and Catskill Forest Preserves”.

ECL §3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation.”

ECL §3-0301(1)(d) authorizes the Department to “provide for the care, custody and control of the Forest Preserve.”

ECL §9-0105(1) authorizes the Department to “[e]xercise care, custody, and control of the several preserves, parks and other State lands described in [Article 9 of the ECL],” which includes Forest Preserve lands.

ECL §3-0301(2) (m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL].”

ECL §9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

Executive Law Section 816 authorizes the Department to adopt management plans in conformance with the guidelines and criteria set forth in the Adirondack Park State Land Master Plan (APSLMP) and to adopt rules and regulations necessary, convenient or desirable to effectuate such management planning responsibilities for State lands in the Adirondack Park otherwise known as Adirondack Forest Preserve lands.

2. Legislative Objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that “forest and wildlife conservation are . . . policies of the State.” Article XIV, section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands,” and ECL §§3-0301(1)(b) and 9-0105(1) give the Department jurisdiction to manage Forest Preserve lands. The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL §§3-0301(2) (m) and 9-0105(3)). Consistent with this authority, the proposed regulations are crafted to protect the health, safety and general welfare of those who engage in recreational activities on the Adirondack Rail Trail.

3. Needs and Benefits:

The Adirondack Rail Trail (“ART” or “trail”) is approximately 34 miles in length traversing Forest Preserve, and non-Forest Preserve, lands within the Remsen-Lake Placid Travel Corridor in the Town of North Elba in Essex County, and the Towns of Harrietstown, Santa Clara, and Tupper Lake in Franklin County.

The current speed limit on the ART is the State speed limit of 55 miles per hour. This regulation will provide the Department the authority to post appropriate speed limits for all users along the ART, including but not limited to the use of snowmobiles, bicycles, and e-bikes, in an effort to provide a safe and enjoyable experience for all users, while minimizing potential conflicts with the surrounding communities the trail passes through. To improve public safety for the variety of recreational users of the ART, this regulation is necessary to provide the Department the authority to post various speed limits along the trail. This authority is especially critical where the ART passes through populated areas. Furthermore, such regulation was contemplated in the 2020 amendment to the Remsen Lake Placid Travel Corridor Unit Management Plan (UMP). That UMP identified a proposed regulation enacting lower speed limits and placing regulatory signage along the ART to provide for public safety.

The Remsen-Lake Placid Travel Corridor (the Corridor) has been used in the winter as a snowmobile trail for many years. In 2022 the rails were removed from the Corridor to prepare for construction of the ART. Consistent with the 2020 UMP, this action created a more desirable experience for snowmobile users since it removed an obstacle and allowed for snowmobile operation in lower snow conditions. Construction of the ART from Lake Placid to Saranac Lake was completed in December of 2023.

This will allow the trail to be formally opened for all users in the winter of 2023-2024 and beyond. With the rails removed, and the trail officially open for all uses, the number of users will increase and there will be multiple users on the corridor at the same time. This necessitates the implementation of speed restrictions in certain locations on the rail trail to promote public safety.

Proposed speed limits along the trail were discussed in the May 2020 UMP). The UMP went through an extensive public review including multiple public meetings and a public comment period as part of the UMP process. These meetings were attended by representatives of local communities, and various user groups including the New York State Snowmobile Association and Adirondack Rail Trail Advocates. Opportunities to provide additional input on the proposed rulemaking will continue through the required 60-day public comment period in the State Register.

4. Costs:

The proposed regulation does not directly confer costs to the State or the regulated community. The proposed regulation merely provides the Department the authority to establish speed limits along the rail trail. However, the State will bear minimal costs to install signs alerting users to the speed limit where applicable.

5. Local Government Mandates:

This proposal will not impose any program, service, duty or responsibility upon any county, city, town, village, school district or fire district.

6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

7. Duplication:

There is no duplication, conflict, or overlap with State or Federal regulations.

8. Alternatives:

The no action alternative is not feasible since it would not allow the Department discretion to establish speed limits and ensure public safety. This would keep in place the existing statewide speed limit of 55 mile per hour. This speed is very high and poses significant safety concerns through the populated areas of Saranac Lake and Lake Clear and other villages, especially when considering multiple users, including hikers, joggers, skiers and other users.

Another alternative would be to set specific speed limits on specific sections of the travel corridor. This would not allow for flexibility in establishing appropriate speed limits along the corridor and would not take into account on the ground data to guide appropriate speed limits or change them if warranted without going through the full regulatory process.

9. Federal standards:

There is no relevant federal standard governing the use of State lands

10. Compliance schedule:

Once the regulations are adopted, they will be effective immediately, and all persons using the trail will be expected to comply with the posted speed limits. The Department will educate the public about the regulations through information posted on the Department's web site, signage posted on the property, social media, and by working with user groups and other stakeholders to help disseminate information regarding the regulations.