# How to Reduce Risk and Improve Shoreline Access Along Passenger Rail Lines

A case study in San Clemente, California and Recommendations for the Sites Along the Hudson River



San Clemente Beach Trail Source: Ana Venegas/LA Time, 1/17/20

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#### FOREWORD

Whether fishing, boating, ice boating, birding or simply enjoying fresh air and beautiful views, more than ever before people are looking to connect with the Hudson River. This is especially true during the Covid-19 pandemic and all likelihood will remain so afterwards.

At the same time, Amtrak has proposed a series of agates and fencing along the Hudson Line Section of the Empire Corridor. If implemented, the proposal would install gates along shoreline maintenance roads and erect nearly 4.5 miles of impasse fencing along the rail line.<sup>1</sup> The purpose of Amtrak's proposal is to enhance the safety and security of this segment of the rail line, protect railroad customers, employees and the public, and prevent train derailments. This has set up what may at first blush seem to be a conflicting set of goals—the railroad would like to enhance safety and the people, particularly those living in in riverfront communities, would like increased access to the Hudson River. And every wants reduced risk along the rail line. This dynamic must be viewed in the context of New York State's Coastal Management Program's Policy 19, which addresses the need to protect and increase coastal access.<sup>2</sup>

With this in mind, Scenic Hudson, in November 2018, engaged McLaren Engineering to produce a white paper titled *At-Grade Passenger Rail Pedestrian & Trail Crossings—Empire Corridor South.*<sup>3</sup> The report documented innovative approaches to risk management on the Illinois High Speed Rail Project, Florida Brightline, and Metrolink Orange County (California). The report found that by using readily available technology, at-grade, gate-protected pedestrian crossings could provide a viable, safe and practical alternative to expensive bridge construction or total elimination of access at locations along the Empire Corridor South.

Later, in March 2020, with Peter Melewski, LLC and Alta Planning & Design, Scenic Hudson produced the *Hudson River Access Plan: Rensselaer to Poughkeepsie* (HRAP). The *HRAP* was the first comprehensive shoreline access plan since the *Between the Railroad and the River* was published in 1989. The Plan, grounded in robust public participation with six meetings with in Castleton-on-Hudson, Germantown and Rhinebeck, gathered over 1,000 comments and 5,500 "votes" documenting over 70 places where people were accessed the Hudson River along Amtrak's planning area. Several places identified by the public as decades-long fishing access sites were locations where Amtrak proposed gates and impasse fencing that would prevent shoreline access. Further, some of these sites, such as Long Dock and Slate

incorporate routine program changes approved in 1983, 2001, and 2017

<sup>3</sup> https://scenichudson.org/wp-content/uploads/legacy/pdf-

downloads/At%20Grade%20Passenger%20Rail%20Pedestrian%20and%20Trail%20Crossings.pdf

<sup>&</sup>lt;sup>1</sup> <u>https://theotherhudsonvalley.com/2021/01/03/amtrak-hudson-river-2/</u>

<sup>&</sup>lt;sup>2</sup> "Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities;" *State of New York Coastal Management Program and Final Environmental Impact Statement*, Section 6, August 1982; with changes made to

Dock (in Rhinebeck), were identified in the Rhinebeck's Local Waterfront Revitalization Program (LWRP) as places to be considered for future river access.

Author Jeff Olson, in his book *The Third Mode: Towards a Green Society*, posits that there are more than two alternatives to solve any problem.<sup>4</sup> Understanding the safety-access conundrum and inspired by Olson's premise, Daniele Dreyer and Logan Stone, students in Marist College's Spring 2021 Semester Environmental Planning class, conducted research to better understand how the California Coastal Commission identified a solution that balanced shoreline access with risk reduction along a passenger rail line. This report documents the permitting process that led to that outcome and how the trail is used today. The goal of this report is to generating recommendations in a collaborative process between Amtrak, New York State, local officials and stakeholders desiring safe river access.

Thanks to Danielle Dreyer and Logan Stone, authors of this report, for conducting this important research. Their research supports the ongoing efforts of hundreds of concerned citizens desirous of a stronger connection to our Hudson River. Thanks, too, to Zach Rehm, District Supervisor at the California Coastal Commission for providing permit applications, comments, and supporting documents regarding the permit process.

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<sup>&</sup>lt;sup>4</sup> Olson, Jeff; *The Third Mode: Toward a Green Society*; 2012; <u>www.thethirdmode.com</u>; p.3

# **INTRODUCTION & BACKGROUND**

Southern California is well-known for its iconic beaches and beach culture. The beaches have for decades attracted tourists as well as provided Californians a place to swim, fish, surf, or admire a Pacific sunset. Likewise, people along the Hudson River have historically enjoyed access to the Hudson River shoreline. In fact, people have accessed the Hudson for commerce, fishing, boating, swimming and other water-related recreation since before the first railroad tracks were constructed along its shore and—on filled river bottom along the shore—in the mid-19<sup>th</sup> Century.

However, in both California and here in New York, the subsequent construction of railroads has prevented the public's access to the shoreline, in spite of the Public Trust Doctrine's provision of the peoples' inalienable right to access the shoreline.<sup>5</sup> Access to public resources, including public lands, is a crucially important concept in the United States—one that is all too often sacrificed to serve some alternate interest, in a move that does active harm to individuals. The following report illustrates how Pacific shoreline access to public lands was protected for Californians.

In 2004, along the City of San Clemente's 2.37-mile Pacific shoreline, only three authorized railroad crossings provided public access to the beach—two at the public pier and one at Calafia State Park. These were the only crossings recognized by the California Public Utilities Commission (CPUC) and fencing was minimal. But people, being naturally drawn to water, crossed the railroad at nearly any place they found convenient. This resulted in safety issues.

In fact, at the time of the permit application the City of San Clemente's certified Land Use Plan (LUP) identified 18 different "vertical" coastal access points.<sup>6</sup> A vertical access point is defined in California's Coastal Plan as upland access to the shore. Peoples' desire to access the shoreline was so strong, even at undesignated locations, that an informal lateral path was formed between the railroad and the toe of the bluff. But, as far as the railroad agencies were concerned, the only legal beach access across the tracks could be gained at one of these three authorized crossings; people crossing at other locations were considered by the railroad as trespassers. Providing just three CPUC-authorized public crossings was not adequate to provide the public the simple right of safe, sufficient access to the beach. The CPUC's position in all likelihood can be attributed, at least in part, to railroad policy that prohibits additional at-grade crossings.

## THE PLAN

#### The Beach Trail

In an effort to address this situation—and reduce risk while improving shoreline access the City of San Clemente and the Orange County Transportation Authority in 2003 jointly

<sup>&</sup>lt;sup>5</sup> Hudson River Access Plan: Poughkeepsie to Rensselaer; Scenic Hudson; 2020; p.13

<sup>&</sup>lt;sup>6</sup> Staff Report; California Coastal Commission; Application 5-03-22; March 25, 2004; p. 9

applied to the California Coastal Commission (CCC) to construct the San Clemente Railroad Corridor Pedestrian Beach Trail. This multi-use trail follows the general alignment of the social trail that evolved previously along the toe of the bluff, but also includes design features to minimize safety hazards associated with rail crossings. At its northern end, the trail begins on the east (inland) side of the tracks south of the Metrolink Commuter station at North Beach. From there, the trail runs south to Corto Lane, then crosses the tracks and continues southward on the west (seaward) side of the railroad until it reaches the T-Street restrooms. At that point, the trail crosses back over to the east side of the tracks and extends to its terminus at Calafia State Park.<sup>7</sup>

According to the 2003 CCC application, the trail includes elements such as access improvements down from the bluffs to the trail, as well access across the tracks, including formal railroad crossings, barriers to prevent unauthorized crossings, pedestrian bridges. and native plantings along the shoreline within

the Orange County Transportation Authority



"Bridge" (elevated walkway) on the San Clemente Beach Trail Courtesy of Josh McNair / <u>www.californiathroughmylens.com</u>

(OCTA) right-of-way.<sup>8</sup> With respect to crossings, the plan proposed to improve and formalize nine identified crossings and close one crossing.

The application addressed the work proposed for 10 of the 18 crossings identified in the City of San Clemente's Land Use Plan. At the time, these places experienced most of the public beach access deemed by the railroad as trespassing. Of the nine crossings proposed for improvement, seven were to be at-grade crossings and three were to be constructed with "undercrossings" (underpasses). The 10<sup>th</sup>, a crossing proposed for closure, was identified as a safety hazard by the OCTA. As a result, the proposal specified that people would be redirected from this site to a nearby formalized crossing.

<sup>&</sup>lt;sup>7</sup> Ibid, p. 10

<sup>&</sup>lt;sup>8</sup> Ibid, p. 1



At-grade pedestrian crossing at Lasuen Beach Source: Orange County Register, June 7, 2016

The CCC Staff Report (See Appendix) indicates that the applicants considered various crossing types, including at-grade, underpasses and overpasses. The preferred alternatives were selected based on level of usage, physical constraints, and cost. While the rail agencies preferred grade separated crossings (i.e., underpasses and overpasses), the CCC determined that physical constraints and high installation costs of only grade-separated crossings was prohibitive for the current project. As a result, the majority of the vertical access improvements included at-grade crossings. Two of the access points (Linda Lane and El Portal) were constructed with both an at-grade crossing and an underpass. At-grade crossings were constructed at seven of the vertical access points, including Dije Court, El Portal, Linda Lane, Corto Lane, T-Street, Lost Winds, and Calafia. Improved underpasses were constructed at three access points, including El Portal, Linda Lane and Riviera. The application proposed no vertical access improvements at the North Beach, Pier, or Boca del Canon access points.<sup>9</sup>

The improved at-grade track crossings were constructed with asphalt and concrete surfaces. In places with rip-rap located seaward of a crossing, a meandering cement stairway was installed to provide access down the rip rap to the beach. Number 9 signals,

<sup>&</sup>lt;sup>9</sup> Ibid, p. 11

which use flashing lights, bells and an automated arm to warn pedestrians of an on-coming train, were installed on the inland side of the tracks. Number 8 signals, which use only lights and bells, were installed on the ocean side. The gating system allows for an "escape route" should the gate descend while a person is crossing the tracks.<sup>10</sup>

On June 24, 2016 the City of San Clemente activated a network of Federal Railroad Administration stationary horns at rail crossings. These simulate an approaching train's horn, but at a lower decibel volume. Prior to that time. train operators sounded the horn four times when approaching each crossing along the beach trail. In total, this resulted in 28 horn blasts for each train passing through the City and since about 50 trains run the line daily, that subjected people to 1,400 horn blasts every day. With the new system in place, the 112-decibel train horn has been replaced with an 80-decibel horn at crossings, which is sufficient to warn people of an approaching train, but not so loud as to disrupt beachgoers, trail users and nearby residents.<sup>11</sup>

#### Fencing

The plan proposed fencing and/or natural buffer treatments between the trail and the railroad tracks (inland—east of—the tracks). These barriers (or combinations of barrier types) were proposed to extend 150 feet from either side of the authorized crossings. The barriers were intended to direct people to the new improved crossings and deter uncontrolled access



Post and cable fencing and native plantings along the trail Courtesy of Josh McNair / <u>www.californiathroughmylens.com</u>

across the tracks. Types of barriers and/or buffers include native landscape restoration planting areas; new boulders; 2' high railroad tie buffer walls; 4' high three-rail fencing; 3' high two-rail fencing; new 5'6" high welded wire fencing; and 5'6" high welded wire fencing to replace a fence washed out by the El Niño storms. The welded wire fencing was used only along a very limited stretch of the overall project area. Rock mulch was also used as a further deterrent in restricted areas.<sup>12</sup>

<sup>10</sup> Ibid

<sup>&</sup>lt;sup>11</sup> Orange County Register; June 7, 2016 <u>https://www.ocregister.com/2016/06/07/video-relief-from-247-train-horns-in-san-clemente-just-weeks-away/</u>

<sup>&</sup>lt;sup>12</sup> Staff Report; California Coastal Commission; Application 5-03-22; March 25, 2004; p. 10

### Landscaping

The landscaping portion of the proposal identified opportunities for native plantings (small scale plants and shrubs—no trees) to buffer the railroad tracks, provide a barrier to crossing the tracks, and beautify the area in general.

## **OBJECTIONS TO THE APPLICATION**

The proposed trail and other improvements required approval by the California Public Utilities Commission (CPUC). The City of San Clemente and OCTA applied to the CPUC on October 27, 2003. The CPUC conducts a quasi-judicial process that allows interested parties to protest applications. Objections are assigned to an administrative law judge who holds hearings and presents findings and recommendations to the CPUC. In late November and early December 2003 CPUC staff, and two railroads operating along the line, Caltrans (California's department of transportation, equivalent of NYSDOT) and BNSF (Burlington Northern and Santa Fe), filed protests with the CPUC. <sup>13</sup>

Generally, CPUC staff and railroad operators opposed the proposal because it would increase pedestrian traffic, which they considered at odds with the use of the railway; did not include adequate safety measures; was discordant with national policy eliminating at-grade rail crossings; failed to prove the necessity of at-grade crossings; proposed improper infrastructure in the area of the crossings; did not address trespassing concerns; and failed to respect a previous decision by the CPUC which ruled against an at-grade crossing at one of the proposed locations.

Specifically, CPUC staff opposed the construction of the proposed at-grade crossings, which they considered as serious safety hazards, for the following reasons:

- 1. Insufficient safety precautions;
- 2. Failure to demonstrate that grade separations are not "practicable;"
- 3. Inadequate measures to prevent trespassing by pedestrians;
- 4. Unreliable grade-separated underpasses;
- 5. Insufficient landing areas for pedestrians;
- 6. Insufficient lighting;
- 7. Failure to address enforcements against trespassers using the right-of-way; and
- 8. Failure to comply with the CPUC's prior decision concerning the Calafia Beach atgrade crossing

BNSF objected on the following grounds:

- 1. The project will result in an increase in pedestrian traffic on the right-of-way, which is incompatible with use as a high-speed rail corridor;
- 2. Request to construct additional at-grade crossings is inconsistent with current state and national policy calling for elimination of existing railroad grade crossings;
- 3. Trail meanders in close proximity to railroad tracks. Inadequate safety measures are proposed; and
- 4. Concerns expressed by CPUC staff and railroads should be addressed.

<sup>&</sup>lt;sup>13</sup> Ibid, p. 12

Caltrans objected on the following grounds:

- 1. The project will result in increased pedestrian traffic, which is incompatible with the right-of-way's use as a federally designated high speed passenger rail corridor;
- 2. Request to construct additional at-grade crossings is inconsistent with current state and national policy calling for elimination of existing railroad grade crossings;
- 3. Additional crossings are inconsistent with plans to provide improved intercity passenger rail in the LOSSAN (Los Angeles San Diego) corridor;
- 4. Proposal is inconsistent with the LOSSAN Corridor Specific Plan;
- 5. At-grade crossings and other "attractive nuisances" such as easily compromised fences present safety concerns; and
- 6. City has ignored safety concerns raised by rail agencies;

### **Responses to Objections**

The City of San Clemente responded to the objections of CPUC, Caltrans and BNSF, maintaining that the proposal *"eliminates innumerable existing crossings of the railroad by the public attempting to access the beach"* and would increase safety within the rail corridor. The City further asserted that grade separations (overpasses and underpasses) at every access point are physically infeasible given the soil, topography, elevation of the railroad tracks and water conditions. The City also noted that it proposed grade separated underpasses where feasible.<sup>14</sup>

Regarding fencing, the City's proposal provided a combination of barrier types (including vegetation and 3'-4' high fencing) to channel pedestrians to safe crossing points and countered that *"more heavy-duty fencing would not be compatible with community values or Coastal Commission requirements, and would be the target of considerable attempts to gain entry through construction fences at inappropriate and unnecessary locations."*<sup>15</sup>

### **CONSISTENCY WITH RELEVANT COASTAL POLICIES**

#### **California Coastal Act**

Regarding public access, the California Coastal Act (Section 30212(a)(2)) states that "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, and (2) adequate access exists nearby.<sup>16</sup>

Regarding Scenic and Visual Resources, the Coastal Act states in relevant part (Section 30251) that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding

<sup>&</sup>lt;sup>14</sup> Ibid, p.13

<sup>&</sup>lt;sup>15</sup> Ibid

<sup>&</sup>lt;sup>16</sup> Ibid, p.14

areas, and, where feasible, to restore and enhance visual quality in visually degraded areas..."<sup>17</sup>

## City of San Clemente Local Coastal Program Land Use Plan

The City of San Clemente certified LUP (City of San Clemente Local Coastal Land Use Plan) contains several coastal access policies, including but not limited to maximizing public use of the beach and ocean (IX-1); maintaining and enhancing non-vehicular access to the shoreline when evaluating any future public or private improvements in the Coastal Zone (Policy IX—4); promoting not only increased access to the shoreline, but increased safety of access (Policy IX-7); and that funding shall be actively sought to maintain and improve existing accessways, including projects that will enhance public access with improved pedestrian railroad crossing through the construction of at-grade, above-grade, or below-grade crossing at existing accessways (Policy IX-11).

## **CCC Staff Findings**

Considering CPUC and railroad objections, the City's response, and State and Local Policies related to Public Access Scenic and Visual Resources, the CCC Staff Report made several findings.

The CCC staff's primary response to safety concerns raised by the CPUC was the recognition that, in reality, formalizing and improving specific crossing points would not likely increase traffic to the area but rather serve to direct people to the safer crossings and prevent the continued public use of informal crossings along the corridor. The Staff Report determined that "Public access and the safety of that access are naturally tied to one another. The City and OCTA have carefully studied the safety issues at the subject site and have devised the proposed project based on their long-term experience dealing with the present unsafe conditions of public access along the shoreline within the City. The applicants have indicated that a more structural approach is essentially a "no-project" alternative, whereas existing conditions will remain unchanged. The proposal will do nothing more than improve safety compared with existing conditions; it will not create an unsafe condition."<sup>18</sup>

Additionally, CCC staff determined that the proposed at-grade crossings would provide access not only for maintenance, but also for emergency vehicles, which would reduce response times for incidents. The fencing that would be established, as well as the landscaping designed to inhibit direct access to the railroad, would further enhance safety along the corridor, preventing or disincentivizing crossing at unsafe places.

CCC staff responded to CPUC concerns regarding the necessity of at-grade crossings by concluding that the applicants had considered a number of alternatives prior to proposing the at-grade crossings. Not only did fiscal responsibility suggest that at-grade crossings would be preferable, but above-grade crossings were ruled out as, at many points, the required space on either side of the tracks did not exist for the infrastructure as it would interact with the water or the bluffs in an unsafe or unreasonable manner. Underpasses

<sup>&</sup>lt;sup>17</sup> Ibid, p.18

<sup>&</sup>lt;sup>18</sup> Ibid, p.14

(aside from those included in the proposal) were ruled out as the potential flooding of the site during high-tide or weather events would require redirection to an alternate, at-grade or above-grade crossing.<sup>19</sup>

Regarding fencing, CCC staff found that the applicant's plan reasonable, stating in the Report that the "proposal provides a combination of fencing, vegetation, topographic barriers and an elevated walkway to channel pedestrians to safe crossing points. The CPUC and rail agencies encourage the use of more restrictive fencing, such as 5' to 6' high chain length or wrought iron along either side of the railroad tracks. The City has expressed concern that more heavy-duty fencing would not be compatible with community values and would be the target of considerable attempts to gain entry through fences at inappropriate and unnecessary locations. The erection of such fencing would present a physical barrier to continued public use and enjoyment of the subject area. In addition, fencing along either side of the tracks would adversely affect public views of the ocean... <sup>20</sup>

In response to the infrastructure issues brought up by the CPUC staff, one of which noted the lack of lighting in the proposal, CCC staff established that the trail was to be open from dawn to dusk and would not require lighting during periods of proper use.

CPUC staff trespassing concerns were responded to by the applicants by noting "after implementation the City will work with the Orange County Sheriff's Department to enforce trespassing regulations. Enforcement has been difficult in the past because a formal trail system was not established. An educational campaign is proposed to ensure proper use of the trail in the future. Informational signage is also proposed to provide awareness for railroad

safety. The applicants have indicated that a sign program is being developed and will include verbiage for appropriate trail usage. The phrase "No RR Trespassing" with appropriate code enforcement language will be stenciled on fence railings and on posted signs where no fence is proposed."21



Post and cable fencing prevents accessing to the active passenger rail line Source: <u>https://www.daytrippen.com/san-clemente-beach-trail/</u>

<sup>&</sup>lt;sup>19</sup> Ibid, p.16-17

<sup>&</sup>lt;sup>20</sup> Ibid, p.16

<sup>&</sup>lt;sup>21</sup> Ibid

<sup>1010</sup> 

## **IMPLEMENTATION**

The CCC on April 23, 2004 issued the permit for the trail subject to 12 **Special Conditions** related to: approval by State and Local Agencies; approval by the US Army Corps of Engineers; submittal of a Final Sign Plan; monitoring and maintenance; future improvements: maintenance of public access; conformance with coastal engineering recommendations; Assumption of Risk, Waiver of Liability and Indemnity; No Future



San Clemente Beach Trail under construction. Note the lateral trail, post and cable fencing, and at-grade pedestrian crossing Source: Orange County Transportation Authority

Shoreline Protective Device; Avoidance of drainages and Wetlands; Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; and Location of Debris Disposal Site. (see Permit 5-03-322, See Appendix)

The permit was amended three times. The California Coastal Commission on August 24, 2005 issued amended the permit to allow temporary wetland impacts associated with construction of the trail and modification of its design to include an 80-foot extension of the Mariposa Point boardwalk outside of any wetland areas. The project also involved replanting of salt grass to mitigate for temporary wetland impacts.

Then, on June 22, 2006, the permit was amended (Material Amendment 5-03-322-A-2) to allow a modification of the previously approved concrete stairway design at the Dije and El Portal at-grade vertical access points to a wood design and construction of a new vertical access underpass at Mariposa Point.

Finally, on June 19, 2013 the California Coastal Commission issued an Immaterial Amendment (5-03-322-A3) approving additional pedestrian safety railroad crossing improvements such as: installation of an Audible Warning System, additional paved areas adjacent to each side of the crossing, extension of fencing to channelize pedestrians, new swing gates, pavement markings, and new directional signage at seven railroad pedestrian crossings providing beach access along the San Clemente Beach Trail.

The permit and amendments have been deemed by the California Coastal Commission as consistent with the City of San Clemente's Coastal Program and California's Environmental

Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.<sup>22</sup>

The trail and crossings, including seven at-grade crossings, was subsequently constructed.



Pedestrian Coast Access Points in San Clemente, CA. This map shows the 20 different access points that are available to pedestrians in and near San Clemente. Data collected from the California State Geoportal and The City of San Clemente Local Coastal Program Land Use Plan, March 2018

<sup>&</sup>lt;sup>22</sup> California Coastal Commission, Coastal Development Permit 5-03-322-A2; p.12

# THE TRAIL TODAY

The trail today is known as the San Clemente Beach Trail (or Beach Trail) and has been incorporated into the longer California Coastal Trail, a continuous trail system traversing the length of the state's coastline.

The 2.3-mile Beach Trail is popular with pedestrians and bicyclists and provides beach access between North Beach and Calafia State Beach. The trail is surfaced with decomposed granite and includes a ½-mile long elevated walkway segment. The northern and southern trail segments have been sited east (inland) of the railroad. The middle section between Corto Lane and T-Street is the ocean side of tracks.<sup>23</sup>

Post and cable fencing has been installed along the trail to protect users from passing trains. The Beach Trail includes 13 beach access points. Seven of the 13 crossings are improved at-grade crossings. Others are underpasses and bridges. The at-grade crossings



Separate at-grade pedestrian crossing adjacent to the public roadway at the San Clemente Pier Source: <u>http://coastal.ca.gov/YouyCoast/#/map/location/id/1424</u>

use lighting, bells, and automated arms for the safety of pedestrians crossing at those points, with the fencing along the tracks guiding people to formalized crossings. These atgrade crossings provide universal access (people of any ability can reach the beach) and provide maintenance and emergency vehicles to use the same crossing points as pedestrians.

<sup>&</sup>lt;sup>23</sup> City of San Clemente Local Coastal Program Land Use Plan, 2018; p.3-84 <u>https://www.san-clemente.org/home/showpublisheddocument/51862/636940310989930000</u>



At-grade pedestrian crossing at El Portal Beach Source: <u>http://www.californiabeaches.com/beach/el-portal-beach</u>

According to the *City of San Clemente Local Coastal Program Land Use Plan*, the Beach Trail has achieved several objectives:

- Provides a continuous walking and hiking trail as close to the ocean as possible;
- Provides maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
- Maximizes connections to existing and proposed local trail systems;
- Ensures that all segments of the trail have vertical access connections at reasonable intervals;
- Maximizes ocean views and scenic coastal vistas; and
- Provides an educational experience where feasible through interpretive facilities.



At-grade pedestrian crossing at Calafia State Park Courtesy of Josh McNair/<u>www.CaliforniaThroughMyLens.com</u>

Zach Rehm, District Supervisor with the California Coastal Commission noted in a telephone interview that there have been few incidents associated with the railroad crossings since the project was implemented. Mr. Rehm emphasized the California Coastal Commission's commitment to protecting coastal access was a key factor in the successful implementation of the project. Mr. Rehm recognized that the implementation of this project would set a good precedent for of ensuring Californians and others reasonable coastal access.

# **RECOMMENDATIONS FOR SAFE SHORELINE ACCESS ALONG THE HUDSON RIVER**

The parallels between the river access and railroad hazard contexts in San Clemente and along the Hudson River are astounding. Passenger rail lines create hazards to access along California's beaches as well as the Hudson River's shore. Railroads in both States have for decades worked to incrementally prevent access along and across the rail lines. The inevitable desire to access the foreshore, an inalienable right as per the Public Trust Doctrine, has caused people to walk along and across active rail lines to enjoy water-related recreational activities such as swimming, fishing and boating. Both California and New York have State Coastal Management Programs that protect and encourage shoreline access and protect scenic and visual resources. And, finally, municipalities in both California and New York have adopted local coastal programs that address the need to protect access and scenic and visual resources.

Safety is everyone's concern, not the least of which the concern of municipal officials and people who access the Hudson River for water-related recreation. In the interest of reducing risk along the railroad, while also protecting and increasing safe river access, it is hoped that the findings in this report will lead to a collaborative approach between Amtrak, New York State, local officials and stakeholders to use lessons learned in San Clemente to create safe Hudson River access along the rail line.

For example, in Castleton-on-Hudson a 0.75-acre undeveloped waterfront park has been fenced off from the public for 25 years leaving Village residents with no safe public river access. In Tivoli, an agreement between CSX and the Village may result in the need for a costly and intrusive overpass when the Village improves its municipal riverfront park.

Given the California Coastal Commission's approval of seven at-grade pedestrian crossings along the San Clemente Beach Trail, perhaps similar infrastructure could be used to provide safe river access at these and other places along the Hudson River.

# **Resources Cited**

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Orange County Transportation Authority, San Clemente Pedestrian Crossings, <u>www.octa.net/Projects-and-Programs/All-Projects/Rail-Projects/Railroad-Crossing-Enhancements/San-Clemente-Pedestrian-Crossings/</u>

Venegas, Ana, Four Hours: Train down to San Clemente for Brussels Bistro and an afternoon adventure, LA Timers, 1/17/20

5-Year Fencing Program on the Hudson Line Section of the Empire Corridor

Appendix