

Authorizing The Issuance Of An Operating Permit To Rail Explorers Corporation For Use Of The Western Segment Of The Ulster And Delaware Railroad Corridor For Tourism Railbike Operations With Revenues To Exceed \$50,000.00 – Department Of Public Works

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Erner, Fabiano, Litts, and Nolan), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Criswell, Roberts, and Ronk)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, Deputy Chair Dean J. Fabiano, and Legislator Nolan offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of the Public Works; and

WHEREAS, Ulster County owns approximately 38.6-miles of the Ulster & Delaware Railroad Corridor (“U&D Corridor”) running from the City of Kingston to the County border at Highmount in the Town of Shandaken; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 488 dated December 15, 2015 which delineated two segments of the U&D Corridor for future tourist rail operations, and required the County to release a Request for Proposals (“RFP”) within ninety (90) days of the effective date of the Resolution; and

WHEREAS, pursuant to the above-mentioned Legislative policy, Purchasing Department released UC16- 033: Tourist Railroad Operator(s) for Ulster & Delaware Railroad and the Rail Explorers Corporation (“REX”) was the selected operator and was issued a five (5) year permit for the Western Segment of the U&D Corridor, which extends approximately 4.2 miles from a track washout along the Esopus Creek (approximately Milepost 23.3) in the Town of Shandaken to the Empire State Railway Museum property in Phoenicia (approximately Milepost 27.5) in the Town of Shandaken (the “Western Segment”); and

WHEREAS, pursuant to Resolution No. 651 of 2022 such permit was extended to December 31, 2023: and

WHEREAS, the Ulster County Purchasing Department released a Request for Proposals (“RFP”) for Tourist Railroad Operations UC23-042 and REX was the selected operator for the Western Segment; and

WHEREAS, Ulster County desires to issue a permit for tourist railbike operations to REX for a period of 5 years as provided for the RFP; now, therefore be it

Resolution No. 671 November 14, 2023

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RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a permit to REX for the Western Segment of the Ulster and Delaware Railroad Corridor as on file with the Clerk of the Legislature and any amendments thereto as recommended by the County Attorney with concurrence with Legislative Counsel along with any forms, certificates, assurances, applications or material necessary to be provided by REX to effectuate the foregoing; and, be it further

RESOLVED, the Ulster County Legislature has determined that the issuance of a permit substantially similar to that currently in place for the Western Segment is a Type II action under NYCRR Part 617 (SEQRA) and no further consideration under SEQRA is required,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 18 NOES: 4
(Noes: Legislators Hansut, Maloney, Petit, and
Roberts)
(Legislator Ronk left at 8:49 PM)

Passed Committee: Public Works, Capital Projects and Transportation on November 1, 2023

Passed Committee: Ways and Means on November 8, 2023

FINANCIAL IMPACT:
REVENUE ANTICIPATED TO EXCEED \$50,000.00 – 2024 REVENUE DOLLARS

