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HANK AARON STATE TRAIL

www.hankaaronstatetrail.org

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Friends of Hank Aaron State Trail is a
501(c)(3) non-profit organization
Donations are tax deductible

October 31, 2018

RE: Docket EP-749-1 – Proposed Rulemaking to Limit NITU's to a
Maximum of Six (6) 180-Day Extensions

Ms. Cynthia T. Brown
Chief, Section of Administration Office of Proceedings Surface
Transportation Board
395 E Street, SW
Washington, DC 20423

246704

ENTERED
Office of Proceedings
November 1, 2018
Part of
Public Record

Dear Ms. Brown,

These comments, filed on behalf of the Friends of Hank Aaron State Trail, a 15 mile trail in the City of Milwaukee are in opposition to a proposed rule by the STB to require that the number of extensions of the trail use negotiation period not exceed six, or essentially three years.

The purpose of railbanking is to preserve our country's railroad corridors and allow for interim trail use. Railbanking has not only transformed thousands of communities across the country, including Milwaukee, by providing safe public spaces for recreation and transportation, it has also preserved thousands of miles of rail corridors that would otherwise have been abandoned. Assembly of these rights-of-way in modern times would be nearly impossible. Railbanking keeps rail corridors intact. Wisconsin has been using this since the 1960's to create a number of rail trails throughout the State.

Imposing a 3-year limitation on negotiations would greatly obstruct – and in some cases prevent – railbanking to occur. Of the 393 successfully railbanked corridors, 65 of them took more than 3 years of negotiation between the railroad and the CITU/NITU holder to complete. There are a variety of reasons that negotiations may extend, including: federal and state regulatory processes (environmental assessment, e.g.), the trail manager's ability to secure state or federal funds for acquisition, and appraisal disputes. There is no reason to limit railbanking negotiations. The process of railbanking, including agreement to extend negotiations, is completely voluntary for the railroad. "Reversionary property owners" have available to them means of compensation through this process as well.

The Friends of the Hank Aaron State trail was involved in negotiations through the State of Wisconsin Department of Natural Resources for over 10 years to create the Hank Aaron State Trail. Additional portions of the trail were negotiated through future agreements that took over three years. The Hank Aaron State Trail has over 400,000 citizens of Milwaukee County within two miles of the trail. The trail creates a

logical path from the lakefront to the Waukesha County line, and compliments the Milwaukee County Oak Leaf Trail.

If the STB were to consider changes related to railbanking negotiations, a suggested improvement would be to change the initial railbanking/interim trail negotiating period to establish a one-year period (instead of 180 days) for any initial and subsequent negotiating periods. From experience in Milwaukee and Wisconsin, negotiations between railroads and Interim Trail Users almost always extend beyond the short 180-day timeframe, creating additional and unnecessary obstacles for both the railroad and the Interim Trail User.

Thank you for your consideration,



Dan Adams, President

Friends of Hank Aaron State Trail



Michael Brady, Secretary

Friends of Hank Aaron State Trail