

April 4, 2019

**ENTERED**
Office of Proceedings

Ms. Cynthia T. Brown
Chief, Section of Administration Office of
Proceedings Surface Transportation Board
395 E Street, SW Washington, DC 20423
RE: Docket EP 753 – Petition for Rulemaking

April 4, 2019
Part of
Public Record

Milwaukee County Parks
9480 Watertown Plank Rd.
Wauwatosa, WI 53226
(414) 257-PARK

Dear Ms. Brown,

These comments filed on behalf of Milwaukee County Parks are in support of a petition by Rails-to-Trails Conservancy (RTC) for the Surface Transportation Board (STB) to establish a one-year period for any initial interim trail use negotiating period and codify the STB's authority to grant extensions of the negotiating period for good cause shown.

In May 2009, the Milwaukee County Parks Department submitted a statement willingness to the Surface Transportation Board (STB) accepting management, legal and financial responsibility for a 3-mile segment of Union Pacific Railroad corridor in Milwaukee County. The corridor had been identified for acquisition by Milwaukee County Parks Department planners as a key element in a larger initiative to expand and enhance its county-wide multiple-use trail system.

In June 2009, Milwaukee County Parks was granted authority by the STB to negotiate an agreement with the railroad for acquisition of the corridor. The initial negotiation period was set at the standard 180 days. Before commencing with those negotiations, however, Milwaukee County needed to secure sufficient funding to purchase the land. This was largely accomplished through the successful application for a Federal Transportation Congestion Mitigation/Air Quality Improvement Program (CMAQ) grant.

Unfortunately, given the lengthiness and complexity of the CMAQ land acquisition process, it took until May of 2015 for Milwaukee County to be in a position to close the deal with the railroad. During that period, Milwaukee County Parks staff and Wisconsin Department of Transportation staff (designated representative for Milwaukee County in contacts with the STB) were required to prepare and submit numerous negotiation extension requests in conformance with the current 180-day maximum time-frame established by the STB.

Although Milwaukee County Parks ultimately was able to finalize acquisition of the corridor, and it now contains a paved multiple-use trail that's being used for commuting, for utilitarian purposes, and for various forms of trail-related recreation, the process would have been streamlined if the rail banking negotiation periods had been one year rather than six months. In addition to reducing the staff time required to prepare and submit



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extension requests, a smaller number of petitions to the STB would reduce the chances of a missed opportunity to convert an abandoned railroad corridor into a multiple-use trail due to an unfavorable STB decision on an extension request.

Based on our direct experience with railbanking negotiations before the STB, we urge the Board to adopt RTC's proposed rule in Docket No. EP 753.

Thank you for your consideration,



Guy D. Smith, CPRP
Executive Director

Copy: Willie Karidis

