

Urban Ecology Center
1500 E Park Place
Milwaukee, WI 53211

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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

Dear Ms. Brown,

These comments, filed on behalf of the Urban Ecology Center 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 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.

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 Urban Ecology Center has worked on highly used trails in Milwaukee, the Oak Leaf trail, the Beerline trail and the Hank Aaron trail. The Oak Leaf trail ties the city to lakefront parks and beaches in addition to providing a commuter path from suburbs to Milwaukee's downtown business district. A portion is nearly 3 miles railbanked miles. It took years to get through the negotiation to open up this trail, with our primary role being to provide a safe access point from city streets to the trail as well as to provide lots of activity nearby with our school field trip programs. People needed us to demonstrate that the trail would be safe for users. A study done by University of Wisconsin showed an increase from 50 to 500 users per day after our Center was complete. If the proposed rule were in place this valued corridor would likely not exist. Our stories with the Beerline and the Hank Aaron are similar, each taking about a decade to go from concept to completion. I sincerely hope that you will take these experiences into consideration while deliberating this rule change.

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 our experience in Milwaukee, 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,

A handwritten signature in black ink, appearing to read "Ken Leinbach". The signature is fluid and cursive, with the first name "Ken" written in a larger, more prominent script than the last name "Leinbach".

Ken Leinbach

Executive Director