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BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Ex Parte No 690
TWENTY YEARS OF RAILBANKING
A REVIEW AND LOOK AHEAD

HEARING DATE – JULY 8, 2009
Prepared and Submitted: June 29, 2009
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Michigan Trails and Greenways Alliance, 1213 Center St., Suite D, Lansing, Michigan 48909 requests to respond to the Notice of Public Hearing to the Surface Transportation Board with a written submission stating the continuing importance of the statute to provide railbanking to ensure the preservation of railroad corridors in the event that the corridor may be reinstated for future rail use and that trails be developed for alternative transportation, recreation uses, economic development and healthier communities.

Michigan Trails and Greenways Alliance (MTGA) is a 501c3 statewide nonprofit organization whose mission is to foster and facilitate the development of an interconnected system of multi-use trails and greenways across the state for transportation, recreation, health, environmental/cultural preservation, and economic development. MTGA provides technical assistance on all aspects of multi-use trails to those communities who want to establish them. MTGA also educates the public on Michigan's multi-use trail system and works on policy changes at the state and local levels that facilitate the establishment of trails. Michigan ranks second in the nation, just behind Wisconsin, with 1,394 miles of rail-trail. Together with non-railtrail extensions, and multi-use trails along other types of linear corridors, Michigan has well over 2,000 miles of multi-use trails.

The Michigan Department of Natural Resources (MDNR), and the Friends of the Fred Meijer Heartland Trail (FFMHT) have successfully railbanked a number of rail corridors for interim use as trails. Corridors railbanked by the DNR include the 11.7 mile Fred Meijer Barry Junction Trail, the 26 mile Alpena to Hawks Trail, the 6.7 mile Rogers City trail, the 8 mile Paxton Spur, the 8.9 mile Republic to Humboldt, the 37.6 mile Marquette to Munising, and the 3.6 mile Marquette West corridor. The FFMHT has railbanked the 5.5 mile eastern end of the Fred Meijer Heartland Trail and portions of the 37.5 mile corridor from Ionia to Greenville. In addition the Michigan Department of transportation MDOT has also purchased a number of corridors, thus preserving them for rail use, while operating them in the interim as a trail, according to its state statute, Public Act. 295, the Transportation Preservation Act. These include the 10.2 mile Harger Line Trail, the 23.7 mile Escanaba to Hermansville, and 41.3 mile Clinton-Ionia-Shiawassee Trail, the 45 mile Fred Meijer White Pine Trail State Park, and the 21 mile Betsie Valley Trail.

All of the above corridors have become essential connections in our statewide multi-use trail system. Each one has provided communities and their citizens with new

opportunities for nonmotorized transportation and recreation and a venue for improving the health of their citizenry. Restaurants, hotels, grocery stores and other businesses have economically benefitted from the trails in the communities in which they are located. Dr. Christine Vogt, Professor at Michigan State University Department of Community, Agriculture, and Recreation Resources has documented the benefits of several of Michigan's multi-use trails. In one case, in particular, the Traverse Area Recreation Trail in Traverse City was found to be of essential transportation use for 17% of the trail users. In Midland, Michigan, the Midland County Convention and Visitors Bureau documented that the majority of those who had placed inquiries about the trail were visiting Midland because of the trail. The MSU study also documented that in 2000, eight of ten trail users also visited a business along the trail. A dining establishment on the Pere Marquette trail has documented that about a third of their business – year-round – comes from trail users. In regards to health, 73 percent of the trail users had reported that their health had improved due to use of the trail. The Pere Marquette Trail of Mid-Michigan is so essential to the community that it was voted the number one community asset, even more highly regarded than the local churches and the arts in a survey of citizens done by the local government in 2000.

For all of the trails studied in Michigan, MSU found that half of those using it were accessing the trail other than by driving to it. This speaks to the need for a statewide interconnected system. As more and more communities connect in with their trail segment, the more local residents will use them and become healthier in the process. Railbanking assures that these important corridors are not lost. In this era of high gasoline prices, trail users save dollars from transporting themselves in a non-motorized way. And in this state, the “motor capitol of the world”, rail is again being pursued both within cities and between cities in response to consumer demand that a more cost and energy-efficient mode of transportation be instituted. To do away with this statute at this time would be extremely short-sighted in terms of the whole transportation picture, and the potential need to reinstate rail corridors for both passenger and freight service.

In response to specific questions posed in the STB Ex Parte No. 690 document, I offer the following insight:

- 1) The railbanking statute under Section 8(d) has been very successful in Michigan for both rail carriers and trail users. The fact that we have seen at least 11 corridors successfully negotiated by the rail carriers and the trail groups attests that the statute works. The time period for arriving at fair market value of the corridor appears to be sufficient for both rail carriers and the interim trail agency.
- 2) All of the railbanked corridors mentioned above have been or are in the process of being developed into trails.
- 3) As long as the Trails Act agreements are consummated within the prescribed period of time, I would not think the STB should have to collect this data.
- 4) I believe the Surface Transportation Board is facilitating the restoration of active rail service by allowing the corridors to remain intact through the use of this statute, which also allows for the future buy-back of the corridor for rail use.
- 5) Some of the interim trail corridors use the bridges that are part of the rail corridor if they are in good enough shape. Most of the bridges that are removed from rail

corridors are in bad enough shape that to reactive rail service, they would need to be replaced anyway. Therefore, this should be considered the new railroad's cost of doing business in getting the corridor back into shape for service.

- 6) In Michigan, we have had several court cases on corridors where property owners have claimed a reversionary interest. In most cases, the court has ruled that the underlying conveyance of the rail corridor was a fee transaction, and no compensation was awarded. It does take in-depth legal analysis of the deeds to discern the difference since the title language has taken many forms since the 1800's till present.

As far as the trails' affect on property owners, most find that the fears they had prior to the trail opening about crime, reduced property values, littering, noise, trespassing, etc. simply were unfounded. Most property owners are able to coexist quite well with the trail, once they find the issues are few and far between.

Michigan Trails and Greenways Alliance requests the Surface Transportation Board to preserve the railbanking system as it is for the future preservation of rail corridor infrastructure. The interim use of a trail helps to keep the corridor free of encroachments and maintains its public use so that it is much less harder to reactivate the rail use if needed later on.