



Legislation Details (With Text)

**File #:** 67552      **Version:** 1      **Name:** Authorizing the City to Enter into an Updated Interim Trail Use/Rail Banking Agreement with the Wisconsin Department of Transportation and the South Central Wisconsin Rail Transit Commission for the Southwest Path.

**Type:** Resolution      **Status:** Passed

**File created:** 9/24/2021      **In control:** Engineering Division

**On agenda:** 11/2/2021      **Final action:** 11/2/2021

**Enactment date:** 11/5/2021      **Enactment #:** RES-21-00727

**Title:** Authorizing the City to Enter into an Updated Interim Trail Use/Rail Banking Agreement with the Wisconsin Department of Transportation and the South Central Wisconsin Rail Transit Commission for the Southwest Path. (5th, 10th, 11th and 13th ADs)

**Sponsors:** Grant Foster, Yannette Figueroa Cole

**Indexes:**

**Code sections:**

**Attachments:** 1. Southwest Path Agreement (COM-WDOT-SCWRTC)

| Date       | Ver. | Action By                 | Action  | Result |
|------------|------|---------------------------|---|--------|
| 11/2/2021  | 1    | COMMON COUNCIL            | Adopt   | Pass   |
| 10/20/2021 | 1    | BOARD OF PUBLIC WORKS     | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER   | Pass   |
| 10/13/2021 | 1    | TRANSPORTATION COMMISSION | Return to Lead with the Recommendation for Approval |        |
| 10/5/2021  | 1    | BOARD OF PUBLIC WORKS     | Referred  |        |
| 10/5/2021  | 1    | COMMON COUNCIL            | Referred  |        |
| 9/24/2021  | 1    | Engineering Division      | Referred for Introduction                           |        |

**Fiscal Note**

No new fiscal appropriations are necessary. Costs for maintaining and/or improving the Southwest Path are already included in the operating budget.

**Title**

Authorizing the City to Enter into an Updated Interim Trail Use/Rail Banking Agreement with the Wisconsin Department of Transportation and the South Central Wisconsin Rail Transit Commission for the Southwest Path. (5th, 10th, 11th and 13th ADs)

**Body**

WHEREAS, in 2000, the City entered into a 20-year interim trail use/rail banking agreement (the "Original Agreement") with the Wisconsin Department of Transportation (WDOT) and the South Central Wisconsin Rail Transit Commission (SCWRTC) that allowed the City to construct, develop and operate what is now known as the Southwest Path, a heavily used bicycle and pedestrian transportation corridor running from the City's southernwestern border with Fitchburg north and east to its eventual intersection with the Brittingham Park Bike Path at North Shore Drive and, to the east, the Capital City Trail. The Original Agreement covers 4.22 miles of the Southwest Path, from roughly Lovell Lane to Randall Avenue, all of which is former railroad corridor owned by WDOT but subject to the jurisdiction of the SCWRTC; and,

WHEREAS, the Original Agreement allowed the City to develop and manage the former rail corridor, and

required the City to protect WDOT's property rights throughout the corridor by enacting and enforcing an ordinance regulating encroachments within the corridor; and,

WHEREAS, in 2018-2019, when the City attempted to renew the Original Agreement for an additional 20-years, it was informed by WDOT and SCWRTC that, due to the large volume of encroachments within the corridor, many of which had expanded or been placed within the corridor since the Original Agreement was entered into, the agreement would not be renewed and that a new agreement would be necessary; and,

WHEREAS, the Original Agreement expired in 2020 but the City, WDOT and SCWRTC entered into a Memorandum of Understanding ("MOU") on March 6th, 2020 to extend the terms of the Original Agreement for an additional two years through March 31, 2022 to allow the Parties time to negotiate a replacement to the Original Agreement; and,

WHEREAS, the Southwest Path is a heavily used and critical component of the City's transportation infrastructure, greatly increasing bicycle and pedestrian travel, including recreational and commuter traffic, and helping the City meet its greenhouse gas reduction goals; and,

WHEREAS, it is in the City's interest to enter into a new agreement for the City's continued use, operation and maintenance of the Southwest Path, even if that means that the City will have to perform greater encroachment enforcement within the corridor than it has historically done; and,

WHEREAS, the City, WDOT and SCWRTC have prepared an updated agreement that recognizes the interests of all parties and that will insure the continued use of this critical infrastructure for at least the next 20-years.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Mayor and the City Clerk are authorized to enter into an updated Interim Trail Use/Rail Banking Agreement with the Wisconsin Department of Transportation and the South Central Wisconsin Rail Transit Commission for the Southwest Path, for a period of 20-years with 1-year renewals thereafter, which agreement is attached hereto and the terms incorporated herein.