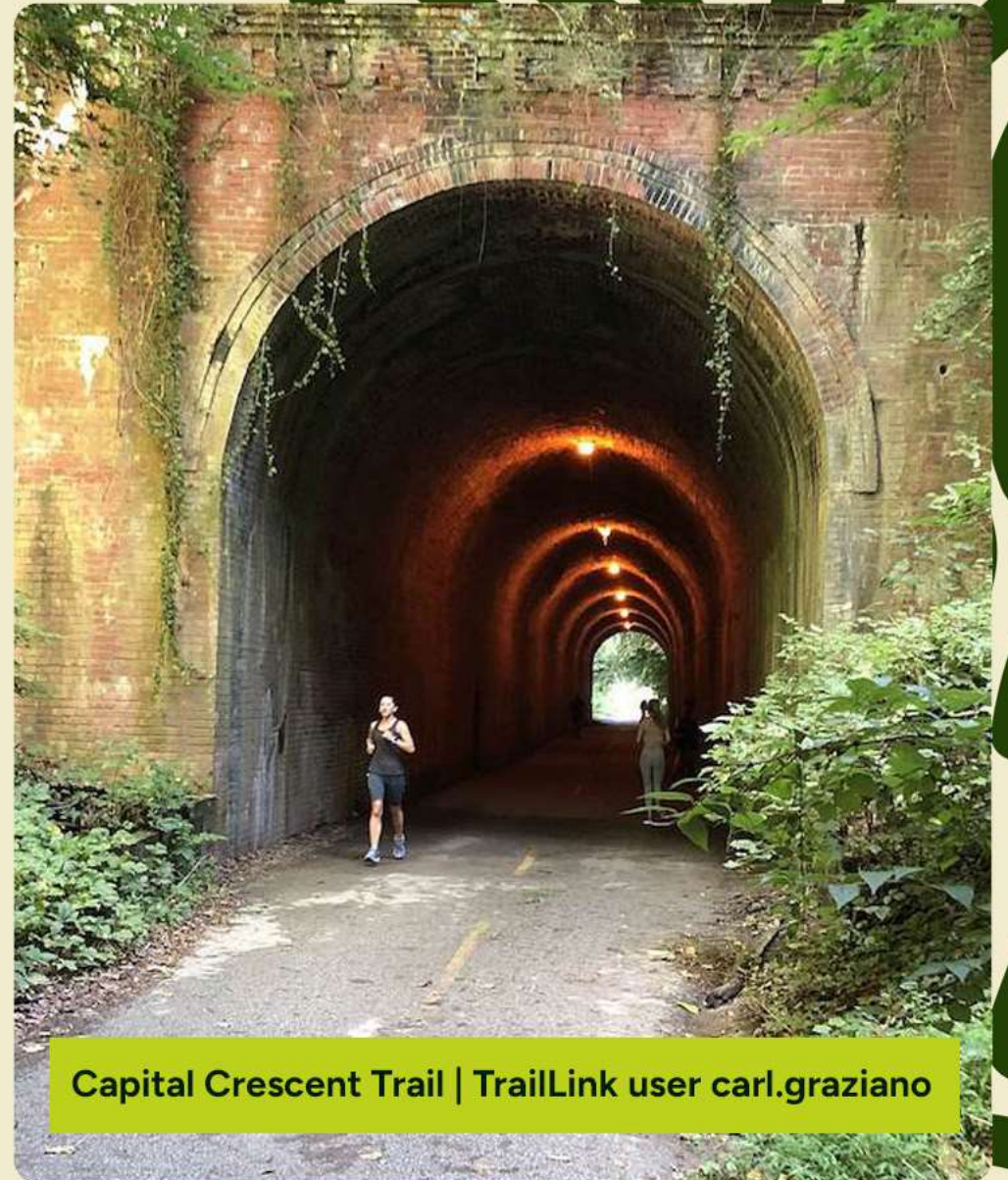


NOV. 13, 2024

Working With Railroads Part 1: Productive Partnerships for Successful Projects

A TrailNation Collaborative Webinar



Capital Crescent Trail | TrailLink user carl.graziano



TRAIL NATION

Powered by Rails to Trails Conservancy



TRAIL NATION

PROJECTS



TRAIL NATION

PLAYBOOK



TRAIL NATION

COLLABORATIVE

WORKING WITH RAILROADS, PART 1

Agenda

- Welcome & Housekeeping
- Setting the stage
- Panelist Presentations
- Discussion and Q&A

Before we begin...

- Drop your questions in the Q&A box.
- Send your technical assistance questions to: <https://rtc.li/technical-assistance>
- In the event you run into technical difficulties during the webinar, here's how to troubleshoot:
 - Log out and back into the webinar
 - Webinar ID: 858 8662 2671
 - Browse Zoom Customer Support topics & contact Customer Support: <https://support.zoom.us>
- Live transcription is enabled for this webinar

Panelists



Damien D'Anna

Director of Real Estate –Sales and Leasing, CSX Transportation Inc.



Tim Bartlett

Executive Director,
Urbana Parks District



Liz Thorstensen

Vice President of Trail Development,
Rails to Trails Conservancy (moderator)



POLL



Setting the Stage for Working with Railroads on Rail-Trail Projects

Liz Thorstensen, Vice President,
Trail Development, RTC

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Common Challenges in Negotiating Rail-Trail Acquisitions

- Valuation and Appraisal Differences
- Complex legal and regulatory requirements: e.g. easements, environmental etc
- Long timelines/ timeline discrepancies
- Turnover of staff and advocates
- Community opposition
- Resource/funding constraints
- Railbanking and future use rights

What is Railbanking?

- Established as an amendment to Section 8(d) of the National Trails System Act in 1983
- Pre-abandonment strategy
- Voluntary agreement between the railroad and trail manager
- Surface Transportation Board (STB) jurisdiction over the corridor is retained
- Line can be reactivated for future rail use
- Corridor is available for interim trail use
- Preempts state law with regards to reversionary rights
- Successfully defended at the Supreme Court



Benefits of Railbanking

For Trail Managers:



- Keeps corridor intact, regardless of how the land was assembled
- May improve negotiating position

Benefits of Railbanking

For Railroads:



Pennsylvania's Three Rivers Heritage Trail | Renee Rosensteel

- Preserves reactivation rights
- Can create goodwill in the community
- Allows for negotiations with one party
- Removes need to investigate historic corridor assemblage, resolve ownership issues and respond to litigation
- Removes liability for existing trestles and tunnels

Railbanking Process

- 1) Railroad files for abandonment
- 2) Trail manager files a request for the issuance of a Notice of Interim Trail Use (NITU) with the STB and railroad
- 3) Railroad agrees to negotiate
- 4) STB issues NITU
- 5) Railroad and trail manager successfully reach an agreement to railbank
 - a. Contract is developed and signed; money is given to railroad; deed is given to the trail manager
- 6) Railroad files a railbanking consummation notice with the STB
- 7) Corridor is officially railbanked; trail development can begin

RTC Advice on Negotiations

- Research the railroad's priorities, operational needs, and potential concerns, and incorporate these considerations into your proposal.
- Don't assume a corridor should or will be donated.
- Be prepared for long timelines and plan for succession accordingly.
- Conduct community outreach from the start. Hold public meetings, communicate regularly with local stakeholders, and gather public feedback to demonstrate widespread support for the trail project.
- Many people on both sides don't fully understand the complexities and benefits of railbanking!
- Partner with attorneys, appraisers, corridor specialists etc who have experience in railbanking.

Rails to Trails Conservancy's Role

- Alert communities of upcoming abandonments via the Early Warning System
- Provide technical assistance to trail managers (and occasionally railroads) during railbanking negotiations
- Defend railbanking (politically and legally)
- Provide trail-building and management technical assistance post-railbanking
- Offer legal assistance when needed
- Provide free tools and resources
- <https://www.railstotrails.org/wp-content/uploads/2024/02/Rails-to-Trails-Conversions-A-Legal-Review-.pdf>



The Working With the Railroads on Rail-Trail Conversions page is intended to help trail planners and advocates become more knowledgeable about rail-trails and better understand the railroad perspective. By increasing your understanding of the concerns and goals railroads are likely to have about rail-trail conversions, trail advocates can put together more effective approaches and increase the likelihood of success in negotiating with railroads for rail-trail projects.

Note that this page is mainly concerned with the negotiations for converting former railroad corridors into trails. For information on establishing trail use along an active railroad right-of-way, visit our [Rail-with-Trail page](#).

Working With Railroads Webinar and Dialogue Series

Join us for our two-part Working with Railroads webinar series, where we will explore strategies for building productive partnerships and navigating the challenges involved with rail-trail acquisitions, such as managing appraisals and complex negotiations and railbanking. Whether you're a trail developer or advocate, this series provides an invaluable opportunity to gain practical insights from industry experts and RTC's seasoned professionals. You'll learn how

<https://www.railstotrails.org/trail-building-toolbox/working-with-the-railroads/>

RTC Resources

- Trail-Building Toolbox Acquisition section
 - Covers corridor research, railbanking, valuation and environmental contaminants
 - New page on [Working with Railroads](#)
- Resource Library – find factsheets, sample lease agreements, MOUs and other documents
- Webinars and online dialogues – on a variety of trail development topics



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Damien D'Anna

Director, Real Estate - Sales and
Leasing, CSX Transportation Inc.

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Rails to Trails - **CSX's Approach**

LONG, COLLABORATIVE PROCESS

Significant differences between trail transactions and typical commercial transactions

- Valuation
- Survey
- Title
- Environmental
- Regulatory

Creative deal structures

- Willingness to contribute % of purchase price to "Trail Sponsor"
- Closing contingencies and flexibility
- Buy in segments
 - Sale with purchase option or mortgage
- Lease with purchase option

"Collaboration, transparency and trust are the only way these things happen"



Rails to Trails - Recommendations

BEFORE YOU ENGAGE WITH THE RAILROAD

- Ensure community/governmental support
- Identify buyer and trail manager
- Vet wherewithal to transact corridor and develop trail
- Line of sight to funding*
- Consider involving a trail sponsor (TPL, OSI, etc.)

WHEN YOU ENGAGE WITH THE RAILROAD

- Be patient
- Understand how Railroads value their corridor
- Recognize Railroads aren't real estate companies
- Understand that comps and precedents are huge concerns
- Involve gov't affairs, if necessary

*"If you want to go fast, go alone. If you want to go far, go together."
-African Proverb*



Tim Bartlett

Executive Director of Parks and
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Working with Railroads: Productive Partnerships for Successful Projects

Timothy A. Bartlett, RLA, ASLA
KRT Steering Committee
November 13, 2024







WINTER 2024
 Bid
 Additional outreach

SPRING 2025
 Tree removal

SUMMER 2025
 Construction

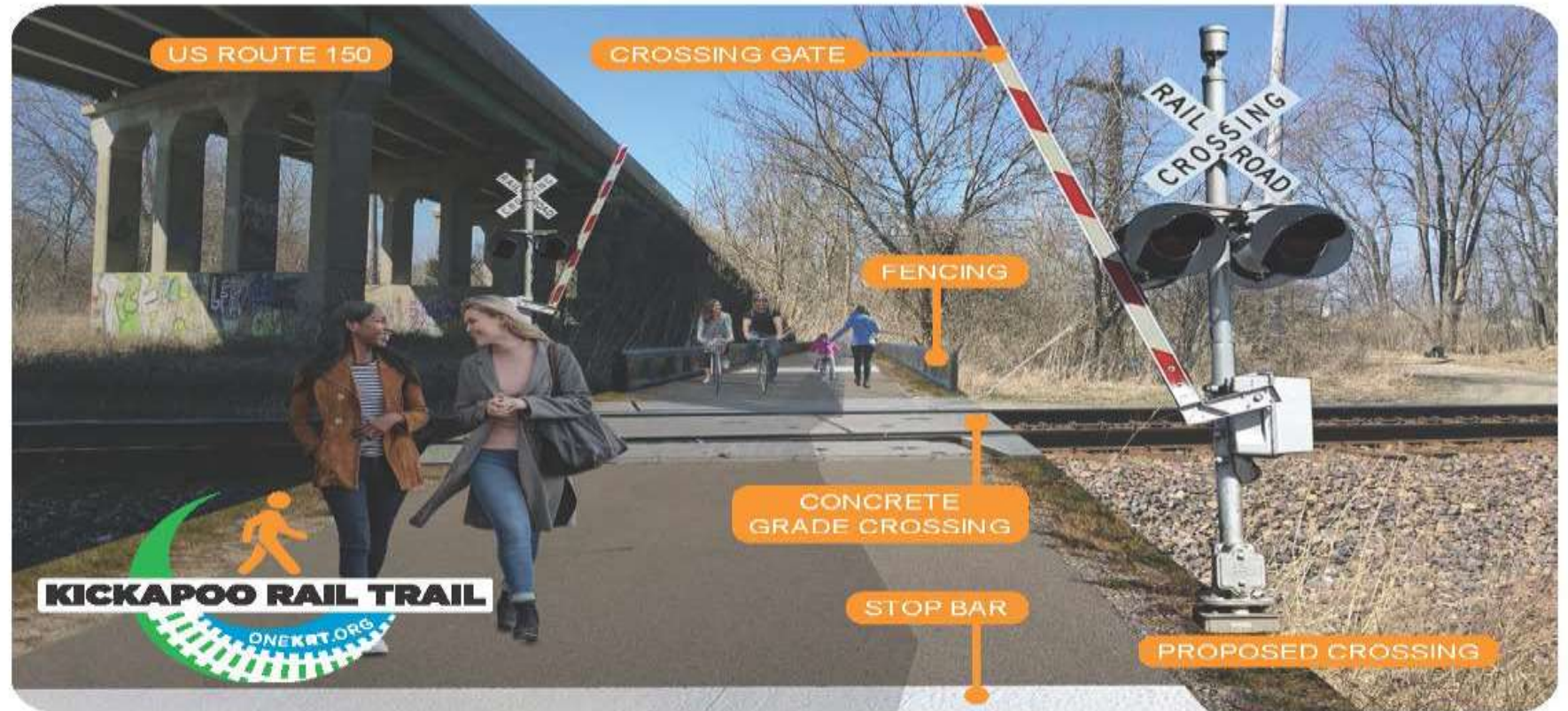


CHAMPAIGN AND VERMILION COUNTIES EXTENSION



FALL 2024
UPRR Public project
request submitted

WINTER 2024
Submit request to
Illinois Commerce
Commission



GLOVER UNION PACIFIC RAILROAD CROSSING



FALL 2024
Friends acquisition

WINTER 2024
City acquisition

2025
NSRR Lease

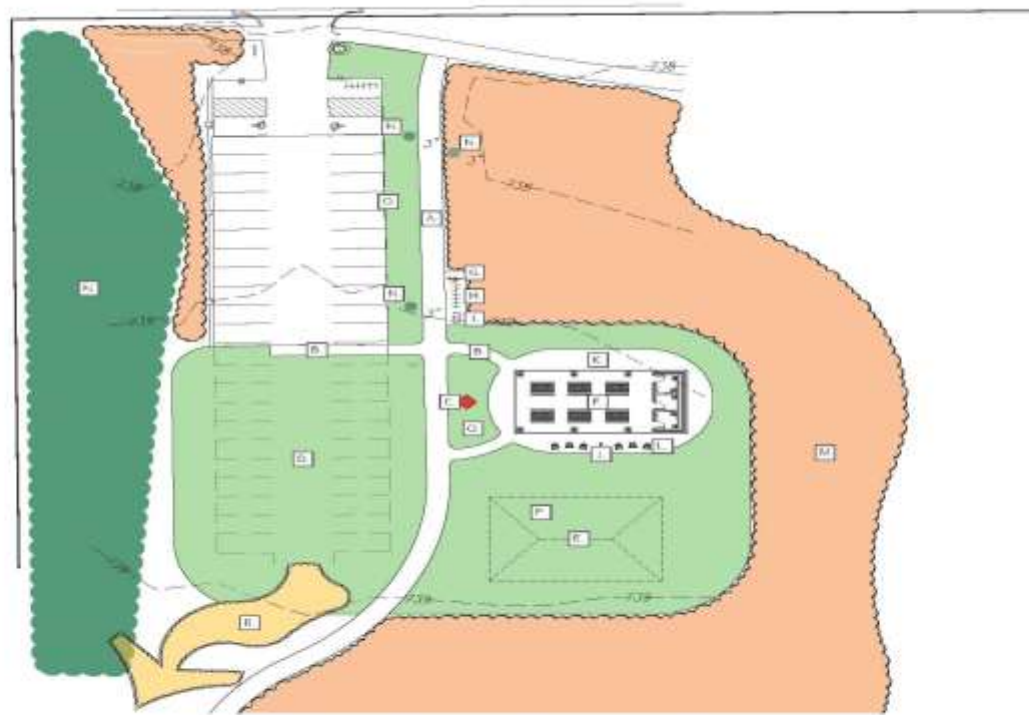


URBANA ACQUISITION



WINTER 2024
Bid

SUMMER 2025
Construction



LEGEND

- A 8' WIDE TRAIL (P.C.C.)
- B 5' WIDE TRAIL (P.C.C.)
- C FUTURE INTERPRETIVE SIGNAGE OR SCULPTURE
- D OVERFLOW PARKING (16-32 STALLS)
- E 40'X60' EVENT TENT
- F 30'X60' PAVILION
- G BICYCLE REPAIR STATION (DARO)
- H BICYCLE RACK (MATCH EXISTING ON SITE)
- I LITTER + RECYCLING (MATCH EXISTING ON SITE)
- J GRILL AND ASH DISPOSAL CAN
- K SPILLOVER 'APRON' (P.C.C.)
- L ADIRONDACK CHAIRS (ANCHORED)
- M EXISTING PRAIRIE
- N EXISTING TREES
- O REMOVE EXISTING SPLIT RAIL FENCE
- P LAWN
- Q FUTURE POLLINATOR GARDEN
- R POTENTIAL BIOSWALE / RAINGARDEN

URBANA PARK DISTRICT WEAVER TRAILHEAD

OPTION 3.0 – MASTER PLAN



| Legend | |
|--|---------------------------------------|
| Parking (approx.) | Weaver Park |
| | Trailhead: 24 stalls |
| | Trailhead Overflow: 2,700 s.f. |
| | South Lot: 158 stalls |
| | South Lot Overflow: 18,300 s.f. |
| | Prairie Park |
| Features | Health + Wellness Phase 1: 82 stalls |
| | Health + Wellness Phase 2: 87 stalls |
| | North Lot: 43 stalls |
| | North Lot Overflow: 14,800 s.f. |
| | Weaver Park: |
| | (4) Large Soccer Fields (210' x 340') |
| (1) Event Lawn (42,000 s.f.) | |
| KRT Trailhead (Restroom Facilities, Native Nations Discovery Zone, and Event Lawn) | |
| Paved Trails | |
| Natural Surface Trails | |
| Natural Area Enhancements | |
| Bioswales for Rainwater Management | |
| Woodland / Hedgerow Preservation | |
| Dark Sky Compliant Lighting | |
| Prairie Park: | |
| (1) Splashpad (4,500 s.f.) | |
| (1) Shelter with Restrooms | |
| (1) Playground (4,500 s.f.) | |
| (1) Skate Park (8,500 s.f.) | |
| (1) Half-Court Basketball | |
| (1) Event Commons (10,000 s.f.) | |
| (1) Full-Court Basketball (50' x 84') | |
| (3) Sand Volleyball Courts | |
| (2) Small Soccer Fields (142' x 225') | |
| (8) Pickleball Courts | |
| (1) Baseball / Softball Field | |
| Paved Trails | |
| Bioswales for Rainwater Management | |
| Naturalized New Wetland | |
| Tree Preservation | |
| Dark Sky Compliant Lighting | |

WORKING WITH THE RAILROADS: A STEERING COMMITTEE PERSPECTIVE

- Get Organized!
- Get Educated on Trail Development Strategies—lots of different case studies to learn from...
- Establish compelling trail facts – Why is a Trail necessary? Build your case for trails!
- Cooperate/Collaborate/Partnerships—focus on Friend building
- Plan for funding...early on and long term...work on your donor base while Friend Building!
- Communicate clearly—one voice please! The RR are global corporations...
- Develop flexible goals—things will change over time...
- Establish a value for everything—considering utilities, green infrastructure, ROW, Road/Bridges...to create more beneficial outcomes and equity for all;
- Stay in dialog—maintain good relations;
- Work with any RR Governmental Affairs staff to help communicate your needs and intent
- Lots of costs to consider – avoid extraneous activities and expenses; Establish budgets for everything!
- Negotiate Fairly – both sides!
- Be Demanding and Be Patient!



Discussion & Audience Q&A

Upcoming TrailNation Collaborative and Policy Events



Pedal Forward: Preparing Advocacy Plans for 2025 State Legislative Sessions

Wednesday, Nov. 20

Working with Railroads, Pt. 2: RTC Expert Panel

Thursday, Nov. 21

Post-Election Landscape: Next Steps for the Trail and Active Transportation Movement

Tuesday, Dec. 3

Advocating for a High Performing Transportation Alternatives Program

Monday, Dec. 9

Find registration information for all sessions on railstotrails.org/webinars

**TRAIL
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COLLABORATIVE

