

GENERAL GUIDANCE FOR RAILS-WITH-TRAILS ON STATE-OWNED RAIL PROPERTY: MINIMUM REQUIREMENTS FOR PATHWAYS ON ACTIVE CORRIDORS

The Michigan Department of Transportation (MDOT) owns 665 miles of rail corridor that are operated under contract by private railroad companies. MDOT owns the corridors solely to preserve rail service. However, MDOT will allow additional uses of the property on a case-by-case basis when those uses do not impede rail operations. The following guidance is intended to assist during the early stages of pathway planning when use of active MDOT-owned rail property is being considered. Allowable access will vary widely by specific location. Additional requirements may be necessary for access. In some instances, access ultimately may not be permissible, even when minimum conditions are met. Early consultation with MDOT's Office of Rail is recommended.

GENERAL CONDITIONS:

- Use of active state-owned rail corridors for pathways may be allowed when use of the property is necessary, feasible and can be made reasonably safe. As these corridors are not otherwise public-use, locating a pathway on the property should be considered only when other reasonable options have been exhausted.
- Requests to use state-owned rail corridors should address other alternatives (and why those other routes will not work) and proposed safety measures, and include plans that contain cross-sections, property lines and distances from the centerline of the nearest track (MDOT Form [0772](#) or [1444](#), depending on proposed location).
- Pathway owner must be a governmental entity.
- Approved access would typically be granted by permit/license with the ability to terminate for noncompliance, including a failure to maintain required conditions to ensure safety.
- Fence or other approved positive separation typically must be at least 30' from the centerline of the nearest track.
- Approved positive separation must be appropriate for proposed path use and location, and could include fencing, natural barriers or wood posts.
- Signage, such as "no trespassing" and "no crossing" will be required and must be maintained in specific areas where users may be tempted to stray from the pathway.
- Adequate drainage must be maintained to ensure water isn't redistributed in a way that would harm track structure.
- If necessary, pathway crossing(s) should funnel users across the track at the designated location(s), but still permits access to the property for railroad purposes.
- MDOT Rail Safety must be notified regarding any proposed crossings ([MDOT Form 1425](#)).
- Pathway owner will be required to submit a trespassing enforcement plan. [Michigan Operation Lifesaver](#) is strongly recommended as a resource.
- Pathway owner will be required to submit a maintenance plan that addresses signage, positive separation, debris pickup and drainage.

- MDOT Office of Rail may require periodic updates on maintenance and enforcement activities and the trail owner's participation in meetings to discuss enforcement and maintenance issues once pathway is operational.
- Pathway owner must maintain required insurance and remain responsible for the pathway.
- MDOT and the operating railroad may need to access the property and/or close the pathway for maintenance activities, such as brush cutting, weed spray, and heavy track work.
- Any future pathway-relocation costs necessary to accommodate railroad or railroad-served industry purposes will be borne by the pathway owner.

FEDERAL TRANSPORTATION FUNDING:

- Proposed pathway may be ineligible for federal funding due to the limited type of access that can be granted. Federal investment typically requires ownership or easement.
- Pathways funded with federal dollars are required to comply with applicable Americans with Disabilities and American Association of State Highway and Transportation Official Standards (AASHTO).

RELATED FORMS:

- Request to Access State-Owned Rail Corridor (excludes Dearborn-Kalamazoo):
<http://mdotcf.state.mi.us/public/webforms/public/0772.pdf>
- Request to Access State-Owned Accelerated Rail Corridor (Dearborn-Kalamazoo):
<http://mdotcf.state.mi.us/public/webforms/public/1444.pdf>
- Diagnostic Study Team Review Request:
<http://mdotcf.state.mi.us/public/webforms/public/1425.pdf>

TRAIL RESOURCES:

- Michigan Department of Transportation (http://www.michigan.gov/mdot/0,4616,7-151-9615_11223---,00.html)
- Michigan Department of Natural Resources
(http://www.michigan.gov/dnr/0,4570,7-153-10365_16839---,00.html)
Possibly link to Rail to Trails Conservancy report or resources??
<https://www.railstotrails.org/build-trails/trail-building-toolbox/planning/rail-with-trail/>