



**CANADIAN
PACIFIC
RAILWAY**

Real Estate

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July 7, 2004

City of Milwaukee
Common Council and
City Plan Commission
809 N Broadway
Milwaukee WI 53202

RE: File No: 040219
Property Address: South 1st Pl and Seeboth St
Applicant: Key Bridge Group, Inc
Hearing Date: July 12, 2004

Dear Sir or Madam:

This is in response to the proposed re-zoning set out in the above referenced file and is intended to substitute for the railroad's attendance at the above hearing. As owners of facilities adjacent to the project, the Soo Line Railroad (dba Canadian Pacific Railway) hereby states for the record that the railroad opposes the re-zoning of the property due to the close proximity of new residential development to the railroad corridor.

The railroad realizes that land is a valuable commodity and that undeveloped areas in the metro area are in high demand for residential development. However, the railroad is inherently an industrial activity and, like it or not, we create various unavoidable impacts on our neighbors. During the last couple of decades, rail traffic volume has been on the increase, while at the same time the overall number of rail corridors has decreased, resulting in higher rail traffic on the remaining lines. The common philosophy among many city planners and the railroad industry is that the presence of a railroad should be taken into consideration when developing zoning or comprehensive plans. It is difficult, if not impossible, to relocate rail corridors. The preferred approach is to locate compatible land uses such as industrial or commercial areas along the right of way. Access to rail is a valuable resource. We suggest that planners employ efforts to use rail's existence to enhance the economic strength of the community.

If there is no alternative to developing residential housing near a rail corridor, there are a few measures that can be taken to mitigate the impact on future residents. First, construction should incorporate generous setbacks between the right of way and occupied dwellings. Green space or storage uses can be planned for areas closer to the right of way. Fencing should be required along all borders with the railroad to ensure the safety

of children, pets and others. In addition to setbacks, berming or other design features can soften noise and visual issues. Finally, it should be disclosed and emphasized to prospective purchasers of residential housing that they would be living next to a railroad track and that they should be aware and accepting of the situation that they would be moving into. Often, prospective homebuyers view a home site and are not aware of the proximity of the railroad track or visit at a time when there is no activity; later to discover that nighttime is a common time for through-train activity. For informational purposes, Canadian Pacific Railway has prepared a brief brochure that attempts to answer many of the common questions about railroad operations. This pamphlet was tailored for the Twin Cities area, but the substance applies to any metro area. I have enclosed a copy for your information.

I would appreciate that this letter be made of record during the review of the proposed rezoning and site plan. It is the railroad's preference that any proposal to develop residential housing immediately adjacent to the right of way be denied. As a backup position, we request that the City require that the developer include the previously mentioned mitigating measures in their design and that they be required to disclose to prospective purchasers the nature of the adjacent railroad operations.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Miller". The signature is fluid and cursive, with a large initial "B" and "M".

Bob Miller
Real Estate Tax Administrator
612-904-6145
Bob_Miller@cpr.ca

Enclosure