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June 6, 2024

TO: Property Owners adjacent to the Southwest Path between Edgewood Avenue to S. Breese Terrace

RE: Southwest Path Corridor Encroachment Management

The City of Madison recently entered into an updated agreement with Wisconsin Department of Transportation (WisDOT) and the South Central Rail Transit Commission (SCWRTC) allowing for the continued use and maintenance of a former railroad corridor as the Southwest Path Corridor. The Southwest Path is a heavily used and critical component of the City's transportation corridor, and an important recreational amenity. Since the Path's initial development in 2000, and despite an ordinance prohibiting the use, encroachments into the path corridor have grown significantly, raising concerns with WisDOT and SCWRTC.

Because of these concerns, as a condition of the updated agreement, the City is required to manage and address the encroachments within the WisDOT corridor. Section 8.15(2) of the Madison General Ordinances (MGO) was also updated to incorporate the terms of the new agreement.

In general, it is the intention of the City, WisDOT and SCWRTC to:

- Preserve the integrity of the transportation corridor and to protect the property rights of WisDOT and SCWRTC in the corridor; and,
- To prohibit any uses within the corridor which interfere with the operation or maintenance of the path, compromise the safety of path users, or conflict with the future rights of WisDOT and the SCRTC.

While City officials were able to secure approvals from WisDOT and SCWRTC for certain types of encroachments, many others will need to be addressed and either removed, permitted, or authorized.

As a property owner adjacent to the Southwest Path, the purpose of this letter is to inform you of the updated standards for encroachments along the Path and to let you know that the City will be commencing encroachment enforcement along the Path as required by our updated agreement. Notice to adjacent property owners have and will occur in phases over 2023 and 2024. Your property is located in the phase 5 area of the notification.

Encroachments into the corridor (phase 5) need to be removed or have in place the proper encroachment approval by September 1, 2024.

The table on the following page lists types of encroachments and necessary action.

REQUIRED ACTION	TYPE OF ENCROACHMENT
Not allowed, to be removed	play structures and equipment, storage of personal property
Allowed with WisDOT issued permit	permanent fence, retaining walls with poured concrete or mortared stone/masonry, stairs, all types of outbuildings (shed, chicken coop, garage, etc.), parking areas, patios, decks, fire pits, wood/stone/concrete/masonry paths
Allowed with Garden Letter documentation provided by the City of Madison and WisDOT	vegetable gardens including fence and cages, retaining walls over 24" (not concrete & not mortared stone/masonry)
Allowed, no action needed	ornamental plantings (grass, flower, shrubs, mulch, etc.) except within 15' of path, retaining walls 24" or less (not concrete & not mortared stone/masonry), temporary fencing 30" or less, construction fencing, unpaved footpaths including small steppingstones

City of Madison staff can be contacted at SWPath@cityofmadison.com. The WisDOT permitting and notification processes, as specified above, will be handled by WisDOT. Contact them directly at DOTrailroadandharborssection@dot.wi.gov for necessary approvals.

Please visit our website to review additional information. The agreement with WisDOT, pertinent MGO, land use application instructions and aerial view of the corridor with adjacent properties can be found at the project website: <https://www.cityofmadison.com/SWPath> .

Please note that the encroachments shown on the aerial view map are from preliminary evaluations and may or may not be accurate to current encroachments. Some of the information dates back to the original corridor survey when the path was installed in 2000. The property owners shall evaluate for themselves whether or not they have items encroaching into the corridor.

City of Madison staff and WisDOT staff will field review the phase 5 portion of the corridor for encroachments after the September 1, 2024 deadline. Any encroachments discovered at that time without proper approvals will be subject to enforcement under MGO 8.15, which may include removal and potential penalties.

Sincerely,

James M. Wolfe, P.E.
City Engineer

RFP: ajc
Cc by Email:

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