

SERVICE DATE – JANUARY 13, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 777

JOINT PETITION FOR RULEMAKING TO CONSIDER AMENDMENTS TO
REGULATIONS GOVERNING INTERIM USE OF RIGHTS-OF-WAY AS TRAILS
(49 C.F.R. PART 1152)

Decided: January 13, 2025

In a joint petition for rulemaking filed on December 20, 2024, the U.S. Department of the Interior (DOI) and the U.S. Department of Justice’s Environment and Natural Resources Division (ENRD) ask the Board to open a rulemaking proceeding to consider potential amendments to the Board’s regulations implementing section 208 of the National Trails System Act Amendments of 1983. (Joint Pet. 1.) Pursuant to the Board’s procedural rules,¹ replies to the joint petition originally were due by January 9, 2025.

On January 7, 2025, the Association of American Railroads (AAR) filed a request for an extension of time to reply to the petition. In a decision issued on January 8, 2025, AAR’s extension request was granted and the deadline was extended to January 29, 2025. Joint Pet. for Rulemaking to Consider Amends. to Reguls. Governing Interim Use of Rts.-of-Way as Trails (49 C.F.R. Part 1152) (January 8 Decision), EP 777, slip op. at 1 (STB served Jan. 8, 2025).

On January 10, 2025, the Board received requests for extensions of time from the Rails to Trails Conservancy (RTC), the Lassen Land and Trail Trust (LLTT), and the National Association of Reversionary Property Owners (NARPO). Each request seeks an extension of the original reply deadline, consistent with the extension granted in the January 8 Decision.² (RTC Mot. 1; LLTT Mot. 1; NARPO Mot. 1.) RTC’s filing also notes that DOI and NRDC consent to its request.

¹ Under 49 C.F.R. § 1104.13(a), a party “may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided.”

² Although LLTT’s motion requests an extension until January 31, 2025, (LLTT Mot. 1), LLTT also states that it seeks an extension “parallel to that sought by RTC and obtained by AAR,” (*id.*), both of which reflect a reply deadline of January 29, 2025, (RTC Mot. 1); January 8 Decision, slip op. at 1. LLTT’s motion will therefore be construed as requesting an extension until January 29, 2025.

The requests from RTC, LLTT, and NARPO are reasonable and will be granted. To ensure that all interested persons have an equivalent opportunity to respond to the joint petition, the reply deadline will be extended to January 29, 2025, for all interested persons.

It is ordered:

1. The requests for an extension of time to file a reply filed by RTC, LLTT, and NARPO are granted.
2. All replies to the December 20, 2024 joint petition for rulemaking are due by January 29, 2025.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.