

SERVICE DATE – JUNE 12, 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: June 12, 2025

In a joint petition for rulemaking filed on December 20, 2024, the U.S. Department of the Interior and the U.S. Department of Justice's Environment and Natural Resources Division (collectively, Petitioners) petitioned 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. (Pet. for Rulemaking 1.). The Board thereafter received comments on the petition from a number of interested stakeholders.

On March 11, 2025, Petitioners sought leave to reply to the comments and asked the Board to extend or waive the 120-day deadline for granting or denying the petition for rulemaking. See 49 C.F.R. § 1110.2(d). On April 8, 2025, the Board granted the waiver request, deferred ruling on the petition for rulemaking until further order of the Board, and permitted Petitioners to file a further submission by June 9, 2025.

On June 9, Petitioners requested additional time, until August 8, 2025, to submit any further filing regarding the petition for rulemaking. Petitioners state that their review of the record has taken longer than anticipated and they are unable to meet the June 9 deadline due to the pendency of many pressing matters following the change in Administration, the nature of the subject matter here, and the need to carefully review the comments submitted by stakeholders. On June 10, 2025, the National Association of Reversionary Property Owners (NARPO), one of the commenters, objected to the requested extension.

Considering the motion and objection, good cause exists to grant the extension request. Accordingly, the deadline for Petitioners to file a further submission will be extended until August 8, 2025.

It is ordered:

1. Petitioners' request for an extension of time is granted.

2. Petitioners may file a further submission by August 8, 2025.

3. This decision is effective on the date of service.

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