

DATED: January 27, 2025

COMMENTS FOR THE PROPOSED RULEMAKING EP-777 BY THE U.S.

Department of Justice on 49 CFR 1152.29

By the NATIONAL ASSOCIATION OF REVERSIONARY PROPERTY OWNERS
(NARPO)

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On June 9, 2025 the Department of Justice (DOJ) in a Joint Petition with ENRD is asking the STB for an extension of the June 9, 2025 deadline for DOJ and ENRD to file comments to their proposed Rulemaking EP-777 of December 20, 2024. NARPO strongly opposes any extension of the June 9, 2025 extended comment period. The STB has already waived once the 120 day comment deadline established under 49 CFR 1110.2(d) for 90 days. The Board should deny the DOJ and ENRD proposed Rulemaking EP-777 extension request.

This is another DOJ obfuscation, stalling and delaying tactic the DOJ has used the past 37 years in how the DOJ handles property owner just compensation claims before the U.S. Federal Court of Claims on rails to trails compensation claims.

NARPO has been waiting for the STB to act on EP-777 so NARPO can file their own set of proposed rule changes to the rails to trails rules of the STB, 49 CFR 1152.29 which has a proposed rulemaking number of EP-778. If the DOJ and ENRD have not come up with answers to the simple rule changes they proposed in EP-77 by their predecessors, then maybe they are in the wrong careers. Another 90 day time extension will not cure the problems with EP-777 or the current DOJ and ENRD's understanding of EP-777.

On January 27, 2025 in Comments to the STB in EP-777, NARPO has already explained the problems with the proposed Rulemaking by DOJ and ENRD.

The STB should deny any extension of EP-777 and dismiss the proposed Rulemaking EP-777.

All parties of record have been served a copy of the Comment via email.

Richard Welsh--NARPO