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Humboldt Trails Council  
Post Office Box 7164  
Eureka, CA 95502

July 8, 2019

RE: Docket No. EP 749 (Sub-No. 1) – Limiting Extensions of Trail Use Negotiating Periods;  
Docket No. EP 753 – Rails-to-Trails Conservancy—Petition for Rulemaking

Ms. Allison C. Davis, Acting Director  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW Washington, DC 20423

Dear Ms. Davis,

These comments, filed on behalf of the Humboldt Trails Council, are in support of the rule modification proposed by the Surface Transportation Board (STB) to establish a one-year period for any initial interim trail use negotiating period, instead of the existing 180 days; to permit up to three one-year extensions of the negotiating period; and to permit additional one-year extensions if the trail sponsor and the railroad agree and good cause is shown.

We agree with the STB that the proposal effectively balances the interests of all affected parties and stakeholders. We also applaud the STB's conclusion, presented in RTC's rulemaking petition, that the establishment of a one-year initial negotiating period would more closely reflect the actual time needed to complete railbanking negotiations, while reducing burdens on trail use proponents, railroads and the STB alike. We also support the decision to revise the prior outstanding notice of proposed rulemaking to substitute the more lenient "good cause" standard for the "extraordinary circumstances" standard initially proposed.

Humboldt Trails Council has only been involved with railbanking this past year. We supported Calif. State Senator Mike McGuire's bill (SB 1029) to transition portions of the North Coast Rail Authority's 300 miles of rail rights-of-way into a multiuse trail. We anticipate assisting in the process of filing to railbank and our hiking community will benefit in the future with this proposed rule modification.

However, we do not support the language that additional extensions beyond three "are not favored" as part of the good cause standard. The language suggests an unnecessary presumption against granting additional extensions even where no prejudice would result to any party. Such a standard would undermine the purposes of the railbanking law based on vague and unsubstantiated concerns about reducing "uncertainty for some property owners." We urge the Board to adopt the rule modification proposed in Docket No. EP 749 (Sub-No. 1) et al., including the "good cause" standard for granting extensions, but request that the Board eliminate the language indicating that more than three extensions are "not favored."

Thank you for your consideration,

*Karen Underwood*

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