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Office of Proceedings

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RE: Docket No. ^{EP}~~X~~749 (Sub-No. 1) Limiting Extensions of Trail Use Negotiating Periods

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

Dear Ms. Davis:

I support the modification proposed by the Board to establish a one-year period for any initial interim trail use negotiating period and 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.

However, I do not support the language that additional extensions beyond three "are not favored" as part of the good cause standard. Either there is good cause for extension or there is not. The Board should not imply a

presumption ("not favored") as to a matter where both the Congress and the Board itself has found there to be a compelling public interest.

My interest in this matter arises because I have been involved with both sides of trail transactions. I am a Board member and past Chairman of the Rails-to-Trails Conservancy and I was a senior officer of Conrail and later Genesee & Wyoming having responsibility in both cases for line sales and real estate matters. Trail transactions take a long time to consummate, and a "good cause" standard is sufficient to determine whether that time is being prudently spent. "Good cause" is the proper standard to protect the interests of all parties.

Yours very truly,

[Handwritten signature]