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**Rails-To-Trails of Wayne County**

**P.O. Box 1566**

**Wooster, Ohio 44691**

**June 19, 2019**

**RE: Docket No. EP 749 (Sub-NO. 1)-Limiting Extensions of Trail Use Negotiating  
Periods; Docket No. EP753-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 Rails-To-Trails of Wayne County, 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.

There is currently a CSX rail line in Wayne County and Medina County, that is unused and likely to be abandoned, which could be used to connect one of our rail trails to one of Medina County's rail trails. While we do not yet know the plans of CSX, railbanking might be an option for us to acquire it.

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-No1) et al., including the "good cause" standard for granting extensions, but request that the Board eliminate the language that more than three extensions are "not favored."

Thank you for your consideration,

A handwritten signature in cursive script that reads "Don Noble".

Don Noble, President, R.T.W.C.