

Docket #: EP -749 -1 -

Zorika Henderson

7 Sunny Knoll

Ithaca, NY 14850-9616

hendersz150@gmail.com

ENTERED
Office of Proceedings
October 31, 2018
Part of
Public Record

I fully support NARPO's proposal for a maximum of six 180-day periods for Notice of Interim Trail Use (NITU) extensions. This is more than ample time to take away people's property. Ideally, in fairness to property owners, there would be no extensions at all.

There is no railroad bed on my property, but I am concerned about property rights, wildlife habitat, farmland, and overall land conservation.

The rail-banking act of 1983 was unjust, instantly seizing property from property owners across the country without any advance notice of the proposed law or legal due process. Nearly all railroad bed easements in the U.S. were supposed to revert to the property owners when railroad lines ceased use of the railroad beds. Few railroad bed owners were aware of the proposed rail-banking act at the time and had no opportunity to protest the takings.

Owners of railroad beds, now referred to as abutters, are regarded as second-class citizens without the same rights as other property owners. Having a public thoroughfare through private properties, often bisecting the properties, is in itself a violation of rights and creates personal hardships. Amplifying the violations is that trail users typically leave trails and regard the entire surrounding land as public property. Trail proponents should consider how they would feel if their own properties were suddenly thrown open to the public, where their hard-earned private spaces that they pay for with mortgages and taxes no longer provide privacy or equal rights.

Trails are a different type of infrastructure than roads, streets, and sidewalks, whose public use is confined to the infrastructure itself and in which there are many passersby (including police) who can help monitor behavior. Unlike trails, traditional infrastructure doesn't cross into private property and open it up to the public.

Anyone who cares about farmland and a healthy agricultural sector should be opposed to trails that cross farms and make farming even more difficult than it already is. The country's food supply depends on agriculture and the support of farmers. Livestock, crops, farm machinery, and overall farm activities are incompatible with having large numbers of strangers interfering with farm operations, as well as opening the farmers to legal liability.

Trail proponents sometimes use the dismaying argument that trails are environmental assets. Trails create fragmentation of wildlife habitat, all the more so because of the constant human activities and illegal trails going in all directions from the "official" trails. In contrast, railroad bed use by trains is physically limited and occasional enough that wildlife can better coexist with it rather than being driven out. Abandoned railroad beds that are allowed to revert to property owners--and to nature--are the most environmentally friendly of all.

A rule change that would limit NITU extensions to six 180-day periods is a modest but much-needed reform that would help property owners regain at least the bare minimum of legal standing.