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Cynthia Brown

Chief, Section of Administration Surface Transportation Board

Office of Proceedings

395 E Street, SW

Washington, DC 20423

RE—EP-749-1 PROPOSED RULEMAKING TO LIMIT NITUs TO A
MAXIMUM OF THREE (3) One Year EXTENSIONS

Dear Ms. Brown,

Please accept my comments **IN FAVOR** of Limiting Notice of Interim Trail Use to a maximum of THREE (3) One Year extensions, with exceptions being limited to EXTRAORDINARY CIRCUMSTANCES.

I can support one (1) year extensions, with a maximum number of three (3) extensions (three years) for trail groups to finalize agreements. However, the exception proposed by the STB as "good cause" is NOT acceptable. It is far too general, too subjective, and without definition. "Good Cause" can include reasons such as "the dog ate my trail agreement and we did not make the deadline", or anything similar, related or unrelated, to the administrative process. A more acceptable and reasonable excuse to provide NITU extensions would ONLY be by "extraordinary circumstances" and would include "circumstances beyond a party's control that normal prudence and experience could not foresee, anticipate or provide for", relating and limited to the normal administrative procedures for granting NITU extensions. Otherwise, it is very likely there will be endless "good cause" excuses making the proposed rule change worthless.

In addition, exceptions and extensions by this proposal, should remain viewed as “UNFAVORABLE” in order to discourage trail groups from making exception attempts beyond three (3) NITU extensions numerous and “standard procedure” thus circumventing the spirit of this limiting proposal.

Respectfully,

James Falcsik

Irwin, PA 15642