



State of New Jersey

Department of Environmental Protection

Green Acres Program

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Docket EP-749-1 – Proposed Rulemaking to Limit NITU's to a Maximum of Six (6) 180-Day Extensions

Dear Ms. Brown,

This letter is in response to a proposed rule by the Surface Transportation Board regarding railbanking. We understand the Board seeks to limit the number of extensions of the trail use negotiation period to six, or essentially three years.

The purpose of railbanking is to preserve our country's railroad corridors and allow for interim trail use. Railbanking has not only transformed thousands of communities across the country by providing safe public spaces for recreation and transportation, it has also preserved thousands of miles of rail corridors that would otherwise have been abandoned. Assembly of these rights-of-way in modern times would be nearly impossible. Railbanking keeps rail corridors intact.

Imposing a 3-year limitation on negotiations would greatly obstruct – and in some cases prevent – railbanking. According to data collected by the Rails-to-Trails Conservancy, of the 393 successfully railbanked corridors, at least 65 of them took more than 3 years of negotiation between the railroad and the CITU/NITU holder to complete. There are a variety of reasons that negotiations may need to be extended, including: federal and state regulatory processes (e.g., environmental assessments), the trail manager's ability to secure state or federal funds for acquisition, and appraisal disputes. We do not believe there is a need to limit railbanking negotiations. The process of railbanking, including agreement to extend negotiations, is completely voluntary for the railroad.

New Jersey has 175 miles of potential rail-trail and 20 rails-to-trails projects under development. As the most densely populated state in the nation, and being veined with rail corridors, New Jersey could miss out on potential alternative modes of transportation as well as increased recreational opportunities if the rail banking process is hindered.

New Jersey's Green Acres Program was created in 1961 to meet New Jersey's growing recreation and conservation needs. Together with public and private partners, Green Acres has protected nearly 700,000 acres of open space and created hundreds of outdoor recreational facilities in communities around the state. We are very cognizant of the need to complete land acquisition projects as expeditiously as possible, but we also know that transactions can be complex and require additional time and attention. New Jersey has had great success in creating important recreational corridors, including some that have taken years to complete. We urge you to reconsider your proposed time limit.

If the Board believes a limit must be established, we suggest you change the initial railbanking/interim trail negotiating period to one year (instead of 180 days) for any initial and subsequent negotiating periods.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Martha S Sapp". The signature is written in a cursive, flowing style.

Martha Sullivan Sapp
Director