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April 11, 2019

Via electronic filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

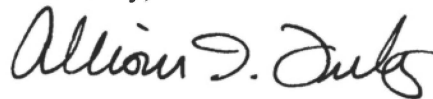
Re: Petition of Rails-to-Trails Conservancy to Institute a Rulemaking Proceeding,
STB Docket No. EP 753

Dear Ms. Brown:

Enclosed please find for filing in the above-captioned proceeding the comments of the City of Chicago in support of the Petition of the Rails-to-Trails Conservancy.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Allison I. Fultz
Counsel for City of Chicago, Illinois

cc: All Parties of Record

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. EP 753

**PETITION OF RAILS-TO-TRAILS CONSERVANCY TO INSTITUTE A
RULEMAKING PROCEEDING**

**COMMENTS OF
THE CITY OF CHICAGO**

Communications with respect to this pleading
should be addressed to:

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Counsel for City of Chicago, Illinois

Dated: April 11, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. EP 753

**PETITION OF RAILS-TO-TRAILS CONSERVANCY TO INSTITUTE A
RULEMAKING PROCEEDING**

**COMMENTS OF
THE CITY OF CHICAGO**

The City of Chicago (City) submits the following comments in the above-captioned proceeding in support of the Rails-to-Trails Conservancy's (RTC) petition to institute a rulemaking. On March 22, 2019, RTC filed its petition to propose that this Board amend its interim trail use regulations at 49 C.F.R. § 1152.29 to (a) establish a one-year period for any initial interim trail use negotiating period and (b) codify the Board's authority to grant extensions of the negotiating period for good cause shown.

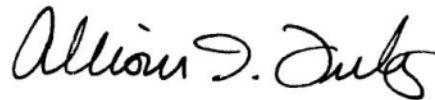
Since the 1983 enactment of Section 8(d) of the National Trails System Act Amendments, codified at 16 U.S.C. § 1247(d), a significant body of transactions has created hundreds of protected, railbanked corridors across the U.S. These efforts reveal that the time required to negotiate a trail use agreement, assemble funding for the acquisition of real property rights associated with the corridor, and obtain related regulatory approvals frequently exceeds the 180 day period currently set forth at 49 C.F.R. §§ 1152.29(c)(1) and (d)(1). Accordingly, parties frequently seek extensions of the initial negotiating period. Setting the default negotiating period at one year and allowing further one year extensions upon a showing of good cause will provide a

reasonable window within which to complete railbanking transactions and will reduce the administrative effort required of the Board in connection with extension requests.

Conclusion

For the foregoing reasons, the City respectfully requests that this Board initiate a rulemaking proceeding as requested by RTC.

Respectfully submitted,



Edward N. Siskel – Corporation Counsel
Jared Policicchio – Supervising Assistant
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Counsel for City of Chicago, Illinois

Dated: April 11, 2019

April 12, 2019

Via electronic filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Petition of Rails-to-Trails Conservancy to Institute a Rulemaking Proceeding,
STB Docket No. EP 753

Dear Ms. Brown:

Enclosed please find for filing in the above-captioned proceeding the Certificate of Service of the comments of the City of Chicago, filed on April 11, 2019.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Allison I. Fultz
Counsel for City of Chicago, Illinois

cc: All Parties of Record

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the
COMMENTS OF THE CITY OF CHICAGO, filed in docket STB EP 753 on April 11,
2019, upon the following parties of record by first-class mail with postage prepaid and
properly addressed:

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A handwritten signature in black ink, reading "Allison I. Fultz". The signature is written in a cursive, flowing style.

Allison I. Fultz

Dated: April 12, 2018