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June 19, 2019

Ms. Allison C. Davis
Acting Director
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: Docket No. EP 749 (Sub-No. 1) – Limiting Extensions of Trail Use
Negotiating Periods; Docket No. EP 753 – Rails-to-Trails Conservancy—Petition
for Rulemaking

Dear Ms. Davis,

These comments, filed on behalf of Parks & Trails New York (PTNY), are in support of a petition by Rails-to-Trails Conservancy (RTC) for 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.

PTNY is New York's leading statewide parks and trails advocacy organization. For over 30 years, the organization has pursued a vision in which all New Yorkers have close access to parks and trails that they can use for recreation and transportation. In addition to serving as a technical resource, PTNY advocates for federal and state-level policies that support the development of these vital spaces. Over its many years in the field, PTNY has witnessed transformation of several railbanked corridors into multi-use trails that enrich communities, including the parts of the Erie Cattaraugus Rail Trail and the Albany County Helderberg Hudson Rail Trail.

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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-No.1) et al., including the “good cause” standard for granting extensions, but request that the Board eliminate the language indicating that more than three extensions are “not favored.”

Thank you for your consideration,

A handwritten signature in cursive script, reading "Robin Dropkin". The signature is fluid and elegant, with a large initial "R" and a long, sweeping underline.

Robin Dropkin
Executive Director