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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 753 – Petition for Rulemaking

Dear Ms. Brown:

These comments are filed on behalf of Consolidated Rail Corporation (Conrail) 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 and codify the STB's authority to grant extensions of the negotiating period for good cause shown.

Rails-to-Trails benefits the communities in many ways. Above all, it provides safe pathways for public use. The trails offer use of railroad property through consensual transactions that would otherwise be left abandoned. There are many contributing factors that allow this kind of development to be successfully completed. Many issues arise during the rail banking negotiations due to the complexity of these transactions, which can result in needing more than 180 days to complete. Funding for these projects oftentimes does not coincide with the timeframe for negotiations. Historical and environmental research has to be undertaken. The real estate property at issue requires sufficient time properly document and transfer. Extending the initial negotiation time to a year would allow the process to continue without unnecessary delays or administrative burdens for the STB. This would tremendously benefit not only the railroad, but also the potential trail use proponent. It would lessen the burden of unnecessary administrative work for requesting an extension in the midst of negotiations.

As the Board knows, Conrail has been involved in many lengthy Rails-to-Trails transactions that have taken many years to complete. Whether it be the Highline in New York, the Trail created in the Grand Canyon of Pennsylvania in the early 1990s, or the current Harsimus Branch matter, these proceedings can become quite complex and difficult. Extending the initial time period to one year avoids needless burden to both railroads and trail use proponents. The current frequent-filing obligation is particularly burdensome to railroads engaged in multiple rail banking deals at the same time.

Furthermore, establishing an initial one-year period and codifying the Board's authority to grant extensions for "good cause" creates certainty, reduces disruptions, and in turn, increases the efficiency for all stakeholders.

Based on Conrail's substantial experience with rail banking negotiations before the STB, we urge the Board to adopt RTC's proposed rule in Docket No. EP 753. If you have any questions regarding this matter, please feel free to contact me at Jonathan.Broder@conrail.com or 215-209-5020. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan M. Broder". The signature is fluid and cursive, with the first name "Jonathan" being more prominent and the last name "Broder" following in a similar style.

Jonathan M. Broder

Vice President – Corporate Development and Chief Legal Officer