



10/30/18

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

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

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Dear Ms. Brown,

These comments, filed on behalf of Bike Friendly West Bend, are in opposition to a proposed rule by the Surface Transportation Board to require that the number of extensions of the trail use negotiation period not exceed 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, including West Bend, WI, 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 to occur. Of the 393 successfully railbanked corridors, 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 extend, including: federal and state regulatory processes (environmental assessment, e.g.), the trail manager's ability to secure state or federal funds for acquisition, and appraisal disputes. There is no reason to limit railbanking negotiations. The process of railbanking, including agreement to extend negotiations, is completely voluntary for the railroad. "Reversionary property owners" have available to them means of compensation through this process as well.

The Eisenbahn State Trail is an example of a railbanking rails to trails conversion. The trail connects four cities along its 20 mile length. Nearly 6,000 users frequented one section of the trail in West Bend Wisconsin, based on a two week trail user survey conducted in the summer of 2016. As such, the trail is an important part of the transportation network. Reductions in the duration of the negotiation period will be harmful to future efforts similar to the Eisenbahn, to enhance the transportation network, often for people who don't have other viable transportation alternatives.

Thank you for your consideration,

Jeff Puetz
President
Bike Friendly West Bend



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