

EP 749 (1)

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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:

The Virginia Bicycling Federation is opposed to a proposed rule by the STB to require that the number of extensions of the trail use negotiation period not exceed six, or essentially three years.

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.

Examples in Virginia include the Virginia Creeper Trail, New River Trail and W&OD Trail in Northern Virginia. These corridors are used by millions of users each year and vastly improve the quality of life in the communities they serve.

Imposing a 3-year limitation on negotiations would greatly obstruct – and in some cases prevent – railbanking to occur. Per data from the Rails to Trails Conservancy, 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 current program has worked well over the past 35 years and we believe that changing this is a mistake.

Thanking you for your consideration, I am

Sincerely,

Champe Burnley,
President