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Barney and Gerianne Buckley
4851 S. Palouse River Rd.
Colfax, WA 99111
October 25, 2018

RE: EX-PARTE-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

Dear Ms. Brown,

We are landowners next to a rail line that is out of service. We support the petition of the National Association of Reversionary Property Owners for the proposed Rule to limit NITU's to a maximum of six. We request that the Surface Transportation Board enact this Rule.

The petition from NARPO listed several instances where STB granted extensions of NITU's that spanned many years. It is our opinion that the STB is a government board that has a wide range of decision making abilities. With those abilities come the responsibility to give all parties equal access and a level playing field to the process. Set time frames on negotiations keep all parties on a time line that makes negotiations meaningful and effective. Beyond the examples cited in the petition, we know that it is common practice for many parties in many issues to wage a war of attrition on their opponents, using endless procedural extensions to wear down the other side. We feel that when a board grants continued extensions in a process, the board is enabling one party to take advantage of the system, to the detriment of the rights of the other party.

In our case, this rule may come into play in the future. We are landowners next to a rail line and we have a deed that sold an easement to the railroad, for rail purposes only. The current owner of the rail line is the State of Washington. This rail line has been out of service for over 11 years. There is a local group that is pushing for a trail on the property. The group gained the assistance of the National Parks Department to run information gathering meetings on the future of the rail line. It became apparent that the results of the information and study were to be a forgone conclusion, a trail. This is one of many hurdles placed in front of property owners. It is also noted that Congress, when enacting the Trails Act, gave the back of their hand to the private property rights of adjoining landowners when a line is rail banked. We also see that the City of Seattle comments often against the petitions from NARPO. In the "other Washington" (State), the greater Seattle area has a very high concentration of radical environmentalists and left leaning residents, a voting block that overpowers other views in the State. Seattle is using tax dollars to advance their opinion, an advantage citizens in other parts of the State do not have.

These factors listed above are just a few of the attacks on private property rights, and procedures that are weighted against landowners. The STB can have the power to keep negotiations on trail use agreements on track and timely. This Rule can give similar negotiating ability to all parties in this rather small, but very important procedure. We ask that the STB recognize their responsibility to make the system fair for all involved, and approve this Rule.

Sincerely,

Barney P. Buckley
Gerianne M. Buckley

Signed electronically
4851 S. Palouse River Rd
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99111