

Sierra Club
50 F Street, NW, Eighth Floor
Washington, DC 20001

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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

Dear Ms. Brown,

These comments, filed on behalf of the Sierra Club, are in opposition 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.

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, 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 from occurring. According to data collected by the Rails-to-Trails Conservancy, of the 393 successfully railbanked corridors, at least 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.

If the STB were to consider changes related to railbanking negotiations, a suggested improvement would be to change the initial railbanking/interim trail negotiating period to establish a one-year period (instead of 180 days) for any initial and subsequent negotiating periods. From experience in numerous states including Virginia, Missouri and California, negotiations between railroads and Interim Trail Users almost always extend beyond the short 180-day timeframe, creating additional and unnecessary obstacles for both the railroad and the Interim Trail User.

Thank you for your consideration,

John Coequyt
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