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Office of Proceedings
October 31, 2018
Part of
Public Record

October 31, 2018

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,

Missouri Rock Island Trail, Inc. is writing to go on record against the proposed rule limiting the number of extensions of the trail use negotiation period to not exceed six, or essentially three years. That would have eliminated the railbanking of our 144 mile Rock Island Trail that now nears success.

The purpose of railbanking is to preserve our country's railroad corridors from abandonment. Assembly of rights-of-way and reaching agreements can be complicated. However, it is vitally important so rule changes should make the process easier, not harder. A 3-year limitation on negotiations would reduce the numbers and miles of successfully rail-banked corridors. Of the 393 successfully railbanked corridors to date, 65 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. The process of railbanking, including agreement to extend negotiations, is completely voluntary for the railroad. "Reversionary property owners" already have available to them a means of compensation through this process.

An improvement to the process 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. We understand negotiations between railroads and Interim Trail Users almost always extend beyond the 180-day timeframe. A one-year initial timeframe would benefit the STB, railroads and Interim Trail Managers.

Thank you.

Greg Harris