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July 1, 2019

Ms. Allison C. Davis, Acting Director,
Office of Proceedings,
Surface Transportation Board,
395 E. Street, SW
Washington, DC 20423

Re: Rule Modification Docket # EP 749 (Sub-No.1)

Dear Ms. Davis,

These comments are in support of the rule modification proposed by the Surface Transportation Board (STB) to establish a one-year period for any interim trail use negotiating period, instead of the existing 180 days; to permit up to three one-year extensions of the negotiating period; and to permit additional one-year extensions if the trail sponsor and the railroad agree and good cause is shown.

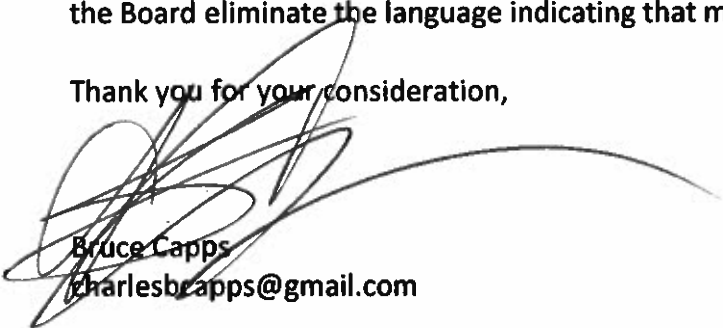
I agree with the STB that the proposal effectively balances the interests of all affected parties and stakeholders. I also applaud the STB's conclusion, presented in RTC's rulemaking petition, that the establishment of a one-year initial negotiating period would more closely reflect the actual time needed to complete railbanking negotiations, while reducing burdens on trail use proponents, railroads and the STB alike. I also support the decision to revise the prior outstanding notice of proposed rulemaking to substitute the more lenient "good cause" standard for the "extraordinary circumstances" standard initially proposed.

Although not exactly on point our experience in Albany, GA suggests that the extra time could especially help rural areas where multiple jurisdictions and considerable local suspicion might take inordinate amounts of time to overcome. The modifications endorsed by RTC might provide enough time to address some of these and related issues.

However, I cannot support the language that additional extensions beyond three "are not favored" as part of the good cause standard. The language suggests an unnecessary presumption against granting additional extensions even where not prejudice would result to any party. Such a standard would undermine the purposes of the railbanking law based on vague and unsubstantiated concerns about reducing "uncertainty for some [property owners]."

Accordingly, I urge the Board to adopt the rule modifications proposed in Docket No. EP 749 (Sub-No.1) et al., including the "good Cause" standard for granting extension, but request that the Board eliminate the language indicating that more than three extensions are "not favored."

Thank you for your consideration,



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