



246616

Bicycle Colorado  
1525 Market Street  
Denver, CO 80202  
October 31, 2018

ENTERED  
Office of Proceedings  
October 31, 2018  
Part of  
Public Record

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 Bicycle Colorado 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 to occur. 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.

Bicycle Colorado is a 26-year old non-profit that advocate for making riding a bicycle safe and accessible for everyone. Converting former rail lines into trails not only serves this purpose, it is an essential component of our tourism economy and contributes to health and wellness of residents and tourists to our state. Thanks to railbanking, we have numerous trails in Colorado that were formerly rail lines. A few examples include:

- Animas River Trail - Durango
- Arkansas River Walk - Cañon City
- Rio Grande Trail - Glenwood Springs to Aspen



- Great Western Trail - Windsor, Severance and Eaton
- New Santa Fe Regional Trail - Monument and Colorado Springs
- 10-mile Canyon Trail - Copper Mountain to Vail
- Blue River Bikeway - Breckenridge
- Fraser River Trail - Winter Park to Fraser Colorado
- Mineral Belt Trail - Leadville
- Uncompahgre Riverway Trail - Montrose
- Rock Island Regional Trail - Falcon to Peyton
- Galloping Goose Trail - Telluride

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 Colorado, 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,

Peter Piccolo  
Executive Director  
Bicycle Colorado  
720.273.1718