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Missouri Park & Recreation Association
The Musco Lighting Building
2018 William St.
Jefferson City, MO 65109
June 17, 2019

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Office of Proceedings
June 17, 2019
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Public Record

RE: Docket No. EP 749 (Sub-No. 1) – Limiting Extensions of Trail Use Negotiating Periods; Docket No. EP 753 – Rails-to-Trails Conservancy—Petition for Rulemaking

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

Dear Ms. Davis,

These comments, filed on behalf of Missouri Park & Recreation Association and our 2,000+ members, are in support of the rule modification proposed by the Surface Transportation Board (STB) to establish a one-year period for any initial 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.

We agree with the STB that the proposal effectively balances the interests of all affected parties and stakeholders. We 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. We 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.

Many Missourians have benefitted greatly from railbanking projects in the past, most notably the crown jewel of Missouri State Parks, the Katy Trail State Park. The Katy Trail provides a non-motorized corridor that nearly connects Kansas City to St. Louis. Missouri Department of Natural Resources Division of State Parks is currently in discussion/negotiations to expand this trail system to create a loop with the addition of the Missouri Rock Island Trail system. Negotiations are ongoing and well into the first 180-day extension. The one-year initial period would have greatly benefited both parties on this particular project, specifically in the eyes of the Missouri House of Representative and Senate. Things move like molasses in government, and the additional time would be one less hurdle to overcome.

However, we do not 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 no 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."

We urge the Board to adopt the rule modification proposed in Docket No. EP 749 (Sub-No.1) et al., including the “good cause” standard for granting extensions, but request that the Board eliminate the language indicating that more than three extensions are “not favored.”

Thank you for your consideration,

A handwritten signature in black ink that reads "Gary Gates". The signature is written in a cursive, flowing style.

Gary Gates

Executive Director

Missouri Park & Recreation Association