



409 E. Monument Ave.
Third Floor
Dayton, Ohio 45402-1260

Phone (937) 275-7275
Fax (937) 278-8849

metroparks.org

October 30, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

246647

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

Dear Ms. Brown,

These comments, filed on behalf of Five Rivers MetroParks, a Park District in Montgomery County, Ohio, 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, exercise, 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 significantly obstruct – and in some cases prevent – railbanking to occur. Of the 393 corridors successfully railbanked, 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.

The recreation trail system in Montgomery County, Ohio, links to the trail system in seven other counties, providing over 340 miles of connected, paved trails, the largest network in the nation. Our

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trail system has thrived on the opportunities afforded by the area's rail corridors. It affords hundreds of thousands of regional user's feasible transportation routes, exercise options, and recreation activities.

Within this trail system, Five Rivers MetroParks acquired, built, and continues to operate three trails on former rail corridors totaling nearly 19 miles.

Wolf Creek Trail	12.8 miles	16,700 annual users
Creekside Trail	4.0 miles	38,000 annual users
Iron Horse Trail	2.1 miles	(no data collected)

The steps are required in negotiating railway corridors have exceeded three years, even when the process has gone well. Grant funding schedules, railway negotiations, and additional land acquisition all require time to execute. When purchase relies on grant awards, the grant application timing, review of applications, grant award, and provision of funds can span more than a year. Frequently, sale of corridors is not at the top of railroad company's priority list, and so each step of negotiation, contract execution, and closing can take months. If additional land is required to complete a trail connection, those properties must be secured to ensure the integrity of the trail system. In those cases, the acquisitions must fall within the period of railway corridor acquisition and may require additional time.

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 our experience in Montgomery County, Ohio, 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.

Sincerely,



Carrie A. Scarff
Chief of Planning and Projects

