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November 1, 2018

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

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 Parks & Trails New York (PTNY), are in opposition to a proposed rule by the STB to limit the trail use negotiation period for railbanking agreements to three years.

By facilitating interim trail use of unused railroad corridors, railbanking has provided thousands of miles of safe and accessible recreational space, in communities across the country. It preserved thousands of miles of rail corridors that would otherwise have been abandoned, a preservation of rights-of-way that otherwise would have been impossible.

Imposing a three-year limitation on negotiations would greatly limit railbanking as a corridor preservation method. Of the 393 successfully-railbanked corridors, 65 took more than three years of negotiation between the railroad and the CITU/NITU holder to complete. There are a variety of reasons that negotiations may extend, including regulatory processes (e.g. environmental assessment), a trail manager's ability to secure 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.

PTNY is the leading statewide parks and trails advocacy organization. For over 30 years, the organization has pursued a vision in which all New Yorkers have close access to parks and trails that they can use for recreation and transportation. In addition to serving as a technical resource, PTNY advocates for federal and state-level policies that support the development of these vital spaces. Over its many years in the field, PTNY has witnessed transformation of several railbanked corridors into multi-use trails that enrich communities, including the Erie Cattaraugus Rail Trail and Albany County Helderberg Hudson Rail Trail. These trails generate thousands of uses annually, and make their communities better

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places to live, work, and play. However, it took longer than three years for railbanking agreements to be negotiated in both cases.

If the STB does 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 New York, 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,

A handwritten signature in black ink, appearing to read "Robin Dropkin". The signature is fluid and cursive, with the first name "Robin" and last name "Dropkin" clearly distinguishable.

Robin Dropkin
Executive Director