

PA-TEC



Ms. Allison C. Davis

Acting Director

Office of Proceedings

Surface Transportation Board

395 E Street, SW

Washington, DC 20423

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Office of Proceedings
July 8, 2019
Part of
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**

Dear Ms. Davis:

These comments, filed on behalf of **Pennsylvania Transit Expansion Coalition (PA-TEC)**, are to voice displeasure and established a vote of “no 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 rather than the existing 180 days.

PA-TEC supports the established time frame of three one (1)-year extensions for Notice of Interim Trail Use (NITU) in this rulemaking. We do not support further extensions beyond three years for “good cause.” The term “good cause” is not an acceptable or measurable term. It is too lenient, too broad and too subjective a term; it can easily be abused by any private or public interest acting on behalf of developers, consortium groups, private interests or a wealth of dark money organizations. This results in bad public policy, will hurt adjacent property owners and can otherwise destroy important rail infrastructure. Any extension beyond three years should be for explicitly defined “extraordinary circumstances” or otherwise deemed “unfavorable.”

PA-TEC urges the Board to **annul** and **vacate** the rule modification proposed in the consolidated proceedings of Docket Nos. EP 749 (Sub-No. 1) and EP-753, including the “good cause” standard for granting extension. We request that the Board **retain** language indicating that more than three extensions are deemed “unfavorable.”

Sincerely,

Peter Sallis

Pennsylvania Transit Expansion Coalition