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Docket #: EP-749-1

Subject: In support of improving the STB's proposed rules

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Group/Affiliation: Nebraska Trails Foundation, Platte PEER Group Boardmember

Message:

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Nebraska Trails Foundation Board member

Platte PEER Group Board member

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 _____, 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.

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,

Jason J Buss

308.227.8703

I appreciate your help to share my message, as a constituent of Senator Deb Fischer, serving on the boards of the Nebraska Trails Foundation and Platte PEER Group.

An example of success is The Dark Island Trail, a 10 mile stretch of trail in Central Nebraska hosts dozens of events and regular trail visitors from all over the country as a Passport Nebraska stop in 2018. Our rail to trail project features a 1000ft bridge over the Platte River. These rule changes will directly impact the cities such as Aurora and Palmer, which hope rail abandonment will soon permit this trail to extend and connect more communities.

Failures of such projects create painful gaps to solve, such as the 9 mile gap (between Lincoln and Omaha) in an otherwise continuous 230-mile network of connected trails that traverses four states, connecting Marysville, Kansas, just south of the Kansas-Nebraska border with Blanchard, Missouri by way of Beatrice, Lincoln, Omaha, Council Bluffs, and Shenandoah. Resolving such issues outside of this process, without the help of these rule changes, will endanger the continuity of such critical projects.