



248125

248126

ENTERED
Office of Proceedings
July 8, 2019
Part of
Public Record July 8, 2019

Georgia Bikes
PO Box 1952
Macon GA 31202

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 Georgia Bikes, 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."

While Georgia Bikes does not directly engage in railbanking, we work with a number of organizations around the state (Firefly Trail Inc and Central Georgia Rail-to-Trail Association) who would benefit from these rule changes as they encourage local governments to build rail-to-trail projects. We need more rail-to-trail projects in Georgia, not just in big cities but also in small to medium sized cities and in rural communities. With 159 counties and thousands of municipal



jurisdictions, trail building can be complicated and time consuming, even in situations where all parties want a trail to happen. Please extend the interim negotiating period to help organizations and local governments in our state build trails for health, wellness, recreation, and transportation.

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.

Sincerely,

Elliott Caldwell
Executive Director
Georgia Bikes