

Boone County Conservation District
603 North Appleton Road
Belvidere, Illinois 61008

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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 the Boone County Conservation District 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.

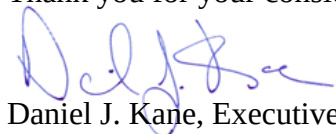
We agree with the STB that the proposal effectively balances the interests of all affected parties and stakeholders. We also applaud the STB's conclusion, presented in RTC's rulemaking petition, that the establishment of a one-year initial negotiating period would more closely reflect the actual time 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.

The Boone County Conservation District has a railbanked property that was developed as the Long Prairie Trail in north central Illinois. This trail is enjoyed greatly by the public and is a key recreational feature of the Boone County area. The proposed changes will greatly improve the process used to create these regionally used facilities.

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,



Daniel J. Kane, Executive Director