



**ST. CHARLES PARK DISTRICT • PARKS DEPARTMENT**

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St. Charles Park District  
101 S. Second Street  
St. Charles, IL 60174

July 8, 2019

**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 St. Charles Park District, St. Charles, IL, 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 St. Charles Park District is in the midst of trying to acquire an inactive line that travels the width of St. Charles. The allocation of funding, the appraisal, negotiations and Phase I engineering causes this acquisition to become a multiyear endeavor and one that our community supports. The community deserves adequate time to make this goal a reality by not having to race against an unrealistic clock based on the complexity of project.

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,

*Laura M. Rudow*

Laura Rudow  
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