

Docket #: EP 749-1

247995

Subject Notice of Proposed Rulemaking to Consider Limiting Extensions of a Trail Use Negotiating Period

ENTERED

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Message: I am writing to request amendment of the proposed rulemaking on limiting extensions of a trail use negotiating period. The SNPRM includes language that additional extensions beyond three "are not favored" as part of the good cause standard. This 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." In short, the language is murky, subjective, vague, and unnecessary.

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,