



Yakima Bikes and Walks!

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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

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Office of Proceedings
July 8, 2019
Part of
Public Record

Dear Ms. Davis:

Yakima Bikes and Walks supports the rule modification proposed by the
Surface Transportation Board (STB) that would:

- Establish a one-year period for any initial interim trail use negotiating period, instead of the existing 180 days;
- Permit up to three one-year extensions of the negotiating period; and
- Permit additional one-year extensions if the trail sponsor and the railroad agree and good cause is shown.

This represents a fair balance among all affected parties and stakeholders.

We also agree with the STB's conclusion that the establishment of a one-year initial negotiating period reflects more accurately the time needed to complete railbanking negotiations. It also would reduce burdens on trail use proponents, railroads, and the STB.

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.

Many members of Yakima Bikes and Walks were involved in a very lengthy local railbanking process 15 years ago. The railroad, local governments, and interim trail operating non-profit were all in agreement. But the process was very lengthy due to a pile of liens on the corridor (left over from the botched attempt by the previous railroad to rehab the track) that had to be sorted out, lack of local funding sources, as well as an adverse railbanking petition by an adjacent property owner (who ended up becoming one of the biggest supporters of the trail and railbanking!). *It just took a very long time to sort out all the issues, apply for grant funds, adopt the budgets, and get everyone moving in the same direction.*

Based on our local railbanking experience, Yakima Bikes and Walks does not support the language that additional extensions beyond three “are not favored” as part of the good cause standard. Our local railbanking process might have been doomed by such an unnecessary presumption, where no prejudice would have resulted to any party. Such a standard would undermine the purposes of the railbanking law.

We urge the Board to adopt the rule modification proposed in Docket No. EP749 (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 considering our experience and these comments.

Sincerely,

/s/ Phil Hoge