

SERVICE DATE—DECEMBER 4, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 778

NATIONAL ASSOCIATION OF REVERSIONARY PROPERTY OWNERS—
PETITION FOR RULEMAKING

Digest:¹ The Board waives, for this docket, the regulation providing that it will grant or deny a petition for rulemaking within 120 days.

Decided: December 3, 2025

On August 11, 2025, the National Association of Reversionary Property Owners (NARPO) filed a petition for rulemaking requesting that the Board institute a proceeding to revise to the agency's regulations implementing the National Trails System Act, 16 U.S.C. § 1247(d). Specifically, NARPO asks the Board to adopt a rule that would require a rail carrier or trail sponsor negotiating an interim trail use agreement to send notice of issuance of a Certificate of Interim Trail Use (CITU) or Notice of Interim Trail Use (NITU) to landowners adjacent to the right-of-way covered by the CITU/NITU. On September 2, 2025, the Association of American Railroads (AAR) replied in opposition to the proposed rulemaking. No other comments were received.

Pursuant to 49 C.F.R. § 1110.2(d), the Board will grant or deny a rail-related petition for rulemaking within 120 days of its receipt, which here would be December 9, 2025. Due to a lapse in the Board's appropriations from October 1, 2025, through November 12, 2025, consideration of NARPO's petition was delayed. Accordingly, the Board will waive the provision at 49 C.F.R. § 1110.2(d). The Board intends to act promptly on the petition. No further public comment is required at this time.

It is ordered:

1. The Board's regulation at 49 C.F.R. § 1110.2(d) is waived for this docket.
2. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).