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April 11, 2019

Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Re: STB Docket No. EP 753, Petition for Rulemaking

Dear Ms. Brown:

The Rails-to-Trails Conservancy (RTC) recently filed a Petition for Rulemaking in the above-captioned docket, seeking the Surface Transportation Board to establish a one-year period for an initial interim trail use negotiating period which in exempt abandonment proceedings results in the issuance of a Notice of Interim Trail Use ("NITU"). The RTC Petition for Rulemaking also seeks to codify the STB's authority to grant extension of the negotiating period for good cause shown.

As the Board is aware, the Missouri Central Railroad Company ("MCRR") is currently in the midst of trail negotiations for a rail corridor of over 144 miles in STB Docket No. AB-1068 (Sub-No. 3X). MCRR supports RTC's Petition for Rulemaking and adoption of the rule. MCRR's support of RTC's Petition for Rulemaking is consistent with comments filed by MCRR in the Notice of Proposed Rulemaking ("NPRM") in EP 749 (Sub-No.1), Limiting Extensions of Trail Use Negotiating Periods. MCRR supports proposals that aid the "national policy to preserve established railroad rights-of-way for future reactivation of rail service," as described in 16 U.S.C. 1247(d) and court decisions such as Preseault v. ICC, 494 U.S. 1, 17-18 (1990). MCRR also notes that the Petitioner in the NPRM, while not supporting the entire RTC petition, has filed a comment in the above referenced docket that states they do not oppose the one year initial NITU period.

MCRR appreciates the STB's consideration of RTC's proposed rule in Docket No. EP 753.

Best regards,


Sandra L. Brown

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