



Hunter Area Trail Coalition
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Village of Hunter

*Village of
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*Windham Area
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Foundation*

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 2042

Dear Ms. Davis,

These comments, filed on behalf of Hunter Area Trail Coalition 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

Our organization has been working on rail trail projects for a number of years. Our five-phase plan to turn former railroad beds into public walking trails is slowly coming to fruition in the Northern Catskill Park of NYS. Tourism is booming in the Catskill Park and there is great interest in opening abandoned railroads as trails to accommodate the growing visitors. As a coordinator responsible for the negotiations I can say with certitude, it takes a lot of time and patience. The longer the negotiating period the greater the likelihood of success.

We do not support, however, 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."

Anything the STB can do to support organizations like RTC in simplifying these complex, time-consuming negotiations will reap benefits well beyond our generation.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Yost". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Michelle Yost
WAP Coordinator