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Surface Transportation Board  
Attn. STB Ex Parte No 690  
395 E Street S. W.  
Washington, DC 20423-0001

RE: July 8, 2009 Hearing on Twenty-Five Years of  
Rail Banking: A Review and Look Ahead

Dear Sirs:

As the Acting Secretary of the Pennsylvania Department of Conservation and Natural Resources (DCNR), please accept the attached testimony on behalf of DCNR and the many partners and users of the Pennsylvania Rails to Trails network.

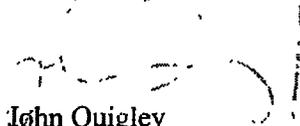
The Commonwealth is proud to have more open rail trail projects than any other state in the nation. With 138 open projects, Rails to Trails in Pennsylvania have a long and illustrious history in the Commonwealth, dating back to the late 1940s.

We appreciate the opportunity to provide comments on a concept that Pennsylvanians have taken to heart. After the 1983 legislation, the Pennsylvania General Assembly passed similar state legislation, both of which have served the Commonwealth well.

We would encourage the Surface Transportation Board to retain this legislation, particularly in light of this year's reauthorization of the Surface Transportation Bill, which calls for the creation of an Office of Livability within the Federal Highway Administration (FHWA).

Thank you again for the opportunity to comment. We look forward to a new emphasis on trail planning, the creation of new rail trails, and the opportunity to provide more transportation choices for the American public.

Sincerely,

  
John Quigley  
Acting Secretary

Enclosures

**Commonwealth of Pennsylvania, Department of Conservation and Natural Resources  
Written Statement to the Surface Transportation Board by John Quigley, Acting Secretary  
Public Hearing Notice STB Ex Parte No. 690  
Twenty-Five Years Of Rail Banking: A Review and Look Ahead  
Wednesday, July 8, 2009**

The Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR, or Department) wishes to provide comments to the Surface Transportation Board (STB) for the public hearing to examine the impact, effectiveness, and future of rail banking under Section 8(d) of the National Trails System Act.

**Pennsylvania Rails to Trails Legislation**

Following the 1983 amendment to the National Trails System Act to create a program to allow preservation of railroad corridors for possible future rail use, called "rail banking," the Pennsylvania General Assembly passed the Pennsylvania Rails to Trails Act, Act of Dec 18, 1990, P.L. 748, No. 188, 32 PS § 5611, *et seq.* This Act of 1990 authorizes the DCNR (formerly the Department of Environmental Resources (DER)) to participate in abandonment proceedings with the STB (formerly the Interstate Commerce Commission (ICC)) for the purposes of acquiring available railroad rights-of-way as interim trails or rail banking as set forth in section 8(d) of the National Trails System Act. This Act also established the Pennsylvania Rails to Trails Program within the Department.

The Pennsylvania Rails to Trails Act also requires that the railroad must send to DCNR any notices required by the STB.

As the state agency responsible for the Rails to Trails Program in Pennsylvania, DCNR can unequivocally state that the rail banking system in the Commonwealth has been a resounding success. Currently, Pennsylvania has 138 open rail trail projects, more than any other state in the nation. Although it is impossible to determine how many of those trails were made possible as a direct result of a rail line being "officially" rail banked, both the federal legislation and state legislation have played a major role in ensuring that railroad rights-of-way are not lost once they are proposed for abandonment by the railroad.

Additionally, another 46-mile right-of-way is in the process of being "officially" rail banked. Once this conversion is completed, Pennsylvania will have 139 open rail trail projects.

**The Crown Jewel of Rail Trails in Pennsylvania**

A major example of how the rail banking legislation has had a significant impact in the Commonwealth is the Great Allegheny Passage (GAP). The GAP is the crown jewel of rail trails in the Mid-Atlantic region of the United States. Thanks to the GAP and the C&O Towpath National Historic Park, the residents of this region now have a 335-mile long traffic free corridor between Pittsburgh, Pennsylvania and Washington, DC.

In December 2006, the final trail connection was completed linking the 150-mile GAP to the C&O Towpath in Cumberland, Maryland. The ultimate goal is to connect the GAP with additional rail trail segments north of the Pittsburgh area, so that eventually it will be possible to bicycle from downtown Washington, DC right into downtown Pittsburgh and then northward to downtown Erie, Pennsylvania.

The Great Allegheny Passage offers some wonderful views as it cuts through the rugged mountainous terrain of Pennsylvania's Allegheny Highlands. Along the way, one will encounter several points of interest including crystal clear mountain streams, a 1000-foot long trestle, numerous tunnels (including the monster Mount Savage Tunnel), and some terrific white water rapids. This resource would not be available to citizens of the Commonwealth and the Mid-Atlantic region of the U.S. if the rail banking legislation had not been enacted.

### **Economic Impact of Rail Trails in Pennsylvania**

It has taken 30 years and many millions of dollars to build the Great Allegheny Passage as Pennsylvania's premier destination rail turned trail. However, the return on this investment has been well worth the effort. In 2007, research has documented that the GAP has a direct economic impact in this region of over \$12 million annually.

The restoration of abandoned rail corridors to trails has also generated renewed vitality in the communities along these corridors. During the heyday of railroading, communities relied on the railroad for jobs and commerce to make their towns viable places to live and work. These same communities became "ghost towns" when rail service was discontinued. Trails are now facilitating the concept of "Trail Towns" and are helping transform these communities into more inviting and memorable tourist destinations. And, in the process, the trail is making these communities better places for its residents to live and work.

"Trail Towns" are an important ingredient to the success of a long-distance trail. These trails become an integral and important part of the community. Businesses related to the trail are being created, such as bike shops, restaurants, grocery stores, quaint local shops and bed and breakfasts. Studies show that the longer a trail is, the farther people will travel to visit it, the longer they will stay and the more money they will spend. Rail banking and interim trail use of these corridors are revitalizing many of these communities that were once booming railroad towns.

Another major example of the positive impact of rail banking in Pennsylvania is the creation of the Pine Creek Rail Trail. The Pine Creek is a 62-mile path that winds through the spectacular Pine Creek Gorge from Wellsboro Junction to Jersey Shore. Like the Gap, the Pine Creek is becoming a major destination trail. A 2006 User Survey and Economic Impact Analysis conducted by the Rails to Trails Conservancy documented that the Pine Creek Rail Trail has a direct economic impact of over \$6.9 million annually. As more improvements are made to connect the trail to communities and connections to other trails are completed, the economic impact of this trail will continue to increase.

### **The Rail Banking Legislation as an Effective Implementation Tool**

The Rail Banking Legislation has played a major role in the success of the rails to trails movement in the Commonwealth. Before the 1983 amendment to the National Trails System Act to encourage the conversion of abandoned rights-of-way to recreational and conservational uses, thousands of miles of rail lines were abandoned in the Commonwealth and these corridors are now lost forever for public use or the potential to be reused for railroads, should the need arise. Fortunately, both the U.S. Congress and the Pennsylvania General Assembly had the vision and foresight to recognize the importance of saving these corridors for future public use by enacting their respective pieces of legislative.

By maintaining these corridors in public use, rail trail groups are providing a tremendous public service. While the corridor is in interim trail use, they are helping to bring economic revitalization to communities, enhancing property values by providing trails and recreational opportunities, and potentially providing alternative transportation routes.

Prior to Pennsylvania's Rails to Trails Act, many miles of railroad rights-of-way and thousands of railroad grade crossings, bridges and tunnels were deserted, left to deteriorate and become safety hazards. Many of these structures were ordered removed by the Pennsylvania Utility Commission (PUC) because of the safety hazards. Because so many of these structures were lost, causing an adverse impact on the ability of a corridor to be used for interim trail use, when the Pennsylvania Rails to Trails legislation was passed, the Pennsylvania General Assembly acknowledged that these structures were integral to the future use of the corridor as a trail or other future use. A provision was included in the Act that requires the PUC to coordinate with the Department, and before any structure is proposed to be removed, the PUC must consider the impact of such action upon the development, expansion and existing use of recreation trails, and evaluate alternatives which will minimize any adverse impacts upon the development and re-use of the corridor as a recreation trail.

### **50 Years of Successful Rail Trails**

Pennsylvania has long recognized the importance of these corridors to its citizens not just as places to recreate but as a way to improve the quality of life of its citizens, to bring economic revitalization to struggling communities, and as a way to reconnect people to the outdoors. Trail use has been a major activity focus in Pennsylvania's Statewide Comprehensive Outdoor Recreation Plan (SCORP) for the last 25 years. And bicycle and walking paths have been identified as the most needed facilities by our residents.

Pennsylvania has actually been in the rails to trails business for over 60 years, with the creation of its first rail trail in the late 1940s. In the 1850s the Schuylkill & Susquehanna Railroad was built to transport coal to the canals, and tourists to Cold Springs' famous mineral water. So popular was the spring water that a 200-room resort was built to accommodate the wealthy Philadelphians who came for the healing waters.

By 1944, the mines were exhausted, lumber stripped, the railroad abandoned, and the hotel burned as the last residents of Cold Springs moved away. In 1945, the Pennsylvania Game Commission purchased the land and converted the railroad grade to a trail shortly thereafter, making the Stony Valley Railroad Grade one of the nation's first rail trails.

Pennsylvania is also home to a very rare Pike to Bike corridor that was originally acquired and built to be a railroad right-of-way; however, before the railroad became a reality, the railroad company went broke, and the corridor became part of the Pennsylvania Turnpike. In the 1970s, the turnpike was re-routed and this abandoned section of the turnpike/rail line is now a trail.

In 2001, a publication titled *Pennsylvania Greenways: An Action Plan for Creating Connections* provided a vision for the Commonwealth. That vision is, "*Pennsylvania and its many partners will develop an outstanding network of greenways across the Commonwealth, creating an asset highly valued by Pennsylvanians and enhancing the quality of life for all. The network of greenways will connect Pennsylvania's open space, natural landscape features, scenic, cultural, historic and recreation sites, and urban and rural communities. Greenways will become one of the Commonwealth's most powerful tools to achieve sustainable growth and livable communities*."

Included among the major strategies of this plan to create this network of greenways and trails are the following:

- *By 2007 complete greenways and trails plans for all 67 counties.* Although the state is a little behind on this, many counties are done, many others are in the process and there are only two counties that have not started their plan.
- *By 2010 establish a local greenway/trail in 1,000 communities.* This goal has been achieved.
- *By 2020 establish a local greenway/trail in every Pennsylvania community.* Although the Commonwealth is diligently working to achieve this goal, the ability to rail bank abandoned rail corridors is viewed as critical in order to reach this goal. Every corridor that may potentially be abandoned will be needed.

### **A Legacy for Future Generations**

In 1920, the Nation's railway system reached its peak of 272,000 miles. Sixty-three (63) years later, after the loss of over half of these miles, Congress enacted legislation to preserve the shrinking rail trackage by converting unused rights-of-way to recreational trails. It took courage, foresight and determination to pass the legislation to preserve and protect these corridors.

It takes even more determination, tenacity and leadership to make a trail a reality. In the 25 years that rail banking has been on the books, Pennsylvanians have learned a lot, and the rails to trail movement has seen amazing progress. These trails have become an integral part of the

landscape, and an integral part of the communities through which they pass. The world is changing in ways that were not imagined 25 years ago. It is our hope that, 25 years into the future, our citizens will recognize the leaders of 2009 for their wisdom, determination and foresight for keeping this legislation in place, and strengthening it to make it even more relevant.

The Nation is on a new horizon with the upcoming reauthorization of the Surface Transportation Act, which is being called ***A BLUEPRINT FOR INVESTMENT AND REFORM***. The focus of this new legislation is *"to transform Federal surface transportation to a performance-based framework to reduce fatalities and injuries on our Nation's highways, address the mobility and access needs of people and goods, improve the condition, performance, and connectivity of the United States intermodal surface transportation system, provide transportation choices for commuters and travelers, promote environmental sustainability, public health, and livability of communities, support robust investment in surface transportation, and for other purposes."*

The new Act would also create an Office of Livability within the Federal Highway Administration (FHWA), and would require the Office to administer:

- Safe Routes to Schools
- Transportation Enhancements
- Recreational Trails
- Scenic Byways
- U S. Bicycle Route System
- The finalization of the Non-motorized Transportation Pilot Program and the dissemination of the results of the program.

Over the last 25 years, rail banking under Section 8(d) of the National Trails System Act has proven to be an effective tool. It is imperative that this tool remain in place in order for the new Office of Livability to achieve its goals.