

# Committee on Resources

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## Testimony

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### **STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, CONCERNING H.R. 1995, TO PROVIDE FOR THE PROTECTION OF FARMLAND AT THE POINT REYES NATIONAL SEASHORE.**

**October 30, 1997**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of the Interior on H.R. 1995, a bill to protect the agricultural lands adjacent to Point Reyes National Seashore.

The department strongly supports H.R. 1995 and we urge its early enactment.

On Earth Day, 1996, President Clinton announced his Parks for Tomorrow initiative -- a plan to restore and preserve America's national parks. As part of that initiative, he stated his support for efforts to expand the boundary of Point Reyes National Seashore by protecting 38,000 acres in the viewshed of the park across Tomales and Bodega Bays. The president directed Secretary Babbitt to work with Congress to prepare and pass legislation to accomplish this. H.R. 1995, introduced by Rep. Woolsey, is the result of this work, and we commend the congresswoman for her dedication to this important effort.

This bill has five important components: 1) to preserve the long-term productive agriculture in the region; 2) to furnish essential watershed protection of Tomales and Bodega Estuaries; 3) to maintain the land primarily in private ownership; 4) to create a model public/private partnership; and 5) to protect the significant public investment in Point Reyes National Seashore.

This legislation proposes an innovative and cost-effective method to protect 38,000 acres of coastal agricultural landscape adjacent to Point Reyes National Seashore. Protection of this relatively undeveloped landscape primarily would be accomplished through acquisition of development rights and conservation easements from willing landowners. With conservation easements, land would remain in private ownership, would be protected from incompatible development, and would contribute to the local economy and tax base.

Preserving the undeveloped lands in the farmland protection area is integral to protecting park values and the long-term health of the Tomales and Bodega Bays. The compatible pastoral setting of the eastern side of Tomales and Bodega Bays is, unquestionably, in jeopardy. Growth throughout Marin County is high. Open pastures and ranches are being sold and segmented for various types of development. Major land-use changes on the lands forming the eastern slope of Tomales Bay will directly and negatively impact public enjoyment of Point Reyes National Seashore and place significant stress on the Tomales and Bodega Bay ecosystems.

A private non-profit group, the Marin Agricultural Land Trust (MALT), has made significant headway in protecting the rural setting of these critical watershed lands of Tomales and Bodega Bays. The 13-year-old group has already purchased conservation easements on 11,000 acres within this proposed 38,000-acre farmland protection zone. Because of MALT's efforts, the acquisition of these easements by the federal government will not be needed. Similarly, the Sonoma Land Trust has begun purchase of several properties in the northern part of the protection area. These local efforts have already contributed close to \$15 million to achieve the overall goals of the bill. H.R. 1995 will authorize the federal contribution to this partnership effort to complete the overall protection of the farmland protection area.

It is encouraging to have many grassroots organizations, such as MALT, the Sonoma Land Trust, the West Marin Chamber of Commerce, and many other groups, working with the National Park Service to protect park values and

open space. This is in keeping with our emphasis on partnerships in the protection of significant resources. We look forward to nurturing these relationships to achieve mutual objectives.

H.R. 1995 has received bipartisan support and the endorsement of many groups including the Marin County Board of Supervisors, the Sonoma County Board of Supervisors, the American Farmland Trust, the Inverness Association, the West Marin Environmental Action Committee, and the West Marin Chamber of Commerce.

The National Park Services believes the time is now to support this innovate partnership effort to purchase conservation easements. Development proposals, including two major residential developments, currently are threatening the farmland protection area; others are being proposed.

If H.R. 1995 were enacted, funding for easement acquisition would be contingent upon federal budgetary constraints and Administration funding priorities.

This concludes my statement. I would be pleased to answer any questions.

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**STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE COMMITTEE ON RESOURCES CONCERNING H.R. 2438, A BILL ON RAILROAD RIGHTS-OF-WAY.**

**October 30, 1997**

Mr. Chairman, thank you for the opportunity to appear before your committee to present the Department's views on H.R. 2438, a bill to encourage the establishment of appropriate trails on abandoned railroad rights-of-way, while ensuring the protection of certain reversionary property rights.

We strongly oppose H.R. 2438. This bill would effectively eliminate the railbanking provision in Section 8(d) of the National Trails System Act (NTSA). Although H.R. 2438 would amend Section 8(d) purportedly to further the national policy to preserve established railroad rights-of-way for possible future use as a source of transportation, the proposed amendments would preclude railroads from entering into agreements for interim trail use of a railroad right-of-way where state law provides for the reversion of abandoned rights-of-way to the adjacent landowners. Enactment of this legislation would impede the preservation of these corridors for future transportation needs, as well as hinder the creation of new trails and new trail systems in the interim.

In 1983 Congress recognized the continuing need to preserve rail transportation corridors and the demand for trails by amending the NTSA to include a "railbanking" clause. In addressing the use of trails, the law states, "...such interim use shall not be treated...as an abandonment of the use of such rights-of-way for railroad purposes." This amendment enabled interested citizen groups and state and local agencies to preserve corridors and, in the interim, use them as public trails.

Railbanking, as outlined in Section 8(d) of the NTSA, is defined as a voluntary agreement reached between a railroad and a trail manager to dedicate a rail corridor that is no longer in service to interim trail use. Railbanking is entirely voluntary on the part of both the railroad and the local community. The railbanking statute gives these two groups the power to decide whether to railbank a corridor.

Authority for the National Park Service (NPS) to assist with railbanking comes from Section 8(d) of the NTSA. The Act states that the Secretary of the Interior should encourage state and local groups to develop trails on abandoned railroad rights-of-way in order to protect and keep these transportation corridors intact in case they are needed for rail service in the future.

Since enactment of Section 8(d), the Department of Interior has had the lead in notifying state and local governments and other interested parties on abandoned railroad rights-of-way for use as trails. The NPS has been the lead agency responsible for carrying out the Secretary's mandate.

When a railroad abandons a line, it must notify government agencies and affected local communities. Each year NPS receives about 150 notices of impending abandonments from railroads (averaging approximately 2,500 miles a year). The NPS, in turn, notifies the affected communities about the impending abandonment and the opportunity to take advantage of railbanking and to possibly convert the corridor into a public trail. Since 1988, the NPS has worked with the Interstate Commerce Commission (now Surface Transportation Board) to ensure that the notifications of abandonment are disseminated in a timely fashion.

In 1995 the NPS developed an Early Warning System (EWS) with the Rails-to-Trails Conservancy to improve the notification process of rail abandonments. Through the EWS, numerous community leaders and local agency officials are notified about abandonments and their potential for conversion to trail use. Included in this notification is information on how railbanking can be used to help secure the corridor for trail use. In the EWS's first year (October 1995 - October 1996), 118 rail corridors totaling 1,673 miles were proposed for abandonment by railroads. Communities requested railbanking on 34 of those corridors, totaling 730 miles.

In addition to direct notification through the EWS, the NPS has been working to educate the public on the federal railbanking statute, explaining how it can be used to save about-to-be abandoned rail corridors. Some of NPS's educational activities include:

**1) Rails-to-Trails Seminar Series:** In 1989 and 1990 NPS, in cooperation with the Rails-to-Trails Conservancy (RTC) sponsored a series of twenty-three, one-day seminars in cities around the country designed to explain the federal railbanking statute and the concept of rail-trails to citizens and local or state agency officials. With an average of 35 people attending each seminar, 805 people were trained.

**2) The Secrets of Successful Rail-Trails:** In 1993 the NPS helped RTC publish *The*

*Secrets of Successful Rail-Trails*, a third edition of a citizen's "how-to" book on developing rail-trails, which provides information on railbanking. This book captures the information taught in the seminar series in book form, thereby making it more accessible to the growing number of people interested in developing rail-trails. Since 1993 more than 2,000 copies of the book have been distributed.

**3) The Impacts of Rail-Trails:** In 1992 the NPS worked with researchers at Penn State University to publish *The Impacts of Rail-Trails*, a study documenting the benefits and impacts of rail-trails by examining both trail users and nearby property owners. In the September 21, 1992 edition, the *Wall Street Journal* reviewed the study saying it was a trump card for trail groups because the study clearly and scientifically explained how communities benefitted from building trails. The NPS has distributed 3,000 copies of the full-length study and approximately 3,000 copies of the Executive Summary.

**4) Negotiations Symposium:** In 1994, working in cooperation with RTC, the NPS convened a symposium on rail-trails negotiations. For the first time, the symposium brought together railroad industry executives, Interstate Commerce Commission officials and state trail personnel to discuss the best practices in rail-trail negotiations. A session of the two-day meeting centered on railbanking and how both railroads and trail groups can benefit from railbanking. In August 1996, RTC published *Acquiring Corridors*, a negotiations handbook that was inspired by the symposium.

Railbanking was established because Congress, in the wake of the restructuring of the railroad industry in the 1970s, was concerned that the potential loss of transportation corridors would ultimately be a detriment to the nation's transportation infrastructure. Once lost, these transportation corridors would be difficult and costly to reassemble. By allowing communities the opportunity to railbank these valuable corridors, and in the meantime reap the benefits of allowing them to be converted to interim trail use, Congress hoped to keep the corridors intact in case rail service became feasible in the future.

As Congress envisioned in 1983 with the passage of Section 8(d), railbanking has become an effective tool to preserve valuable transportation corridors. While only 15% of the nation's 9,000 miles of rail-trails have been built on railbanked corridors, railbanking has been instrumental in the development of several of the nation's premier trails, such as the Youghiogheny River Trail in Ohio State Park in western Pennsylvania, the Capital Crescent Trail in Washington DC, and the Minuteman Trail in Boston, Massachusetts. Without railbanking, these trails and the opportunity to convert them back to rail service would not exist today.

Communities that have decided to railbank a corridor do so for several reasons. Many communities, especially in rural areas, are dependent upon the shipment of goods to retain and attract businesses and consider their rail corridors their economic lifeline. Many communities are motivated to pursue railbanking in order to keep the corridor intact in hopes

that they can attract another railroad, and in the meantime, reap tourism dollars by turning the corridor into a multi-use trail.

Many communities, especially in urban areas, need to reduce pollution from vehicles in accordance with federal regulations. A trail built on a railbanked corridor offers a community a way to add to the transportation infrastructure and to add trips without increasing vehicle emission. Studies have shown that one-third of weekday riders on urban trails use trails for transportation purposes.

If H.R. 2438 is enacted, creation of new trails and new trails systems would be severely hampered. This legislation would reverse over twenty years of federal policy that encourages trail development.

Railbanking has been in place for over ten years. It has successfully led to the development of 45 trails totaling 1,238 miles in over 20 states. Furthermore, 66 projects on railbanked corridors are in the works, soon adding another 1,900 miles of trail in every area of the country. Railbanking has been successful because it is a locally-driven effort. The decision to railbank is entirely voluntary and made at the local level. The railbanking statute offers communities the opportunity to save and reuse a potentially valuable right-of-way for the public good. Passage of H.R. 2438 would decrease the opportunity to preserve these corridors in the interim as trails and thereby decrease their viability for future transportation use. In fact, in some cases, a railroad corridor may be lost entirely.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any questions you may have.

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