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Protect Railbanking Against Congressional Attack



Panelists



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Before we begin:

- Drop your questions in the Q&A box.
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 - Live transcription is enabled for this webinar.
 - Recording and slides will be made available after the webinar.

TrailNation Summit

HOSTED BY RAILS TO TRAILS CONSERVANCY

October 27-29, 2025
Cleveland, Ohio



Ohio & Erie Canal Towpath Trail | Photo by Jason Cohn

Register until October 10: railstotrails.org/trailnation/summit2025

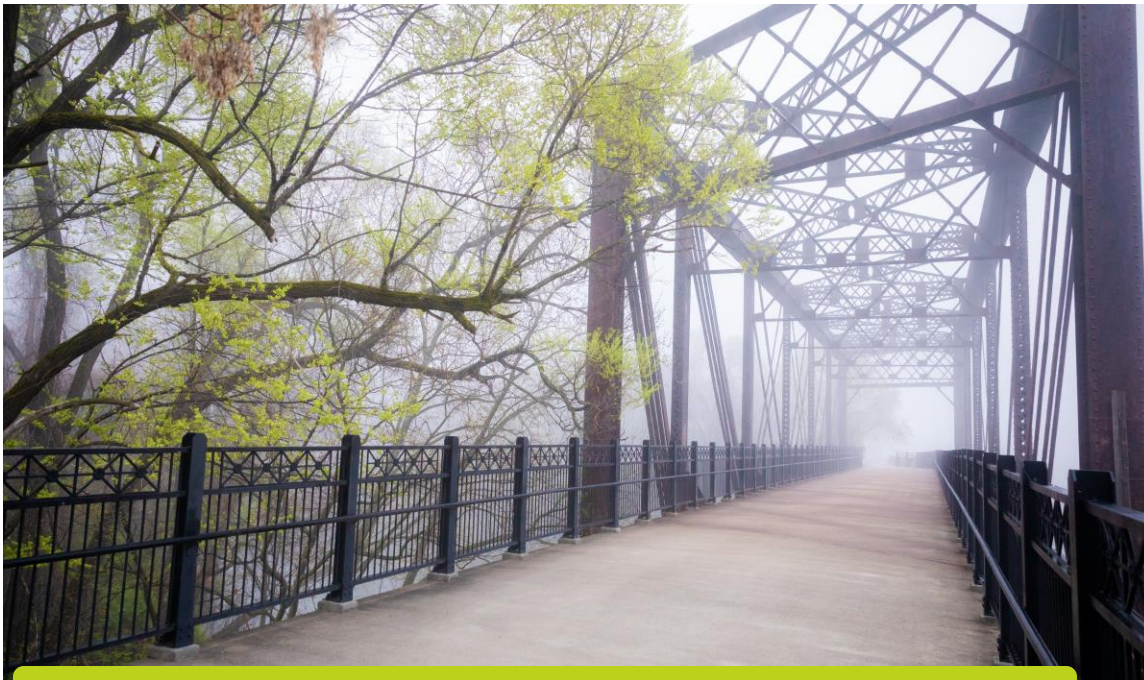
What is Railbanking?

- **Voluntary agreement** between a railroad and trail manager
- **Corridor is available for interim trail use**
- **Railroad has right to reactivate rail service**
- Amended Section 8(d) of the National Trails System Act
 - Signed into law by Pres. Reagan in 1983
- Pre-abandonment strategy
- Surface Transportation Board jurisdiction over corridor is retained
- Preempts state law



Hundreds of rail-trails spanning thousands of miles are built on railbanked corridors

Key Benefits of Railbanking



Pennsylvania's Three Rivers Heritage Trail | Renee Rosensteel

- **Community benefits** from rail-trail
- **Keeps corridor intact** under federal jurisdiction
- **Preserves reactivation rights** of railroads
- Simplifies negotiations
- Adjacent property owners may pursue takings claims against the U.S. without disrupting trail

Challenges to railbanking



Photo Courtesy: Ali Fulsher

Courts

- The Supreme Court affirmed the legality of railbanking (Presault, 1990)

Congress

- A dozen legislative attempts to gut the law all failed between 1994 and 2006
- H.R. 4924, the "Rails to Trails Landowner Rights Act" (2025) is latest effort to render railbanking unusable

H.R. 4924 Makes Railbanking Unusable

Unworkable process means lost rail corridors & rail trails

1. Shifts financial liability from federal government to trail sponsors to compensate adjacent landowners for claimed “costs” regardless of whether there is a property interest
2. Trail sponsor must get signed written approval of **every adjacent landowner within 30 days**
3. Trail sponsors assume lifetime responsibility for maintaining the corridor, even if stepping in short-term to save corridor pending a permanent sponsor
4. Trail sponsor required to conduct and pay for unnecessary cost-benefit analysis addressing irrelevant issues

H.R. 4924 Creates Federal Bureaucracy to Meddle with Existing Rail Trails

Bill requires Surface Transportation Board (STB) to:

- Review all existing railbanked corridors;
- Recommend to Congress maintenance requirements of trail sponsors;
- Consider requests to narrow the width of railbanked corridors to match future railroad needs (unknowable at time)

Greatly exceeds capacity of STB, a tiny federal agency, to manage

The Politics of H.R. 4924

Key proponent: Missouri Farm Bureau

Railbanking in MO: Katy Trail; Rock Island Trail

Sponsors: Rep. Sam Graves (MO)

+ 6 cosponsors (3 MO, 2 NC, WY)

Referred to: House Natural Resources Committee,
Federal Lands Subcommittee



What You Can Do

Educate decision-makers about railbanking
and its importance to your region

Visit our website to learn more:

<https://www.railstotrails.org/trail-building-toolbox/railbanking/>

