

302789

ENTERED
Office of Proceedings
July 28, 2021
Part of
Public Record

J David Morgan
1399 Scenic river Rd.
Procious, WV 25164
(mailing address
507 Chandler dr.
Point Pleasant, WV 25550

Ms. Cynthia T, Brown,
Chief Section of Administration Office of Proceedings
Surface Transportation Board
395 E Street S. W> Washington, DC 20423

Re: Docket No. AB 1314 0X, The Elk River Railroad, INC-
Abandonment- in Kanawha and Clay Counties, WV

Dear Ms. Cynthia T Brown,

Attached you will find information we requested from Bright Enterprises. They made no effort to mail these to property owners and instead relied upon us to distribute this information. This was not public knowledge, nor was it posted anywhere known to the landowners to obtain to our knowledge. Not sure how many "volunteers" they had but there was only one in our area as noted on first page cover sheet attached. There are many issues in this attachment that have not been addressed as of today. This was dated over a year ago and there have been no public hearings or town hall meetings on this proposal. They proceeded directly to abandonment and the STB without working out such issues. The main issue which they are aware of and addressed in their proposal is that of access in said 53.4 mile stretch currently before the STB. They have points numbered in this leaflet numbered 1 through 34. Each one of these need to be answered or researched carefully for facts.

I will briefly touch on a few of these. #15 states the ROW is 66 feet wide. I have 5 handwritten deeds that states it is 60 feet wide. #18 They have 4 leases that I am aware of for road use. Two are with the WVDOH for roads they now maintain in Queen Shoals. 2 more exist in the Camp Creek

area to an individual and the WVDOH for use as a road or cut through from the road to the ROW. They are aware of these and maintain they will drop the leases. No meetings have been held between these lease holders and Bright Railroad.

Section F. Access Issues Along the Rails Trails. 20-34 all need to be addressed before abandonment is granted. To this date no landowner has not been approached nor have public meetings been held. This is essential especially in WV because it will affect our tax base dramatically as the value of these adjacent properties will plummet and ultimately be abandoned if they become land locked by this proposal. I am surprised but not that the following publication was not submitted to the STB in docket AB 1314 X

Thank you for your time,

J David Morgan 304-675-5929 jdmorg@suddenlink.net

cc: Parties of record

A Rebecca Williams Attorney

Elk River Foundation, Inc

Stover & Loftus LLP

1224 Seventeenth Street,NW

Washington, DC 20036

Via e-mail : arw@sloverandloftus.com



Bright Enterprises

200 Greenbrier Rd., P.O. Box 460, Summersville, West Virginia 26651
Phone: 304-872-3000 Fax: 304-872-3040

October 23, 2020

Please give to Property Owners along The Elk River Railroad Inc (TERRI) that runs along the Elk River between Elkhurst and Queen Shoals where the new 74-mile-long Elk River Trail operated as a State Park is being constructed.

We are grateful that resident Pam Street (304-382-7251). (plmillerstreet@hotmail.com) has volunteered to distribute this Rail Trail Project Update. Pam lives along TERRI above Camp Creek.

TERRI will mail updates on this Rail Trail from time to time. To receive future copies, please provide:

1. Your Name _____
2. Your Mailing Address _____
3. Your 911 Street Address _____
4. Is this your year around home _____ (Y/N). or seasonal camp _____ (Y/N)
5. Phone Number _____
6. E-mail address _____

Kindly mail this information to

Frank N Jorgensen – President TERRI

P.O. Box 460. Summersville, WV 26651

(Or e-mail to jelmert@brightwv.com). (Office 304-872-3000 x270)

Thank you ! (and make sure that you thank Pam for her kind help !)

Draft Report – UPDATED SEPTEMBER 25, 2020
Progress Report on the Elk River and Buffalo Creek Rail Trail Project
This update reflects delays related to COVID 19
(For more info call 304-872-3000 x270 or email jelmert@brightwv.com)

(As of 9/25/2020, 28 miles of trail are complete from Duck to Hartland. There are four short areas where the final compacted sand has not been placed. You can still bike 3 of these areas. They are, 500 feet at Ivydale, about 2,500 feet from Dundon north and 500 feet at Hartland. Also, there is a slide between Dundon and the Campground/Baseball Field that makes walking to Dundon difficult. We expect all of the above areas to be finished by Oct 8, 2020.) Also, at Hartland, you should follow the Middle Creek Spur Trail about ¼ mile to the bridge that has a very scenic view of the Middle Creek.

No Motorized traffic (other than Class I e-bikes) are permitted on the trail. There are Police Patrols who can issue fines and impound vehicles for violation on the finished trails. A group of Trail Volunteers are doing tree removal. Report problems to elkrivertrail@gmail.com with date, time and location. Join Elk River Trail Foundation at www.elkrivertrail.org and post on www.facebook.com/elkrivertrail

About 2 weeks ago, there were significant winds and rain in the 10-mile section between Duck and Ivydale that resulted in Trees down and some wash out areas. You could still walk and bike the trail. All of that has now been cleared. Early next week we will place more Compacted Limestone Sand in some places of that 10-mile section.

(Those wanting to use self-Peddle Rail Carts or ride motorized carts on the Buffalo Creek Railroad can call 304-618-7992 for reservations. Check out on Facebook, Buffalo Creek Rail Rides.)

A. Background – Project Overview

1. In the Spring of 2019, the State announce a new 74-mile-long State Park Facility Rail Trail Project. The State has agreed to purchase this Rail Corridor from The Elk River Railroad Inc (TERRI). This new State Park Facility will be a Rails-To-Trails for hiking and biking that will start at Mile Post 40 (MP 40) at Duck, WV and follow the Elk River for a distance of 56 miles going downstream and ending below Clendenin, WV at Mile Post (MP 96)
2. Also, the State will purchase the Buffalo Creek & Gauley Railroad (BC&G) which is approximately 18 miles long that runs along the Buffalo Creek from Dundon/Clay to Widen. The Tracks will remain in place for use with Self Peddled Rail Bikes and possib

other small motorized Rail Carts and Rail Buses. Plus, there will be a Trail alongside the Tracks for hiking and biking. This is known as a Rail-With-Trails.

3. These Rail Trails will be about 74 miles long, making this one of the longest in the Eastern USA.

B. Map of the Project

4. The Attached Map shows the location of both sections of the trail. The broken Redline is TERRI from Clendenin to Hartland. Then, TERRI continues on the gold/yellow line from Hartland to Duck (located on the Braxton/Clay County border). This section is about 56 miles long and is adjacent to the Elk River.
5. The same Map shows a solid red line that is the 18-mile-long Buffalo Creek & Gauley Railroad (BC&G), adjacent to the Buffalo Creek.
6. Eventually, all 74 miles will become a State Park Facility and will operate as a Rail Trail under Federal Laws. The Surface Transportation Board (STB) is the Federal Agency that Regulates 100% of Railroads and Rails-to-Trails and Rails-With-Trails in the United States.

C. Community Enhancement

7. With these Rail Trails, adjacent to the Elk River and the Buffalo Creek, you have 74 miles of Rail Trails and also 74 miles of Water Trails. This combination offers a unique and attractive recreational opportunity for hiking, biking, fishing, boating, kayaking, and more in one of the most beautiful areas of the Eastern United States. This new State Park Facility will become an attraction for visitors and residents. West Virginia currently does not have any State Park Facilities in this area of the State. Since Interstate 79 runs parallel to this Rail Trail, there are many convenient access points for all visitors.
8. Also, for the many small communities located adjacent to the Rail Trail, their image will be enhanced, and therefore attract new businesses to provide services for the visitors. (Bed and Breakfasts, restaurants, campgrounds, RV parks, bicycle rental/repairs, fishing trips, kayak and other boat rentals, tour guides, and more.) Communities such as Clendenin, Queen Shoals, Prociuous, Hartland, Clay/Dundon, Ivydale and Duck will become Trailheads. The same for Cressmont/Swandale and Widen. The number one Rail Trail Town in the USA is Damascus, Virginia. That town can be a model for other towns located next to the Elk and Buffalo Rail Trails. Some sections of the Elk Trail might someday be paved similar to the Greenbrier Trail in Marlinton. That would provide convenient use for wheelchairs, baby strollers, tricycles, and bikes with training wheels

and those who use Walkers. This use promotes healthy outdoor activities for all area residents.

9. Rail Trails provide accessible recreational opportunities. They help to improve Public Health, Economic Development and perhaps most important, State and Community Pride. This enhances Cultural Awareness and Historic Preservation of the Rail Corridor.

D. Timeline to Complete the Project

10. This Rail Trail Project is broken into 4 phases as follows:

- a. The First segment is the 28 miles from Hartland to Duck going through Clay, Dundon, and Ivydale. We began track removal in September 2019 and will remove all track from Duck going south to Hartland including about 1 mile of track of the Middle Creek Spur at Hartland. There are no access issues over these 28 miles. The 10-mile section from Duck to Ivydale was completed in May 2020. The 12-mile section from Ivydale to Dundon was completed in July 2020. The 6-mile section from Dundon to Hartland was completed in August 2020. Under Federal Rail Trail Laws no one is permitted to use any motorized vehicles on the Rail Trail except as authorized Vehicles for Maintenance and Policing. You are permitted to use Class I E-Bikes that are pedal assist with a limit of 20 MPH. Class II and Class III E-Bikes that can go up to 28 MPH are NOT PERMITTED on Rail Trails or State Parks. Due to delays related to COVID 19, the State Parks will likely take over the maintenance and policing of these 28 miles in 30 to 60 days. Meanwhile, volunteer citizens are providing limited maintenance and tree removal and the DNR is providing Policing. Thus, there might be trees that are down or some slips in heavy rain. In most cases you can walk and even bike around these trees and slides. You just have to be patient and if not, please do not use the trail !
- b. The Second segment is 5.0 miles from Clendenin to Queen Shoals. This segment does not appear to have any access issues. This section does require bridge steel and decking on two major bridges where the bridge steel was removed in 1979. When the State gives approval for the purchase of Bridge Steel for these two bridges, we expect delivery of bridge steel in 60 days and trail completion in another 60 days. Plus, we expect to add another 2.0 miles along River Haven Road to north of the Compressor Gas Facility. There are some access issues that will need to be worked out in this 2.0-mile section. A local Citizens Group would likely operate the Clendenin to Queen Shoals to River Haven until such time that the Rail Trail is 100% connected to the first segment above. At that time, it would become a State Park Facility.

13. In the mid-1990s, TERRI applied to the Surface Transportation Board for permission to purchase and put back into service this section of Railroad. The intent was to haul freight from TERRI thru Clendenin and on to Conrail for another 18 miles south to Charleston. Norfolk Southern (NS) later bought Conrail so TERRI would have connected to NS south of Clendenin.

14. There were many public notices and meetings related to TERRI obtaining permission from the STB. Also, TERRI held over a dozen meetings and visited community leaders and many residents to give notice of their intention to reestablish this section as an active Railroad. On August 16, 1996, the STB granted permission for TERRI to operate the Railroad on this segment from Hartland to Clendenin. TERRI then purchased this Railroad from CSXT. The Surface Transportation Board currently recognizes TERRI as the Common Carrier Railroad of this 30-mile section and that this is private property owned by TERRI.

15. TERRI pays annual property taxes on 100% of this 30-mile-long Railroad that contains about 230 acres. The ROW is no less than 66 feet wide (33 feet either side of the centerline of where the tracks were), and in some places, the width is over 200 feet. The average width on all 30 miles is about 100 feet wide. There are large very detailed VAL Maps that the Railroad keeps on file that gives the width of the ROW at every location.

16. Under Federal Railroad Laws none of this property has reverted to anyone else, and there are no Adverse Possession Claims that are permitted.

17. Federal Law does not permit any long-term permanent structures to be placed on a Railroad ROW that is not owned by the Railroad.

18. TERRI is permitted to lease a part of the ROW to others provided that the lease is temporary with a cancellation clause that gives the Railroad the right to cancel all leases with only 90 days or less notice and this cancellation can be for any reason or no reason.

19. Under Federal Laws, TERRI is permitted to convert the Railroad for use as a Temporary Interim Trail under the Rail-To-Trails and Rails-With-Trails Federal Rules. The Federal Laws say that the Railroad ROW, through a process with the STB, may be given a "Notice of Interim Trail Use (NITU)," which is the legal name for a Rail Trail. From the STB website, it says,

The railroad may form an agreement with any person, public or private, who would like to use the abandoned rail line as a trail or linear park until it is again needed for rail use."

- c. The Third segment to be finished is the 18 miles of the BC&G that runs from Clay to Widen. The BC&G is currently leased by the Clay County Business Development Authority (Clay BDA). The state is on schedule to complete the purchase of this Railroad in October 2020. The Clay BDA currently operate Self Peddled Rail Carts and a Motorized Jitney on the first 7 miles of the BC&G. Due to the Flood of June 2016, there was damage to the BC&G beyond the first 7 miles and a FEMA project to repair the damage has been approved by FEMA and the project has started. It will probably take one to two years to complete. During this time, the Clay BDA will continue to operate Rail Bikes and possibly some other motorized rail carts. When the Repairs are 100% finished, the DNR will take over the BC&G as a State Park Facility. They will probably lease out the operations of various vehicles (both human-powered and motorized) on the Tracks. There will be an adjacent Rail Trail alongside the BC&G for hiking and biking managed by the State Parks.
- d. The last section to be finished is the 25-mile section from Hartland to Queen Shoals that runs through Elkhurst and Procious. We are aware that there are some access issues in this 25-mile section that requires a variety of solutions. Finding solutions for access might take up to a year. No final decisions have been made. There is no deadline. We will take the time that is necessary to work out the best solution for each situation. The State Parks will NOT be working on these solutions. This will be done by the Railroad and the West Virginia Department of Highways. It is Federal Laws that control Railroads and Rail Trails and NOT State Laws. The next section should help understand some of the Federal Rules related to Railroads and Rail Trails. We have started clearing the ROW from Hartland to about 2 miles past Elkhurst at the first bridge at Big Sycamore. We will continue to the next bridge at Little Sycamore.

E. Ownership, Federal Laws, and Railroad Status Clendenin to Hartland

11. There are some misunderstandings related to the ownership and status of the Railroad Right of Way (ROW) between Hartland and Clendenin (about 30 miles). The Federal Surface Transportation Board (STB) regulates 100% of all Common Carrier Railroads in the United States, and this 30-mile segment is governed and regulated by the STB. TERRI is listed as the Common Carrier Railroad that is owned 100% by The Elk River Railroad Inc. Thus, this is Private Railroad Property.
12. Between 1979 and 1982, CSXT who owned this Railroad and removed 100% of the rail and bridge steel between Clendenin and Hartland. After CSXT removed the tracks, they continued to hold the ROW as a Railroad, and they paid 100% of the annual property taxes on this 30-mile-long ROW from Clendenin to Hartland.

This protects to preserve the ROW Corridor forever. The ROW will remain intact and have the ability to go back to be a Railroad. The Federal Government decided long ago that it is in the Nations Interest to protect and preserve for Security Reasons and Economic reasons Railroad Corridors for future use as an active Railroad. In the meantime, they permit the Railroad Corridor to be used as a Temporary Trail under the Rail Trails laws and rules. This is how 100% of all Rail Trails in the United States are governed. That is why there cannot be any permanent structures or permanent long-term leases on a Railroad Corridor (ROW). Everything on a Railroad Corridor is subject to being 100% removed with 90 days' or less notice for any reason or no reason.

Even if TERRI decided to keep the Railroad intact and not allow it to be used as a Rail Trail, there still could never be permanent structures or use or lease that did not have a 90 day or less notice to cancel the lease, cancel the use and to remove any structures.

All of this is regulated by Federal Law and Federal Rules and Not State Law or State Rules or State Park Rules.

F. Access Issues Along the Rail Trails

20. Over the years, there have been some property owners who have obtained a temporary lease from TERRI for a variety of uses such as:

- a. Mowing the grass on the ROW and keeping it clean
- b. Parking a vehicle on the ROW
- c. Permission to cross the ROW with a car
- d. Permission to put up a gate

21. TERRI has NEVER granted permission or given a Lease for anyone to construct a home, a porch, a garage, a carport, a storage building or any structure on any portion of the ROW.

22. TERRI has at times leased (with 90 days or less to cancel) to a town such as Clendenin, a portion of the ROW for parking and a playground and gazebo. We leased part of the ROW for a temporary portable health clinic to occupy part of the ROW in Clendenin. That health clinic has since been removed and the lease canceled. In every written lease, TERRI has the absolute right to cancel with no more than 90 days' notice.

23. There are some places such as the Elkhurst area and the Riverhaven Road area where the State of West Virginia Department of Transportation (DOT) had a temporary lease to

use part of the ROW as a temporary road. All of these leases had a 90-day cancellation clause or would cancel when the DOT Construction Project is completed or is no longer being constructed. For example, the DOT requested a Temporary Lease for part of the ROW at Elkhurst to repair the "swinging bridge" at Elkhurst. The DOT later decided not to repair that bridge, so the temporary lease canceled.

24. In several areas along the ROW, other county roads provide access to people who have homes or camps near the ROW. These were roads that provided access when the tracks were still in place. When the tracks were removed, many residents chose to use part of the ROW as a more convenient way to travel. In most cases, this was done without written permission to use the ROW for a temporary road. When the Rail Trail is opened, those residents will use those county roads that were used in the past when the tracks were still in place. This will not happen until we have looked at various solutions for access, and that process will take time.
25. The Railroad and the Surface Transportation Board does permit road crossings across Rail Trails that are at a 90-degree angle the same way as they allow a road crossing for a Railroad.
26. In general, Railroads discourage having vehicular roads on their ROW adjacent to their tracks and the same is valid for Rail Trails. There are safety issues when you have a walking and biking trail or a Railroad next to a road with vehicular traffic. Sometimes you will see examples of a road on a Railroad ROW that runs parallel for a short distance to a Rail Trail. Usually, there is either a fence, a barrier, an elevation change, or a significant gap between the Rail Trail and the Parallel Road for safety reasons.
27. To enhance the beauty of the Rail Trail we will encourage communities to help residents to focus on the clean-up of the Rail Trail System and a clean-up of the Elk River and Buffalo Creek Water Trails similar to the very impressive clean-up of the Coal River Water Trail located in parts of Boone, Kanawha, Raleigh, and Lincoln Counties.
28. For each cabin, house, trailer or camper that is located adjacent to our ROW, we need to make sure that the owner has title to the land as in some places a camper or trailer has been placed without the permission of the landowner. In some cases, these structures were abandoned long ago or had significant flood damage and are not being replaced.
29. We also need to make sure that each structure has a septic system approved by the County Health Department and complies with rules related to the disposal of trash to improve the quality of the water in the Elk River and Buffalo Creek.

To Whom It May Concern:

P.O. Box 176
Clay, WV

Re: Proposed Elk River Rails to Trails Project

As a former resident of Clendenin, WV, now living in Charleston, WV, I am very excited to submit this letter of support for the proposed Elk River Rails to Trails Project. I cannot think of a more worthwhile area in which to invest the resources of the WVDEP Abandoned Mine Lands and Reclamation Program.

You will find this letter very personal in nature, as I spent the first 22 years of my life as an Elk River resident. I learned to ride a bike on the streets of Clendenin; a quaint, yet vibrant town, during the 1970's and 1980's. The train track that was very close to my home was operational during my childhood, and it would have never occurred to me then that one day it would be possible, I should now even say, necessary to repurpose it for such a use as this!

I have spent all but six years of my life as a resident of the great state of West Virginia, and it is foundational to who I am. I enjoyed the six years I spent in the Midwest (Ohio and Minnesota) from my mid 20's to early 30's, but nothing compares to the hills of West Virginia in so many ways. I appreciate West Virginia so much more than I ever have, but I am also aware of the challenges we face in many areas.

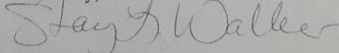
I have said for several years, and it became more apparent to me after the devastating flood of June 2016, that we have got to capitalize on our greatest resource, which is no longer coal, but the beautiful landscape and all the elements of nature that God has blessed us with. The Midwest states I lived in did afford me the opportunity to use converted rails to enjoy nature, while providing healthy activities for my family and me to enjoy. I will be honest in saying that sometimes my mind says, "Oh, we'll never have anything like (this or) that in WV." Shame on me.

Nothing would please me more than to gather many of my "city" friends and reintroduce them, or introduce them for the first time to the wonderful area I called home for so many years. Tourism would flourish in this area of Kanawha, Clay, and Braxton Counties, due to the close proximity of several population centers of our great state. I also believe that the Charleston area would see a positive economic impact, as people outside our state would utilize the trail as well.

I look forward to seeing what develops and comes from the efforts of so many who are passionate about this great project. I will also be an advocate for, and along with countless others, a beneficiary of such a worthwhile effort to see the Elk River Rails to Trails Project become a reality.

Thank you for your consideration of the Elk River Rails to Trails Project as the recipient of the funding available through this grant application process.

Sincerely,



Stacy L. Walker



The first of four newly-constructed bridges on the section of the Elk River Trail from Duck to Ivydale.

There was no ribbon cutting or public announcement when 10 miles of the new Elk River Trail opened between Duck and Ivydale six weeks ago. Avid hikers and bikers who were looking for new outdoor trails found it any way. They've been coming ever since.

"Because of COVID-19, we did not have an official event to let people know that this section of the Elk River Trail was open," said Frank Jorgensen, a railroad developer whose companies, The Elk River Railroad and Buffalo Creek & Gauley Railroad, have a binding agreement to sell the rail corridors to the state for a new rails-to-trail system.

"But every weekend when I drive to Duck, the access parking lot is full and people are enjoying the trail." The scenic section parallels the Elk River, has a crushed stone surface where rails once lay and is shaded by a tree canopy. After the first quarter mile or so, there are no permanent residences until Ivydale.

Ken Tawney, a founding member of the Elk River Trail Foundation, said he believes that as more people visit the trail, they'll see that hiking and biking on the rail trail isn't the only way to enjoy the area. There is also a public access site at Duck for kayaks and small boats. "The river itself is an amazing outdoor recreation feature. People can kayak and boat, swim and fish along the river. There are plenty of opportunities for enjoying the scenery and history along the Elk River," Tawney said.

Governor's initiative

"People are passionate about all of the incredible recreational opportunities we're blessed to have in West Virginia," Gov. Jim Justice said. "That's exactly why I was so excited last year to announce we were on the move with work on the new Elk River Trail. Our people have been on it ever since and I'm so proud that this fantastic new destination in our great state has become a reality."

Since Justice announced plans for the 73-mile long Elk River Trail, work has progressed quickly. Once completed, the trail will run from Falling Rock, outside of Clendenin in Kanawha County, through Clay County to Duck, and on into Braxton County. It will include a one-mile spur at Hartsville called the Middle Creek Spur, and includes the entire 18-mile Buffalo Creek & Gauley Railroad (BC&G) that runs along Buffalo Creek between Dundon/Clay and Widen.

In West Virginia, only the Greenbrier River rail trail is longer by one mile. Jorgensen said that compares favorably, as there are plans to add more miles in Braxton County. The Elk River Trail will be managed by West Virginia State Parks. Mark Wylie, district administrator for the West Virginia Department of Natural Resources State Parks, said the new park will give the state parks system a presence in an area of the state where it previously had none.

The governor's initiative comes at a good time. "West Virginia's newest trail is all kinds of fun, and it's a unique way to experience the natural beauty of our state, which is as good as it gets anywhere in the world," Justice said. "In West Virginia, we're naturally socially distanced, but we also offer easy access to world-class recreation opportunities you won't find anywhere else."

Wylie agrees. "I believe this new park will bring residents and tourists to this area of the state just like the North Bend Rail Trail and the Greenbrier River Trail have done," Wylie said. "With handy access to the trail and river from several locations along I-79, this trail will be easy for people to get to and will bring economic benefits to the towns along the route."

Ken Tawney, a founding member of the Elk River Trail Foundation, said he believes that as more people visit the trail, they'll see that hiking and biking on the rail trail isn't the only way to enjoy the area. There is also a public access site at Duck for kayaks and small boats. "The river itself is an amazing outdoor recreation feature. People can kayak and boat, swim and fish along the river. There are plenty of opportunities for enjoying the scenery and history along the Elk River," Tawney said.

Governor's initiative

"People are passionate about all of the incredible recreational opportunities we're blessed to have in West Virginia," Gov. Jim Justice said. "That's exactly why I was so excited last year to announce that we were on the move with work on the new Elk River Trail. Our people have been on it ever since, and I'm so proud that this fantastic new destination in our great state has become a reality."

Since Justice announced plans for the 73-mile long Elk River Trail, work has progressed quickly. Once completed, the trail will run from Falling Rock, outside of Clendenin in Kanawha County, through Clay County to Duck, and on into Braxton County. It will include a one-mile spur at Hartland called the Middle Creek Spur, and includes the entire 18-mile Buffalo Creek & Gauley Railroad (BC&G) that runs along Buffalo Creek between Dundon/Clay and Widen.

In West Virginia, only the Greenbrier River rail trail is longer by one mile. Jorgensen said that could change, as there are plans to add more miles in Braxton County. The Elk River Trail will be managed by West Virginia State Parks. Mark Wylie, district administrator for the West Virginia Department of Natural Resources State Parks, said the new park will give the state parks system a presence in an area of the state where it previously had none.

The governor's initiative comes at a good time. "West Virginia's newest trail is all kinds of fun, and it's a unique way to experience the natural beauty of our state, which is as good as it gets anywhere in the world," Justice said. "In West Virginia, we're naturally socially distanced, but we also offer easy access to world-class recreation opportunities you won't find anywhere else."

Wylie agrees. "I believe this new park will bring residents and tourists to this area of the state just as North Bend Rail Trail and the Greenbrier River Trail have done," Wylie said. "With handy access to the trail and river from several locations along I-79, this trail will be easy for people to get to and bring economic benefits to the towns along the route."

The Elk River Trail project is being developed in four phases. The first phase is a 28-mile trail from Duck to Hartland, going through Ivydale, Clay and Dundon. This trail runs along the Elk River and includes a one-mile Middle Creek spur at Hartland. Most of the steel rail and ties have been removed. The surface and bridges are under construction.

Jorgensen said a 12-mile section from Ivydale to Dundon/Clay should be open by the end of July. That will give riders 22 miles of rail trail from Duck to Clay. The final 6 miles from Clay to Hartland will be open sometime in September. "We are using the existing historic stone foundations of the bridges with new decking and side railing," said Jorgensen.

The second segment is 4.3 miles from Clendenin to Queen Shoals. Trail work has started, and two major bridges need bridge steel and decking. This segment is expected to be completed in 2020.

The third segment is the 18-mile Buffalo Creek & Gauley Railroad that runs from Clay/Dundon to Widen. It is currently leased by the Clay County Business Development Authority, which is operating self-pedaled rail carts and a motorized jitney on 7 miles of the rails. The additional miles of rail track were damaged in the June 2016 flood and will be repaired as a FEMA project starting in 2020. During the FEMA repair work, the self-pedaled rail carts and motorized jitney will still be in operation. "The Buffalo Creek & Gauley Railroad line was never removed, which allows for continued rail use," said Jorgensen. He said this railroad was the last to operate steam engines in the United States.

The final section is about 24 miles from Queen Shoals to Hartland, and runs through Precious and Elkhurst. There are three major bridges that need steel and decking. Plus, there are access issues in some places to be worked out. Work will start in 2020 with an expected completion in 2021.

Economic potential

Economic impact studies suggest that travelers who use rail trails spend about \$500 every two days on visits to the areas. Cara Rose, Pocahontas County Convention and Visitors Bureau executive director, said the Greenbrier River Trail, which runs through Pocahontas County, sees approximately 100,000 users annually.

"Sixty percent of our visitors indicate that they take hikes while visiting here, making it the number one outdoor activity," she said. "We have seen several new lodging properties open in Marlinton and RV camping sites opening in the area. With the push to get outside for social distancing right now, trail use is busier than ever."

The Elk River Trail project is being developed in four phases. The first phase runs from Duck to Hartland, going through Ivydale, Clay and Dundon. This trail runs along the Elk River and includes a one-mile Middle Creek spur at Hartland. Most of the steel rail and ties have been removed. The surface and bridges are under construction.

Jorgensen said a 12-mile section from Ivydale to Dundon/Clay should be open by the end of July. That will give riders 22 miles of rail trail from Duck to Clay. The final 6 miles from Clay to Hartland will be open sometime in September. "We are using the existing historic stone foundations of the bridges with new decking and side railing," said Jorgensen.

The second segment is 4.3 miles from Clendenin to Queen Shoals. Trail work has started, and two major bridges need bridge steel and decking. This segment is expected to be completed in 2020.

The third segment is the 18-mile Buffalo Creek & Gauley Railroad that runs from Clay/Dundon to Widen. It is currently leased by the Clay County Business Development Authority, which is operating self-pedaled rail carts and a motorized jitney on 7 miles of the rails. The additional miles of rail track were damaged in the June 2016 flood and will be repaired as a FEMA project starting in 2020. During the FEMA repair work, the self-pedaled rail carts and motorized jitney will still be in operation. "The Buffalo Creek & Gauley Railroad line was never removed, which allows for continued rail use," said Jorgensen. He said this railroad was the last to operate steam engines in the United States.

The final section is about 24 miles from Queen Shoals to Hartland, and runs through Prociuous and Elkhurst. There are three major bridges that need steel and decking. Plus, there are access issues in some places to be worked out. Work will start in 2020 with an expected completion in 2021.

Economic potential

Economic impact studies suggest that travelers who use rail trails spend about \$500 every two days on visits to the areas. Cara Rose, Pocahontas County Convention and Visitors Bureau executive director, said the Greenbrier River Trail, which runs through Pocahontas County, sees approximately 100,000 users annually.

"Sixty percent of our visitors indicate that they take hikes while visiting here, making it the number one outdoor activity," she said. "We have seen several new lodging properties open in Marlinton and RV camping sites opening in the area. With the push to get outside for social distancing right now, trail use is busier than ever."



State of West Virginia

See Pages 10 & 11 for

Buffalo Creek & Gauley Railroad

Railbike Economic Impact Analysis

WVDOT S399-SRA/EI-17.00



Submitted by:



Stone Consulting Inc.
324 Pennsylvania Avenue West
P.O. Box 306
Warren PA 16365
(814) 726-9870 tel (814) 726-9855 fax

October 30, 2017

Justice believes the Elk River Trail will have a similar positive economic impact. "With all the tourism it will bring in — people eating food from our restaurants and staying at our hotels — the multiplier effect it will bring is off the charts," he said. Brady is seeing entrepreneurs and local businesses gearing up for the influx of visitors along the Elk River.

"The development of fresh, local businesses will come along with the active use of the trail," he said. "A local business is looking at opening a brewery in the Clendenin area, which will be of interest not only to those who come to use the trail, but to others who are coming to visit the Charleston area."

Other businesses that are already open, such as a kayak livery service, are looking to expand their offerings to be more supportive of visitors. "The most important thing that the tourism industry can do all along the trail is collaborate to ensure that people see the potential for enjoying the trail and the towns and cities that are along and close by," Brady said. "We want visitors to realize that the Elk River Trail State Park is a great find, and that they want to come back."

Wylie said that the easy access to the trail from I-79 is a distinct advantage for the new state park. "With at least four exits that will be 10 to 20 minutes from trailheads, people will be able to stop and enjoy the trail even if it's just for a few hours on their way to other destinations," he said.

He also believes the area's historic and cultural heritage will make it interesting for people. All along the trail there are reminders of the past. "Visitors will be able to see the foundations of homes and businesses that once stood along the train line," Wylie said.

The Elk River Trail Foundation is supporting the state's efforts, and is working with the West Virginia University Extension Service on a marketing approach to highlight the varied biking, hiking and paddling possibilities along the Elk River.

"It is our mission to preserve, protect, and enhance the Elk River rail and water trails for public recreation, community health and well-being," Tawney said. "For us, that means combining our resources to encourage conservation and economic development, care for the ecology, and to educate people who use the trail about the historic and natural environment of the area."

For updates on the progress of the Elk River Trail, visit website at elkrivetrail.org, or go to the Facebook page at www.facebook.com/elkrivetrail.

30.If someone is renting a structure, we need to find out from the property owner if they are providing legal vehicular access to their property for the person who is renting.

31.If someone purchased a property near the Railroad, we need to see if the seller provided the buyer legal vehicular access to the property.

32.TERRI has the obligation under Federal Law to protect this Corridor for potential future use as a railroad.

33.The process of figuring out who has legal vehicular access to their property will take time. We will work to find solutions for each situation. There is no deadline.

34.Eventually, the Rail Trail between Clendenin and Hartland will be operated as a West Virginia State Park Facility. We want visitors and residents to enjoy these 74 miles of Rail Trails and to showcase the beauty of the Elk River and Buffalo Creek Water Trails.

TERRI and the BC&G Railroads have their offices at 200 Greenbrier Road, PO Box 460, Summersville, WV 26651. 304-872-3000 x 270
elmert@brightwv.com

AREA RAILROADS

1) NSC - Norfolk Southern 18 miles

Track in Place
Last train to Blue Creek 1990
Last train to Falling Rock 1993

2) TERRI North Line (NL) MP 6.2 to MP 43.6 equals 37.4 miles The Elk River Railroad Inc.

Last Freight Train 1999, car repair and storage ongoing
TERRI South of NL, MP 43.6 to MP 67.3 equals 23.7 miles

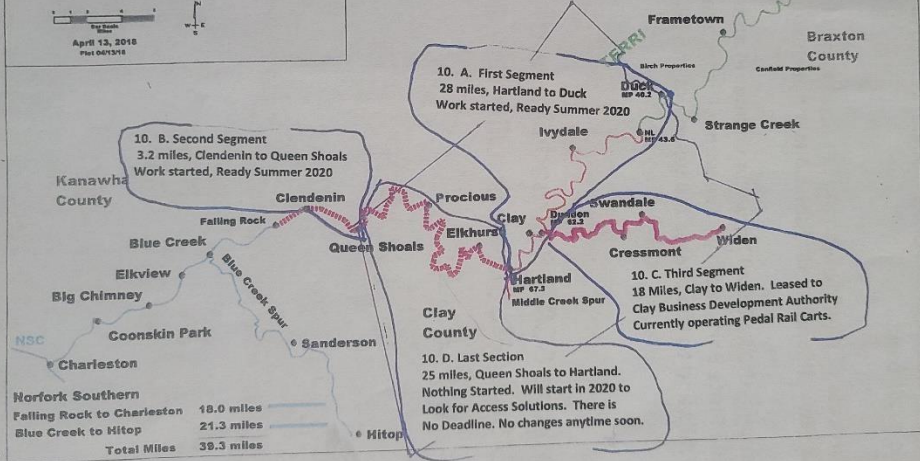
3) A&O - Appalachian and Ohio Interchanges with CSX at Greifon

April 13, 2018
Post 04/13/18

Possible - The Elk River Rails-to-Trails with Buffalo Creek Rails-with-Trails

Falling Rock to Hartland	30.0 miles
Middle Creek Spur	1.0 miles
Hartland to Dundon	5.1 miles
Dundon to Widen	18.2 miles
Total Miles Rail Trails	54.3 miles
Dundon to NL (North Line)	18.6 miles
Total Miles Rail Trails	72.9 miles

TERRI-NL to Glimer 37.4 miles



No Trespassing

Foot, Bike, Class 1 eBike
And Horse Traffic Only

**All Motorized
Vehicles
Prohibited**

Fines up to \$1,500

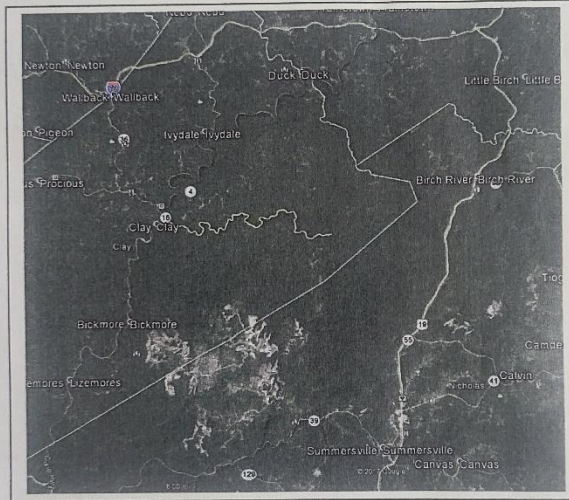
Report Problems to
elkrivertail@gmail.com
(with date, time and location)

Join Elk River Trail Foundation at
Elkrivertail.org and post on
www.facebook.com/elkrivertail

Buffalo Creek & Gauley?

Until the floods of 2016 that severely damaged the line and washed out two short bridges, another clear candidate for railbike examination would have been the remaining trackage of the Buffalo Creek & Gauley in Clay County. Because the line has been deemed eligible for FEMA funding for restoration of the track back to operable condition, it will be mentioned here. The line took significant damage from 2016 storms including the complete washout of one girder bridge including the center pier, and a second bridge with the track completely stripped from it. Stone Consulting visited this line again in 2017, and the determination that the track will be replaced 'as before' would indicate that the line deserves consideration in this report.

This section of track from Clay running generally east-west is another near-wilderness situation on a river-bottom alignment with virtually no human presence over nearly all of its 18 miles.



The line was investigated by Stone Consulting in 2006 for possible excursion railroad use; our recommendation at the time was to consider it as a 'speeder camp' using the planned Clay Campground, where private owners of small gasoline-powered rail speeders (NARCOA) could use their vehicles in a safe and isolated location as well as have an extended RV campground experience.

At that time the railbike alternative did not exist, but the rationale for railbikes is much the same as speeders; a highly-scenic, relatively flat right-of-way that has minimal if any interference from neighbors, grade crossings, or property conflicts for at least five miles.

The section of the BC&G from the beginning at Dundon (just across the Elk River from Clay) to Cressmont is 8.25 miles of track that has no public or private grade crossings and passes through what is effectively reverted wilderness.



Report Problems to
elkrivertrail@gmail.com
(with date, time and location)
Join Elk River Trail Foundation at
Elkrivertrail.org and post on
www.facebook.com/elkrivertrail

William O. Dabbs

Or

Whereas the Baltimore, Baltimore and District Railway Company Baltimore and District Railway Co. is a corporation organized under the provisions of the act of the 5th of March of that Virginia known as chapter 88 of the acts of 1878-9 before is executed a writing through the hands of the undersigned and for that purpose shows the right of way and land necessary for such construction there upon for the District of Columbia that the undersigned William O. Dabbs of the County and State of that Virginia for and in consideration of \$100, one hundred and fifty dollars to be paid in hand paid the said Dabbs by said Company and for the further consideration of one dollar in hand paid the said Dabbs to have acknowledged or fully agree to grant the right of way of fifty feet wide necessary upon through his lands situate in said County, District of Columbia, at the mouth of Camp Creek being a distance on old lines of about one mile and said road not to use, leave the said line the Catonsville and Silver Spring Road and so line and the said railway Company shall agree to make proper cattle guards at each end of said Dabbs' pile and also to pay for every fence for the use of said Dabbs in passing from his free lands to his free lands to the said Baltimore, Baltimore and District Railway Company for the purpose of constructing a railway and said fully agree to grant to said Company all them for damage which may be sustained by him by reason of such construction during the term or on account of the temporary use or occupancy of or damage to the lands adjacent thereto by said Company during the construction of said railway and he shall fully warrant and agree to warrant and acknowledge the due form of law when required by said railway company a deed conveying to said Company the lands necessary for the right of way as aforesaid upon the payment to the said Dabbs of the full consideration as a free State should have that said Company shall make upon the date on construction of their land road through said land without Englishmen's land from the date on the one of a fact me to do as follows said time the bond was made to and at the office of the William O. Dabbs through the following signature and date the 17 day of March 1881.

W. O. Dabbs



State of that Virginia, say County 88.

I, Ralph King a Clerk of said County do certify that William O. Dabbs whose name is signed to the writing a free leaving date on the 17th day of March 1881 has this day acknowledged the same before me in my said County, District under my hand this 17 day of March 1881.

Ralph King C. C.

State of that District of Columbia, say District of Columbia 1st 1881.

The bond was signed with the subjects which amount was this day amount and said office was admitted to record.

Not



M H Frame

To

Whereas the Baltimore, Cincinnati and Western
 Cal. Cincinnati & Western R.R. & Co. Railway Company a Corporation organized under the
 provisions of the act of the Legislature of West Virginia known as chapter 88 of the
 acts of 1872-3, propose to construct a railway through the lands of the undersigned
 and for that purpose desire the right of way and land necessary for such construc-
 tion Now therefore this Contract witnesses that the undersigned M H Frame
 of Clay County and State of West Virginia for and in consideration of one
 dollar in hand paid by the said Company the receipt of which is hereby
 acknowledged do hereby agree to grant the right of way of the width of sixty
 feet with the necessary slopes through his lands situate in Clay County on
 both sides of Elk River Enclave of a horse and lot in the town of Henry
 consisting of two tracts one of fifty acres on the south side of Elk river known
 as the Sawyers tract running on said river about one half mile from Red House
 Shoal down the other tract lies on North side Elk River between Little Laurel and
 big Spreaders and contains about fifty acres to the said Baltimore Cincinnati and
 Western Railway Company for the purpose of constructing a railway and do hereby
 agree to release to said Company all claims for damages which may be sustained by
 him by reason of such construction through the same and he do hereby covenant
 and agree to execute and acknowledge in due form of law when required by said
 railway company a deed conveying to said Company the lands necessary for the
 right of way as aforesaid provided however that said Company shall enter upon the
 actual construction of their said Road through said lands within fifteen months
 from this date otherwise this Contract shall be void at the option of the said Frame
 Witness the following signature and Seal this Thirty first day of August 1881.

M H Frame

State of West Virginia Clay County Sd:

I J P Stephenson Clerk of the County Court of Clay County do certify that
 M H Frame whose name is signed to the writing above bearing date on the Thirty
 first day of August 1881 has this day acknowledged the same before me in my
 said County Given under my hand this Thirty first day of August 1881

J P Stephenson Clerk

State of West Virginia Clay County Court Clerks office Nov 7th 1881.

This Contract together with the certificate thereto annexed was this day received in
 said Office and Admitted to record

Teste

J P Stephenson Clerk