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Taking Care of Wild Places

Tuesday, March 19, 2024

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

Re: R.J. Corman Railroad Property Abandonment in Scott, Campbell and Anderson Counties,
Tennessee, AB-1296 (sub-no. 0x)

On behalf of Tennessee Citizens for Wilderness Planning (TCWP), I respectfully request that the time period for trail use negotiations between TCWP and R.J. Corman Railroad Property (RJC) be extended another year. The last extension for negotiations granted by this Board will expire on April 17, 2024. Since the April 17, 2020, acceptance of the TCWP request for issuance of a Notice of Interim Trail Use, TCWP has filed every year to renew the trail use negotiation period. Several decisions about this rail line have been issued by the Board that precluded the beginning of negotiations between TCWP and RJC.

On May 26, 2020, the Board granted, in part, a motion filed by Arkansas Oklahoma Railroad Company and on June 9, 2020, extended the deadline for AOK Railroad Company to file its Offer of Financial Assistance to June 23, 2020. On June 26, 2020, the Board rejected Arkansas-Oklahoma Railroad Company's offer of financial assistance.

On September 23, 2020, the Board denied an appeal of the decision to reject Arkansas-Oklahoma Railroad Company's offer of financial assistance. In December of 2020 the Board denied a petition for a stay of the decision denying an appeal of the decision rejecting an offer of financial assistance and ordered board sponsored mediation.

On May 3, 2021, the Board denied a petition for reconsideration of the decision denying an appeal of an earlier decision rejecting an offer of financial assistance. On October 6, 2021, the Director of Proceedings granted a motion to accept Anderson County, Tennessee's rebuttal and directed RJC to file a supplement by November 5, 2021.

On April 15, 2022, the Board prohibited RJC from consummating its abandonment until further order. On November 17 of that same year, the Board partially granted a petition to reopen because the Board determined that exercising the abandonment authority previously granted would isolate or "strand" a connected line of railroad from the interstate rail network. The Board reopened the proceeding and conditioned the Oneida Line abandonment on abandonment of the

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Clinchmore Portion, the Beech to Carbon Hill Portion, and any other § 10901 track identified by RJC that could be stranded by the abandonment of the Oneida Line.

On October 11, 2023, the Board filed its decision seeking clarification from R.J. Corman to help the Board assess whether abandonment of the Oneida Line would create a stranded segment and ordered RJC Railroad Property to file supplemental information explaining who owns the Beech Segment, whether it is currently a railroad line within the Board's jurisdiction, and whether any entity has sought to abandon the segment in the past.

The Boards' decision of March 1, 2024, permits RJC to abandon approximately 3.67 miles of rail line in Campbell County, Tenn.

Since TCWP first filed a request for interim trail use four years ago we have been unable to begin negotiations because the abandonment effort has been subject to the above-described interruptions to abandonment. The Board has provided TCWP with several extensions for negotiations to continue. The current extension expires on April 17, 2024. In its October 11, 2023, decision, the Board stated that "Where, as here, the rail carrier has not consummated the abandonment and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended. If more time is necessary, TCWP can seek a further extension, subject to a showing of extraordinary circumstances as provided under the Board's regulations. See 49 C.F.R. § 1152.29(d)(1)(ii)."

Attorney for RJC, Catherine Wright, has been contacted to determine whether her client is still agreeable to an extension for trail use negotiations. Ms. Wright was able to ascertain that RJC does not object to an extension of time to now begin negotiations given the unique circumstances that exist in this matter.

TCWP respectfully requests that the Surface Transportation Board grant an extension of the trail use negotiation period until April 17, 2025.

TCWP is a small, not-for-profit environmental advocacy organization that is based in Oak Ridge. Our annual budget is bare-bones, and the \$500 application renewal fee is a hardship. We request that the Surface Transportation Board forgive the application fee for this request for an extension. Thank you for your consideration of this request.

Sincerely,

Mark Bevelhimer President, Tennessee Citizens for Wilderness Planning



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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2024, I served the foregoing using the below email addresses on all parties of record in this proceeding:

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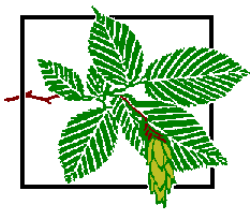
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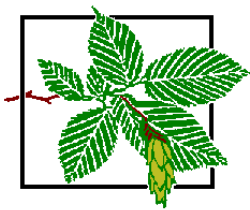
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