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December 26, 2024
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Public Record

Taking Care of Wild Places

Thursday, December 26, 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, Docket Nos. AB 1296 (Sub-No. 1X) and AB 1296X

Dear Ms. Brown,

On April 16, 2024, the Board ordered that the interim trail use negotiating period be extended to April 17, 2025. 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, LLC (RJC) be extended another year to April 17, 2026.

Additionally, RJC's deadline for filing its' Notice of Consummation will correspondingly need to be extended consistent with the trail use extension requested herein. RJC does not object to this extension request and will file its own letter confirming its agreement.

Extraordinary Circumstances:

The Board granted three (3) one-year extensions of time for trail use negotiations through April of 2024. In its decision of April 16, 2024, the Board found extraordinary circumstances to grant a fourth one-year extension to April 17, 2025, pursuant to 49 C.F.R. § 1152.29(d)(1)(ii), which states:

"Parties may request a Board order to extend, for one-year periods, the interim trail use negotiation period. Up to three one-year extensions of the initial period may be granted if the trail sponsor and railroad agree. Additional one-year extensions, beyond three extensions of the initial period, are not favored but may be granted if the trail sponsor and railroad agree and extraordinary circumstances are shown."

In its decision of April 16, 2024, granting the fourth extension, this board succinctly cited the protracted history of litigation in this matter, finding as follows:



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“Here, TCWP has demonstrated that the extensive litigation involving the Oneida Line and the connecting line, and the resulting uncertainty surrounding the eligibility of the Oneida Line for abandonment, had a cooling effect on the negotiations for trail use and that the uncertainty was not of its own making. In this instance, that uncertainty constitutes extraordinary circumstances.” See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cnty., Tenn. (April 16, 2024 Decision), AB 1296X.

The final rule establishing the extraordinary circumstances provision of 49 C.F.R. § 1152.29(d) includes a brief example of what might constitute extraordinary circumstances.

“A showing of “extraordinary circumstances” will depend on the specific facts of each case but might include, for example, specific evidence that necessary financing is imminent or specific evidence of problems or complications demonstrably beyond the negotiators' control that arise in connection with an unusually lengthy, multi-jurisdictional trail. It is unlikely that issues within negotiators' control, such as insurance coverage, title review, appraisal issues, or personnel turnover, will constitute extraordinary circumstances.” 49 CFR Part 1152. Docket No. EP 749 (Sub-No. 1); Docket No. EP 753.

The proposed Rail to Trail in this matter is a multi-jurisdictional project covering Scott, Campbell and Anderson Counties for a total length of 41 miles. This Rail Trail project will be the longest such trail in Tennessee. 27 miles of this corridor is within Scott County.

Diligence and good faith efforts balanced with need for finality:

Despite the years of uncertainty, a couple of months prior to the most recent decision granting the extension of time for trail use negotiations, TCWP began planning for a positive outcome to the request for extension of time. We have set out the most notable efforts in a timeline below.

Timeline of notable efforts:

February and March of 2024:

Finalization and printing of an informational brochure to provide to county officials. Brochure attached.



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March and April of 2024:

Created 11-person team to take on numerous tasks to move the project forward.
Met with Scott County mayor.

May 2024:

Communications with RJC and National Salvage Company regarding trail use negotiations.

June 2024:

Interviewed three Tennessee Rails to Trails project owners / managers to determine options for trail ownership and management.

Met with Oneida Mayor Lori Phillips-Jones.

June and July 2024:

On-going discussions with Mayor Lori Phillips-Jones, who is fully supportive and anxious to help move the project forward.

Met with Campbell County Mayor.

August 2024:

Several meetings over zoom with Team and National Salvage Company.

TCWP attends Tennessee Governor's Conservation Summit where it was announced that a new Office of Outdoor Recreation was created and would support projects such as a Rails to Trails project.

August 29: TCWP receives email from Thomas Lamb of new Office of Outdoor Recreation stating strong interest in the Rails to Trails Project.

September 2024:

Continue discussions with National Salvage Company and RJC regarding easement and circumstances of transfer. On-going discussions with Tom Lamb and Mayor Lori Phillips-Jones to determine the next best steps.

October 9, 2024:

Oneida Mayor Lori Phillips-Jones hosts a Tourism Workshop facilitated by Jenni Veal of the Tennessee Department of Tourism. The workshop focused on the advantages to Scott County of supporting the Rails to Trails project. 25 -30 attendees included landowners, small business owners, Scott County officials, the National Park Service superintendent, Tom Lamb of the Office of Outdoor Recreation, TCWP and others that work and live in Scott County. The workshop was enormously successful.



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November 19, 2024:

Mayor Lori Phillips-Jones hosted a much larger meeting in Oneida facilitated by Tom Lamb and Jenni Veal. There were approximately 60 people in attendance including two representatives of National Salvage Company, a representative from RJ Corman, Scott County officials, small business owners, a National Rails to Trails Conservancy representative, Trust for Public Land employees who are interested in supporting this project and several landowners. Some landowners who opposed the project were encouraged to voice their concerns.

November and December 2024:

Continue discussions with National Salvage Company and RJC regarding easement and circumstances of transfer.

A member of the TCWP team researched every landowner along the 27 mile stretch of the Oneida line in Scott County and created an excel sheet to provide to Mayor Lori Phillips-Jones.

A flurry of meetings in these two months attempting to establish the best and most efficient way forward. On December 8th Mayor Lori held a meeting in Oneida, assembling a 15-person group to form a nonprofit for eventual ownership of the corridor. A decision was made by the Oneida group to take these steps:

1. The Oneida group will set up neighbor to neighbor landowner meetings. These meetings will be in small groups along the 27 miles. These meetings will address concerns and encourage participation in promoting the trail to Scott County officials.
2. Two members of this group will start the application process in Tennessee to be recognized as an incorporated nonprofit and will then seek 501 (c)(3) status with the IRS. While this is pending, the Oneida group will begin fundraising for the necessary appraisal needed to negotiate a sale.
3. Working with the National Salvage Company to erect barriers to ATV use of the sections of the trail with rails removed. (Landowner concerns focused on ATV use).

Tom Lamb indicated that once a potential “owner” of the corridor is identified, their office would reach out to Governor Lee to request a direct distribution of funds from the Governor’s office to support the Rails to Trails project and that these funds might be used to support acquisition as well as eventual development.

Other funding sources are being researched. Many of the state grant programs, including the one that the Office of Outdoor Recreation administers, require the applicant to be a local unit of government. However, a nonprofit can join the local unit



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of government in its application. Research has started to determine if a fiscal sponsor would accept funds raised while the Oneida group is waiting for nonprofit status.

TCWP will continue setting up meetings with Campbell and Anderson County mayors to determine steps necessary in those counties. It is the intention of TCWP to be working in tandem with the Oneida group so that no time is wasted. All parties desire finality so that this opportunity can come to fruition as early as possible. It is also worth mentioning that National Salvage Company is interested in the success of this Rails to Trails project and the eventual construction of the trail. It has agreed to note anywhere a trestle might need repair and are already ahead of the game in knowing where decking and guardrails will need to be applied to existing bridges.

An additional year for negotiations, through April 17, 2026, is reasonable given the number of moving pieces a multi-jurisdictional Rails to Trails project entails.

We have included in this Request for Extension three letters of support.

TCWP respectfully requests that the Surface Transportation Board grant an extension of the trail use negotiation period until April 17, 2026.

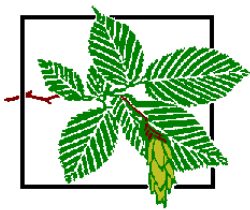
Sincerely,

Mark Bevelhimer President, Tennessee Citizens for Wilderness Planning

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2024, I served the foregoing using the below email addresses on all parties of record in this proceeding.

Catherine S. Wright,
Esq. Jackson Kelly PLLC
100 West Main St., Suite 700
P. O. Box 150 Lexington, Kentucky 40507
Email: Catherine.wright@JacksonKelly.com



Tennessee
Citizens for
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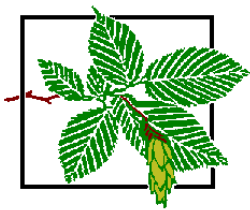
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Tennessee
Citizens for
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Alderman

**Rick Harper
Mark Byrd
Dakota Smith
Jeff Tibbals**

TOWN OF ONEIDA

P.O. Box 4237
Oneida, Tennessee 37841

Lori Phillips-Jones, Mayor

423-569-8300

423-569-4295

FAX 423-569-2990

Gateway to the



Big South Fork

December 9, 2024

Nancy Manning, Executive Director

Tennessee Citizens for Wilderness Planning

Via email

Dear Nancy,

I am writing this letter on behalf of the Town of Oneida to express my full support of the extension of the deadlines with the STB to allow local groups to further explore a Rails to Trails option in Scott County. Several of us with the Town have been working diligently since the summer of 2024 to coordinate with tourism officials in the State of Tennessee and local stakeholders about the potential for a Rails to Trails program with the main trailhead being located in Oneida. The Town is very excited about this possibility but needs more time to develop plans, cultivate a group of interested citizens, and look at funding opportunities. Please allow us the opportunity to further investigate this great possibility for our community.

Thank you for all your help in this project!

Sincerely,

Lori Phillips-Jones, Mayor

December 12, 2024

LETTER OF SUPPORT: New River Rail Trail Project

To: Nancy Manning, Executive Director, Tennessee Citizens for Wilderness Planning

**From: Jenni Veal, Outdoor Tourism Development Manager
Tennessee Dept. of Tourist Development
Jenni.Veal@tn.gov / C. 615-864-5848**

I am writing in support of the work that the Tennessee Citizens for Wilderness Planning are doing to pursue the successful development of the New River Rail Trail Project in Scott, Anderson and Campbell counties.

In November, the Tennessee Department of Tourist Development and Tennessee's Office of Outdoor Recreation hosted a "discovery meeting" in Oneida, TN to help facilitate information sharing and discussions related to the project. We understand there is a key April 2025 deadline; however, there is still much work to be done – and many interested partners in the mix – so we are hopeful that a deadline extension will be granted for this project.

Outdoor recreation is a growing cornerstone of the US economy, contributing \$1.2 trillion in economic output (2.3 percent of the GDP). It's an industry that generates jobs and supports small businesses, while also providing opportunities for people of all ages and abilities to engage with the outdoors for health, connection, and quality of life. In Tennessee, outdoor recreation is a key economic development opportunity across the state, and especially in rural communities such as Scott (distressed), Campbell (at-risk) and Anderson (transitional) counties. A 42-mile rail trail project could be a significant economic driver for these counties and an impactful outdoor recreation asset for the entire state.

Thank you for your support of this project and any ways you can help drive its success.

Best,
Jenni Veal, Outdoor Tourism Development Manager
Tennessee Department of Tourist Development



TDEC – Office of Outdoor Recreation

Davy Crockett Tower, 8th Floor
500 James Robertson Parkway
Nashville, TN 37243

11 December 2024

Nancy Manning, Executive Director
Tennessee Citizens for Wilderness Planning
Via Email

Nancy,

The Tennessee Office of Outdoor Recreation was created to help unify stakeholders, multiply efforts to improve conservation and access to Tennessee's great outdoors, and leverage Tennessee's unique outdoor industry and economy for the benefit of all Tennesseans. The Greenways and Trails program encourages Tennessee communities to save special green spaces that provide avenues for outdoor recreation.

As the Greenways and Trails Coordinator, I am pleased to document my full support of the TCWP and multiple partners working together toward a highly impactful Rails to Trails project in Scott, Campbell, and Anderson County. The Office of Outdoor Recreation supports your request to the STB seeking an extension of the NITU negotiating period. The Greenways and Trail program will continue to commit technical assistance and supplemental resources to take advantage of the positive momentum generated through recent community engagement. I believe an extension will provide the time needed to address all aspects of a formal agreement.

Thank you,

A handwritten signature in black ink, appearing to read "Tom Lamb". The signature is fluid and stylized, with a large initial "T" and a long, sweeping underline.

Tom Lamb
TN Greenways and Trails Coordinator

thomas.lamb@tn.gov

"TENNESSEE NEW RIVER TRAIL"



photo by Ken Mayes

A Rails to Trails Proposal for the Oneida Line

R. J. Corman Railroad Company
RJCR Eastern Tennessee Line (Oneida Line)

Imagine a 41-mile multi-use trail along an old railroad bed stretching through the New River basin just north of Oak Ridge, Tennessee, along a scenic portion of the Cumberland Plateau's New River. Available for biking or walking a long or short way, from Oneida (Scott County) to Devonia/Moore's Camp (Anderson County).

Successful Rails-to-Trails projects around the country have realized significant economic and tourism benefits for their local communities. Conversion of the Oneida Line is a real possibility, and the time is now to make it happen as the RJ Corman Railroad Company, the owner of the Oneida Line, has recently received approval to abandon the rail line.

Petro 0 2.5 5 7.5 10 Miles



In April 2020, R.J. Corman filed a request to the federal Surface Transportation Board (STB) to abandon the 41-mile “Oneida Line.” Following Corman’s request for abandonment, Tennessee Citizens for Wilderness Planning (TCWP) filed a request to the STB for a Notice of Interim Trail Use (NITU), which the STB granted.

This NITU, or Railbanking Agreement, not only provides a potential recreational destination for Scott, Campbell, and Anderson counties, it also requires Corman to leave the bridges, railbed, and subgrade intact, ensuring the railroad right-of-way is preserved for possible reactivation for rail service. Interim trail use of railbanked corridors has preserved thousands of miles of rail corridors that would otherwise have been abandoned.

Tennessee Citizens for Wilderness Planning (TCWP) would like to work with local and state governments, residents, and businesses to turn this abandoned rail line between Oneida and Moore’s Camp (Devonia) into a Rails-to-Trails project that would be a boon to the local economies.

This 41-mile rail corridor follows the scenic Paint Rock Creek Gorge and the New River Valley for much of its length, through parts of three TN counties: Scott (27 miles), Campbell (6.5 miles), and Anderson (7.5 miles).

The trail will connect nearby Frozen Head State Park, The Cumberland Trail State Park, The North Cumberland Wildlife Management Area, and several small towns with rich histories including: Oneida (Gateway to the Big South Fork National River and Recreation Area), Norma, Winona, Brookside, Shea, Devonia, and Moore’s Camp.

The proposed trail has a perfect grade for leisure riding and walking and follows a very scenic river valley and rocky gorge through quite a bit of undeveloped wildlife management preserve and small farms and towns. The trails would be very attractive tourist and local bike riders, hikers, and local walkers. The trail would also provide access for other trail users, provide river fishing access, canoeing and kayaking access and greenspace. Hikers from the Cumberland Trail could also hike to Oneida or Frozen Head State Park along the proposed trail. B&B or other



**Scenic view along the
Virginia Creeper.
Photo by Ken Mayes**



**Future trail for families to enjoy.
Photo by Tim Bigelow**



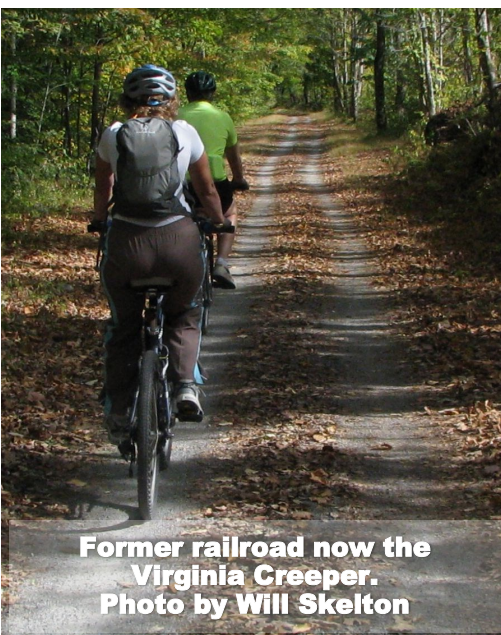
**Family enjoying the Eureka Trail
in Athens, TN.
Photo by Will Skelton**

types of overnight accommodations could also be established by locals in the small trail towns for tourism, riders, and distance hikers. Making the project a reality will require cooperation and leadership from a variety of stakeholders including the three counties governments, the State of Tennessee, the national Rails-to-Trails Conservancy, regional conservation and recreation organizations (such as TCWP), and local landowners.

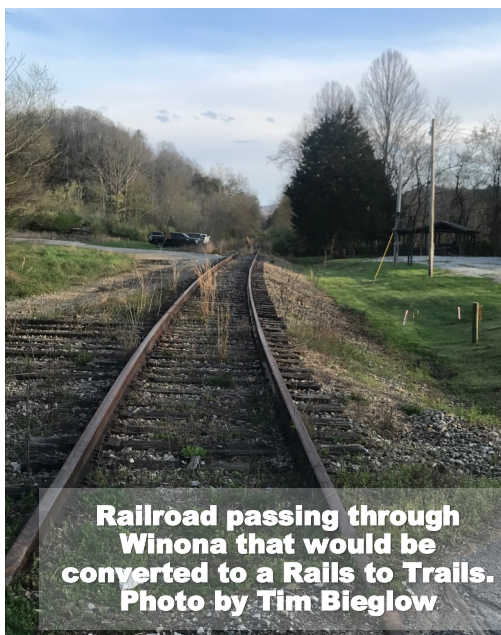
There's a window to get this project off the ground with the hope that it could be like the Virginia Creeper Trail in southwest Virginia or

the Great Allegany Passage-C&O Canal Trail in Pennsylvania and Maryland. A 2004 economic impact analysis* of the 34-mile Virginia Creeper Trail estimated that the trail contributed over \$2 million per year to the local economy and trail use has almost doubled since that analysis.

We would welcome the opportunity to work with local officials and communities to explore this timely economic opportunity.



**Former railroad now the
Virginia Creeper.
Photo by Will Skelton**



**Railroad passing through
Winona that would be
converted to a Rails to Trails.
Photo by Tim Bieglow**

Tennessee Citizens for
Wilderness Planning
PO Box 6873
Oak Ridge, TN 37831
865-201-3309
nancymanning@tcwp.org



ECONOMIC IMPACT OF VIRGINIA CREEPER

\$1.6M

IN TOTAL ANNUAL ECONOMIC
ACTIVITY SUPPORTED

\$610,000

IN LABOR EARNINGS

**& 27
JOBS**

106,000

PEOPLE USED THE
VIRGINIA CREEPER A YEAR

OF 39,367 NON-LOCAL TRIPS SURVEYED,

5,725

WERE OVERNIGHT TRIPS

OVERNIGHT USERS SPEND

ROUGHLY 4X

MORE THAN DAY USERS.

61%

OF THE INCOME
OF LOCAL BUSINESSES
GENERATED BY TRAIL USE.

MANY LOCAL ENTREPRENEURS
NAMED VIRGINIA CREEPER
AS MOTIVATION FOR OPENING A
BUSINESS IN THE AREA.

Economic Impact Resources:

*Gill, Joshua. 2004. The Virginia Creeper Trail: An Analysis of Net Economic Benefits and Economic Impacts of Trips. Thesis – Master of Science Degree. Athens: University of Georgia. https://www.vacrepertrail.org/wp-content/uploads/2018/02/Economic-Impact-Study_2004.pdf

Bowker, J.M., Bergstrom, J., Gill, J. 2007. Estimating the economic value and impacts of recreational trails: a case study of the Virginia Creeper Rail Trail. Tourism Economics. 13(2): 241-260. https://www.srs.fs.usda.gov/pubs/ja/ja_bowker008.pdf

Economic Development Studio [Stephen Cox, Jonathan Hedrick, Chelsea Jeffries, Swetha Kumar, Sarah Lyon-Hill, William Powell, Katherine Shackelford, Sheila Westfall, Melissa Zilke]. 2011. Building Connectivity Through Recreation Trails: A Closer Look at New River Trail State Park and the Virginia Creeper Trail. Blacksburg: Economic Development Studio – Virginia Tech. http://www.visitdamascus.org/wp-content/uploads/2016/06/Final-Report_Impact-of-Trails_Fall2011Studio_VT.pdf

Economic Benefits of Trails and Greenways <https://www.railstotrails.org/resourcehandler.ashx?id=4618>

Trail Investment: A Good Deal for the American Economy - Trails and Trail Networks Revitalize American Infrastructure https://www.railstotrails.org/resourcehandler.ashx?name=trail-investment-a-good-deal-for-the-american-economy&id=14675&fileName=RTC_Trail_Benefits_Fact_Sheet_All_Use.pdf