



309325

ENTERED
Office of Proceedings
March 10, 2025
Part of
Public Record

Taking Care of Wild Places

March 10, 2025

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,

This letter is being filed jointly on behalf of Tennessee Citizens for Wilderness Planning (TCWP), the existing trail sponsor, and Trust for Public Land (TPL), the proposed future trail sponsor, in accordance with the requirements of 49 C.F.R. §1152.29(f). TCWP and TPL are jointly seeking an extension of time for negotiating interim trail use/railbanking subject to a showing of extraordinary circumstances as provided under the Board's regulations at 49 C.F.R. § 1152.29(d)(1)(ii).

By Decision of April 17, 2020, a notice of interim trail use or abandonment (NITU) was issued permitting TCWP to negotiate with RJC Railroad Property for interim trail use/railbanking of the Oneida Line under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. The Board extended the negotiating period three times, until April 17, 2024. See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cntys., Tenn. (October 2023 Decision), AB 1296X et al.

TCWP sought a fourth extension of the NITU negotiating period in March of 2024, and the Board granted it, finding “extraordinary circumstances” on April 16, 2024, in R. J. Corman Railroad Property, LLC—Abandonment Exemption—in Scott, Campbell, & Anderson Counties, Tenn. (April 2024 Decision), AB 1296X.

On December 26, 2024, TCWP sought a fifth extension of the negotiating period. In its decision on February 4, 2025, the Board found that TCWP had “taken steps toward reaching a trail use agreement for the Oneida Line, but its request for a further extension is premature. If TCWP anticipates that it will be unable to reach an agreement before April 17, 2025, it may file, no earlier than March 10 but no later than March 17,

FILED

FEE RECEIVED

March 10, 2024

March 10, 2024

P.O. Box 6873 Oak Ridge, TN 37831 | www.tcwp.org
A Member of Community Shares

SURFACE
TRANSPORTATION BOARD

SURFACE
TRANSPORTATION BOARD



Taking Care of Wild Places

2025, a supplement to its extension request demonstrating that extraordinary circumstances warrant a further extension.”

The Board has requested that TCWP set out the steps taken since requesting the fifth extension in December 2024 towards reaching an agreement, what further steps must be taken and the anticipated timing for doing so.

Summary of Steps

Background on Negotiations:

R.J. Corman Railroad and National Salvage Company entered a contract allowing National Salvage to remove the rails from the Oneida Line. Pursuant to this agreement, National Salvage was granted authority to negotiate with TCWP regarding the transfer of the rail corridor, while R.J. Corman retained final approval.

In the summer of 2024, National Salvage representatives (re)affirmed its willingness to convey title to the corridor, subject to railbanking, and following the completion of an independent appraisal to substantiate a purchase price. TCWP began efforts to engage with the three counties as potential owner(s) of the corridor, as certain state grants for trail construction require applicants to be a unit of local government.

Efforts Following the December 2024 Extension Request:

Since filing for an extension in December 2024, TCWP’s primary focus has been on securing support from the City of Oneida and Scott County, within whose jurisdictions most of the Oneida line lies. TCWP has facilitated multiple public meetings to increase public awareness and support for the project. This work continues with the leadership of local supporters and organizations serving as the local face of the project. As a result, a group of Scott County residents began forming a nonprofit to either take ownership or manage the trail. TCWP provided support for this effort, which led to the launch of a website— [Scott County Rail-to-Trail Proposal Bulletin Board](#)—and successful registration as a nonprofit with the State of Tennessee. They filed for and were granted 501(c)(3) status by the IRS with an effective date of December 27, 2024.

Appraisal and Valuation Process:

Between December 2024 and early January 2025, TCWP sought companies to conduct an appraisal and launched fundraising efforts for this purpose. Throughout January 2025, TCWP attempted to secure an appraisal but faced time constraints for an



Taking Care of Wild Places

appraiser to complete the complex appraisal assignment. Consequently, we explored the possibility of using the tax-assessed value for negotiations. TCWP volunteers researched and compiled tax-assessed values for the corridor across all three counties, ultimately securing National Salvage's agreement to use these values as a baseline for negotiations.

Need for Additional Time and Resources:

By the time National Salvage agreed to use the tax-assessed value, it became clear that there was insufficient time to secure official support from the City of Oneida and Scott County. Local advocates continue working with adjacent landowners, but the need for additional understanding of the rail-trail project and railbanking is necessary to establish readiness for local governments to proceed. The City of Oneida Mayor advised that an additional year would significantly improve the chances of gaining official support.

Additionally, in late January, the Tennessee Office of Outdoor Recreation informed TCWP that funding can be secured to purchase the Oneida Line once the groundswell of local support is firmly established. However, to access these funds, an entity must assume liability and enter into an ownership agreement. TCWP is a small nonprofit company with limited resources, including only one full-time staff member responsible for overseeing multiple programs and managing the organization. Given the limited time and capacity, it became evident that a larger organization with more resources and experience in rail-trail projects would be better suited to lead this effort.

Transition to Trust for Public Land (TPL):

Since TCWP's focus has been primarily on Oneida and Scott County, we have not yet had the opportunity to engage the other two counties (which combined contain 30% of the railway). In discussions with TPL in January and February 2025, we determined that TPL would take the lead on negotiating the purchase of the Oneida Line while TCWP continues working with all three counties to build public and official support for the project.

Request for Substitution:

TCWP hereby notifies the Board of its intent to terminate its role as trail sponsor, with



Taking Care of Wild Places

Trust for Public Land (TPL) assuming this responsibility, including the assumption of financial responsibility for the rail corridor. TPL's Statement of Financial Responsibility is attached.

TPL is well-positioned to negotiate terms for purchasing the Oneida Line. Already, TPL and R.J. Corman have entered into a letter of intent for the purchase of the line and are working to finalize and execute a binding purchase agreement. Once the purchase agreement is executed, TPL will be able to commence the necessary property due diligence while TCWP will increase public awareness and support for the project.

In accordance with 49 C.F.R. §1152.29(f), TCWP and TPL jointly notify the Board of the following:

1. Copies of the initial NITU decision from April 17, 2020, and the final extension decision dated April 16, 2024, are included as attachments.
2. TPL's Statement of Willingness to Assume Financial Responsibility and map depicting the subject rail line is included as an attachment.
3. TPL acknowledges that interim trail use remains subject to the right-of-way's potential reconstruction and reactivation for rail service.
4. TCWP and TPL request that the date on which the responsibility for the right-of-way is to transfer to TPL shall be the date upon which the Board issues its order for substitution or April 17, 2025, whichever occurs first.

Conclusion:

TCWP and TPL respectfully request that the Board issue a replacement NITU designating TPL as the new trail sponsor. TCWP and TPL additionally request that the Board find that extraordinary circumstances exist to extend the time for negotiating interim trail use/railbanking.

Respectfully submitted,

Mark Bevelhimer
Board President
Tennessee Citizens for Wilderness Planning

Doug Hattaway
Southeast Region Conservation Director
Trust for Public Land



Taking Care of Wild Places

CERTIFICATE OF SERVICE

I, Mark Bevelhimer, hereby certify that on March 10, 2025, I served the foregoing with all attachments using the email addresses below 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

Tom McFarland
Thomas F. McFarland, P.C.
208 S. LaSalle St., #1666
Chicago, IL 60604-1228
Email: tmcfarland@ameritech.net

Robert Weber
Chairman, Cumberland Trails Conference
409 Thurman Ave #102
Crossville, TN 38555
Email: weber9985@att.net

Frank Jamison
Cumberland Trails Conference
409 Thurman Ave. #102
Crossville, TN 38555
Email: jamisonf@accessam.com

Terry Frank
Mayor, Anderson County, Tennessee
100 North Main Street, Suite 208
Clinton, TN 37716
Email: tfrank@andersontn.org

Christopher J. Schroeck
Counsel for National Coal, LLC
302 S. Jefferson St.
Roanoke, VA 24011



Taking Care of Wild Places

Email: chris.schroeck@bluestone-coal.com

Daniel R. Elliott

Daniel Elliott PLLC
2000 Pennsylvania Ave NW
Suite 7000
Washington, DC 20006
Email: danelliottiii@outlook.com

Chuck Laine

Tennessee Mining Association
12227 S Fox Den Dr
Knoxville, TN 37934
Email: info@tnmining.com

Mario C. Bush, Sr.

P.O. Box 97
Maricopa, AZ 85139
Email: mbush@irailcs.com

Hanna Chouest

650 W. Peachtree St. NW
Atlanta, GA 30308
Email: Hanna.chouest@nscorp.com

Jeff Tibbals

Scott County, Tenn
2845 Baker Highway
PO Box 180
Huntsville, TN 37756
Email: danelliottiii@outlook.com

Daniel Elliott

1055 Thomas Jefferson St., NW
Suite 500
Washington, DC 20007
Email: danelliott@gkglaw.com



TENNESSEE OFFICE

The Trust for Public Land
1810 E. Main Street
#200
Chattanooga, TN 37404

T: 423.265.5229

tpl.org

March 10, 2025

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 of the Oneida Line in Scott, Campbell and Anderson Counties, Tennessee, Docket Nos. AB 1296 (Sub-No. 1X) and AB 1296X.

Dear Ms. Brown:

This request is filed on behalf of The Trust for Public Land, a non-profit California corporation (TPL). In accordance with the Board's policy as set forth in [49 C.F.R. 1002.2\(27\)\(ii\)](#).

TPL requests that the Board recognize TPL as the new trail sponsor and extend the time for negotiating interim trail use / railbanking for a rail line extending from milepost 0.95 at or near Oneida, TN, to the end of the line at milepost 42.0 at or near Devonia, TN a distance of 41.05 miles in Scott, Campbell, and Anderson Counties, TN (the Oneida Line). The request is made to allow TPL, as the new trail sponsor, time to negotiate a trail use agreement with R.J. Corman Railroad Properties.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR 1152.29 with respect to the right-of-way owned and operated by R.J. Corman Railroad Properties, LLC, The Trust for Public Land (Interim Trail Sponsor) is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of right-of-way (*unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability*), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property known as the Oneida Line, extends from railroad milepost 0.95 at or near Oneida, TN, to the end of the line at milepost 42.0 at or near Devonia, TN a distance of 41.05 miles in Scott, Campbell, and Anderson Counties, TN.

Trust for Public Land acknowledges that use of the right-of-way is subject to the sponsor continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

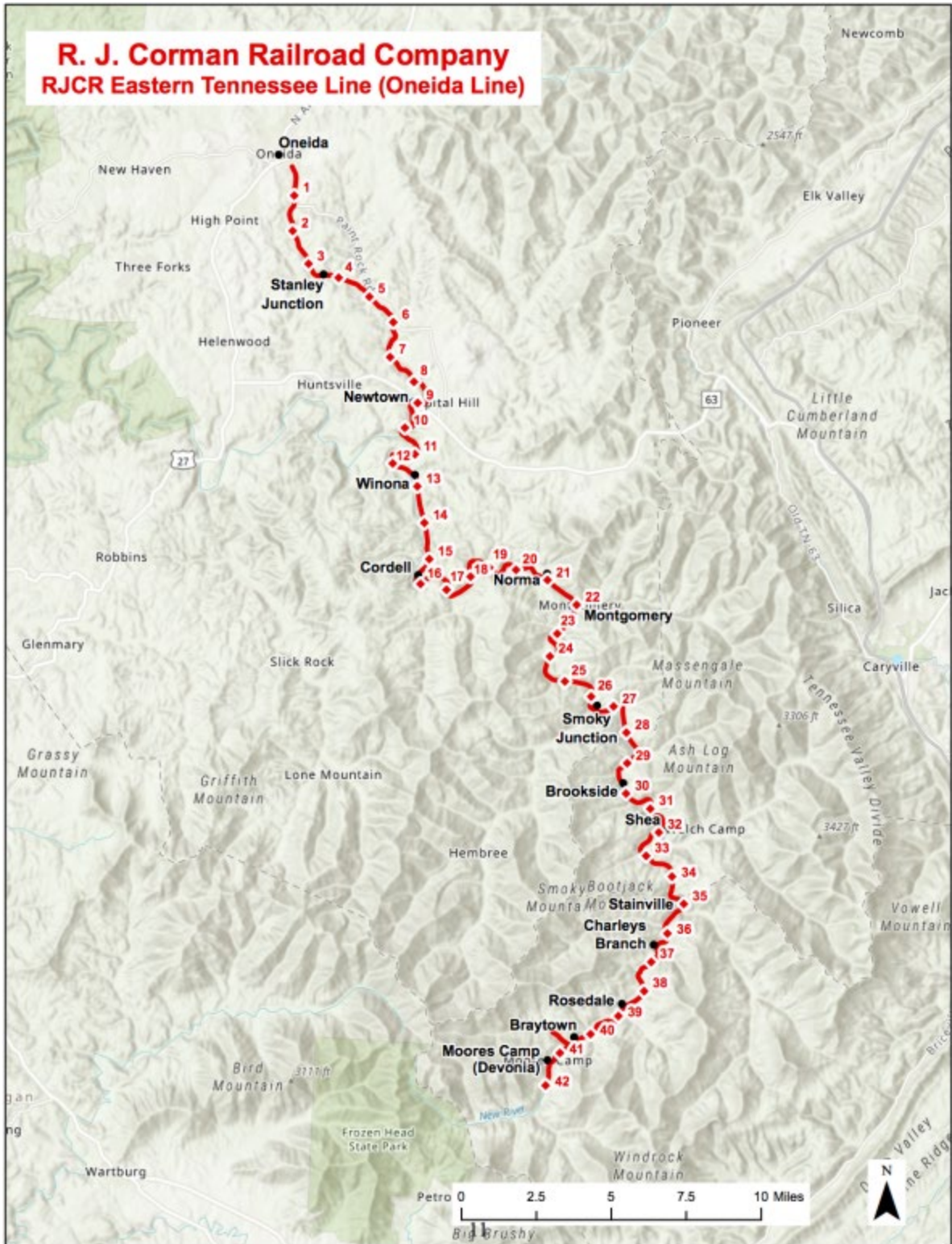
The right-of-way is all the railroad line proposed for abandonment in Docket Nos. AB 1296 (Sub-No. 1X) and AB 1296X. A map of the property depicting the right-of-way is attached hereto and is the map that was filed with this Board on February 18, 2020, as Exhibit B of RJ Corman's Verified Notice of Exempt Abandonment and Discontinuance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Douglas Hattaway", written over a horizontal line.

Douglas Hattaway, AICP
Southeast Region Conservation Director

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



SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1296X

R. J. CORMAN RAILROAD PROPERTY, LLC—ABANDONMENT EXEMPTION—
IN SCOTT, CAMPBELL, AND ANDERSON COUNTIES, TENN.

Decided: April 17, 2020

R. J. Corman Railroad Property, LLC (RJC Railroad Property), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service to abandon a railroad line extending from milepost 0.95 at or near Oneida, Tenn., to the end of the line at milepost 42.0 at or near Devonia, Tenn., a distance of approximately 41.05 miles in Scott, Campbell, and Anderson Counties, Tenn. (the Line).¹ On March 9, 2020, notice of the exemption was served and published in the Federal Register (85 Fed. Reg. 13,696). The exemption was scheduled to become effective on April 8, 2020. However, Arkansas-Oklahoma Railroad Co., a Class III rail carrier, filed a notice of intent to file an offer of financial assistance to purchase the Line, which stayed the effective date of the exemption until April 18, 2020.²

On April 7, 2020, Tennessee Citizens for Wilderness Planning, Inc., and Cumberland Trail Conference, Inc. (collectively, the Sponsors), late-filed a request for the issuance of a notice of interim trail use or abandonment (NITU) to negotiate with RJC Railroad Property for acquisition of the Line for use as a trail under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29.³ Pursuant to 49 C.F.R. § 1152.29, the Sponsors submitted a statement of willingness to assume financial responsibility for the right-of-way and acknowledged that the use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service. In a response filed on April 14, 2020, RJC Railroad Property notified the Board that it agrees to negotiate for interim trail use.

¹ The verified notice also embraced Docket No. AB 875 (Sub-No. 1X), R. J. Corman Railroad Company/Bardstown Line—Discontinuance Exemption—in Scott, Campbell, & Anderson Counties, Tenn., in which R. J. Corman Railroad Company/Bardstown Line sought an exemption to discontinue service over the Line.

² No offer of financial assistance was filed by the April 8, 2020 deadline. See 49 C.F.R. § 1152.27(c)(2)(ii)(B).

³ In Abandonment & Discontinuance of Rail Lines & Transportation Under 49 U.S.C. § 10903, 1 S.T.B. 894 (1996) and 2 S.T.B. 311 (1997), the Board retained the policy of accepting requests after the due date when good cause is shown. Because there is no indication that the Sponsors' late-filed request will prejudice any party, it will be accepted.

Because the Sponsors' request complies with the requirements of 49 C.F.R. § 1152.29 and RJC Railroad Property is willing to negotiate for interim trail use, a NITU will be issued. The parties may negotiate an agreement for the right-of-way during the one-year period prescribed below.⁴ If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2), (h). If no agreement is reached within one year, RJC Railroad Property may fully abandon the Line, subject to any outstanding conditions. 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

In their April 7, 2020 filing, the Sponsors also requested imposition of a public use condition under 49 U.S.C. § 10905 for the right-of-way. The Sponsors ask that RJC Railroad Property be prohibited from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms, for a 180-day period from the effective date of the abandonment authorization and request an order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The Sponsors state that the corridor has considerable value for recreational trail purposes and is in accordance with local plans. They further state that the 180-day period is needed to assemble and review title information, complete a trail plan, and begin negotiations with RJC Railroad Property.

As an alternative to interim trail use under the Trails Act, the right-of-way may be acquired for public use as a trail under 49 U.S.C. § 10905. See Rail Abans.—Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 609 (1986). Under § 10905, the Board may prohibit the disposal of rail properties that are proposed to be abandoned and are appropriate for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

To justify a public use condition, a party must set forth: (i) the condition sought; (ii) the public importance of the condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. 49 C.F.R. § 1152.28(a)(2). Because the Sponsors have satisfied these requirements, a public use condition will be imposed requiring RJC Railroad Property to keep intact the right-of-way (including trail-related structures such as bridges, trestles, culverts, and tunnels) and refrain from disposing of the corridor (other than tracks, ties, and signal equipment) for 180 days, commencing from April 18, 2020, the effective date of the exemption. If a trail use agreement is reached for a portion of the right-of-way prior to October 15, 2020, RJC Railroad Property must keep the

⁴ Effective February 2, 2020, the Board modified its rules regarding the number and duration of, and standard for granting, extensions of the NITU negotiating period (as well as the duration of the initial NITU negotiating period). See Limiting Extensions of Trail Use Negotiating Periods, EP 749 (Sub-No. 1) et al. (STB served Dec. 4, 2019).

remaining right-of-way intact for the remainder of the 180-day public use condition period to permit public use negotiations.

A public use condition is not imposed for the benefit of any one potential purchaser but rather to provide an opportunity for any interested person to acquire the right-of-way that has been found suitable for public purposes, including trail use. Therefore, with respect to the public use condition, RJC Railroad Property is not required to deal exclusively with the Sponsors but may engage in negotiations with other interested persons.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Sponsors' late-filed requests for a NITU under 16 U.S.C. § 1247(d) and a public use condition under 49 U.S.C. § 10905 are accepted and granted.
3. Upon reconsideration, the notice served and published in the Federal Register on March 9, 2020, exempting the abandonment of the Line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below to permit the parties to negotiate for trail use for the Line for a period of one year from the service date of this decision and notice, until April 17, 2021, and to permit public use negotiations as set forth below for the Line for a period of 180 days commencing from the effective date of the abandonment exemption, until October 15, 2020.
4. Consistent with the public use and interim trail/rail banking conditions imposed in this decision and notice, RJC Railroad Property shall keep intact the right-of-way, including potential trail-related structures such as bridges, trestles, culverts, and tunnels, for a period of 180 days from the effective date of the exemption, until October 15, 2020, to enable any state or local government agency, or other interested person, to negotiate the acquisition of the right-of-way for public use. If an interim trail use/rail banking agreement is executed before expiration of the 180-day public use condition period, the public use condition will expire to the extent the trail use/rail banking agreement covers the same portion of the right-of-way.
5. If an interim trail use/rail banking agreement is reached, it must require the Sponsors to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case they need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

6. Interim trail use/rail banking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the Sponsors' continuing to meet their responsibilities for the right-of-way described in paragraph 5 above.

7. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2), (h).

8. If interim trail use is implemented, and subsequently the Sponsors intend to terminate trail use on all or any portion of the right-of-way covered by the interim trail use agreement, they must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

9. If an agreement for interim trail use/rail banking is reached by April 17, 2021, for the right-of-way, interim trail use may be implemented. If no agreement is reached, RJC Railroad Property may fully abandon the Line, subject to any outstanding conditions.

10. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 1296X

R. J. CORMAN RAILROAD PROPERTY, LLC—ABANDONMENT EXEMPTION—
IN SCOTT, CAMPBELL, AND ANDERSON COUNTIES, TENN.

Decided: April 16, 2024

In February 2020, R. J. Corman Railroad Property, LLC (RJC Railroad Property), filed a verified notice under the two-year out-of-service class exemption at 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a rail line extending from milepost 0.95 at or near Oneida, Tenn., to the end of the line at milepost 42.0 at or near Devonia, Tenn., a distance of approximately 41.05 miles in Scott, Campbell, and Anderson Counties, Tenn. (the Oneida Line). Notice of the exemption was served and published in the Federal Register on March 9, 2020 (85 Fed. Reg. 13,696).

On April 17, 2020, a notice of interim trail use or abandonment (NITU) was issued permitting Tennessee Citizens for Wilderness Planning, Inc. (TCWP), and Cumberland Trail Conference, Inc., to negotiate with RJC Railroad Property for interim trail use/rail banking of the Oneida Line under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. Thereafter, the NITU negotiating period was extended three times, most recently to April 17, 2024. See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cntys., Tenn. (October 2023 Decision), AB 1296X et al. (STB served Oct. 11, 2023). The October 2023 Decision noted that TCWP could seek a further extension of the NITU negotiating period, subject to a showing of extraordinary circumstances as provided under the Board’s regulations at 49 C.F.R. § 1152.29(d)(1)(ii). October 2023 Decision, AB 1296X et al., slip op. at 7.

On March 22, 2024, TCWP filed a request to further extend the NITU negotiating period for one more year. TCWP states that several Board decisions about the Oneida Line have precluded negotiations between TCWP and RJC Railroad Property. Specifically, TCWP points to the extensive litigation in front of the Board surrounding an offer of financial assistance under 49 U.S.C. § 10904 by another railroad to acquire the Oneida Line, its rejection, subsequent appeal, and petition for reconsideration that created uncertainty about the status of the abandonment of the Oneida Line until May of 2021. See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cntys., Tenn., AB 1296X (STB served May 3, 2021). TCWP also notes an April 15, 2022 order of the Board prohibiting the consummation of the abandonment of the Oneida Line and a subsequent conditioning of the abandonment on the abandonment of a connecting, potentially “stranded,” line segment, which itself was not

approved until March of 2024. See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Campbell Cnty., Tenn., AB 1296 (Sub-No. 1X) (STB served Mar. 1, 2024).

On March 25, 2024, RJC Railroad Property filed a letter consenting to TCWP’s request to extend the NITU negotiating period. RJC Railroad Property cites to many of the same issues TCWP raises as justification for the extension request.

When adopting its rules limiting extensions of NITU negotiating periods beyond three one-year extensions to “extraordinary circumstances,” 49 C.F.R. § 1152.29(d)(1)(ii), the Board stated that “[a] showing of ‘extraordinary circumstances’ will depend on the specific facts of each case” and that “[i]t is unlikely that issues within negotiators’ control . . . will constitute extraordinary circumstances.” Limiting Extensions of Trail Use Negotiating Periods, EP 749 (Sub-No. 1) et al., slip op. at 10-11 (STB served Dec. 4, 2019). 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.

Furthermore, TCWP indicates that it wishes to continue negotiating for interim trail use on the Oneida Line, and RJC Railroad Property has agreed to negotiate. 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. See Rail Abans.—Use of Rts.-of-Way as Trails—Suppl. Trails Act Procs., 4 I.C.C.2d 152, 157-58 (1987); see also Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Vill. v. Mo. Pac. R.R., 95 F.3d 654, 659 (8th Cir. 1996). For the reasons discussed above, TCWP has shown extraordinary circumstances warranting a grant of its additional extension request as provided under the Board’s regulations, and the extension request will be granted. See 49 C.F.R. § 1152.29(d)(1)(ii).

It is ordered:

1. TCWP’s extension request is granted, and the interim trail use negotiating period is extended until April 17, 2025.

2. This decision is effective on its date of service.

By the Board, Mai T. Dinh, Director, Office of Proceedings.