

214101



**Cumberland
Trail
Conference**

Cumberland Trail Conference

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May 26, 2005

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Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street,
Washington, DC 20423

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Office of Proceedings

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Part of
Public Record

Re: Request for Interim Trail Use and Statement of Willingness to Assume Financial Responsibility for Tennessee Railway Company (a subsidiary of Norfolk Southern Railway Company) Abandonment in Anderson and Campbell Counties, Tennessee. [STB Docket Number AB-290 (Sub-No. 259x)]; Tennessee Railway Company Abandonment in Scott and Campbell Counties, Tennessee [STB Docket No. AB-290 (Sub-No. 260x)] ➔ 214102

Dear Secretary Williams:

This is a request for issuance of an Interim Trail Use Condition that is hereby filed by the Cumberland Trail Conference, which is a public interest nonprofit organization devoted to conservation, recreation, historical preservation, and education, which is hereinafter referred to as "Commenter."

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Oneida, Tennessee and Nick's Creek, Tennessee, and Nick's Creek, Tennessee and Devonia, Tennessee.

A. Public Use Condition

The railroad corridor in question runs largely along a scenic river in Scott, Campbell and Anderson counties in Tennessee and passes directly across the newly formed Cumberland Trail State Scenic Trail of Tennessee. The corridor could extend the Cumberland Trail northward and southward along the New River and beyond, and in so doing, connect a public park to the city of Oneida, Tennessee, and provide trail proximity to the Big South Fork National River and Recreation Area. The corridor would make an excellent recreational trail; and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to assemble and review title information, complete negotiations with the carrier, develop a trail plan, and gain necessary board approvals.

MISSION: To preserve the historical and cultural heritage of Tennessee, conserve natural resources, and provide educational and recreational opportunities through the development and completion of the Cumberland Trail Corridor, and to establish a foundation of support by interconnecting local communities within the trail corridor to acquire, maintain, and promote the Cumberland Trail.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the Cumberland Trail Conference is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Tennessee Railway Company and operated by Norfolk Southern Railway Company.

The property, known as the Tennessee Railway Line, extends from railroad milepost TE- 0.95 near Oneida, Tennessee to railroad milepost TE- 27.96 near Nick's Creek, Tennessee, a distance of 27.01 miles in Scott County, Tennessee. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-no. 260x). A second section extends from milepost TE-27.96 near Nicks Creek, Tennessee to milepost TE-42.00 at Devonia, Tennessee, a distance of 14.4 miles. This section is part of a proposed abandonment in Docket No. AB-290 (Sub-no. 259x).

A map depicting the right-of-way is attached.

The Cumberland Trail Conference acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Norfolk Southern Corporation, Three Commerce Place, Norfolk, VA, 23510-9241, by US Mail, postage pre-paid, first class, this 26th day of May, 2005. Enclosed is our check # 5173 to cover the filing fee.

Respectfully submitted,



Paul Freeman
Executive Director
Cumberland Trail Conference
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Phone: 931-456-6259

