

SERVICE DATE – FEBRUARY 5, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1296X

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

Decided: February 4, 2025

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/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. Thereafter, the NITU negotiating period was extended 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. (STB served Oct. 11, 2023). The October 2023 Decision noted that TCWP could seek a further extension 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.

TCWP sought a fourth extension of the NITU negotiating period in March of 2024, and the Board granted it in R. J. Corman Railroad Property, LLC—Abandonment Exemption—in Scott, Campbell, & Anderson Counties, Tenn. (April 2024 Decision), AB 1296X (STB served Apr. 16, 2024). The Board noted that 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), “[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). The Board found that TCWP had demonstrated that 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. The Board concluded that, in that instance, the uncertainty constituted extraordinary circumstances. See April 2024 Decision, AB 1296X, slip op. at 2.¹

On December 26, 2024, TCWP sought a fifth extension of the negotiating period. TCWP describes its activities since February of 2024 and notes that it will continue to set up meetings. (TCWP Extension Req. 2-5, Dec. 26, 2024.) It adds that another year for negotiations, through April 17, 2026, is reasonable given “the number of moving pieces a multi-jurisdictional Rails to Trails project entails.” (Id. at 5.) On December 30, 2024, RJC Railroad Property filed a letter consenting to TCWP’s request to extend the NITU negotiating period.

TCWP has taken steps toward reaching a trail use agreement for the Oneida Line, but its request for a further extension is premature. There is ample time to continue negotiations before the current period expires on April 17, 2025, and TCWP is encouraged to diligently work with the relevant parties to that end. 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, 2025, a supplement to its extension request demonstrating that extraordinary circumstances warrant a further extension. Any such supplement must also explain the steps taken since December 2024 and describe the further steps that must be achieved before an agreement can be reached, TCWP’s plans for accomplishing those steps, and the anticipated timing for doing so.

It is ordered:

1. If TCWP does not anticipate that it can complete a trail use agreement by April 17, 2025, it may file the supplement discussed above between March 10 and March 17, 2025.
2. This decision is effective on its date of service.

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

¹ Although RJC Railroad Property has not yet filed notice that it has consummated the abandonment of the connecting segment granted in R. J. Corman Railroad Property, LLC—Abandonment Exemption—in Campbell County, Tenn., AB 1296 (Sub-No. 1X) (STB served Mar. 1, 2024), the litigation concerning that line and the Oneida Line has concluded.