Necessity for Pausing Decision on Rails to Trails Resolution

1. **The New River community has not had sufficient opportunity to receive accurate information about the consequences of failing to finalize a railbanking agreement to preserve the corridor.**

As is common in communities facing rail abandonments across the U.S., there is often a misunderstanding about whether adjacent landowners "get their property back." This is rarely the case. This corridor was transferred through five Quit Claim deeds that conveyed only whatever underlying interest existed at the time. In the 1880s and early 1900s, landowners typically did not hire lawyers when transferring rights to the railroad, and many of those original transfers were made in fee simple, meaning they will not revert to current landowners. The result is typically a patchwork of ownership.

If no railbanking agreement is finalized, large portions of the corridor can be sold off — and one side-by-side company has already expressed interest. Where limited easement parcels might revert to adjacent landowners, ATV use will likely increase, creating additional challenges for property owners trying to prevent trespassing.

The Trust for Public Land (TPL) will not conduct a full title search during current negotiations for the railbanking agreement. Reviewing hundreds of deeds — many dating back over a century — would cost about $300,000. TCWP's board includes a title search attorney who has offered to join us at the Anderson County Register of Deeds office in late October to review a sample of properties. This limited review should clarify whether reversionary interests exist within Anderson County.

Barriers to prevent ATV use:

If the railbanking agreement advances, TCWP and Echoes will support installing cement barriers along the corridor and will seek landowner input on placement — not only at typical access points but wherever they would be most helpful. These barriers weigh approximately 2,500 pounds each, and our organizations will cover the cost of the barriers and the equipment as long as we can coordinate placement with the New River community.

2. **The New River community has not yet had an opportunity to learn about the economic advantages and local control that can be achieved if the rail banking agreement is finalized.**

When a qualified public entity (at least one governmental body) assumes the corridor from TPL, significant funding becomes available. The Office of Outdoor Recreation has indicated that a portion of the Governor's budget will likely be allocated to "purchase" the corridor from TPL. Additional grants would then support the design and construction phases.
The Department of Health has advised TCWP that this project could qualify for:

- Healthy Built Environment grants ($80,000 for construction), and

- Project Diabetes grants ($450,000 total, $150,000 per year for three years).

Jenni Veal of the Department of Tourism has shared that marketing, tourism branding, and tourism enhancement grants are also available. These funds can support interpretive and directional signage highlighting local history and culture while encouraging visitors to explore and spend money in nearby communities.

If two nonprofit organizations are involved in managing the trail (see “Public Entity” below), both grants and private donations could help sustain ongoing management, including support from specific philanthropists already expressing interest.

Some community members are understandably concerned that a trail might attract too many visitors and disrupt their peace and privacy — though ATV use is already doing that now. Others are eager to welcome visitors in ways that benefit the community economically. Achieving a balance between the two requires that **New River retain a measure of control.**

Public Entity Possibilities: Ensuring Local Control

Until recently, TCWP worked with Scott County and the Office of Outdoor Recreation to determine which public entity might take the corridor from TPL. Recognizing how much the New River community has lost over the years — and how much it has to offer — I proposed a new approach the week before the October 4 public meeting. After discussing it with Tom Lamb, who has emphasized the need for “bookends of support” (Scott and Anderson Counties), we outlined the following concept:

Could the Town of Oneida and its nonprofit partner Echoes of the Rail, together with a New River nonprofit and a town such as Rocky Top, create the necessary single entity through a Memorandum of Understanding (MOU)? This partnership could then “purchase,” construct, and manage the trail. Tom confirmed this structure would meet the state’s “bookends” requirement and qualify for funding.

The New River community’s geography presents unique challenges that require local input in trail design. The proposed model would allow community members to help select contractors (Jimmy has mentioned a qualified local option). Ongoing management — including security and maintenance — could likewise be handled locally. For example, the Mountain Goat Trail is successfully managed by a nonprofit organization.

The proposed entity could hire local residents for these roles, ensuring that benefits stay within the community.

Personal note: With over 30 years of experience in the nonprofit sector — including as a consultant — I plan to request permission from my employer to donate personal time to help Jimmy and Scotty form a nonprofit organization quickly and provide them with training.

Why Timing Is Critical

In April 2024, the Surface Transportation Board (STB) found that ongoing litigation involving the rail corridor constituted "extraordinary circumstances," granting a fourth extension for negotiating a railbanking agreement. Because 27 miles of the corridor lie in Scott County and TCWP has only one full-time employee, our initial outreach began there. In August 2024, Governor Lee established the Office of Outdoor Recreation, and Tom Lamb reached out to offer his office's support.

As the final April 2025 deadline approached, TCWP requested that the Trust for Public Land (TPL) assume negotiations and finalize a railbanking agreement as they have the financial capacity. The STB approved the substitution, giving TPL one final year to complete the deal. The STB's April 2025 Order explicitly states that no further extensions will be granted beyond April 2026.

TPL will not invest millions of dollars to finalize a railbanking agreement without a clear exit strategy. Tom Lamb has confirmed that his office not only administers grants relevant to this project but also expects to secure significant funds from the Governor's budget for the public entity that assumes ownership from TPL.

To unlock these funds, the Office of Outdoor Recreation must demonstrate bookends of support — commitments from both Scott and Anderson Counties. In July 2025, TPL informed TCWP that it would not finalize the agreement without a clearly identified entity to receive these state funds. TCWP then shifted focus to Anderson County, but it was only after Commissioner Vowell contacted us that we realized the need to prioritize New River specifically rather than the broader county area.

We are now facing a critical timing bind. TPL has advised that it needs a positive indication of support from Anderson County for the Office of Outdoor Recreation to include the project in its November budget proposal. I have already provided TPL with the potential November commission meeting dates, and they've indicated these dates are the last possible timeframe for deciding whether to continue negotiations. No pressure!