

SERVICE DATE – APRIL 7, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1296X

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

Decided: April 7, 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. (AOK), 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.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on March 13, 2020, recommending that one condition be imposed on any decision granting abandonment authority. OEA noted that a historic report was served on the Tennessee Historical Commission (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In its February 14, 2020 response, the SHPO stated that there are no properties listed on the National Register of Historic Places (National Register) or eligible for listing on the National Register that would be affected by the proposed abandonment. However, the SHPO requested additional consultation in the event of the unanticipated discovery of any archaeological remains during salvage activities.

Pursuant to the Section 106 regulations of the National Historic Preservation Act (NHPA) at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA determined in the Draft EA that the proposed abandonment would not affect historic properties listed, or eligible for listing, in the National Register. However, to address the SHPO's concern about unanticipated discoveries, OEA recommended a condition requiring that, in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are

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, and Anderson Counties, Tenn., in which R. J. Corman Railroad Company/Bardstown Line sought an exemption to discontinue service over the Line.

discovered during salvage activities, RJC Railroad Property immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b) and providing that OEA shall then consult with the SHPO, interested federally recognized tribes, RJC Railroad Property, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

OEA served its Final Environmental Assessment (Final EA) on April 3, 2020. The Final EA notes that a comment was received from the Tennessee Department of Environment and Conservation (TDEC) that, among other things, expressed a concern regarding exhaust emissions from equipment that may be employed during salvage activities. In response, OEA recommends a condition requiring RJC Railroad Property to consult with TDEC regarding diesel equipment operation and maintenance prior to beginning salvage activities. OEA also continues to recommend imposing the “unanticipated discoveries” condition recommended in the Draft EA.

Accordingly, based on OEA’s recommendations, the two conditions proposed in the Final EA will be imposed.

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. Upon reconsideration, the notice served and published in the Federal Register on March 9, 2020, exempting the abandonment of the Line described above is subject to the following conditions:
 - (a) In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, RJC Railroad Property shall immediately cease all work and notify OEA, interested federally recognized tribes, and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested federally recognized tribes, RJC Railroad Property, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
 - (b) Prior to commencement of any salvage activities, RJC Railroad Property shall consult with TDEC regarding the operation and maintenance of diesel equipment to be used during salvage activities.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.