

ENTERED  
Office of Proceedings  
January 11, 2021  
Part of  
Public Record

# CLARK HILL

---

Justin J. Marks  
T 202.772.0916  
F 202.772.0930  
Email: jmarks@ClarkHill.com

Clark Hill  
1001 Pennsylvania Avenue NW  
Suite 1300  
Washington, DC 20004  
T 202.772.0909  
F 202.772.0919

[clarkhill.com](http://clarkhill.com)

January 11, 2021

## VIA E-FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

Re: STB Docket No. FD 36328  
Ken Tenn Regional Rail Partners, Inc.  
- Construction and Operation Exemption of a Line of Railroad -  
In Fulton County, KY and Obion County, TN

Dear Ms. Brown:

Enclosed for filing in the above referenced docket is the Reply of the Ken Tenn Regional Rail Partners, Inc. to a petition for reconsideration and motion for a briefing schedule filed in this docket on December 21, 2020.

If you have any questions regarding this filing, please let me know.

Sincerely,



Justin J. Marks  
*Counsel for Ken Tenn Regional  
Rail Partners, Inc.*

**Before the**  
**SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36328

**KEN TENN REGIONAL RAIL PARTNERS, INC.**  
**– CONSTRUCTION AND OPERATION OF A LINE OF RAILROAD –**  
**IN FULTON COUNTY, KY AND OBION COUNTY, TN**

---

**REPLY TO LANDOWNERS' PETITION TO RECONSIDER AND MOTION FOR A  
BRIFING SCHEDULE**

---

*(includes color images)*

Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave. N.W.  
Suite 1300 South  
Washington, DC 20004  
(202) 772-0916  
[jmarks@clarkhill.com](mailto:jmarks@clarkhill.com)

Eric M. Hocky  
Clark Hill PLC  
Two Commerce Square  
2001 Market St.  
Suite 2620  
Philadelphia, PA 19103  
(215) 640-8523  
[ehocky@clarkhill.com](mailto:ehocky@clarkhill.com)

*Counsel for*  
*Ken Tenn Regional Rail Partners, Inc.*

Dated: January 11, 2021

**Before the**  
**SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36328

**KEN TENN REGIONAL RAIL PARTNERS, INC.**  
**– CONSTRUCTION AND OPERATION OF A LINE OF RAILROAD –**  
**IN FULTON COUNTY, KY AND OBION COUNTY, TN**

---

**REPLY TO LANDOWNERS’ PETITION TO RECONSIDER AND MOTION FOR A  
BRIEFING SCHEDULE**

Ken Tenn Regional Rail Partners, Inc. (“KTRRP”) respectfully submits this Reply in opposition to the Petition for Reconsideration and Motion for Briefing Schedule<sup>1</sup> submitted by Joshua and Allison Whitley, Ronnie Johns, Robert Garrigan, Dee Anna Garrigan, Ricky and Rose Smith, individually and on behalf of the Smith Family Trust, Debbie Amberg, individually and on behalf of Amberg & Son Farm, Penny B. Hepler, Dianne Woody, individually and on behalf of Hope Counce Farm, and David King and Dee Anne King (the “Landowners”).

Landowners seek reconsideration of the Board’s decision served in this docket on December 1, 2020.<sup>2</sup> In that decision, the Board preliminarily exempted from the prior approval requirements of 49 U.S.C. § 10901 the transportation merits of KTRRP’s proposed rail construction project of approximately 12.17 miles of new rail line between mile post TennKen 51.69 at the Hickman-Fulton County River Port (“the Port”) in Fulton County, KY and mile post UCT 450 near Union City, TN. (the “Proposed Line”), subject to further consideration of potential environmental impacts.

---

<sup>1</sup> Together referred to herein as “Landowners’ Petition”.

<sup>2</sup> *Ken Tenn Regional Rail Partners, Inc. – Const. and Op. Exemption of a Line of Railroad – In Fulton County, KY and Obion County, TN*, STB Finance Docket No. 36328 (served Dec. 1, 2020) (“December 1 Decision”).

Landowners' Petition fails to meet the Board's standard for granting petitions for reconsideration because Landowners' Petition only superficially discusses the transportation merits of the Proposed Line, and to the extent that Landowners do discuss the transportation merits, they fail to assemble any coherent argument supported with facts. Instead, Landowners' Petition offers unverified (and untrue) assertions accusing KTRRP of dishonesty and a failure to engage with the community. Landowners' Petition does not present new evidence or show changed circumstances. Further, Landowners' Petition does not demonstrate that the Board committed material error when it exercised its exemption authority preliminarily granting KTRRP construction authority on the transportation merits of its proposal.

## **I. SUMMARY OF ARGUMENT**

On September 2, 2020, KTRRP filed a petition for exemption seeking preliminary authorization to construct and operate the Proposed Line (the "Construction Petition"). On December 1, 2020, the Board issued a decision granting KTRRP's approval of its petition based on the transportation merits of its proposal citing sections 10101(2), (4), (5), (7) & (15) of the Rail Transportation Policy ("RTP"). The Board's approval was subject to completion of the ongoing environmental review.

Landowners filed a petition for reconsideration on December 21, 2020. Under 49 C.F.R. §1115.3(b), a petition is required to show one or more of the following: (1) that the Board's prior action will be affected materially because of new evidence or changed circumstances; or (2) that the Board's prior action constituted material error. A showing of material error requires more than a general allegation. Landowners' Petition fails to meet or even cite the Board's criteria for petitions for reconsideration under Section 1115.3(b).

While acknowledging that the Board specifically considered a number of the subsections of the RTP (and not disputing the Board's findings with respect to those subsections),



Landowners appear to argue that the Board failed to consider two specific subsections of the RTP – subsections (8) to operate transportation facilities and equipment without detriment to the public health and safety; and (9) to encourage honest and efficient management of railroads, and that in some manner this would justify reconsideration. The Board’s decision, however, suggests that all elements of the RTP were considered, and in any event, the subsections raised by Landowners can be addressed in the ongoing environmental review.

Landowners’ Petition only briefly argues against the transportation merits of KTRRP’s proposed line. Instead, Landowners’ Petition makes unsubstantiated claims that KTRRP concealed facts from the Board, approached Landowners under false pretenses, failed to provide Landowners notice of its plans, and attempted to fast track the project. As set forth in the Background and Argument below, none of the Landowners’ unsubstantiated claims are true, and further, none meet the Board’s criteria for granting a petition for reconsideration. KTRRP has proceeded in good faith under, and in full compliance with, the Board’s regulations related to construction proceedings, including working with the Board’s Office of Environmental Analysis (“OEA”) to develop the Environmental Assessment (“EA”) permitted under the applicable environmental regulations. Further, Landowners’ Petition has ignored the portion of the Board’s decision explaining that the construction of the Proposed Line is still subject to the Board’s environmental review. The environmental review will provide additional opportunity for public comment.

In sum, Landowners’ Petition does not address the transportation merits of the Board’s December 1, 2020 Decision beyond superficial unsupported allegations that the Proposed line is not necessary and that it will not be funded. However, such allegations would not have

supported denial of the Construction Petition, nor do they support Landowners' request for the Board to reconsider its decision preliminarily granting the Construction Petition.

## **II. BACKGROUND**

- A. KTRRP is working with the Board's Office of Environmental Analysis under the Board's applicable regulations to develop an environmental and historical analysis of the potential impact of the Proposed Line.

As required by the Board's regulations with respect to potential construction of rail lines, KTRRP initially began working with OEA in compliance with the National Environmental Protection Act ("NEPA") and Section 106 of the National Historic Preservation Act ("Section 106") to analyze the Proposed Line and NEPA required alternative routes. On November 26, 2019 pursuant to 49 C.F.R. §1105.1(c), OEA granted KTRRP's request for a waiver of the six-month prefilng notice generally required for construction projects under 49 C.F.R.

§1105.10(a)(1).<sup>3</sup> The 6-month waiver would have permitted KTRRP to file its Construction Petition in May 2020. However, KTRRP ultimately did not file until September 2, 2020, delaying the filing while its proposed routes were being adjusted, in part based on input from some potentially affected landowners.

In January 2020, KTRRP entered into an MOU with OEA and a third-party environmental contractor hired to act on behalf of OEA, CSR Engineering, Inc. ("CSR") for the development of an Environmental Impact Statement or an Environmental Assessment that would analyze the Proposed Line and any alternative routes as required by the Board's regulations.<sup>4</sup>

On February 14, 2020, KTRRP agreed to a Work Plan provided to it by OEA and CSR for the Environmental Analysis and Preparation of Appropriate Environmental Documents

---

<sup>3</sup> See Exhibit 1, Letter from Victoria Ruston, Director, Office of Environmental Analysis to Justin Marks, Senior Attorney, Clark Hill PLC granting KTRRP's request for a waiver of the six-month prefilng notice. (Nov. 26, 2019).

<sup>4</sup> 49 C.F.R. § 1105.10(d).

establishing the process and schedule for conducting the environmental review of KTRRP's Proposed Line. The schedule provides for a public outreach meeting following the issuance of the cultural survey report.<sup>5</sup>

On June 9, 2020, as permitted under 49 C.F.R. 1105.6(d), OEA granted KTRRP's — request to prepare an EA in lieu of an Environmental Impact Statement (“EIS”) that would otherwise be required under 49 C.F.R. §1105.6(a) in connection with a rail construction and operation proposal. OEA determined that, in connection with KTRRP's Proposed Line, “preparation of an Environmental Assessment is the appropriate level of environmental documentation for this proceeding.”<sup>6</sup>

OEA and CSR initiated the Section 106 analysis of KTRRP's Proposed Line in October 2020, beginning with OEA's request for concurrence of proposed field survey plans to the Tennessee Historical Commission and the Kentucky, Heritage Council (State SHPOs).<sup>7</sup> In order to complete the Section 106 analysis, KTRRP will be required to obtain access agreements from property owners for both, the Proposed Line and the NEPA required alternative route. CSR provided KTRRP a list of the potentially impacted properties where CSR's archeological sub-consultant would need to conduct field surveys. Further, CSR provided KTRRP with a form *Right of Entry Agreement* (“REA”) that fully explains the reason why CSR's sub-consultant would require access to potentially impacted properties.<sup>8</sup> The REA also includes a description of the project including the length of the Proposed Line (12.7 miles), and that approximately 3.47 miles of the Proposed Line would utilize existing but abandoned right-of-way.

---

<sup>5</sup> See Exhibit 2, Final Work Plan at Attachment 1, Proposed Project Schedule.

<sup>6</sup> December 1 Decision, slip op at 4.

<sup>7</sup> See Exhibit 3, CSR November 13, 2020 Meeting Notes.

<sup>8</sup> See Exhibit 4, Right of Entry Agreement executed by Robert Garrigan. Mr. Garrigan later rescinded the Right of Entry Agreement and is a party to Landowner's Petition.

On December 7, 2020, KTRRP met with Ricky Smith, owner of the property titled in the name of the Smith Family Joint Living Trust (“Smith Property”) in order to obtain a REA to the Smith Property that lies on the Alternative Route.<sup>9</sup> It was only at this time that KTRRP first learned that the Smith Property was under lease as a future location of a solar farm. (Thereafter, KTRRP verified the lease by locating it in the Register’s Office of Obion County, TN.) KTRRP immediately thereafter informed its outside counsel in this proceeding before the Board, who in turn immediately contacted OEA informing OEA that the Alternative Route contained a parcel that was under lease for possible future development of a solar farm.<sup>10</sup>

The solar lease on the Smith Property is not the only instance where KTRRP consulted with OEA about possible adjustments to the Proposed Line to mitigate its impact. At the same time, KTRRP also contacted OEA to inquire whether KTRRP could revise the Proposed Line to route around the farm of Penny Hepler (one of the petitioning Landowners) based on concerns she raised when approached regarding the REA.<sup>11</sup> In another instance, as discussed in Section II.B. below, KTRRP routed its preferred line around a Tyson Foods, Inc. chicken farming operation following a July 2020 meeting that was the result of KTRRP’s initial public outreach to some landowners it identified that might be impacted by the Proposed Line.

B. KTRRP’s development of the Proposed Line is and has been transparent.

KTRRP is a non-profit corporation incorporated in August 2019 by the Fulton County Industrial Development Authority (“FC IDA”) of Kentucky and the Industrial Development Board of the City of Union City, TN (“UC IDB”). These industrial development entities are

---

<sup>9</sup> Mr. Smith signed the REA (*see* Exhibit 5) but rescinded it shortly thereafter, and is a party to the Landowners’ Petition.

<sup>10</sup> *See* Exhibit 6, December 9, 2020 emails from C. Billingsley, Vice Chairman, KTRRP to J. Marks, Clark Hill PLC, and from J. Marks to D. Wood, Office of Environmental Analysis.

<sup>11</sup> *See* Exhibit 7, December 9, 2020 email from J. Marks, Clark Hill PLC to D. Wood, Office of Environmental Analysis.

created by their respective local governments.<sup>12</sup> The KTRRP Board is comprised of 6 members; its members are drawn from the FC IDA and the UC IDB. The KTRRP Board includes from the FC IDA, Mr. Greg Curlin (Chairman), Ms. Melissa Garrigan, and Mr. Jim Martin, and from the UC IDB, Mr. Clay Billingsley (Vice Chairman), Mr. Cody Martin, and Mr. John Horner. While there have not yet been specific “town hall” meetings regarding the construction of the Proposed Line (there will be following completion of the cultural survey), KTRRP’s meetings are open to the public and KTRRP follows all open meetings laws required by Tennessee and Kentucky.<sup>13</sup> Further, the Proposed Line has also been subject of public meetings of the Hickman-Fulton County Riverport Authority and the Fulton-Hickman Counties Economic Development Partnership. Moreover, as acknowledged by the Landowners, there has been local press coverage over the years regarding the construction and the KTRRP meetings.<sup>14</sup>

KTRRP initially presented to OEA a Preferred Route that extended 11.4 miles.<sup>15</sup> However, as KTRRP conducted its initial community outreach in July 2020, it discovered that its initial Preferred Route would traverse the property of Tyson Foods, Inc. poultry barns that house the breeding stock for Tyson’s Union City operation.<sup>16</sup> After consultation with Tyson Foods, Inc., KTRRP re-routed its proposal away from that site and developed the Proposed Line as submitted in its September 2, 2020 Construction Petition.

---

<sup>12</sup> See Construction Petition at 3.

<sup>13</sup> In Tennessee, KTRRP publishes a legal notice. See ex. Exhibit 8, Notice published in the Union City Daily Messenger. In Kentucky, KTRRP informs a local newspaper 24 hours prior to the public meeting. See ex. Exhibit 9.

<sup>14</sup> See Exhibit 10, Barbara Atwill, *Fulton Co. Fiscal Court updated on railway status*, THE CURRENT, Feb 19, 2020 at 1; Exhibit 11, Barbara Atwill, *Public meeting options explored by KY-TN River Rail Partnership*, THE CURRENT, Aug. 12, 2020 at 3; Exhibit 12, *HCEDA opts to withdraw from FHCEDP*, Benita Fuzzell, THE CURRENT, Oct. 28, 2020 at 10; See also Landowners’ Petition at 4, fn.1.

<sup>15</sup> See ex. Exhibit 13, February 28, 2020 outreach letter to Craig Potts, State Historic Preservation Office, Kentucky Heritage Council from Victoria Ruston, Director, Office of Environmental Analysis stating that KTRRP seeks to construct and operate an approximately 11.4 miles of common carrier rail line.

<sup>16</sup> See Exhibit 14, KTRRP July 31, 2020 Meeting Minutes.

KTRRP's Board approved the Proposed Line in an open July 2020 Board meeting. Prior to that meeting KTRRP published a notice of the meeting in the Union City Daily Messenger. The Public Notice provided topics to be covered: "[t]here will be considered at such meeting such business as may properly come before the Board, including an update from the Project Manager and a discussion of the proposed routes."<sup>17</sup> In that meeting, the Board discussed the need to reconsider its original route, the Board analyzed maps of an alternative, and unanimously approved the route for the Proposed Line.<sup>18</sup> That meeting was subsequently reported on in the local newspaper, *The Current*.<sup>19</sup>

KTRRP's outreach was not limited to its public meetings and meetings with potentially impacted property owners, KTRRP also engaged Kentucky and Tennessee, federal, and local policy makers. KTRRP provided OEA a complete accounting of the on-going public outreach it had conducted as of August 20, 2020.<sup>20</sup>

KTRRP's public meetings and outreach raise serious doubts about the Landowners' claims of lack of notice.

C. KTRRP submitted its Construction Petition consistent with Board regulations and precedent.

As permitted under, and pursuant to 49 U.S.C. §10502, KTRRP filed the Construction Petition on September 2, 2020 seeking an exemption for the construction and operation of the Proposed Line. In support of its Construction Petition, KTRRP included a map of KTRRP's Proposed Line, referred on the map as the "Revised Preferred Route", because KTRRP

---

<sup>17</sup> See Exhibit 8, Notice published in the Union City Daily Messenger.

<sup>18</sup> As noted above, one of the KTRRP Board members who reviewed and approved the map was Melissa Garrigan. Ms. Garrigan is the wife of Robert Garrigan, one of the petitioning Landowners.

<sup>19</sup> See Exhibit 11, Barbara Atwill, *Public meeting options explored by KY-TN River Rail Partnership*, THE CURRENT, Aug. 12, 2020 at 3.

<sup>20</sup> See Exhibit 15, August 20, 2020 Letter from J. Marks Clark Hill PLC to D. Wood, Office of Environmental Assessment summarizing public outreach undertaken as of August 20, 2020.

determined, after conducting initial community outreach, that its first preferred route would impact Tyson's pullet farming operation.<sup>21</sup> The Construction Petition was supported by the Joint Verified Statement by Clay Billingsley and Greg Curlin, KTRRP Board members, and a Verified Statement by Lana Suite, Director of Research and Partner in Younger Associates, a Jackson, TN market research firm summarizing her findings on the economic benefits of the Proposed Line.<sup>22</sup> Further, KTRRP submitted support letters from local Tennessee political leaders including State Representative Rusty Grills, State Senator John Stevens, and State Representative Andy Holt. In addition, the Reelfoot Area Chamber of Commerce, Indiana Business Railroad, Inc. doing business as Union City Terminal Railroad ("UCTR"), and Williams Foodworks and Distribution<sup>23</sup> submitted letters of support. Separately, Congressman James Comer of Kentucky submitted a letter to the Board in support of the Construction Petition. As set forth in the Construction Petition, KTRRP's request for preliminary approval of its exemption based on the transportation merits is consistent with how the Board has handled similar requests in previous construction proceedings.

D. The Board preliminarily approved the KTRRP petition pending consideration of the potential environmental impacts.

On December 1, 2020, the Board issued the December 1 Decision granting preliminary approval of the exemption from the prior approval requirements of 49 U.S.C. §10901 for the construction and operation of the Proposed Line. The December 1 Decision approving the KTRRP's petition on its transportation merits is subject to further consideration of the potential environmental impacts of the proposal. OEA is currently in the process of developing a Draft

---

<sup>21</sup> See Section II. B.

<sup>22</sup> Ms. Suite drafted her Verified Statement as a summary of a larger report she prepared on behalf of KTRRP. That report is attached hereto as Exhibit 16.

<sup>23</sup> The CFO and an owner of a portion of Williams Foodworks and Distribution is the spouse of Clay Billingsley, KTRRP's Vice Chair.

EA. The Draft EA will examine the potential environmental impacts that could occur as a result of the construction and operation of the Proposed Line. OEA will issue a copy of the Draft EA which will provide an opportunity for public comment at both public meetings and through filings with the Board. The Final EA will include OEA's final recommendations including any recommended environmental mitigation measures.<sup>24</sup>

### **III. LEGAL STANDARD FOR PETITIONS FOR RECONSIDERATION**

Under 49 CFR §1115.3(b), a petition for reconsideration will be granted “only upon a showing of one or more of the following: (1) The prior action will be affected materially because of new evidence or changed circumstances. (2) The prior action involves material error.” As the Board has previously held: “[I]n a petition alleging material error, a party must do more than simply make a general allegation; it must substantiate its claim of material error.”<sup>25</sup>

### **IV. ARGUMENT**

The Board should deny the Landowners' Petition because the petition fails to meet the Board's standard for granting reconsideration under 49 CFR §1115.3(b). Landowners assert no new evidence or changed circumstances, and the Landowners do not directly assert that the Board's Decision involved material error. Even if the Board were to glean an allegation of material error from the Landowners' Petition, Landowners fail to substantiate any of its arguments beyond general allegations, and its requested relief must fail.

#### **A. The Board did not err in granting KTRRP preliminary approval based upon the transportation merits of the KTRRP Construction Petition.**

The Board granted KTRRP preliminary approval of its requested construction exemption because the Board determined that the construction of the Proposed Line qualifies for an

---

<sup>24</sup> See *ex. Northwest Tennessee Regional Port Authority Const. and Op. Exemption in Lake County, TN, Draft Environmental Assessment*, STB Finance Docket No. 35802 (served Dec. 28, 2015).

<sup>25</sup> *Norfolk Southern Ry Co. – Acquisition & Operation – Certain Rail Lines of the Del. & Hudson Ry. Co., Inc.* STB Finance Docket No. 35873, slip op. at 7 (served Oct. 18, 2016).



exemption under Section 10502 from the formal application procedures of Section 10901.<sup>26</sup> The Board determined that regulation is not necessary to carry out the transportation policy of Section 10101.<sup>27</sup> More specifically, the Board stated that the Proposed Line “would enhance competition by providing shippers in the area with an additional and more-cost-effective freight option and foster sound economic conditions, consistent with 49 U.S.C. § 10101(4) and (5).”<sup>28</sup> Additionally, the Board stated, “[e]xempting the proposed construction from the requirements of § 10101 would also minimize unnecessary expense associated with the preparation and filing of a formal construction application, expedite regulatory decisions, and reduce regulatory barriers to entry for the Line in furtherance of 49 U.S.C. § 10101(2), (7) & (15).”<sup>29</sup> Finally, the Board stated that “[o]ther aspects of the RTP would not be adversely affected.”<sup>30</sup>

The Board also found that a full application under of Section 10901 is not needed to protect shippers from the abuse of market power because shippers would gain additional and improved transportation options.<sup>31</sup>

While these findings may have been based in part on the fact that proposed construction was unopposed on the transportation merits, in fact, despite the filing of Landowners’ Petition, there still is no opposition raised to the Board’s findings with respect to the specific sections of the RTP cited. Landowners’ Petition does not argue that new evidence or changed circumstances exist that would require the Board to reconsider its decision that the KTRRP Proposed Line is consistent with Sections 10101(2), (4), (5), (7) & (15) of the RTP, or that there was any error in those findings. At best, the Landowners’ Petition challenges the Board’s findings that “other

---

<sup>26</sup> December 1 Decision at 4.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

aspects of the RTP would not be adversely affected” by suggesting that the policies of Sections 10101(8)-(9) would be adversely affected by the Board’s approval of the Construction Petition. However, as addressed more fully below, the facts are that KTRRP’s actions have not been adverse to policies set forth in Sections 10101(8)-(9), nor have the Landowners demonstrated that any of the concerns it has raised would have caused the Board to alter the approval granted in the December 1 Decision, i.e., constituted material error.

B. KTRRP has not concealed facts from the Board, and KTRRP is following Board regulations for conducting the environmental analysis required of a petition for exemption for the construction and operation of a rail line.

1. KTRRP is conducting itself before the Board in an open and honest manner.

Landowners assert that KTRRP “has handled” the development of the Proposed Line “in a dishonest manner, from its inception, in direct conflict with 49 U.S.C. §10101(9).”<sup>32</sup> Section 10101(9) establishes a policy of the United States to “encourage honest and efficient management of railroads.” Landowners’ assertions that KTRRP’s use of the Board’s exemption authority and its compliance with the Board’s environmental regulations are somehow a nefarious attempt to prevent the Board from discovering the Proposed Line’s impact on a private sector solar farm and other local farms fails to meet the Board’s standards for granting petitions for reconsideration under Section 1115.3(b). Further, these assertions are contrary to supported facts.

KTRRP is working with OEA to develop the Draft EA for the Proposed Line. As discussed above in sections II. A and II. B, part of this work has been to try to minimize the impact of the Proposed Line on landowners by altering the proposed route. With respect to the proposed solar farm, KTRRP did not learn of it until December 9, 2020, well after it filed the

---

<sup>32</sup> Landowners’ Petition at 3.

Construction Petition. Upon learning of the proposed solar farm project on the Alternative Route, KTRRP immediately notified OEA.<sup>33</sup> There has been no attempt to hide the impacts of the Proposed Line from the Board or OEA – all of the impacts are being considered, and will be continue to be considered, as part of the ongoing environmental review process (as noted in the Board’s decision).

Landowners’ false allegations do not support Landowners’ argument that KTRRP is in any way acting dishonestly or adversely to Section 10101(9) of the RTP. Nor do Landowners’ allegation support a Board decision granting a petition for reconsideration (and motion for a briefing schedule) because these false allegations do not represent “new evidence” or “changed circumstances” and do not show that the Board committed material error by approving the transportation merits of the Construction Petition subject to ongoing environmental review.

2. KTRRP has and continues to engage the community regarding the Proposed Line.

Landowners also assert that KTRRP has acted dishonestly by not “[providing] adequate notice of the Petition to affected parties.”<sup>34</sup> Landowners assert that KTRRP “made no effort to conduct a town hall meeting on its plans or even go door to door to discuss these plans with individual landowners.”<sup>35</sup> The Landowners’ assertions are not supported by KTRRP’s efforts to conduct community outreach and nevertheless do not meet the Board’s criteria for reconsideration under Section 1115.3(b).

---

<sup>33</sup> See Exhibit 6, December 9, 2020 email from C. Billingsley, Vice Chairman, KTRRP to J. Marks, Clark Hill PLC and J. Marks to D. Wood, Office of Environmental Analysis.

<sup>34</sup> *Landowners’ Petition* at 2.

<sup>35</sup> *Id* at 4-5.

KTRRP initially presented to OEA a Preferred Route that extended 11.4 miles in February 2020.<sup>36</sup> KTRRP conducted initial public outreach in July 2020. KTRRP revised its Preferred Route following this initial outreach when it discovered that its initial Preferred Route would traverse the property utilized by Tyson Foods, Inc.'s poultry barns that house the breeding stock for its Union City operation. After consultation with the Tyson, KTRRP re-routed its proposal away from that site and developed the Proposed Line as submitted in its September 2, 2020 Construction Petition.<sup>37</sup> Contrary to the Landowners' Petition, KTRRP has and continues to conduct public outreach as part of the ongoing environmental analysis.

KTRRP has not conducted an open-house public meeting to-date. KTRRP is following the work plan presented to it by OEA and CSR. Public meetings are not on the schedule until after the cultural assessment report is completed. Nevertheless, KTRRP's Board meetings are open to the public, and KTRRP follows Tennessee law that requires announcement of its public meetings in a local newspaper and Kentucky law that requires notification of a public meeting to a local newspaper. In July 2020, before KTRRP voted to adopt its Preferred Route, it issued the following public notice in Tennessee: "[t]here will be considered at such meeting such business as may properly come before the Board, including an update from the Project Manager and a discussion of the proposed routes."<sup>38</sup> In addition, KTRRP provided the local newspaper, *The Current*, with notice of the meeting including a discussion of the proposed routes. In that open meeting, the Board discussed the need to reconsider its original route, the Board analyzed maps

---

<sup>36</sup> See for example, Exhibit 12, February 28, 2020 outreach letter to Craig Potts, State Historic Preservation Office, Kentucky Heritage Council from Victoria Ruston, Director, Office of Environmental Analysis stating that KTRRP seeks to construct and operate an approximately 11.4 miles of common carrier rail line.

<sup>37</sup> See Exhibit 13, KTRRP July 31, 2020 Meeting Minutes.

<sup>38</sup> See Exhibit 8, Notice published in the Union City Daily Messenger.

of an alternative route, and unanimously approved the route for the Proposed Line. *The Current* later published an article discussing the meeting.<sup>39</sup>

Landowners cannot credibly argue a lack of notice of the details of the project or KTRRP's Proposed Route. Landowners acknowledge there were local newspaper reports regarding the project and the KTRRP meetings. In addition to those reports, and the public notices of KTRRP's meetings, one of KTRRP's Board members is Melissa Garrigan, the wife of one of the petitioning Landowners Mr. Robert Garrigan. Ms. Garrigan, as a KTRRP Board member, voted to approve the revised route for the Proposed Line at the July 2020 Board meeting.<sup>40</sup> Now, Mr. Garrigan comes to the Board as a member of the group of Landowners claiming to have had no notice of KTRRP's proposal.

3. The Section 106 archeological survey is an element of OEA's review process and Landowners provide no support for its claim that KTRRP misrepresented material facts.

As part of the environmental review process, KTRRP presented potentially impacted landowners with a right-of access agreement explaining KTRRP's Proposed Line. Landowners assert that KTRRP in doing so "approached Landowners under false pretenses—indicating that they were conducting an archaeological study to begin the initial application process—and misrepresented material facts."<sup>41</sup> Further, Landowners claim that KTRRP, "represented to Landowners that the project would solely seek to rehabilitate existing tracks and rights of way, rather than embark on the construction of a new rail line."<sup>42</sup>

---

<sup>39</sup> See Exhibit 11, Barbara Atwill, *Public meeting options explored by KY-TN River Rail Partnership*, THE CURRENT, Aug. 12, 2020 at 3.

<sup>40</sup> See Exhibit 14, KTRRP July 31, 2020 Meeting Minutes.

<sup>41</sup> Landowners' Petition at 4-5.

<sup>42</sup> *Id.* at 5.

Landowners claims are unsubstantiated and clearly false. In order to complete the Section 106 analysis, KTRRP sought voluntary agreements from landowners to access their private property. CSR provided KTRRP with a form REA explaining the reason why CSR needed access to potentially impacted properties.<sup>43</sup> KTRRP does not assert that each of the complaining landowners read the REA, but KTRRP does know that at least two of the complaining petitioners initially signed the REA. The REA explains the that the length of the project is 12.7 miles, and that approximately 3.47 miles of the Proposed Line would utilize existing but abandoned right-of-way. The clear implication of this fact is that approximately 9-miles would require new right-of-way. Yet Landowners' Petition accuses KTRRP of "misrepresenting material facts" related to the amount of the route to be constructed on the abandoned right-of-way. The Board should reject these unsubstantiated claims in the Landowners' Petition and as such, the Board should reject the Landowners' Petition because empty assertions are not adequate to support a petition for reconsideration under Section 1115.3(b), and it is clear that KTRRP has not acted in a dishonest manner in presenting the project to the Board, to OEA or to potentially affected landowners.

- C. Landowners have not established that the Proposed Line poses a threat to health and safety and in any event, the Board will continue to evaluate the environmental impacts of the Proposed Line in the EA.

Landowners' Petition asserts that the Proposed Line presents a threat to public health and safety in violation of 49 U.S.C. §10101(8). That section establishes a policy of the United States "[t]o operate transportation facilities and equipment without detriment to the public health and safety." 49 U.S.C. § 10101(8). Landowners' Petition does not articulate how construction or operation of the Proposed Line would pose a health and safety threat. If KTRRP obtains Board

---

<sup>43</sup> See Exhibit 4 and Exhibit 5, Right of Entry Agreements executed (and later rescinded) by petitioners Mr. Robert Garrigan and petitioner Mr. Ricky Smith.

authorization for construction and operating authority, any KTRRP operator will be subject to Federal Railroad Administration authority for the safe operations of the Proposed Line.

Landowners do not provide any support for its assertion otherwise.

Further, Landowners do not address the portion of the Board's December 1 Decision discussing the required environmental review. The Board's December 1 Decision grants KTRRP preliminary approval based on the transportation merits of the Construction Petition. As the Board states, final approval of the Proposed Line is subject to the environmental review conducted by OEA. OEA will issue a Draft EA providing the public with time and opportunities for comment. The Draft EA will analyze KTRRP's Preferred Route and an Alternative Route, as well as a no-build option. Landowners will have an opportunity to comment on the potential environmental impact of the Proposed Line, and to raise any health and safety concerns.<sup>44</sup>

In its petition, Landowners offered no health and safety argument that supports reconsideration of the Board's decision granting preliminary approval based on the transportation merits of KTRRP's Construction Petition.

D. Landowners superficial criticism of the transportation merits of the Proposed Line do not demonstrate that the Board committed material error.

Landowners' Petition, although critical of the Proposed Line, does not specifically assert that the Board materially erred in its preliminary decision, or present any substantial evidence of material error.

Landowners' Petition offers an unsupported opinion that the Proposed Line is redundant. Landowners fail to address the Board's finding, based on the record, that the Proposed Line would provide shippers with a transportation option for shippers currently utilizing trucks to ship

---

<sup>44</sup> *Seven County Infrastructure Coalition – Rail Construction & Operation Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah*, STB Finance Docket 36284, slip op. at 10 (served Jan. 5, 2021).

east from the Port. Landowners' Petition also does not refute the Board's finding that a rail connection through Union City would "provide local industrial facilities access to the interstate rail network and allow traffic to utilize grain elevators and to transport outbound dried distillers' grain."<sup>45</sup>

Landowners' Petition asserts without support, that the "area's industrial economy is not in the dire state" that KTRRP "would have [the] Board believe, "and 12.17 miles of new railway are not going to boost" the area's economy to the "hyperbolic levels" that KTRRP "would have the Board believe."<sup>46</sup> However, Landowners do not refute the Verified Statements filed with the Construction Petition outlining the current state of the area's economy. Specifically, Landowners do not submit any economic data or make any attempt to refute – beyond flippant criticism - the Verified Statement of KTRRP's expert demonstrating the potential economic benefit of a new rail line. To further support the Construction Petition's description of the current economic state of the region, and the economic benefits of the Proposed Line, KTRRP is providing with this Reply the full report of its expert.<sup>47</sup>

Landowners' Petition claims that the state government \$700,000 contribution to the project to date is "paltry" and that KTRRP "will not be able to secure adequate funding"<sup>48</sup> are both unsupported and immaterial to the Board's decision. Landowners assert that "considering the many competing infrastructure needs in Tennessee and Kentucky, this project will not garner any significant attention to secure it the priority needed to move forward."<sup>49</sup> Landowners' argument is insufficient to merit reconsideration of the Board's December 1 Decision. If

---

<sup>45</sup> December 1 Decision, slip op. at 4.

<sup>46</sup> *Id.* at 6-7.

<sup>47</sup> See Exhibit 16.

<sup>48</sup> Landowners' Petition at 6.

<sup>49</sup> *Id.*



Tennessee and Kentucky have as many competing infrastructure priorities as Landowners assert, then the fact that Tennessee and Kentucky have already invested \$700,000 into this project is evidence that the States see merit in the Proposed Line.<sup>50</sup>

However, the Board's December 1 Decision while finding that there would be transportation and economic benefits from the project, those findings were not based on any findings as to KTRRP's ability to fund the project.<sup>51</sup> As the Board has held in other proceedings, the availability of funds is not relevant to its authorization of construction, that authorization being permissive only.<sup>52</sup> As the Board has noted, once authorized it is up to the applicants to find or raise the funds for construction. Thus, even if the Landowners had shown with substantial evidence that funds would not be available (which they have not), such a showing would not have resulted in a material change to the December 1 Decision.

## CONCLUSION

In conclusion, KTRRP respectfully requests that the Board reject the Landowners' Petition because Landowners have presented no argument justifying reconsideration of the Board's December 1 Decision under Section 1115.3(b). Landowners' Petition only presents false and unsupported claims asserting that KTRRP has been dishonest in the development of the Proposed Line. The Board should reject these claims and the Board should deny the Landowners' Petition.

---

<sup>50</sup> See Support Letters at Construction Petition, Exhibit D; Support Letter from Congressman James Comer to the Board and entered into the record, Oct. 8, 2020.

<sup>51</sup> KTRRP did not assert in the Construction Petition that the funding was available; rather it explained the grant of the exemption would be beneficial to its efforts to raise the necessary funds, apply for grants, etc. Construction Petition at 12.

<sup>52</sup> *Seven County Infrastructure Coalition – Rail Construction & Operation Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah*, STB Finance Docket 36284, slip op. at 6 (served Jan. 5, 2021) citing *Mid States Coal. For Progress*, 345 F.3d 520, 552 (8th Cir. 2003); *Cal. High-Speed Rail Auth. – in Fresno, Kings, Tulare, & Kern Cntys., Cal.*, FD 35724 (Sub-No. 1) (STB served Aug. 12, 2014).

Respectfully submitted,



Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave. N.W.  
Suite 1300 South  
Washington, DC 20004  
(202) 772-0916  
[jmarks@clarkhill.com](mailto:jmarks@clarkhill.com)

Eric M. Hocky  
Clark Hill PLC  
Two Commerce Square  
2001 Market St.  
Suite 2620  
Philadelphia, PA 19103  
(215) 640-8523  
[ehocky@clarkhill.com](mailto:ehocky@clarkhill.com)

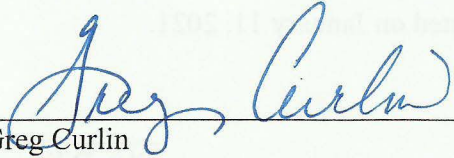
*Counsel for Ken Tenn Regional Rail Partners,  
Inc.*

Dated: January 11, 2021

### VERIFICATION

I hereby verify on behalf of Ken Tenn Regional Rail Partners, Inc. under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on January 11, 2021.

  
\_\_\_\_\_  
Greg Curlin  
Chairman, Ken Tenn Regional Rail Partners, Inc.

### **VERIFICATION**

I hereby verify on behalf of Ken Tenn Regional Rail Partners, Inc. under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on January 11, 2021.



Clay Billingsley

Vice Chairman, Ken Tenn Regional Rail Partners, Inc.

# **Exhibit 1**



***SURFACE TRANSPORTATION BOARD***  
***Washington, DC 20423***

*Office of Environmental Analysis*

November 26, 2019

Justin J. Marks  
Clark Hill  
1001 Pennsylvania Avenue NW  
Suite 1300  
Washington, DC 20004

**Re: STB Docket No. FD 36328, Ken Tenn Regional Rail Partners, Inc.–  
Construction and Operation Exemption–In Obion County, Tenn. and Fulton  
County, Ky.; Amended Waiver Approval of Six-Month Prefiling Notice  
Requirement**

Dear Mr. Marks:

Pursuant to 49 C.F.R. § 1105.1(c), we are granting your request of November 21, 2019 for a waiver of the six-month prefiling notice generally required for construction projects under 49 C.F.R. § 1105.10(a)(1). On June 18, 2019 (June meeting), the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) met with representatives from Hickman-Fulton County River Port Authority (HFCRPA) – a public agency and political subdivision of HFCRPA in Kentucky and the Union City Industrial Development Authority in Tennessee. Meeting participants included: John Heffner and Sloane Carlough of Clark Hill; Bobby King and Chuck Dawes of DT Multimodal; Bedford Dunavant IV and Clay Billingsley of the Union City Development Board; and Victoria Rutson and Danielle Gosselin of OEA.

Since the June meeting, the Fulton County Industrial Development Authority of Kentucky and the Industrial Development Board of the City of Union City, Tennessee created the non-profit corporation, Ken Tenn Regional Rail Partners, Inc. (KTRRP), who will manage this project in place of HFCRPA.<sup>1</sup> The project description remains the same in that KTRRP seeks to construct approximately 18.9 miles of new common carrier railroad trackage (the Line), of which a portion would be built over existing but abandoned former Louisville and Nashville right-of-way and the remainder would be constructed over new right-of-way. KTRRP also intends to rehabilitate another 27.2 miles of deteriorated track presently operated by two short line railroads, the Tennken Railroad and the Indiana Business Railroad, Inc. doing business as the Union City Terminal Railroad. The Tennken Railroad would connect to a soon-to-be

---

<sup>1</sup> This six-month prefiling notice, initially approved on July 25, 2019, has been refiled under the same docket number to reflect changes in applicant information.

constructed line that was previously authorized by the Board (See Docket No. FD 35802, Northwest Tennessee Regional Port Authority—Construction and Operation Exemption—in Lake County, Tenn., April 21, 2016). When constructed by Northwest Tennessee Regional Port Authority (NWTRPA), the Board-authorized line would serve the Port of Cates Landing on the Mississippi River. Ultimately, the KTRRP Line would join the Tennken Railroad with the Union City Terminal Railroad to create a 46.1-mile loop that would connect with the Canadian National Railroad's Illinois Central Railroad subsidiary at both Dyersburg and Rives, TN.

Both KTRRP and NWTRPA facilities are important because they are located on the only developable land between the confluence of the Mississippi and Ohio Rivers to the north and the deep-water draft at Baton Rouge, Louisiana to the south. Moreover, KTRRP believes that its proposal would enable the port to attain its full potential in attracting industry and employment to the rural agricultural and economically depressed areas of Southwest Kentucky and adjacent Tennessee.

Although KTRRP seeks construction and operating authority from the Board, it intends to contract with the Tennken Railroad or the Union City Terminal Railroad for operations. KTRRP anticipates that once fully operational, rail traffic would be limited to one roundtrip per day and consist of approximately 60 percent agricultural and approximately 40 percent industrial materials and products.

At the June meeting, OEA provided a general overview of the Board's environmental review process, OEA's role in conducting the environmental review, and the role of third-party contractors. In addition, OEA discussed the importance of adequate public outreach, as well as the role of the public, including federal, state, and local agencies, parties of record, communities and other interested parties in the review process.

Based on the information from this initial meeting, OEA believes that it has adequate information and the applicant is sufficiently aware of the environmental process to grant this request. If we can be of further assistance, please contact Diana Wood of my staff at 202-245-0302 or [diana.wood@stb.gov](mailto:diana.wood@stb.gov).

Sincerely,



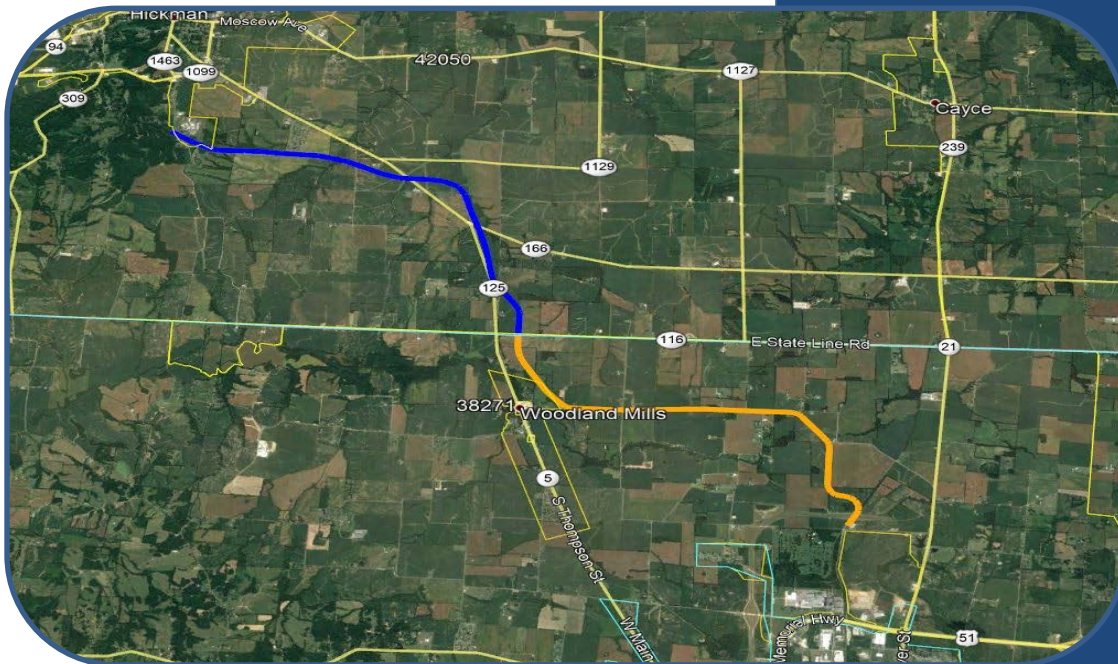
Victoria Rutson  
Director  
Office of Environmental Analysis

## **Exhibit 2**



# Final Work Plan for Environmental Analysis and Preparation of Appropriate Environmental Documents

Ken Tenn Regional Rail Partners  
Proposed Rail Line  
Obion Co., TN and Fulton Co., KY  
STB Docket No. FD 36328



Prepared By:



1116 Main Street  
Pleasant View, Tennessee 37146



Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, SW  
Washington, DC 20423

**Attachment 1**  
**Proposed Project Schedule**

[illegible]

## **Exhibit 3**



## Call Notes

**CSR Engineering Inc.**  
1116 Main Street  
Pleasant View, TN 37146  
Phone: (615) 212-2389  
Fax: (615) 246-3815  
[www.csrengineers.com](http://www.csrengineers.com)

---

**Project:** KTRRP STB Docket # FD-36328

**Date:** 11/13/2020

**Participants:** STB-OEA, FRA, KTRRP, Clark Hill, CSR, KTC

---

### Attendees:

Diana Wood (STB-OEA), Michael Johnsen (FRA), Justin Marks (Clark Hill), Greg Curtis & Bobby King (KTRRP), Kent Evetts & Kevin Walker (CSR), Jeremy Edgeworth (KTC), Amy Kosanovic (TDOT)

### Discussion Notes:

1. Schedule

Diana Wood re-iterated the working schedule for preparation of the Draft EA which is subject to the 'New' NEPA requirements. EAs (Draft and Final) must be completed within one year, including the issuance of the Agency decision. Accordingly, we must adhere to the following timeline:

- March 15 – submittal of Draft EA
- April 15 – end of 30 day review period
- June 15 – Final EA submitted
- Two months for Agency Decision

2. Current Activities

On October 1, 2020, Diana Wood submitted requests for concurrence of proposed field survey plans to both the Tennessee Historical Commission and the Kentucky Heritage Council. The Tennessee SHPO agreed to limit the archaeological survey to the rail right of way or 100' with some expansion in design sensitive or construction staging areas. Pedestrian surveys with limited shovel testing will suffice along segments of the previously disturbed abandoned railroad bed and recently harvested agriculture fields. Architectural area of potential effect will consist of a 1,000 foot buffer or 500' to either side of the proposed centerline. Kentucky SHPO opinion is still pending.

The Section 106 (cultural and 4(f)) sub-consultant (CRA) is preparing scope and cost for this effort and is planning on an early December mobilization. CSR will coordinate with KTRRP to communicate with property owners for right-of-entry access in order to complete field activities.

3. Highway Crossing Preliminary Designs

Jeremy Edgeworth with the KTC asked at what point preliminary engineering designs for highway crossings would be provided to KTC for review. Diana Wood explained that preliminary design was not within the scope of environmental document preparation. Kevin Walker indicated that the crossings were all AASTO compliant. Greg Curlin with KTRRP offered to coordinate with KTC to discuss the two proposed routes and the crossings as currently considered by the two alternatives.

4. Next Steps

- CSR will coordinate with KTRRP for approval of the Section 106 sub-consultant's scope of work.
- CSR will coordinate with KTRRP (Bobby King) regarding property access.
- Greg Curlin with KTRRP will have initial discussions with KTC regarding road crossings.
- CSR will continue preparing draft technical sections of the EA document.

5. Next Call

The next call scheduled Friday December 11, 2020 will be postponed due to year-end activities. However, CSR may schedule a KTRRP or Team call dependent on field activities or issues that may arise.

## **Exhibit 4**

**Project Owner:** Kentucky Tennessee Regional Rail Partners (KTRRP)

**Project Name:** Proposed Railroad Connecting, Hickman-Fulton County Riverport (KY) to the Canadian National Railroad near Union City, TN

**Project Task:** Planning-Environmental Studies  
✓ **Cultural Resources, Historical and Archeological**

**Parcel#:** 010 01100 000

**Owner/Representative:** [Signature]

---

KTRRP, a non-profit corporation created by the Fulton County Industrial Development Authority of Kentucky and the Industrial Development Board of the City of Union City, Tennessee, is seeking to construct and operate an approximately 12.7-mile segment of rail line in Obion County, Tennessee and Fulton County, Kentucky (Proposed Line). Approximately 3.47 miles of the Proposed Line would be constructed over existing but abandoned right-of-way. The Proposed Line will support regional economic development by providing the Hickman-Fulton Co. Port and local industrial facilities with easier and more cost-effective access to the interstate rail network.

CSR Engineering, Inc. has been retained by KTRRP as a third-party contractor to the Surface Transportation Board (STB), the reviewing Federal Authority, in order to complete environmental documents for the proposed project. Certain environmental studies are required, including an archaeological survey of several alternative proposed right-of-ways being considered. CSR has retained Cultural Resource Analysts, Inc. (CRA) to conduct the archaeological survey for this project, which will be conducted sometime around December 2, 2020, weather permitting. The overall survey will require approximately ten days. At some time around this period, archaeologists from CRA will enter your property.

The archaeological survey will involve field archaeologists walking across your property within the proposed right-of-way taking notes and photographs. Depending on the terrain and land use, it may be necessary to examine the soils every 30-100'. This will be accomplished by digging square holes the size of a standard flat shovel and usually less than three feet deep. The soils will be screened and replaced in the hole and sod, if any, will be replaced over the hole. All due care will be taken to avoid damage to your property.

If you wish to grant right-of-entry onto your property, please follow these steps to complete the Agreement.

- Sign and date the Agreement.
- Add your comments and conditions for the right-of entry at the bottom of the Agreement.
- A copy will be provided for your records.

If you have any questions about this process, please don't hesitate to call or email Mr. Bobby King (KTRRP) at 731-819-5725 or [bking@ktrrp.com](mailto:bking@ktrrp.com), Mr. Kent Evetts (CSR) at 615-247-5318 or [kent.evetts@csrengineers.com](mailto:kent.evetts@csrengineers.com) or Mr. Travis Hurdle (CRA) at 865-304-9141 or [twhurdle@crai-ky.com](mailto:twhurdle@crai-ky.com).





SIGNATURE OF PROPERTY OWNER/AUTHORIZED AGENT

Robert Garrigan

PRINTED NAME OF PROPERTY OWNER/AUTHORIZED AGENT

11-20-20

DATE

CONTACT INFORMATION:

Telephone Number: 731-234-4462

Email Address: robgarrigan@yahoo.com

Mailing Address: 2726 State Route 116W

Hickman Ky 42050

Comment/Conditions for Right-of-Entry or Denial of Right-of-Entry

---

---

---

---

---



## **Exhibit 5**

**Project Owner:** Kentucky Tennessee Regional Rail Partners (KTRRP)

**Project Name:** Proposed Railroad Connecting, Hickman-Fulton County Riverport (KY) to the Canadian National Railroad near Union City, TN

**Project Task:** Planning-Environmental Studies  
✓ **Cultural Resources, Historical and Archeological**

**Parcel#:** 024 00600 000 ; 011 02401 000

**Owner/Representative:** Ricky Smith

---

KTRRP, a non-profit corporation created by the Fulton County Industrial Development Authority of Kentucky and the Industrial Development Board of the City of Union City, Tennessee, is seeking to construct and operate an approximately 12.7-mile segment of rail line in Obion County, Tennessee and Fulton County, Kentucky (Proposed Line). Approximately 3.47 miles of the Proposed Line would be constructed over existing but abandoned right-of-way. The Proposed Line will support regional economic development by providing the Hickman-Fulton Co. Port and local industrial facilities with easier and more cost-effective access to the interstate rail network.

CSR Engineering, Inc. has been retained by KTRRP as a third-party contractor to the Surface Transportation Board (STB), the reviewing Federal Authority, in order to complete environmental documents for the proposed project. Certain environmental studies are required, including an archaeological survey of several alternative proposed right-of-ways being considered. CSR has retained Cultural Resource Analysts, Inc. (CRA) to conduct the archaeological survey for this project, which will be conducted sometime around December 2, 2020, weather permitting. The overall survey will require approximately ten days. At some time around this period, archaeologists from CRA will enter your property.

The archaeological survey will involve field archaeologists walking across your property within the proposed right-of-way taking notes and photographs. Depending on the terrain and land use, it may be necessary to examine the soils every 30-100'. This will be accomplished by digging square holes the size of a standard flat shovel and usually less than three feet deep. The soils will be screened and replaced in the hole and sod, if any, will be replaced over the hole. All due care will be taken to avoid damage to your property.

If you wish to grant right-of-entry onto your property, please follow these steps to complete the Agreement.

- Sign and date the Agreement.
- Add your comments and conditions for the right-of entry at the bottom of the Agreement.
- A copy will be provided for your records.

If you have any questions about this process, please don't hesitate to call or email Mr. Bobby King (KTRRP) at 731-819-5725 or [bking@ktrrp.com](mailto:bking@ktrrp.com), Mr. Kent Evetts (CSR) at 615-247-5318 or [kent.evetts@csrengineers.com](mailto:kent.evetts@csrengineers.com) or Mr. Travis Hurdle (CRA) at 865-304-9141 or [twhurdle@crai-ky.com](mailto:twhurdle@crai-ky.com).

  
SIGNATURE OF PROPERTY OWNER/AUTHORIZED AGENT

Ricky G. Smith  
PRINTED NAME OF PROPERTY OWNER/AUTHORIZED AGENT

12-7-2020  
DATE

CONTACT INFORMATION:

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment/Conditions for Right-of-Entry or Denial of Right-of-Entry  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Exhibit 6**

## Marks, Justin J.

---

**From:** Marks, Justin J.  
**Sent:** Wednesday, December 9, 2020 3:45 PM  
**To:** Wood, Diana; Kent Evetts  
**Subject:** FYI - KTRRP; Alternate Route; Solar Farm Lease  
**Attachments:** DOC.pdf

Diana/Kent:

This email is separate from my previous email regarding the landowner Penny Hepler. My apologies for sending along multiple emails on various topics.

This is an FYI pertaining to one of the properties along the alternative route and KTRRP is providing it to you to the extent that it assists with the Environmental Analysis. When KTRRP started reaching out to landowners for property access, one of the landowners along the alternative route in Obion County, TN informed KTRRP that they had reached a lease agreement to allow for the development of a solar farm on the property.

The lease agreement was recorded and is attached.

Like I said, KTRRP asked that I send this along to the extent that it needs to be factored into the environmental analysis.

Justin

**Justin J. Marks**

CLARK HILL PLC

---

1001 Pennsylvania Ave. NW | Washington, DC 20004  
202.772.0916 (Direct) | 202.772.0930 (Fax) |  
[jmarks@ClarkHill.com](mailto:jmarks@ClarkHill.com) | [www.clarkhill.com](http://www.clarkhill.com)

-----Original Message-----

From: Clay Billingsley <[cbillingsley@bank3.com](mailto:cbillingsley@bank3.com)>  
Sent: Wednesday, December 9, 2020 11:36 AM  
To: Marks, Justin J. <[jmarks@ClarkHill.com](mailto:jmarks@ClarkHill.com)>  
Cc: Bobby King <[bking@ktrrp.com](mailto:bking@ktrrp.com)>; Greg Curlin <[greg@hickmanriverport.com](mailto:greg@hickmanriverport.com)>  
Subject: KTRRP; Alternate Route; Solar Farm Lease

[External Message]

Justin,

Please see attached. This is a copy of the lease executed by Smith Family Trust, which owns a sizable parcel on the alternate route. I believe construction of the solar farm is scheduled for 2021.

CB

-----Original Message-----

From: scannerbank3@gmail.com <[scannerbank3@gmail.com](mailto:scannerbank3@gmail.com)>  
Sent: Wednesday, December 09, 2020 10:34 AM  
To: Clay Billingsley <[cbillingsley@bank3.com](mailto:cbillingsley@bank3.com)>

Subject: Scanned from a Xerox Multifunction Printer

Bank 3 Scan

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location:

Bank 3  
Union City  
211 Bill Burnett Circle  
Union City TN 38261  
731-599-1303

CONFIDENTIALITY NOTE: This e-mail and any attachments may be confidential and protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by replying to the sender and deleting this copy and the reply from your system. Thank you for your cooperation.

## **Exhibit 7**

## Marks, Justin J.

---

**From:** Marks, Justin J.  
**Sent:** Wednesday, December 9, 2020 3:21 PM  
**To:** Wood, Diana; Kent Evetts  
**Subject:** KTRRP Question About the Alignment  
**Attachments:** DOC.pdf; ATT00001.htm

Hi Diana:

KTRRP has a question related to the alignment of the line. The issue is that they have a landowner named Penny Helper in Kentucky that is objecting to KTRRP's request for access to her agricultural property. Ms. Hepler owns three parcels. The preferred route would bisect each of these parcels. KTRRP is wondering what the impact would be on the environmental analysis, if they slightly altered the preferred route to follow a state route instead of taking up so much of Ms. Hepler's property.

On the attached map, you can see the preferred route in green and the idea for a revision in blue.

Presently, CSR's sub-consultants are in the field taking samples. KTRRP is a little bit concerned about the cost of this contractor and would like to discuss this issue with you as soon as possible because, if they could redirect the sub-consultant to this new idea for the route, then it may save some money.

Are you available to discuss tomorrow or Friday?

Justin

**Justin J. Marks**

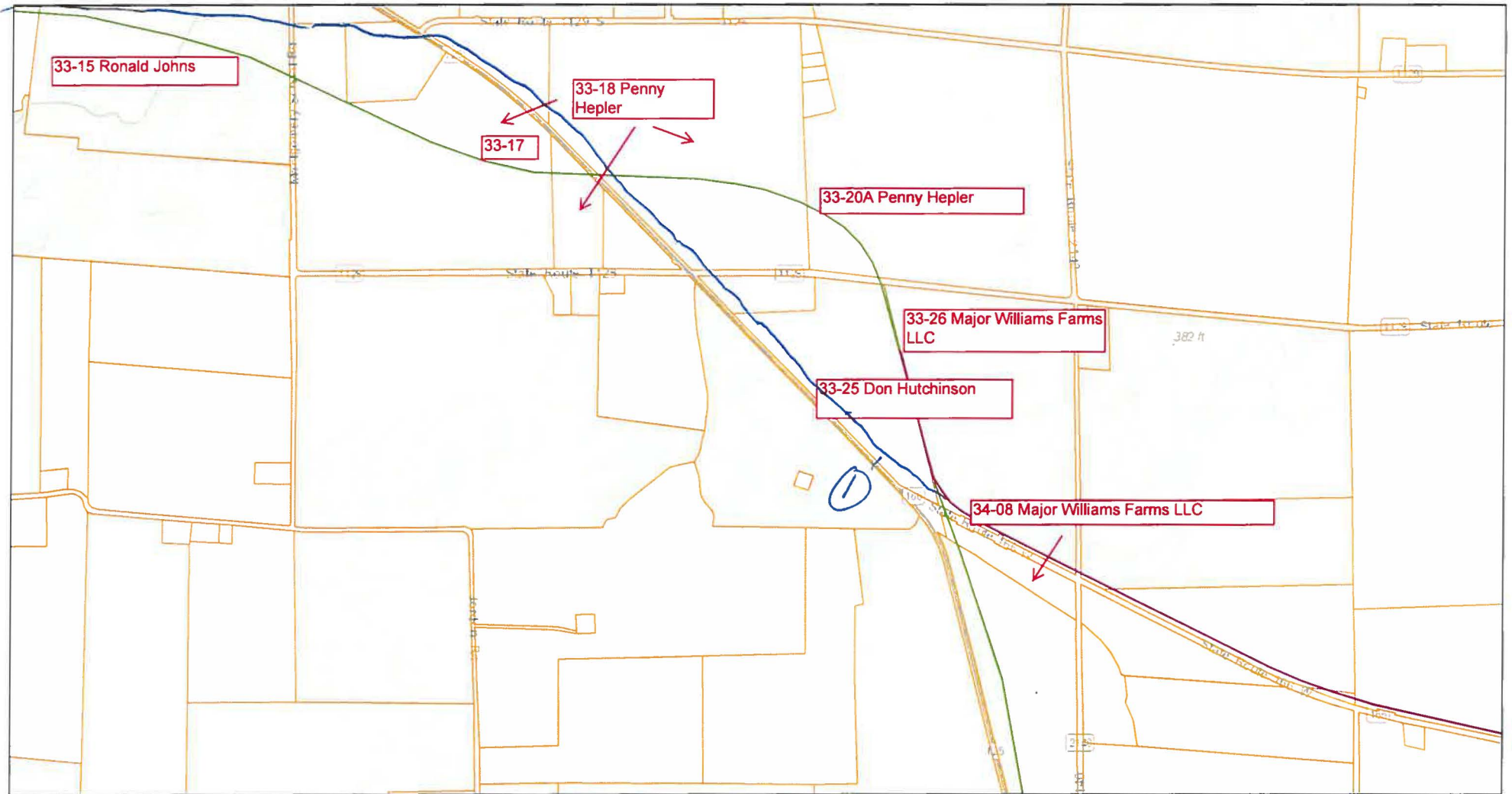
---

CLARK HILL PLC  
1001 Pennsylvania Ave. NW | Washington, DC 20004  
202.772.0916 (Direct) | 202.772.0930 (Fax) |  
[jmarks@ClarkHill.com](mailto:jmarks@ClarkHill.com) | [www.clarkhill.com](http://www.clarkhill.com)



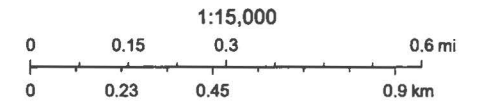
① *on*

## KTRRP KY Parcel Map 3



11/30/2020, 2:00:52 PM

- Preferred Route
- ALT 1 KY
- Fulton Parcels



Missouri Dept. of Conservation, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

## **Exhibit 8**

Misc. For Sale • Services • Real Estate • Help Wanted

ALL THAT CERTAIN  
PIECE OR PARCEL LO-  
CATED IN THE 2ND CIVIL  
DISTRICT OF OBION  
COUNTY, TENNESSEE  
TO-WIT: COMMENCING  
AT AN IRON PIN IN THE  
WEST MARGIN OF CO-  
RUM ROAD, THE SAME  
BEING THE SOUTHEAST  
CORNER OF THIS PAR-  
CEL AS DESCRIBED IN  
BOOK 22-J PAGE 826  
AND NORTHEAST COR-  
NER OF MORAN  
THENCE IN A WESTERLY  
DIRECTION 277 FEET TO  
AN IRON PIN, THE SAME  
BEING THE SOUTHWEST  
CORNER OF THIS PAR-  
CEL, THENCE IN A  
NORTHERLY DIRECTION  
180 FEET TO AN IRON  
PIN, THE SAME BEING  
THE NORTHWEST COR-  
NER OF THIS PARCEL,  
THENCE EAST 282 FEET  
TO THE WEST MARGIN  
OF CORUM ROAD,  
THENCE SOUTH WITH  
THE WEST MARGIN OF  
CORUM ROAD 180 FEET TO  
AN IRON PIN, THE POINT  
OF BEGINNING.  
Parcel ID: 024-015.00  
PROPERTY ADDRESS  
The street address of the  
property is believed to be  
4903 CORUM RD, UNION  
CITY, TN 38261. In  
the event of any discrepancy  
between this street ad-  
dress and the legal de-  
scription of the property,  
the legal description shall  
control.  
CURRENT OWNER(S)  
ESTATE AND/O  
HEIRS-AT-LAW  
OF  
NANCY CAROLYN CO-  
RUM A/K/A CAROLYN  
CORUM  
OTHER INTERESTED  
PARTIES:  
SECRETARY OF HOUS-  
ING AND URBAN DEVELOP-  
MENT

**Your Personal**  
Guide to Area **SALES & SERVICES**  
**for Home, Business & Personal Needs**

WILL BE PUBLISHED IN EVERY ISSUE OF THE MESSENGER CLASSIFIEDS AND ONLINE AT [NWTNTODAY.COM](http://NWTNTODAY.COM)

CALL THE MESSENGER CLASSIFIED DEPARTMENT TODAY  
AND ADVERTISE YOUR SALES & SERVICE BUSINESS

**885-0744**      Place your ad before 12 Noon for Next Day Publication!

**OUR ADS REACH OVER 40,000 READERS MONDAY THRU FRIDAY!**

**NOTICE TO OUR READERS:**  
Advertising published in The Messenger Service Directory is accepted on the premise that these are reputable businesses or contractors. We encourage you to ask for a copy of their license and for references. Please refrain from paying any money upon promise of repair or before all work has been successfully completed. It is always advisable to check with The Better Business Bureau of Memphis at 759-1300 before signing a contract.

AFFIDAVIT OF PUBLICATION

STATE OF TENNESSEE  
COUNTY OF OBION

Personally appeared before me, the undersigned Notary Public for Obion County, Tennessee, DAVID CRITCHLOW, who on oath says he is the publisher of the Union City Daily Messenger a daily newspaper of general circulation, published at Union City in said county and state, and that the hereto attached

Notice

Notice was published in said paper for 1 ~~consecutive~~ days as follows:

7/21, \_\_\_\_\_, \_\_\_\_\_, 2020

Publisher

David Critchlow

Publisher's Fee \$

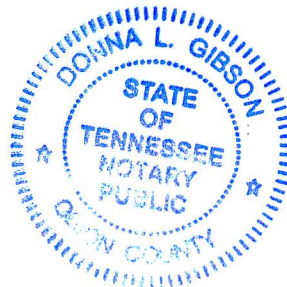
69.65

Subscribed and sworn to before me this 27th day of

July, 2020

Notary Public

Donna L. Gibson



## **Exhibit 9**



**Marks, Justin J.**

---

**From:** Greg Curlin <greg@hickmanriverport.com>  
**Sent:** Friday, January 8, 2021 1:31 PM  
**To:** Marks, Justin J.  
**Subject:** Fwd: KTRRC MEETING JULY 31

*[External Message]*

---

**Greg Curlin**  
**Executive Director**  
**Hickman-Fulton County Riverport Authority**  
**625 Catlett Street, PO Box 6**  
**Hickman, KY 42050**  
**Phone: 270-236-2563 Cell: 270-627-6911 Fax: 270-236-2222**

----- Forwarded message -----

From: **Greg Curlin** <[greg@hickmanriverport.com](mailto:greg@hickmanriverport.com)>  
Date: Mon, Jul 27, 2020 at 11:22 AM  
Subject: KTRRC MEETING JULY 31  
To: <benita@thecurrent.press>, <barbara@thecurrent.press>

#### Public Hearing Notice:

There will be a called meeting on Friday, July 31st at 10:00 am at the Hickman Fulton County Riverport Office, 625 Catlett Street, Hickman, Ky.

#### Agenda

1. Roll Call
2. Approval of November 14, 2019 Minutes
3. Update from Project Manager Bobby King
  - a. Discussion of Proposed Routes
  - b. Discussion of Progress with STB
  - c. Discussion of Progress with Public Outreach
4. Discussion of New Business
5. Adjourn

The KTRRC does not discriminate on the basis of race, color, national origin, sex, religion, age or disability.

Greg Curlin

KTRRC Chairman

***Greg Curlin***  
***Executive Director***  
***Hickman-Fulton County Riverport Authority***  
***625 Catlett Street, PO Box 6***  
***Hickman, KY 42050***  
***Phone: 270-236-2563 Cell: 270-627-6911 Fax: 270-236-2222***

## **Exhibit 10**





**John M. Alexander,**  
AAMS®, CFP®  
Financial Advisor

509 Broadway, Suite 98  
South Fulton, TN 38257  
731-479-2233

Member SIPC

www.edwardjones.com

**Edward Jones®**  
MAKING SENSE OF INVESTING

## Fulton Co. Fiscal Court updated on railway status

**Barbara Atwill**

Greg Curlin, Chairman of Hickman Industrial Development Authority, attended the Fulton County Fiscal Court meeting Feb. 17 to give an update on the Ken Tenn Regional Rail Partners. Magistrates Jim Paitsel, Wade Adams, Hugh Caldwell, Shaun Parks, and Judge/Executive Jim Martin were in attendance.

“We received \$350,000 from the State of Kentucky Transportation Cabinet for a study on two different routes coming out of Hickman, to connect to rail in Tennessee, to give access from Union City to Hickman and complete the loop for the Ken Tenn Railway from Rives, Tenn., to Dyersburg, Tenn., on CN Railroad. The study should take about 18 months. There will be variations. We have come up with about 15 different possibilities and landed on two possible routes, trying to use the old railroad bed, when possible, coming into Hickman. The ending of the track comes in at Tokai, with one option there,” Curlin said.

“The reason I wanted to come and speak to you is to make you aware. It is talked about in Union City and Obion County. Because of the funding, there will probably be some kind of press release about the funding, and people are starting to ask questions. I wanted the Magistrates to be aware we are looking at this. We have a long way to go before we are actually building a railroad, and

See **FISCAL**, page 7

## Man sentenced in 2017 wreck which resulted in one fatality

**Benita Fuzzell**

A Fulton County man has now been sentenced in connection to a wreck which resulted in the death of Teena Robinson of Sharon, Tenn. in 2017.

Darren Shane Henderson of Cayce was sentenced in Fulton County Circuit Court Feb. 13, under Judge Tim Langford, following a guilty plea.

The original murder charge against Henderson was amended to Manslaughter, 1st degree, according to the court docket.

The sentence for that charge was 10 years. Another charge, Assault, 1st degree, was amended to Assault 2nd degree and carried a five-year sentence on the guilty plea. A wanton endangerment 1st degree charge, was amended

See **FATALITY**, page 7



**GYM CLEARED BY OFFICIALS** – Friday night's Fulton City at Fulton County boys basketball game ended with an empty gymnasium, after referees called for the removal of all fans in the third quarter. Following a delay of approximately 30 minutes to empty the gym, the fourth quarter was played. Fulton City coach John Dillard was ejected from the game, and a Fulton County and Fulton City fan were also ejected. Fulton County went on to win, 67-49. (Photo by Charles Choate)

## Referees clear gymnasium of spectators to complete game

**Charles Choate**

Fans attending the Fulton City at Fulton County basketball game were ordered to leave the gymnasium before its ending last Friday night.

What had been a highly competitive and exciting game for almost three quarters, turned into a chaotic scene with .03 seconds remaining in the third quarter.

With the Pilots winning 50-42, Bulldogs coach John Dillard rushed onto the floor to contest a non-call by game officials, which led to his ejection.

Following this, a Fulton City and Fulton County fan were also ejected from the game.

See **GYM**, page 8



**BIG RED SEND-OFF** – The South Fulton Middle School Lady Red Devils received a huge send-off and show of support Feb. 14 as they traveled to compete in the Tennessee Middle School Athletic Association State Basketball Tournament. Well-wishers lined the John C. Jones Parkway between South Fulton Middle/High School and South Fulton Elementary, below, where students at SFES waved posters and cheered as the bus carrying the team passed through the school driveway. See more photos and the complete story on page 9. (Photos by Benita Fuzzell)



**HAPPY DANCE** – Above, a group of young Princesses enjoyed dancing during the Tiaras and Ties Father/Daughter Dance held Feb. 15. Sponsored by the Fulton County Elementary/Middle Parent, Teacher, Student Organization the dance was held in the school's cafeteria with approximately 100 Pilot Princesses in attendance. Pictures were taken, and photo frames decorated also during the festivities. At right, one princess stayed in the comforting arms of her date during the dance. Each Princess in attendance received her very own tiara as she entered the school. (Photo by Barbara Atwill)

## Tourism Commission's Summer Concert Series re-scheduled

**Benita Fuzzell**

Fulton Tourism Commission board members heard updates from Executive Director Thea Vowell Feb. 13, regarding the planned Summer Concert Series, including a change in the schedule.

Vowell reported because of the Pontotoc Community Center already reserved on some of the first Saturdays of Summer months, she would recommend changing the concert schedule to the second Saturday of each month. She shared with board members Pat Gossum, Terri Harvey, Peggy Tribble, Melanie Gunn and Derrick Jackson that plans were to secure different genres of musical entertainment for the second Saturday of May, June, July and August, including country, rock, blues, soul and gospel.

Groups would perform from the Pontotoc stage and all concerts would be free.

Vowell requested, for the board's consideration, a budget figure of \$2,500 for the Summer Concert Series, which would also include advertising cost to publicize the events.

Following the calling to order of the regular monthly session by Board Chair Terry Harvey, Harvey resigned from the position, and then the floor was opened for nomination.

See **TOURISM**, page 7

## Fulton Co. BOE recognizes student achievements at mtg.

**Barbara Atwill**

Students were recognized for their recent accomplishments during the Fulton County Board of Education Special Called meeting on Feb. 13, at the Board office. Board members Rob Garrigan, Kimberly Hagler, Perry Turner, and Superintendent Aaron Collins were in attendance.

Board members will be attending the Kentucky School Board Association Annual Conference Feb. 20, the regular Board meeting date.

Certificates were presented to students participating in the 2020 District Governor's Cup Competition, 2020 Future Problem Solving Team; and 2020 Quick Recall Team.

District Governor's Cup team members included Hannah Varden, Dalton McMullin, Jonathan

See **BOE**, page 10

## FES employees receive two more holidays following board action

**Benita Fuzzell**

Fulton Electric System employees will receive the benefit of two more paid holidays added to their yearly calendar, as the result of action taken by FES board members meeting for regular session Monday evening.

FES Superintendent Luke Craddock, during New Business listed on the night's agenda, proposed adding the Dr. Martin Luther King, Jr. holiday in January and Veterans' Day in November to the holidays already observed by the Fulton Electric System, bringing the number of annual paid holidays to 11 for employees.

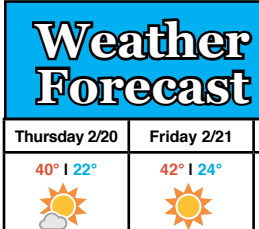
The two new holidays to be observed will be in addition to New Year's Day,

Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve and Christmas Day.

Board members present

See **FES**, page 7

**Weather Forecast**





8 04879 26681 5

| Thursday 2/20 | Friday 2/21 | Saturday 2/22 | Sunday 2/23 | Monday 2/24 |
|---------------|-------------|---------------|-------------|-------------|
| 40°   22°     | 42°   24°   | 48°   37°     | 45°   42°   | 51°   40°   |
|               |             |               |             |             |



# Current Continuations

## Fatality

to wanton endangerment, 2nd degree and carried a 12 month sentence on the guilty plea.

Henderson pled guilty to operating a motor vehicle under the influence of al-

cohol/drugs, was sentenced to 30 days on that charge, fined \$300, DUI service fee, \$375 and was suspended of his license for five years.

Another charge, criminal mischief, 1st degree, was

amended to criminal mischief, 2nd degree, to which Henderson pled guilty, with that charge carrying a 12 month sentence.

Seven charges of wanton endangerment, 1st degree

were dismissed, as were two charges of criminal mischief, 1st degree.

The charges and sentencing stem from a crash which occurred in November of 2017, on Hwy. 51 in Fulton,

when Henderson crossed the center line in his pickup truck and struck a vehicle driven by Kenneth Robinson. Teena Robinson was a passenger in that vehicle. Kenneth Robinson was

continued from page 1

also seriously injured in the wreck.

After the initial crash between Henderson's truck and Robinson's vehicle, two more vehicles struck both of them.

## Tourism

tions to serve as the Chair. On a nomination by Harvey and a second by Gunn, Pat Gossum was unanimously elected to serve as Chair. Gossum then conducted the remainder of the meeting. Harvey, she said, would continue to serve on the board and Vowell reminded those in attendance there is still a vacancy on the board, for a member at large, vacated by Bob Shelton. She encouraged board members

to consider names to submit for the replacement to Mayor David Prater, who makes the board appointments.

Mark Welch, who was recently hired as Executive Director of the Fulton Hickman Counties Economic Development Partnership, was welcomed as a guest and introduced himself to the board. He explained he would like to work with the Tourism Commission to make sure

all aspects of life in Fulton were represented on the FHCEDP website, and Tourism should be included.

Following an approval of minutes from the previous meeting, the board members reviewed the financials with Gossum pointing out the increase in the cash balance. He said he would like to see the board "treat funds wisely", using the funds as if they were in a piggy bank and not in a

savings account.

As previously approved by the board, Vowell stated she would order an ornament package this month, for decorating the new community Christmas tree, this past Christmas season displayed on the Ponotoc Park fountain, with a red and gold package to be purchased.

Discussion took place as to the possibility of rearranging the entertainment schedule for this year's

Banana Festival, as Saturday night is customarily when the headliner entertainment performs. Vowell asked for the board's input as to possible staging the main headliner entertainment for Friday night instead of Saturday, because one band she was now negotiating with with could perform on Friday night, and for a lesser amount than on Saturday night. The board's consensus was that Vowell could

continued from page 1

use her discretion to book the entertainment.

In the financial report, which was approved, as to revenues, current actual was at \$11,193.64; annual budget, \$147,016; year to date actual, \$112,716.58; and the remaining budget at 23.33%.

As to expenditures, current actuals was \$4,025.68; annual budget, \$146,400; year to date actual, \$116,646.20 and remaining budget, 19.78%.

## FES

included Milton Dean, Beth McWhirt, Peggy Lohaus, Jeff Vaughn and James Butts.

FES Business Office Manager Jeff Wade and board attorney Rebecca Biehlich were also present.

Craddock said he had surveyed area electric systems and found the majority of them already observed Dr. Martin Luther King, Jr. Day and Veterans Day. He said approximately half also observed Presidents Day as a holiday.

He reported he had also consulted Fulton City Man-

ager Mike Gunn as to holidays afforded to city employees, which now include New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve and two City Manager's Discretionary holidays.

Discussion took place by the board as to the impact of holidays which fall on Mondays, specifically on the third Monday of the month, the designated day of the monthly board meeting.

Business Office Manager Jeff Wade questioned whether in the event a Monday holiday observed was on the third Monday, on the day of regular session for the board, it would be necessary to reschedule the board meeting, and instead have the need for a special called meeting. However, during the discussion, it was suggested designated meeting dates which fell on observed Monday holidays could be addressed in board policy as to when that meeting would be held, perhaps not requiring special called

session.

Board member Jeff Vaughn, who made the motion to observe the two new holidays, noted Wade and Craddock were salaried FES employees and that there attendance to meetings held on holiday Mondays would not be impacted.

Craddock presented for the board's review, the initial policy for Suitable Applications for the LED sign on the FES property.

His proposal included to accept for displaying on the sign, information related to the Fulton Electric System;

any City of Fulton requested messages; and any Fulton County requested messages.

On a motion by Vaughn and seconded by board member Peggy Lohaus, with revisions, the application process was approved, with board member Milton Dean suggesting the addition of "Government" to City of Fulton and Fulton County, with requests for items to display to come from those entities.

The TVPPA annual conference dates were announced, for May 18-20 in

continued from page 1

Orange Beach, Alabama, at the Perdido Beach Resort. Wade asked board members to notify him if they will plan to attend, to allow for time to make, or cancel reservations.

In other business, the board approved the transfer of \$432,338.72 from the revolving fund to the operations and maintenance fund, which will include, among other expenses, payment of the power bill, \$307,916.62; Fulton City Board of Education, \$11,680.34 and Fulton County Board of Education, \$602.35.

## Fiscal

reconnect the rail. Down the road there will be environmental, wetlands, historical aspects, as well as, public meetings for people to look at what the study says and the routes," Curlin continued.

He said the Fulton County Industrial Development Authority (FCIDA) is working in cooperation with the Union City Industrial Development Authority, because there is no Obion County Authority.

There is a cooperative agreement between the two states, which is 50/50. Tennessee has already received their money and Kentucky has just received their money to do the study. Curlin reported there is approximately \$700,000 to do the study.

"The Kentucky/Tennessee Rail Authority tries to meet every two months. If the track were to be built, the FCIDA would own the track. We worked with Tennessee and formed a Board, where I am the chairman, with three members for Kentucky and three from Tennessee to make these decisions and setting up the study. The Judge/Executive is a member of the team, as well as a member of the HRCDC, who owns the rail line from Hickman to Dyersburg. The rail will

give access to two riverports, the North, and the South in connection to the CN Railroad," Curlin said.

"This opens up all kinds of potential industrial growth in Hickman," Judge Martin said.

County Attorney Rick Major attended the Annual Winter Training and reported he caught a glimpse of the all the unfunded mandates the State will be filtering down to the County while in their Legislative Session.

"A persistent problem I have dealt with, since the first week of January 1999 has been the railroad in Fulton, blocking the road. One of the first people to show up at my door was a citizen that kept getting trapped. We have never been able to respond quick enough on all the complaints. There has been massive problems between State Police interpretation of the Statute. If it is blocked for five minutes it is a finable offense. However, the Railroad in eastern Kentucky sued half dozen counties in Federal Court. The Attorney General last year in 2019, elected not to participate in litigation and left the counties on their own. Apparently, somewhere the Federal Court issued an injunction

against any county in Kentucky enforcing the state law. I don't think they have declared it unconstitutional, but they have issued an injunction preventing any prosecution. We have dealt with this at Hwy 94, McFadden Road, and Newton Road. It has been a safety issue and now, until further notice, we can't issue citations for that," Major said.

Everett Wilson, Kentucky State Highway Department, presented the Fulton County RS (Rural Secondary) recommendations.

"The State will cut out so much of the Transportation Budget for Rural Roads that don't get as much attention as the main roads. Fulton County will add \$678,581. There are 97,489 miles in Fulton County of RS roads, with the State taking out \$3,480.29 per mile to maintain those roads. County Judge/Executive expenses are also taken out, and with money left over from last year that was not spent, that leaves a balance of improvement at \$401,981.50. That leaves a balance of \$266,265.50. I recommend KY 309, from 0 to 2 and 3.2 to 4.224, total 3.024 miles asphalt resurfacing at a cost of \$225,000. KY 2134, from

1 to 1.661, a total of .661 miles of resurfacing, estimated cost of \$50,000. Both roads comes to a total of \$275,000, hoping the bids will come in a little under," Wilson said.

Following discussion, Magistrates approved a change order for repairs to the Fulton County Courthouse elevator for \$36,780, originally approved for \$32,795, and work must be completed by April 1; Fulton County Clerk's 2019 Final Budget, with Excess fees of \$74,655; Resolution 2020-01 for Fulton County Road System; Memorandum of Understanding between Kentucky Department of Agriculture, Division of Environmental Services and Fulton County Fiscal Court to spray for mosquitoes in a joint agreement between Fulton County and Hickman County.

Also approved by the Fiscal Court was the County Road Aid (CRA) Agreement and Resolution between Kentucky Transportation Cabinet and Fulton County Fiscal Court for \$682,991.59 for the Road Department Budget for FY 2020-21;

A Drainage Structure Replacement Agreement and Resolution between Kentucky Transportation

Cabinet and Fulton County Fiscal Court for application to replace coverts on Long Lane, Walker Road, and Sublett Road \$64,520; was approved and authorized advertising for CRA public hearing to be held March 16;

The Local Government Economic Assistance (LGEA) hearing for March 16 was also authorized;

Pam Dinwiddie was appointed to the Fulton County Ethics Commission.

Other items discussed, not on the agenda, included communications with WCA Garbage, with the officials informed the company is to contact the County with a price quote for county residents with preferred, franchise and every other option avail-

continued from page 1

able, at different prices.

Magistrate Adams requested a copy of the contract with Joe Jackson repairing the Courthouse windows and the contract expiration date.

Discussion on the old Rescue Squad Building in West Hickman.

Fulton County Sheriff Derek Goodson addressed the Magistrates regarding his recent application for grant funding.

"I would like to make you aware I have completed a grant application to purchase four vehicles, two Ford Expeditions and one Durango, for \$164,722, with 25%, or \$41,180.50, being the responsibility of the County, which would come out of the Sheriff's Department," Goodson said.

### News From The

## TWIN CITIES CHAMBER OF COMMERCE

Fulton, KY and South Fulton, TN

### FEBRUARY BUSINESS of the MONTH



Hillview Clinic has long been a staple of the Twin Cities. In 1957, it opened as a private hospital under Drs. Crocker and Blankenship. Dr. John Ragsdale joined the staff after Dr. Blankenship was killed in a hunting accident. Dr. Crocker was replaced by Dr. Andrew Nelson in 1961, and Dr. Robert Peterson joined the group in 1974. Hillview Hospital was sold in 1984 and became a clinic when Parkway Regional Hospital opened its doors in 1985.

The clinic was relocated to Tennessee and renamed Hillview South in 2015 following the closure of the Parkway Regional and the transfer of its ownership to Volunteer Hospital in Martin, TN. The Multi-specialty rural health clinic has treated thousands of patients throughout its long tenure in the community.

Dr. Gregory Cox, Dr. Josh Whitledge and Nurse Practitioner Elizabeth Jones have recently welcomed Dr. Kimberly Burch, a pediatrician, to the group.

Hillview South is currently taking new patients of all ages and accepts all insurance plans.

**Welcome New Members**

**Broadway Grill**  
Rep: Brittney Ogden  
602 Broadway St.  
So. Fulton, TN 38257  
(731) 271-2092

**Fulton Rotary Club**  
Pres: Eddie Casetty  
P.O. Box 1065  
Fulton, KY 42041

**Smiles on Seniors**  
Rep: Sharaye Hendrix  
117 Park Terrace Circle  
So. Fulton, TN 38257  
(731) 335-0159

**Upcoming Events**

**Lunch Mob**  
**WENDY'S**  
Wed, Feb 26th  
12 p.m. - 1 p.m.

**Ribbon Cutting**  
**BROADWAY GRILL**  
602 Broadway, South Fulton  
Friday, Feb 28th at 11 am

For more information, contact Thea V. Vowell, Executive Director, Twin Cities Chamber of Commerce, 700 Milton Counce Dr., P.O. Box 5077, So. Fulton, TN 38257, Phone/Fax - 731-479-7029, Cell 270-627-1400; twincitieschamber@bellsouth.net. Visit our website: www.fultonsouthfultonchamber.com.

# Bible Conference

## February 23-26, 2020

**Sunday 10:30 am**



**Don Whitt**  
Evangelist  
Milan, TN

**Sunday 6:30 pm**



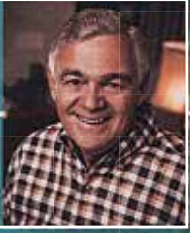
**Ryan Garrett**  
Student Pastor,  
LifePoint Church  
Smyrna, TN

**Monday 6:30 pm**



**Phil Hoskins**  
Evangelist  
Kingsport, TN

**Tuesday 6:30 pm**



**Ken Whitten**  
Pastor  
Idlewild Baptist  
Lutz, FL

**Wednesday 6:30 pm**



**Richard Harris**  
Former Interim-NAMB  
President  
Albany, GA



**Andrew Lewis**  
Music  
FBC Marshfield  
Marshfield, MO

**South Fulton Baptist Church**

**1500 Broadway**  
**South Fulton, Tennessee 38257**  
**731.479.2331**

**southfultonbaptistchurch.com**

# **Exhibit 11**



## Current Lifestyles

### SF Parks Halloween event pending

**Benita Fuzzell**

Members of the South Fulton Parks and Recreation Board, meeting in regular session Aug. 4, discussed possible options for the city's annual Trunk or Treat event, tentatively scheduled for Oct. 31.

Board members Harry Hutcherson, presiding in the absence of board chair Felicia Lightner, Sharye Hendrix, Cody Caksackkar, Myra Bass, Cindy Pratt, City Manager Johnny Bacon and Parks Director David McDaniel, first discussed possible options for the Halloween event, including modifications relating to a change of location, from Unity Park to the Municipal Complex property, as well as the idea of a "drive-through" activity for children to be able to collect candy from their vehicles.

McDaniel explained to the board that preparation for the Trunk or Treat could be accomplished within a couple of weeks, so no decision would have to be made until the October board meeting if necessary.

He reminded the board, earlier in the year he had communications with Kenney Etherton, chair of the Fulton Parks Board, seeking their input on the two boards partnering for community events. At that time, plans were made for a joint meeting for the two boards, however, because of the pandemic, that meeting had not yet taken place. McDaniel said he would try to contact Etherton again, regarding whether their board would be interested in moving forward with those plans.

The general consensus

of the board was to move forward with planning the event for Oct. 31, keeping in mind circumstances relating to Covid-19 restrictions could result in changes.

On a motion by Caksackkar, seconded by Hendrix, the board approved the measure.

McDaniel reported because of the cancellation of this year's Community Easter Egg event, he had received private donations for prizes which had not been used. He said he had contacted the donors to attempt to return the donations, however those who made the contributions asked for him to keep them, for future use.

McDaniel requested the board's authorization to use the donations for door prizes or other items needed for the upcoming tentatively scheduled Trunk or Treat event, with board approval given.

A resignation submission by Parks and Rec Board member Billy Williams was accepted, having been submitted first for the July board session, however as the result of a lack of a quorum to conduct business, the item had been postponed until the August session. Board members were asked to give consideration to a replacement for Williams, to be brought before the full South Fulton City Commission.

In regard to the replacement for the board seat, a question arose as to whether a voting board member would be required to be a resident within the city limits. Bacon said he would research the matter and report back to the board in regard

to the city resident requirement.

In his Director's Report, McDaniel said the sale of commemorative engraved bricks for the Unity Park pathway had slowed some, but bricks were still available for \$40 each, or three for \$100. He said although the lobby of the South Fulton City Hall has not yet been reopened to the public, the drive through may be used to request an order form to purchase the bricks and submit payment.

McDaniel reported the new lamp post and pump for the Unity Park pond had been delivered and would be installed soon. He stated an issue still seems to be ongoing as to litter accumulating in Unity Park in the late evening hours, with efforts made to bring the issue to the attention of youth gatherings there on a regular basis. McDaniel said plans are underway to possibly install securing cameras within three areas of the park, and more trash cans.

The Parks and Recreation budget for fiscal year 2020-2021, McDaniel reported, has been submitted, with a request made to fund a total of \$8,000, to include at least three previously sponsored events, for a community Easter Egg Hunt, a Trunk or Treat event, an event during the Christmas season, and at least two events for senior adults.

In addition to Lightner, board members Anita Oliver and Eddie Cassetty were absent.

The board regularly meets the first Tuesday of each month at 5 p.m. at the South Fulton Municipal Complex.



**STATE CHAMPS** – Twin Cities' Raiders recently earned the status of being declared Dixie Majors State Champions. Pictured are team members, bottom left, Mason Pyrdon, of Westview; Everett Yates, of Graves County; Carter Smith, of Obion County; Ethan Parham, of Westview; Sam Ferguson, of Obion County; Will Clark, of Hickman County; top left, Coach Brad Dame; Jake Bargery; Baker Porter, of Greenfield; Drew Hayden, of Graves County; Jackson Midgett, of Hickman County; Kire Trimble, of Fulton City; Derek Terry, of Hickman County; Eli Armbruster, of Hickman County; Jaxon Moran, of Union City; Nathan Roberson, home schooled; and Hunter Avery, Bradford. Not pictured is Coach Jerry Oliver. (Photo submitted)

### Public meeting options explored by KY-TN River Rail Partnership

**Barbara Atwill**

The Kentucky-Tennessee River Rail Partnership (KTRRC) Board met July 31, at the Hickman-Fulton County Riverport Authority office in Hickman in a special called meeting, with members Clay Billingsley, Greg Curlin, Melissa Garrigan, John Horner, Cody Martin, Mark Welch and Bobby King attending. Jim Martin was not present.

An update on the work with the CSR Engineering firm and the Surface Transportation Board was presented by Project Manager Bobby King.

He explained the KTRRP Board needed to establish a preferred rail route, with it being presented to the Surface Transportation Board and CSR Engineering so they could begin the route study.

Once the KTRRP Board approves a preferred route then a letter would be drafted by the boards legal firm Clark Hill to petition for exemption for construction and operating authority to the Surface Transportation Board.

Several different routes from Union City, Tenn., to Hickman were proposed and discussed by the KTRRP Board. The board voted and approved the preferred route corridor beginning in Union City north to the Kentucky State Line then west toward Hickman and connecting to the existing TennKen Railroad.

King also noted a need for an Economic Impact Statement (EIS) and recommended using Younger Associates. The board voted and approved the use of Young Associates to help in preparing the EIS to present to the Surface Transportation Board.

Discussion of Progress with Pubic Outreach concerning the new railroad and route was held. The KTRRP board has had very good support for the project, but as the route is chosen,

they know there will be local concerns that will need to be examined.

The Board discussed different ways to have public meetings informing the public of the proposed route.

Part of the discussion revolved around the fact that public meetings will be difficult with the limita-

tions caused by the current COVID-19 restrictions

The KTRRP Board decided to meet with their respective local government officials to discuss ways to have public discussions once the preferred route has been submitted to the Surface Transportation Board and can be studied.

**CASE KNIFE SALE**

Largest Case Knife Dealer in the area!

**CASE**

**Builder's Supply & Best Rental Center**

111 Forestdale, South Fulton, TN 38257  
731-479-3140 • buildersupply.doitbest.com

Store Hours: M-F 6:30 - 5:00;  
Sat. 7:00 - 2:00; Closed Sunday

FREE SHIPPING!

### Dean, Prater re-elected FIDA officers

**Benita Fuzzell**

Milton Dean was re-elected as Chair and Amelia Prater as Secretary, during the called meeting of the Fulton Industrial Development Authority July 28.

Other board members present included Cubb Stokes, Tim Hacker, Robert Rushing, Fulton City Manager Mike Gunn and Mark Welch, President, Fulton-Hickman Counties Economic Development Partnership.

Board member Jason Gibbs was absent.

Dean provided an update to the board in regard to rent for short-term through December, 2020 from Pipeworks Plus Inc. with documents signed and deposit and monthly payments for July and August having been received.

Mike Gunn discussed the Public Hearing Notice which involved an adjacent property owner building closer to the property line than city codes allow. The board opted for no action to be taken by FIDA to object.

Mark Welch reported the InvestPrep application was not funded and that another attempt would be made for the funding in 2021. While the subject property involved adjacent to the Fulton Industrial Park is outside Fulton's city limits, FIDA was provided with the update for informational purposes.

There were no questions

or remarks in regard to the presentation of the financials, for June 30, 2020.

In the financials presented, for Current Assets, Cash in Bank - Heritage # 0829 \$ 2,773.68; Reelfoot Bank 0443 \$42,050.39; Reelfoot Bank - Savings \$13,991.80; Reelfoot Bank CD \$50,000; Heritage Bank - General \$29,043.17; Total Current Assets \$137,859.04.

Listed for Property and Equipment, included was Land \$77,660.05; Land - Dura Lot \$22,454.84; Kayser Expansion - 2017, \$1,500,000; Building - Kayser \$745,489.18; Accumulated Depreciation - Bldg. - Kayser (\$14,690.96); Building - MVP/Kayser, Bldg. 2 \$1,436,026.83; Accumulated Depreciation - Bldg. (\$254,351.71); Site Prep Spec Lot 307, \$123,951.50; Net Property and Equipment \$3,536,539.73; Total Assets \$ 3,674,398.77.

On the Unaudited Balance Sheet, as of June 30, 2020 Liabilities and Fund Equity reported included:

Current Liabilities, Notes Payable - HB 2301 \$ 1,250,580.33; Lease Deposit - Dura Lot \$1,000; Total Current Liabilities \$1,251,580.33; Long-Term Liabilities, LTD - FHCEDEC - MVP Bldg. \$413,268.78; LTD - FHCEDEC - Repayment (\$47,028.01); TVA Loan - Kayser Property \$651,770.79; LTD - FHCEDEC - Dura Lot \$22,000; LTD - FHEDC - Spec

Pad \$86,943.20; Total Long-Term Liabilities \$1,126,954.76; Total Liabilities \$ 2,378,535.09.

Fund Equity Retained Earnings were reported at \$ 1,108,776.30; Current Year Net Receipts & Disbursements, \$187,087.38; Total Fund Equity \$1,295,863.68; Total Liabilities and Fund Equity \$ 3,674,398.77.

On the Unaudited Balance Sheet as of June 30, 2020, reported was 1 Month Ended, 12 Months Ended, June 30, 2020.

Receipts reported included the Lease - Dura Lot \$ 900/ \$ 1,800; Kayser Lease Payment \$7,929.80/ \$ 94,957.60;

Kayser Lease Bldg. 2, \$ 20,129.32/ \$ 241,751.84; Interest Income, \$4.45/ \$60.69; Total Receipts, \$28,963.57 /\$338,570.13.

Under Operating Expenses, reported was Depreciation, \$ 3,431.93 /\$41,183.16; Insurance - Bond 0.00/ \$100;

Interest \$7,161.01/ \$ 103,159.59; Legal 0.00/ \$5,800; Outside Services 0.00/ \$1,000; Supplies 0.00/ \$225; Taxes & Licenses \$15/ \$ 15; Total Operating Expenses, \$ 10,607.94/ \$ 151,482.75.

Net Operating Receipts (Disbursements) \$18,355.63/ \$ 187,087.38 was listed, with Other Income (Expenses), Total Other Receipts, (Expenses), \$0/\$0; and Net Total Operating Receipts (Disbursements) \$ 18,355.63/ \$ 187,087.38.

The Fulton County Board of Education will hold a public hearing at the Fulton County Board of Education Board Office on August 27, 2020, at 6:00 PM to hear public comments regarding a proposed general fund tax levy of 55.2 cents on real property and 55.2 cents on personal property.

The General Fund tax levied in fiscal year 2020 was 53.7 cents on real property and 53.7 cents on personal property and produced revenue of \$1,169,002.30. The proposed General Fund tax rate of 55.2 cents on real property and 55.2 cents on personal property is expected to produce \$1,359,266.01. Of this amount \$542,745.24 is from new and personal property. The compensating tax for 2021 is 53.1 cents on real property and 53.1 cents on personal property and is expected to produce \$1,307,554.80.

The general area to which revenue of \$51,711.21 above 2020 revenue is to be allocated is to instruction. The General Assembly has required publication of this advertisement and information contained herein.

**Bankruptcy**

**STOP** • COLLECTION THREATS • GARNISHMENTS • REPOSSESSIONS • LAWSUITS

**Hal Warren**  
**ATTORNEY-AT-LAW**  
Park Terrace Suites  
720 Broadway, South Fulton, TN  
**(270) 472-3271**

Call for **FREE** consultation to determine if eligible



## **Exhibit 12**



**Daylight Saving Time Ends November 1**

Don't forget to change the batteries in your smoke alarms also.

## Time has come for Fulton’s utility customers to ‘pay up’

**Benita Fuzzell**

Fulton residents who use water, sewer and gas services from the city’s utility department should be on the lookout for a letter from the city next week, if payments have not been made on delinquent bills.

Following last week’s issuance of an executive order from Kentucky Gov. Andy Beshear, delinquencies on utility bills, including electricity, water, sewer and gas will no longer be considered covered by an imposed deferral on bill payments.

That deferral was initiated to allow some relief to citizens who found themselves having difficulties as the result of the covid-19 outbreak, including the loss of income through mandated business closures, or factory shutdowns.

The order issued Oct. 19 from the Governor, stated as of Nov. 7 disconnection policies could be put back in place, if bills are not paid.

“My plan is to have something ready to send out next week,” said City Manager Mike Gunn, during the Fulton City Commission’s Oct. 26 regular session.

“We have been way too

See **FULTON**, page 10

## Canine concerns on the rise, prompt actions in Hickman

**Barbara Atwill**

Dog concerns and sidewalk maintenance were the top items of discussion during the Oct. 26 Hickman City Commission with Commissioners John Wiley Gannon, Robert Griggs, Rob Hitesman, Judy Powell and Mayor Heath Carlton attending.

Lengthy discussion on dog issues and Ordinance

08-05 was heard by the Commissioners.

Mayor Carlton said, “Recently we have had a lot of issues with dogs across town. Moving forward, what ideas do the Commissioners have to get a handle on the dog issues in town. Hickman Chief of Police Tony Grogan and put in quite a few manhours answering calls. I don’t know if it is a situation where we can start

enforcing the Ordinance a little bit closer or what we need to do.”

City Manager David Gallagher stated, “With the Pit Bull and Rottweiler fights, you are going to enforce the insurance portion of the Ordinance. That would put the responsibility on the owners to present a certificate of insurance. There is a con-

See **HICKMAN**, page 10

## HCEDA opts to withdraw from FHCEDP

**Benita Fuzzell**

Fulton-Hickman Counties Economic Development Partnership President Mark Welch updated board members during quarterly session Oct. 20, as to his recent receipt of notification from a financial partner, of their intent to withdraw from the partnership.

Welch provided board members present at Fulton’s Pontotoc Community Building, Amanda Morris, Rex Coffey, Debbie Weatherford, Mike Gunn, Hickman County Judge/Executive Kenny Wilson, Susan Maloan, Cubb Stokes, Fulton County Judge/Executive Jim Martin, as well as board members present via Zoom videoconferencing, David Gallagher, Greg Curlin, Becky Biehlich, Rick Canty, Milton Dean and Jeff Vaughn, with

See **EDP**, page 10



**WAGON TRAIN TREATS** – Above, Charley Campbell places the finishing touches to one of the stations for Cayce United Methodist Church’s Drive-Thru Trunk or Treat Oct. 24. Members of the church set up to hand out treats to approximately 33 young treaters as parents drove through the church parking lot, while at left, Mason Campbell, participated in his first Trick or Treat event at the Trunk or Treat. (Photos submitted)



**SETTING THE SPOOKY STAGE** – Above, Addy Infinger readjusts Jack Skeleton, who was experiencing a case of the droops, in her family’s Halloween decorations in Hickman on Oct. 25. The yard has several different characters, and a fog machine to add to the display. At left, homeowners on Highland Blvd., in Hickman used round hay bales to create their jack-o-lanterns for their Halloween display. (Photos by Barbara Atwill)

## One way or the other, voters weigh in for Election Day Nov. 3

Voters across the country, who have not already taken advantage of early voting or voting by mail will still have the opportunity to cast their ballot through the more traditional method of going to the polls Nov. 3.

In Kentucky, polls will be open Election Day, 6 a.m. to 6 p.m. at Fulton Independent High School, Cayce Fire Department and the Fulton County Office Building in Hickman.

Early in-person voting is still available Oct. 28 at Fulton City Hall, 8:30 a.m. to 3:30 p.m. and Oct. 31 at Fulton County Office Building in Hickman, 10 a.m. to 4 p.m.

Presidential candidates include Republican Donald J. Trump and his Vice-Presidential running mate Michael R. Pence; Democrat Joseph R. Biden and running mate, Kamala D. Harris; Libertarian candidate Jo Jorgensen and running mate Jeremy “Spike” Cohen; and Independent candidates Kanye West and running mate Michelle Tidball, and Brock Pierce and running mate Karla Ballard.

For Kentucky’s United States Senator, candidates are Republican Mitch McConnell, Democrat Amy McGrath and Libertarian Brad Barron.

In the United States Representative in Congress, 1st

See **ELECTION**, page 11



## KTEMS base renovations reviewed

**Barbara Atwill**

Ken-Tenn EMS (Emergency Management Services) met in regular session Oct. 20, at Fulton City Hall with members Pete Algee, Becky Biehlich, Hugh Caldwell, David Gallagher, Mike Gunn, Jim Martin and Amelia Prater, meeting in person and via Zoom.

Discussion took place regarding a quote from Joey Hall for renovations at the Fulton Base.

Ken-Tenn EMS Director Kevin Kelley said he had hoped for a more itemized quote.

“Lumber has gone insane and is part of the reason for the bid cost. There are sinks in each of the rooms that are basically useless. The bid includes pulling them out, capping off the lines, relocating electrical outlets, correcting airflow with vents placed on the doors to help, three lockers in the two bedrooms, and a lock-

er in an office to keep new CPR mannequins and AED trainers in a room. The bid is for \$4,950. We might be able to trim down some of the cost,” Kelly said.

“I am having trouble having any one else to call me back,” Kelley continued.

Board member Hugh Caldwell asked if the quote included removing the vanities and water lines and suggested a stipulation be

See **EMS**, page 11

## Next round of PDHD COVID tests scheduled locally, notification procedure clarified

With one round of local area COVID testing having been completed Oct. 12-15 in Fulton and Hickman, the Purchase District Health Department has scheduled other pop up testing sites for Clinton Nov. 2, Fulton Nov. 4 and Hickman Nov. 5.

According to Erin L. Stallins, MSED, Covid Testing Site Coordinator with the Purchase District Health Department, Paducah, at the previously scheduled sites Oct. 12-13, in Hickman, 33 individuals were tested and in Fulton Oct. 14-15, 118 were tested.

In Clinton, testing will occur Nov. 2, from 9:30 a.m. to 2 p.m. at the Hickman County Health Clinic, 370 S. Washington St..

In Fulton, testing will take place Nov. 4, from 9:30 a.m. to 2 p.m. at the Fulton County Health Department office, 350 Browder St. and in Hickman, on Nov. 5, 9:30 a.m.-2 p.m. at the Fulton County Health Center in Hickman, at 402 Troy Ave.

According to Stallins, results are received from the state lab within two to five days. The results are reviewed and if there is a positive case, that individual is contacted by the Purchase District Health Department Contact Tracing Team.

Negative results are texted out from the state level. If a person testing has requested to not receive results via text, they are called by the Purchase District ECT.

Stallins noted that only testing facilities should be

contacting anyone who has tested, with the results of the test.

She stated a list of addresses, sex and age of those testing positive is sent to the County Emergency Manager/EMS Coordinator within counties, but the list does not include names nor telephone numbers of those testing positive.

“This list is provided in order to help first responders. They then know to take extra precautions if called to that household in the event of an emergency,” Stallins

See **COVID**, page 11



**CELEBRATION IN PINK** – The Fulton County High School Pilots celebrated Pink Out Night on Oct. 22 at their home football game. The Hickman Firework Crew started their night with pink smoke, pink fireworks, and yellow fireworks in memory of Lennon Black. The Pilots defeated the Ballard County Bombers and a pink out finale was displayed following the game. (Photo submitted)

**True Community Banking**

**Lee Ann Hobbs**

**The Citizens Bank**

**Member FDIC**

**201 Nolan Ave. Fulton, KY 42041**

**270-472-2626**

| Weather Forecast |              |                |             |             |
|------------------|--------------|----------------|-------------|-------------|
| Thursday 10/29   | Friday 10/30 | Saturday 10/31 | Sunday 11/1 | Monday 11/2 |
| 64°   39°        | 54°   35°    | 60°   42°      | 53°   29°   | 53°   34°   |
|                  |              |                |             |             |



Current Continuations

Fulton

nice. We should give them no more time, we could get things done and get them expeditiously done. We don't need to waste any time," said Mayor David Prater.

City Clerk Helen Lee estimated over \$35,000 in past due utility bill payments was outstanding, as of the date of the most recent bill mail out.

Gunn said because of time constraints, he had considered giving delinquent customers until Nov. 20 to make good on the outstanding balances. That way, Gunn explained, the deadline would align with the next scheduled cut off date, for non-payment of services, on the 20th.

Discussion then took place among Commission-

ers Darcy Linn, Elaine Forrester and Martha Vowell, as well as City Attorney Allison Whitledge, regarding stipulations included in the most recent Executive Order handed down by the Governor, which could be interpreted as allowing for a payment plan to be proposed to each delinquent account holder.

Gunn said he planned to make the correspondence simple, to alert the customer of the required payment, propose the payment plan to continue current bill payment as well as methodically pay off the outstanding balances unpaid for the first several months of the covid-19 pandemic.

"That will be it, then," Gunn said, noting if no pay-off has occurred, or

payment plan in place, disconnection of services will occur.

Whitledge said she would review the executive order more thoroughly, as to what may be required from the city and she and Gunn will discuss those findings Tuesday morning.

Mayor Prater, Commissioners Forrester and Linn, Code Enforcement Officer Nathan Lamb and City Clerk Helen Lee were present in person for the meeting, with City Attorney Whitledge, City Manager Gunn, City CFO Lisa Morgan, Public Works Director Bubba Nelms and Fulton Fire Chief Terry Rudolph in attendance via Zoom videoconferencing and City Commissioner Jeff Vaughn absent.

The city's streets will soon receive a Fall spruce up, as the officials voted to retain Sweeping Corporation of America to perform "street sweeping" services on all streets within the city, for an estimate of \$3,305, to equate to 24 hours of sweeping, through the use of rotary sweeping equipment and telescopic mechanics and air power.

"We will not get it all with the first pass but after the first pass, we can go back with a focus on some elbow grease, and that will then help with the leaf vacuuming Public Works uses on the streets," Gunn said.

Gunn explained it would take planning and scheduling, as well as public notifications to allow for the relocation of vehicles along

city streets during the time residential areas are swept and making sure to conduct street sweeping in the downtown business district after hours.

"I think it is a great idea, maybe it is just the wrong time. If it has not been done since the 70s, I just do not know if it is something we need to do," said Mayor Prater, adding he could be more in support of a one time street sweep for all city streets, but no commitment to any additional contracted services.

Gunn said he could finance the sweep through contingency funds.

The Commissioners and Mayor Prater unanimously agreed to authorize the city manager to seek out citizens interested in serving

continued from page 1

on a number of city boards which now have vacancies. He said a simple application has been compiled, and advertisements will be published to encourage residents to apply for openings on the city's Fulton Housing Authority Board, the Planning and Zoning Commission, the Board of Zoning Adjustments and the Fulton Airport Board.

Applications are available in the City Clerk's Office of Fulton City Hall.

Gunn and Code Enforcement Officer Nathan Lamb updated the officials on a scheduled Waste Tire Collection date at the Public Works Department facility, Nov. 16-18, from 7 a.m. to 3 p.m. each of those days, open to Fulton residents with valid identification.

Hickman

centration in West Hickman and in East Hickman."

Grogan stated, "Most are in West Hickman. We have caught a few dogs on Bond Hill. There were two pit bull dogs in the pound. I have never looked for dogs the way I have the past week and a half."

"A trap was placed in my yard and one dog was caught, but no one claimed it. It stayed in the pound for a few days and someone broke into the pound and took the pit bull. We can't prove who dog it was or who took it," Griggs said.

If the owner of a dog comes to claim a dog at the pound a citation is issued and the cost is recouped by the City.

"We can't dart a dog, because it takes about 20 minutes for the sedative to take effect. By then the dog could be in the woods or somewhere else where we can't find it," Grogan said.

"If someone has a vicious dog, pit bulls, and mixed vicious dogs. Can the Police ask for the certificate?" Griggs asked.

City Attorney Leeanna Wilkerson said, "It is an a misdemeanor if you violate any portion of the Ordinance, which is laid out in the Ordinance, used all over the country for these specific breeds of dogs. Some places did away with breed specific Ordinances,

because not every pit bull is vicious and not every lab is friendly. The ones that are the real problems are the ones we need to address."

Carlton said the City needs to move toward lowering the population of the dogs if possible, but didn't know how. He asked if they should shorten the time of holding before euthanizing them.

Wilkerson stated the Ordinances in place, gives the City all the tools that they can have, other than catching the animals. She also suggested animal control bring a list, and description to City Hall, of dogs that are taken. The Ordinance references this and residents should be able to see if their dog is at the pound.

The list would also help to know if a specific dog has been picked up more than once.

Gallagher stated the issue now is the Pit Bull and Rottweiler killing other animals and it needs to be addressed. The owners need to show proof of insurance, or it can not stay in the city limits, he said.

Carlton said he appreciates help from the community on keeping their dogs up and not running wild. Griggs requested for the community to report vicious dogs.

Commissioners also discussed a possible Ordinance

for sidewalk/right-of-way maintenance.

Carlton said, "The past couple of months the seasonal crew has been working really hard cleaning up the sidewalks and edging them, and we commend them for their work. The City however can't maintain every sidewalk in front of every house. If you own a piece of property that has a sidewalk, I would think the residents would take pride and keep it up by trimming. Some areas are not as well kept. Property owners own property to the middle of the road. There is a right-of-way, and you should maintain your property. We need an Ordinance to maintain what we have worked at getting back in order."

City Attorney Wilkerson suggested an Ordinance for the owner to keep the sidewalks in good repair and free of mud, dirt, snow, ice, weeds, or other obstructions.

Commissioner Gannon said, "There have been sidewalks in the past in need of repair and because it is not the City's responsibility, those sidewalks no longer exist. I can't see forcing the property owner to make repairs to the sidewalks. What if someone slips on a sidewalk, who is responsible?"

Wilkerson said she will work on an Ordinance with preventive maintenance of

mud, dirt, snow, ice weeks, trees, and overgrowth and present to the Commissioners.

It was discussed that if the City has to tear up a sidewalk for repairs, they will be responsible for the repairs.

Commissioners discussed appointments that need to be made on the Tourism Commission to replace some positions.

Carlton agreed to contact the current members to see if they have ideas on what direction to go. He said he was not sure what ideas could be held at this time, because of COVID-19.

Griggs reported the Chamber of Commerce is interested in helping out with the Christmas Parade if it is held this year.

Commissioners voted to close out the Water Line of Credit at The Citizens Bank; and approved a KLC (Kentucky League of Cities) adjustment on Workman's Comp for 2019-2020 in the amount of \$11,413.77.

The Commission then discussed an AT&T Invoice from April 7.

Carrie Schmidt, City Hall employee, stated, "AT&T says we owe this bill, but it hasn't been working for quit some time before April 7, and Grace Sarsfield, City Treasurer, can't seem to get to the bottom of it."

Wilkerson said, "Grace

sent me emails, but from my understanding, there is no dispute on the bill because the phone was taken out or quite working. I may be wrong. There is no way we can go back and prove or say with certainty we don't owe because we had no service from this date forward."

Carlton read notes between Sarsfield and AT&T from April 29, indicating someone had contacted Willie Caton, Alliance Water Resources, and was advised the circuit had been disconnected for some time and they have no record of the number, and AT&T can't dispatch someone to come out and locate or work on it.

Wilkerson said she will get with Sarsfield, investigate further and will write a letter to AT&T to try to get it resolved.

Executive Order 2020-881 was also discussed with the Governor's Approval to resume disconnections starting Nov. 6.

City residents will have until Nov. 6 to set up payments for unpaid balances, and keep their bill current. If they don't keep it current, and get delayed, then the whole balance is due in full, for residents that have not been paying their bills. They must come in and get current, and cut-off date will be Nov. 23, Gallagher said

City Manager Gallagher reported, "I received a phone

continued from page 1

call from a company that comes in and finds water loss for you to be repaired. I will meet with them next week. This is something we should take a serious look at before it becomes more serious."

"The clean-up is looking nice and dilapidated houses will begin receiving notices," Gallagher said.

Carlton said, "On a positive note, David Gallagher attended a meeting at Columbus-Belmont State Park for a luncheon with Hilda Legg, Kentucky State Director with USDA Rural Development. Gallagher received an award where USDA Rural Development invested \$238,000 on our sewer project for the aging and failing."

Gallagher thanked Legg, the USDA, and Congressman James Comer for the work they have done to help small towns.

Commissioner Gannon stated he had been approached about installing stop signs at the corner of Ivey and Fifth Street and Ivey and Sixth Street.

Carlton stated he was not opposed to placing stop signs if it increases the safety of the residents.

Gallagher asked if anyone has ideas for approvals or objections for stop signs at Ivey and Fifth or Ivey and Sixth to contact him at City Hall.

EDP

a copy of the letter from Greg Pruitt, Executive Director of the Hickman Count Economic Development Authority, Inc.

In the letter, dated Sept. 22, 2020, Pruitt referenced the Fulton County EDP and then Fulton County Judge/Executive David Gallagher inviting Hickman County to enter into an economic development partnership in 2007, and expressed his board's pleasure to know Judge/Executive Wilson and Hickman County Industrial Development Authority were transitioning into an active participation in the partnership currently in existence.

With that transition, Pruitt states, "the HCEDA board of directors has decided to respectfully withdraw from the partnership."

Welch explained to the board members the withdrawal was effectively immediately, with the board voting to accept the withdrawal.

Welch also provided most recent figures regarding Rural Development funding and Tennessee Valley Authority payments in lieu of taxes.

He explained the funding was actually a three step process, with the first year, funding projected at \$52,000+; the second year, \$102,000+; and year three and future years, \$153,000, divided equally between TVA serviced counties.

Welch shared with the board, he had asked for the \$153,800 for this year, and was also able to retrieve the

\$102,000+ from the previous year, through an amended request, as the previous year's funding had not been requested, however was still available.

"That means, that \$256,000+ may be applied to debt service now," Welch said.

Welch reported he had become aware of the FH-CEDP, designated as a Special Purposes Governmental Entity, SPGE, not having been designated as up to date on required paper work for that designation, as well as the Fulton Industrial Development Authority also not currently up to date as to submission of required paperwork. He said both FH-CEDP and FIDA are in the process of catching up with the requirements.

With a recommendation from Welch, the board voted to transition from the observance of a calendar year for the FHCEDP, to a fiscal year, July 1-June 30, to correct "syncing problems", according to Welch, to better align with other related entities.

Board member and Fulton City Manager Mike Gunn suggested a six month budget be first adopted by the FHCEDP, by Jan. 1, 2021, and then a new budget adopted for the fiscal year 2021-2022, by July 1, 2021, for the transition. The board approved the measure.

Board member and Hickman City Manager David Gallagher inquired as to updates regarding the Graves County Regional Industrial Park, and the potential disbursement of funds from

parties which had previously contributed to the park. Fulton County Judge/Executive Jim Martin explained an attorney has been retained, to review three separate grant agreements, and analyze what "can and can't be done."

"The economic development cabinet has taken their hands off. We will get a legal opinion, possibly force someone to sue, if we choose. In reading one of the grant agreements, it has expired," Martin said. He added that Fulton County stands to receive approximately \$178,000 in crop rental revenue from the Graves County Regional Industrial Park.

"The Graves County Fiscal Court has to be a party in the agreement," Martin said, with eight other counties.

FHCEDP Chair Greg Curlin reported on the Ken-Tenn Railroad Partnership project, a partnership which includes Fulton County Industrial Development Authority and Obion County IDA, for the construction of a proposed rail line to connect from Dyersburg, Tenn. to Union City, Tenn. to Hickman.

He said one of three proposed routes has yet to be approved, but all routes would pass in the vicinity of the Goodyear Golf Course. He said there appears to be more track in Fulton County, Kentucky, than in Tennessee and it would entail approximately 12 miles total, at approximately \$2 million per mile to fund for construction. He reported there would be use of some old

railroad bed property.

In his President's update, Welch told the board the Water Valley Volunteer Fire Department had conducted a controlled burn on seven piles of debris at the industrial park property in Fulton, and the U.S. Forestry Division had cleared 20-25 acres on the south end of the site.

He reported his intent to explore new options for an EDP logo, possibly to coordinate with the Enterprise Park logo, and also requested the board's direction as to securing an intern to assist him with website upgrades, design and specs for the EDP conference room at Fulton City Hall, and the exploration of securing a building owned by the city of Fulton, for use as an entrepreneurial conference center and possible EDP, Tourism and Chamber of Commerce location. The building, Welch said, was the former location of the Fulton Woman's Club on Walnut Street.

Welch said regarding the funding of the intern, a student at Murray State University, he could pull \$800 to \$1000 out of the EDP marketing budget, utilizing the student as a 1099 employee.

The board, with Welch's recommendation, voted in favor of securing the intern, at \$9 per hour.

Mike Gunn briefed the board on a proposal recently presented to the Fulton City Commission and the Fulton Electric System Board, regarding a company, Alchemy, which he said could assist the city with analyzing and identifying

needs and resources to allow more leverage in retaining and securing industry and promoting economic development. The price tag for the services, Gunn said, was \$44,500, and the city was in the position to provide approximately \$15,000 toward the effort, however he had been authorized to seek out other partners within the community to assist with funding. Gunn said representation from Alchemy had noted most often they could also assist with locating funding sources, however it did not appear funding is a frequent challenge, but more so, leadership.

Judge/Executive Martin asked if the project would primarily serve the city of Fulton, as the FHCEDP is comprised of the cities of Fulton, Hickman and Clinton.

"With a partnership, we must provide equal treatment," Martin said.

No action was taken on the matter.

In other business, the financials were approved, with the total assets listed at \$260,429.61 and total li-

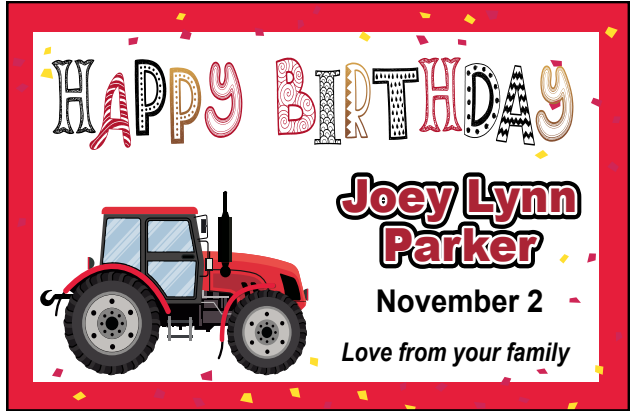
continued from page 1

abilities, and fund equities, \$260,429.61.

In the receipts and disbursements statement, receipts totaled \$39,461.29, three months ending Sept. 30, 2020 and \$110,253.61, nine months ending Sept. 30, 2020; total operating disbursements, three months ending Sept. 30, \$27,568.51, nine months ending Sept. 30, 2020, \$64,889.81; and net receipts over disbursements, three months ending Sept. 30, \$11,892.78, and nine months ending Sept. 30, \$45,363.80.

Current contributors listed included First Financial Bank, Security Bank & Trust, City of Fulton, Gibson Electric Membership Corp., Fulton Electric System, Hickman Electric, Hickman Industrial Development Authority, Hickman County Fiscal Court and Tennessee Valley Authority.

To conclude the agenda's business listed, the board voted to continue the meeting dates and times, the third Tuesday the first month of each quarter, at noon, Jan. 19, April 20, July 20 and Oct. 19.



## **Exhibit 13**





**SURFACE TRANSPORTATION BOARD**  
Washington, DC 20423

*Office of Environmental Analysis*

February 28, 2020

Craig Potts  
State Historic Preservation Officer  
Kentucky Heritage Council  
The Barstow House  
410 High Street  
Frankfurt, KY 40601

**RE: STB Docket No. FD 36328, Ken Tenn Regional Rail Partners, Inc.–  
Construction and Operation Exemption–In Obion County, Tenn. and Fulton  
County, Ky; Request for information and comments on proposed rail line  
construction and operation project**

Dear Mr. Potts:

Pursuant to 49 U.S.C. § 10502, the Kenn Tenn Regional Rail Partners, Inc. (KTRRP or Applicant) intends to file a petition with the Surface Transportation Board (Board) for authority to construct and operate an approximately 11.4 miles of common carrier rail line in Obion County, Tennessee and Fulton County, Kentucky (the Proposed Line). As part of its licensing process, the Board's Office of Environmental Analysis (OEA) will conduct an environmental review of the Proposed Line in compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and the Board's environmental rules at 49 C.F.R. § 1105. OEA will evaluate the potential environmental impacts of the Proposed Line, which includes KTRRP's Proposed Route (see attached map) as well as any other reasonable and feasible alternatives that may be identified during project planning.

The purpose of this letter is to advise you of the proposed rail line project, request information from your agency on the resources under your jurisdiction that could be affected by the proposed project, and identify permits and approvals that could be required of the Applicant. This information will help determine what type of NEPA document should be prepared.

## **Description of the Proposed Project**

As background, KTRRP is a non-profit corporation created by the Fulton County Industrial Development Authority of Kentucky and the Industrial Development Board of the City of Union City, Tennessee and will manage the project. Approximately 1.32 miles of KTRRP's Proposed Route would be built over existing but abandoned former right-of-way once owned by the Louisville and Nashville Railroad. The right-of-way runs in a north/south direction, closely paralleling the eastern edge of KY State Highway 125 in Fulton County, KY. The remaining segments of KTRRP's Proposed Route would be constructed over new right-of-way to the north and south of the abandoned segment. KTRRP anticipates that rail traffic would consist of one daily roundtrip and that commodities would include agricultural and industrial materials and products.

As a related but separate project, KTRRP also intends to rehabilitate another segment of deteriorated but existing track currently operated by the Tennken Railroad and the Indiana Business Railroad, Inc. doing business as the Union City Terminal Railroad.<sup>1</sup> The Tennken Railroad will connect to a soon-to-be constructed line that was authorized by the Board in 2016. When constructed by Northwest Tennessee Regional Port Authority (NWTRPA), the Board-authorized line will serve the Port of Cates Landing on the Mississippi River. Ultimately, the KTRRP Line would join the Tennken Railroad with the Union City Terminal Railroad to create a 46.1-mile loop that would connect with the Canadian National Railroad's Illinois Central Railroad subsidiary at both Dyersburg and Rives, TN.

KTRRP's project is intended to bring cost effective rail service to the area; support regional economic development; and improve transportation, safety and energy consumption by alleviating highway travel of large commercial trucks on roadways, particularly TN State Highway 5/KY State Highway 125.

This letter begins the process by which OEA will assess the potential environmental and cultural effects that may be associated with the proposed rail line construction and operation. We appreciate your assistance in preliminarily identifying whether any resources of concern to your agency may be affected by the proposed project and welcome any additional issues or concerns that you consider appropriate. Please respond by March 31, 2020 so that we may be able to schedule surveys and conduct necessary follow-up activities.

Please send your written comments to Diana Wood, OEA's Project Manager for the environmental analysis, by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov), or by mail to OEA's third-party consultant at:

---

<sup>1</sup> This is a separate action that does not require Board approval.

Kent Evetts  
Project Manager  
CSR Engineering, Inc.  
1116 Main Street  
Pleasant View, TN 37146

We look forward to your participation in the environmental review process. If you have any questions, please feel free to contact Diana Wood by telephone at 202-245-0302 or by email at [Diana.Wood@stb.gov](mailto:Diana.Wood@stb.gov). Thank you for your help.

Sincerely,



Victoria Rutson  
Director  
Office of Environmental Analysis

Map Attachment



UNION CITY TERMINAL RAILROAD

## **Exhibit 14**

**MINUTES OF THE MEETING**  
**OF KEN-TENN REGIONAL RAIL PARTNERS, INC.**

A meeting of Ken-Tenn Regional Partners, Inc. was called to order on the 31<sup>st</sup> day of July, 2020, at 10:12 a.m., Hickman Fulton County Riverport Authority, 625 Catlett Street, Hickman, Kentucky.

Members present were:

Greg Curlin, Chairman

Clay Billingsley, Vice Chairman

Cody Martin, Secretary

Melissa Garrigan, Member

John Horner, Member

Bobby King, Project Manager

Mark Welch, Fulton County Economic Development

No other citizens or members of media were present.

The minutes from the November 14, 2019, meeting were reviewed. John Horner made a motion to ratify the minutes and Melissa Garrigan offered a second to Mr. Horner's motion. The motion to approve minutes passed unanimously.

Bobby King then discussed the Economic Impact Analysis prepared by Younger and Associates. Younger and Associates prepared the Analysis in June at the direction of Justin Marks, KTRRP's legal counsel at Clark Hill. The cost of the analysis was \$5,000.00. The number of qualified contractors that can efficiently prepare this Analysis is limited. The Board did contact Ken Erickson of IHS Markit and they also submitted a quote that exceeded \$50,000.00. Due to the Younger's fee, expertise, and timetable, the Board chose Younger to provide the Analysis.

Mr. King then discussed the potential routes and those potential routes were displayed on the Board Room's projection screen. He first discussed the route running parallel to Armstrong Road. Mr. King stated his concern that this route will run in front of four poultry barns that house the breeding stock for Tyson's Union City operation. Mr. King stated that he had received significant pushback from both Tyson locally and the corporate office in Springdale, Arkansas. He stated that this poultry operation supplied over 200 broiler barns, which is basically a finishing operation.

Mr. King then discussed a second route operation, which runs directly north crossing Perry Browder, crossing State Line Road, and running perpendicular to Kentucky Route 166. Mr. King noted that this route poses no issues with floodplains and wetlands. He also noted that this route uses significantly more existing rail and/or rail bed. Mr. King discussed that although the amount of track constructed in each state would change, with roughly two thirds in Kentucky and one third



in Tennessee, the total track mileage is only 1.5 miles longer. He also mentioned that this route only effects one personal residence on each side of Route 166.

Mr. King then discussed importance of STB allowing KTRRP to use an Environmental Assessment instead of an Environmental Impact Study to assess the route options. The Environmental Assessment is more limited in scope and is warranted, due to the lack of wetlands and rivers on the proposed routes.

Mr. King mentioned that the application fee of \$96,000.00 will soon be due, but the Partnership was advised by Clark Hill to file a Petition for a waiver or a reduction in the fee. Mr. Curlin made the motion to pay the application fee and file a Petition for a waive or reduction of fee. Mr. Horner seconded the motion.

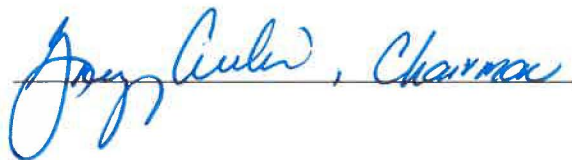
After discussion of using the Kentucky Route 166 Corridor as the Preferred Route, Mr. Curlin made the motion to name the Kentucky Route 166 Corridor as the Preferred Route, and Mr. Billingsley seconded the motion. The motion carried unanimously.

Younger and Associates was retroactively approved as the consultant who performed Economic Impact Study. Mr. Horner made the motion and Mr. Curlin seconded the motion. The motion carried unanimously.

There being no further business to come before the meeting, the same was duly adjourned.

  
~~Secretary~~ VICE CHAIRMAN

Approved:

 CHAIRMAN

## **Exhibit 15**

# CLARK HILL

---

Justin J. Marks  
T 202.772.0916  
F 202.772.0930  
Email: jmarks@ClarkHill.com

Clark Hill  
1001 Pennsylvania Avenue NW  
Suite 1300  
Washington, DC 20004  
T 202.772.0909  
F 202.772.0919

[clarkhill.com](http://clarkhill.com)

August 20, 2020

## VIA E-MAIL

Ms. Diana Wood  
Office of Environmental Assessment  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

**Re: STB Docket No. FD 36328, Ken Tenn Regional Rail Partners, Inc. –  
Construction and Operation Exemption–In Obion County, Tenn. and Fulton  
County, Ky.**

Dear Ms. Wood:

This letter is to provide OEA a summary of public outreach undertaken to date by Ken Tenn Regional Rail Partners, Inc. (“KTRRP”) engaging Kentucky and Tennessee federal, state, and local policy makers. KTRRP has further engaged local industries and property owners that could potentially be impacted by KTRRP’s rail construction project.

### **Kentucky:**

#### *Federal:*

U.S. Senator, Mitch McConnell  
U.S. Senator, Rand Paul  
U.S. Congressman, James Comer

#### *State:*

State Senator, Stan Humphries  
State Representative, Steven Rudy  
KY DOT Secretary, Jim Gray  
KY DOT Freight, Rail, and Waterways Coordinator, Jeremy Edgeworth

August 20, 2020

Page 2

*Local:*

Hickman County Judge Executive, Kenny Wilson  
Fulton County Judge Executive, Jim Martin  
Fulton – Hickman County EDP Director, Mark Welch  
Hickman City Manager, David Gallagher  
Fulton City Manager, Mike Gunn  
Hickman City Mayor, Heath Carlton  
Fulton City Mayor, David Prater

Fulton County Fiscal Court  
Judge Executive, Jim Martin  
Magistrate District 1, James Paitsel  
Magistrate District 2, Wade Adams  
Magistrate District 3, Hugh Caldwell  
Magistrate District 4, Shaun Parks

*Local Economic Development Agencies:*

Fulton and Hickman County Economic Development Partnership  
Purchase Area Development District  
Hickman Fulton County Riverport Authority Board of Directors  
Hickman Industrial Development Authority Directors

*Local Industries:*

Representatives of TOKI Carbon Plant  
Representatives of Cargill Inc.  
Representatives of Bunge Inc.  
Representatives of TennKen Railroad Inc.  
Representatives of Helena Chemical Inc.

*Property Owners:*

Representatives of Major Farms  
Representatives of Garrigan Farms  
Representatives of Rice Farms

August 20, 2020

Page 3

**Tennessee**

*Federal:*

U.S. Senator, Lamar Alexander  
U.S. Senator, Marsha Blackburn  
U.S. Congressman, David Kustoff  
U.S. Dept of Agriculture, Stephen Vaden, General Counsel

*State:*

State Representative, Rusty Grills  
State Senator, John Stevens  
TN DOT, Daniel Pallme  
TN DOT, Amy Kosanovic  
Tennessee Department of Economic and Community Development, Brooxie Carlton

*Local:*

Obion County Mayor, Bennie McGuire  
Obion County Commissioners  
  
Union City Industrial Development Board  
Union City Economic Development Director, Lindsay Frilling  
  
Northwest Tennessee Economic Development District  
  
Lake County Mayor, Denny Johnson  
Lake County Economic Development Director, Marcia Mills  
  
Port of Cates Landing, Trey Fredriksen, Marketing and Operations

*Local Industries:*

Representatives of Tyson Foods  
Representatives of Williams Sausage  
Representatives of Nutrien AG  
Representatives of Indiana Business Railroad and subsidiary Union City Terminal Railroad  
Representatives of Hickman River City Development Counsel  
Representatives of Ten-Kenn Railroad  
Representatives of Kohler Co.  
Representatives of Titan Tire  
Representatives of Green Plains

August 20, 2020

Page 4

*Property Owners:*

Representatives of Gray Farms

Representatives of Garrigan Farms

*Academia:*

University of Tennessee at Martin, Todd Winters, Dean of the College of Agriculture and Applied Sciences and Interim Executive Director of Research, Outreach, and Economic Development

Please let me know if you have any questions.

Thank you,



Justin J. Marks

*Counsel for Ken Tenn Regional Rail  
Partners, Inc.*



## **Exhibit 16**

June 2020

# Rail Expansion Project Economic Impact Analysis

Prepared for:

**KTRRP, Inc.**

Prepared by:



**Jackson Office** - 97 Directors Row • Jackson, TN 38305 • P: 731.668.7367

**Memphis Office** - 2157 Madison Ave • Memphis, TN 38104 • P: 901.272.5005



## The Economic Impact of an Expansion of Rail Service

### Introduction

Younger Associates was retained to conduct an economic impact analysis of the proposed expansion of rail service which includes the construction of approximately 12.17 miles of new common railroad trackage from the Hickman-Fulton County Kentucky Riverport and the Northwest Tennessee Industrial Park located in Union City, Obion County. Additionally, the study considered the impact of potential new industry that would locate within the five-county KY-TN region comprised of Fulton and Hickman counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee due to the availability of the new rail service. This study also looked at the construction and operations of a transload facility that would be privately operated to service new industry without direct access to the newly constructed rail line.

The purpose of this study is to provide state and local policy makers with a better understanding of the job, wage and local tax impact generated by the construction of the expanded rail line as well as the operations of potential new industries sparked by this expansion.

### Methodology

The economic impact calculations in this study were generated using an economic model of the local economy based on regional input-output multipliers (RIMS II) from the U.S. Bureau of Economic Analysis. The model also utilizes county and region-specific data such as local tax rates, annual average wage rates, commute patterns and historical consumer spending patterns.

Younger Associates has used this impact calculation methodology in hundreds of projects across the United States over the past 30 years. The methodology is recognized by the International Economic Development Council and utilized in courses by the Economic Development Institute. Over the years, our approach has proven to be highly accurate although slightly conservative, by design, in projecting tax revenue generation.

The primary data regarding the direct jobs, wages, annual operating budget and capital investment was supplied by the developer. Secondary data was collected by Younger Associates for this analysis from the U.S. Bureau of Economic Analysis, U.S. Census Bureau and U.S. Department of Labor - Bureau of Labor Statistics. In addition, proprietary licensed data from EMSI and ESRI was utilized.

## Impact Definitions

Economic Impact – the total dollar value of change in output from all industries, within the local economy, that results from \$1 of change in output from construction and or ongoing operations.

Direct Jobs – the number of jobs directly employed by the potential new industry locating to the five-county KY-TN region due to the availability of rail service.

Indirect Jobs – the number of jobs across all industries in the local economy that are supported initially by the construction of the rail line as well as annually by the ongoing operations of potential new industry. This could include jobs (or hours of work, which comprise portions of a job) of vendors, business services, retail, personal services, transportation and all other industry sectors.

State and Local Taxes – the dollar amount of taxes collected from wages paid to jobs supported directly or indirectly by the new industry locating to the five-county KY-TN region. This could include taxes paid to the states of Kentucky and/or Tennessee or the local government entities including sales tax and indirect property tax, but does not include any taxes paid directly by the companies locating to the area. Other local, state or federal taxes that are not generated from wages are not included, nor is local revenue sharing that is apportioned to the cities or counties from state and federal tax revenues.

## One-Time Impact from Construction of Rail Line

An estimated \$25 million will be invested for construction of the rail line expansion. This investment is projected to have a one-time economic impact of \$36.4 million during the construction period supporting 325 jobs either directly or indirectly and generating \$12.6 million in state and local taxes during the construction period from wages paid to the jobs supported.

## Annual Economic Impact or Potential Jobs and Wages from New Industry

If the rail line is extended from the Hickman-Fulton County Kentucky Riverport to the Northwest Tennessee Industrial Park located in Union City, the availability of rail service throughout the region will potentially attract new industries and industry expansion to the five-county area. This analysis considered the impact of the location of 10 new industries, an average of two per county, due to the availability of rail service in the region. A mix of industry types most likely to locate in the region based on the geography, suppliers/ materials currently used by regional industries, and industries that have already expressed interest in the region if rail service was available. For the purpose of this analysis, it was assumed that each new industry would employ 100 jobs directly.

From these assumptions an impact analysis was performed to show the number of direct and indirect jobs supported, wages paid to jobs supported, and an estimate of the state and local taxes generated from wages as well as the total economic impact on the five-county region.

A summary of the potential annual impact when the 10 companies are at full operation are shown in the table below.

|                                                   |               |
|---------------------------------------------------|---------------|
| Direct Jobs Created                               | 1,000         |
| Indirect Jobs Supported                           | 1,368         |
| Total Jobs Supported                              | 2,368         |
| Total Wages to Jobs Supported (Direct & Indirect) | \$115,624,002 |
| State and Local Taxes Generated from Wages*       | \$7,584,935   |
| Total Economic Impact from Operations             | \$390,802,326 |

\*Taxes paid directly by the individual companies are not considered in this analysis.

This study did not look at the one-time impact associated with the development and construction of the new industries in the five-county region. The one-time impact from capital investment by private entities would be in addition to the annual operations impact shown above.

## Impact of Construction and Operation of Transload Facility

An additional service that will be needed in the five-county KY-TN region will be the development of at least one transload facility to provide transport services to industries that do not have direct access to rail service. For the purpose of this analysis, the construction and operation of a single transload facility was considered. It is assumed that the transload facility will be developed and operated by a private entity.

The capital investment for the transload facility is estimated to be \$9.5 million based on a recently constructed facility offering similar services that would potentially be needed in the region. This investment would have a one-time impact during the construction period of \$13.9 million supporting 124 jobs directly or indirectly during the construction and set-up period.

Ongoing operations of the transload facility is projected to have an annual impact of approximately \$500,000 and supporting 8 jobs directly or indirectly. Wages paid to the jobs supported is projected to be \$300,000 annually generating approximately \$20,000 in state and local taxes annually.

**KTRRP Inc.**  
**Rail Expansion Project**  
**Economic Impact Analysis**

**One-Time Impact from Construction of Rail Line**

|                                                                                          |                      |
|------------------------------------------------------------------------------------------|----------------------|
| Total Capital Investment                                                                 | \$ 25,000,000        |
| Final Demand Multiplier-Construction <sup>1</sup>                                        | 1.4579               |
| <b>Total Economic Impact</b>                                                             | <b>\$ 36,447,500</b> |
| Final Demand Employment Multiplier - Construction <sup>2</sup>                           | 8.9244               |
| <b>Jobs (Direct &amp; Indirect) Supported During the Construction and Set-up Period*</b> | <b>325</b>           |
| Annual Average Wage Five-County Region <sup>3</sup>                                      | \$ 38,644            |
| <b>Total Wages Paid to Jobs Supported During Construction/Set-up Period</b>              | <b>\$ 12,569,814</b> |
| <b>State and Local Taxes Generated From Wages (6.52%)<sup>4</sup></b>                    | <b>\$ 819,552</b>    |

\*This represents the total number of direct and indirect jobs supported during the construction and set-up period. (For example, if the construction period is 3 years, the average number of jobs supported each year is 108). These jobs are non-recurring. In theory, these jobs would disappear after the construction and set-up period is complete.



**KTRRP Inc.**  
**Rail Expansion Project**  
**Economic Impact Analysis**

| <b>Annual Impact of Operations</b>                                      | <b>Rubber Mfg</b>    | <b>Steel Mfg</b>     | <b>Organic/ Inorganic<br/>Chemical Mfg</b> | <b>Manufacturing</b> | <b>Fertilizer/Other<br/>Chemical</b> | <b>Poultry/Meat/ Food<br/>Processing</b> |
|-------------------------------------------------------------------------|----------------------|----------------------|--------------------------------------------|----------------------|--------------------------------------|------------------------------------------|
| Employment, Direct (New full-time equivalent)                           | 100                  | 100                  | 100                                        | 100                  | 100                                  | 100                                      |
| Annual Average Wage for Specified Industry <sup>5</sup>                 | 53,813               | 54,950               | 54,530                                     | 48,608               | 54,530                               | 40,907                                   |
| Wages & Benefits Paid to Direct Jobs                                    | \$ 6,726,625         | \$ 6,868,750         | \$ 6,816,250                               | \$ 6,076,000         | \$ 6,816,250                         | \$ 5,113,375                             |
| Direct Effect Employment Multiplier for Specified Inudstry <sup>6</sup> | 1.9014               | 1.6460               | 2.6393                                     | 1.9425               | 1.8863                               | 5.3541                                   |
| Employment, Indirect                                                    | 90                   | 65                   | 164                                        | 94                   | 89                                   | 435                                      |
| <b>Total Employment</b>                                                 | <b>190</b>           | <b>165</b>           | <b>264</b>                                 | <b>194</b>           | <b>189</b>                           | <b>535</b>                               |
| Annual Average Wage Five-County Region <sup>3</sup>                     | \$ 38,644            | \$ 38,644            | \$ 38,644                                  | \$ 38,644            | \$ 38,644                            | \$ 38,644                                |
| Wages, Indirect                                                         | \$ 3,483,370         | \$ 2,496,402         | \$ 6,334,911                               | \$ 3,642,197         | \$ 3,425,018                         | \$ 16,825,984                            |
| <b>Total Wages</b>                                                      | <b>\$ 10,209,995</b> | <b>\$ 9,365,152</b>  | <b>\$ 13,151,161</b>                       | <b>\$ 9,718,197</b>  | <b>\$ 10,241,268</b>                 | <b>\$ 21,939,359</b>                     |
| <b>State and Local Taxes Generated From Wages</b> (6.56%) <sup>4</sup>  | <b>\$ 669,776</b>    | <b>\$ 614,354</b>    | <b>\$ 862,716</b>                          | <b>\$ 637,514</b>    | <b>\$ 671,827</b>                    | <b>\$ 1,439,222</b>                      |
| <b>Projected Economic Output</b>                                        |                      |                      |                                            |                      |                                      |                                          |
| Final Demand Earnings Multiplier <sup>7</sup>                           | 0.1974               | 0.1950               | 0.1941                                     | 0.2450               | 0.1762                               | 0.3607                                   |
| Direct Effect Earnings Multiplier <sup>8</sup>                          | 1.8697               | 1.5304               | 1.8391                                     | 1.7064               | 1.6695                               | 3.4166                                   |
| Ratio of Earnings to Output                                             | 0.1056               | 0.1274               | 0.1055                                     | 0.1436               | 0.1055                               | 0.1056                                   |
| Total Direct Wages                                                      | \$ 5,381,300         | \$ 5,495,000         | \$ 5,453,000                               | \$ 4,860,800         | \$ 5,453,000                         | \$ 4,090,700                             |
| <b>Wages to Output (Economic Impact)</b>                                | <b>\$ 50,969,689</b> | <b>\$ 43,125,887</b> | <b>\$ 51,667,245</b>                       | <b>\$ 33,854,976</b> | <b>\$ 51,667,330</b>                 | <b>\$ 38,747,673</b>                     |

**KTRRP Inc.**  
**Rail Expansion Project**  
**Economic Impact Analysis**

| <b>Annual Impact of Operations</b>                                      | <b>Soybean/Other<br/>Oilseed Processing</b> | <b>Grain Storage/<br/>Distribution</b> | <b>Genral<br/>Warehousing/<br/>Distribution</b> | <b>BioFuel/Ethyl<br/>Alcohol Mfg</b> | <b>Total</b>          |
|-------------------------------------------------------------------------|---------------------------------------------|----------------------------------------|-------------------------------------------------|--------------------------------------|-----------------------|
| Employment, Direct (New full-time equivalent)                           | 100                                         | 100                                    | 100                                             | 100                                  | 1,000                 |
| Annual Average Wage for Specified Industry <sup>5</sup>                 | 48,608                                      | 45,822                                 | 45,822                                          | 54,530                               |                       |
| Wages & Benefits Paid to Direct Jobs                                    | \$ 6,076,000                                | \$ 5,727,750                           | \$ 5,727,750                                    | \$ 6,816,250                         | \$ 62,765,000         |
| Direct Effect Employment Multiplier for Specified Inudstry <sup>6</sup> | 1.5357                                      | 1.5566                                 | 1.6250                                          | 3.5916                               |                       |
| Employment, Indirect                                                    | 54                                          | 56                                     | 62                                              | 259                                  | 1,368                 |
| <b>Total Employment</b>                                                 | <b>154</b>                                  | <b>156</b>                             | <b>162</b>                                      | <b>359</b>                           | <b>2,368</b>          |
| Annual Average Wage Five-County Region <sup>3</sup>                     | \$ 38,644                                   | \$ 38,644                              | \$ 38,644                                       | \$ 38,644                            | \$ 386,440            |
| Wages, Indirect                                                         | \$ 2,070,159                                | \$ 2,150,925                           | \$ 2,415,057                                    | \$ 10,014,979                        | \$ 52,859,002         |
| <b>Total Wages</b>                                                      | <b>\$ 8,146,159</b>                         | <b>\$ 7,878,675</b>                    | <b>\$ 8,142,807</b>                             | <b>\$ 16,831,229</b>                 | <b>\$ 115,624,002</b> |
| <b>State and Local Taxes Generated From Wages (6.56%)<sup>4</sup></b>   | <b>\$ 534,388</b>                           | <b>\$ 516,841</b>                      | <b>\$ 534,168</b>                               | <b>\$ 1,104,129</b>                  | <b>\$ 7,584,935</b>   |
| <b>Projected Economic Output</b>                                        |                                             |                                        |                                                 |                                      |                       |
| Final Demand Earnings Multiplier <sup>7</sup>                           | 0.2643                                      | 0.3259                                 | 0.3498                                          | 0.2155                               |                       |
| Direct Effect Earnings Multiplier <sup>8</sup>                          | 1.4383                                      | 1.5819                                 | 1.5591                                          | 2.0413                               |                       |
| Ratio of Earnings to Output                                             | 0.1838                                      | 0.2060                                 | 0.2244                                          | 0.1056                               |                       |
| Total Direct Wages                                                      | \$ 4,860,800                                | \$ 4,582,200                           | \$ 4,582,200                                    | \$ 5,453,000                         | \$ 50,212,000         |
| <b>Wages to Output (Economic Impact)</b>                                | <b>\$ 26,452,095</b>                        | <b>\$ 22,241,737</b>                   | <b>\$ 20,422,753</b>                            | <b>\$ 51,652,942</b>                 | <b>\$ 390,802,326</b> |

**KTRRP Inc.**  
**Rail Expansion Project**  
**Economic Impact Analysis**

**One-Time Impact from Transload Facility**

|                                                                                          |                      |
|------------------------------------------------------------------------------------------|----------------------|
| Total Capital Investment                                                                 | \$ 9,500,000         |
| Final Demand Multiplier-Construction <sup>1</sup>                                        | 1.4579               |
| <b>Total Economic Impact</b>                                                             | <b>\$ 13,850,050</b> |
| Final Demand Employment Multiplier - Construction <sup>2</sup>                           | 8.9244               |
| <b>Jobs (Direct &amp; Indirect) Supported During the Construction and Set-up Period*</b> | <b>124</b>           |
| Annual Average Wage Five-County Region <sup>3</sup>                                      | \$ 38,644            |
| <b>Total Wages Paid to Jobs Supported During Construction/Set-up Period</b>              | <b>\$ 4,776,529</b>  |
| <b>State and Local Taxes Generated From Wages (6.52%)<sup>4</sup></b>                    | <b>\$ 311,430</b>    |

\*This represents the total number of direct and indirect jobs supported during the construction and set-up period. (For example, if the construction period was 2 years, the average number of jobs supported each year is 112). These jobs are non-recurring. In theory, these jobs would disappear after the construction and set-up period is complete.

**KTRRP Inc.**  
**Rail Expansion Project**  
**Economic Impact Analysis**

| <b>Annual Impact of Operations</b>                                       | <b>Transload Facility</b> |
|--------------------------------------------------------------------------|---------------------------|
| Employment, Direct (New full-time equivalent)                            | 5                         |
| Annual Average Wage for Specified Industry <sup>9</sup>                  | 29,500                    |
| Wages & Benefits Paid to Direct Jobs                                     | \$ 184,375                |
| Direct Effect Employment Multiplier for Specified Industry <sup>10</sup> | 1.6004                    |
| Employment, Indirect                                                     | 3                         |
| <b>Total Employment</b>                                                  | <b>8</b>                  |
| Annual Average Wage Five-County Region <sup>3</sup>                      | \$ 38,644                 |
| Wages, Indirect                                                          | \$ 116,009                |
| <b>Total Wages</b>                                                       | <b>\$ 300,384</b>         |
| <b>State and Local Taxes Generated From Wages</b> (6.56%) <sup>4</sup>   | <b>\$ 19,705</b>          |
| <b>Projected Economic Output</b>                                         |                           |
| Final Demand Earnings Multiplier <sup>11</sup>                           | 0.4213                    |
| Direct Effect Earnings Multiplier <sup>12</sup>                          | 1.4519                    |
| Ratio of Earnings to Output                                              | 0.2902                    |
| Total Direct Wages                                                       | \$ 147,500                |
| <b>Wages to Output (Economic Impact)</b>                                 | <b>\$ 508,320</b>         |

## Notes for KTRRP Rail Expansion Impact Analysis

1. U.S. Bureau of Economic Analysis, RIMS II final-demand aggregate output multiplier for construction for the five-county region comprised of Fulton and Hickman Counties in Kentucky as well as Dyer, Lake and Obion Counties in Tennessee. This multiplier represents the dollar change in output that occurs in all industries for each additional dollar of output delivered by the specified industry.
2. U.S. Bureau of Economic Analysis, RIMS II aggregate final demand employment multiplier for construction for the five-county KY-TN region. This multiplier represents the number of indirect jobs supported per million dollars of output from the specified industry.
3. Projection is based upon data from the United States Bureau of Labor Statistics; 2019 Annual Average Wage/Salary for the five-county KY-TN region, plus an assumption of 1.5% wage increase for 2020.
4. Based on the 2018 State of Kentucky and State of Tennessee annual average State-Local Tax Burden as a Percentage of Income as reported by WalletHub.com. This number represents the total local and state tax dollars realized (generated) based on wages paid to direct and indirect jobs supported by the KTRRP Rail Line Expansion as well as direct and indirect jobs supported from new industry relocating to the region due to the availability of the new/expanded rail service. Note, this ratio of wages to tax is weighted based on the current distribution of the workforce within the five counties that comprise the region utilized for this study.
5. Projection is based upon data from the State of Kentucky Labor Market Statistics and State of Tennessee Department of Labor and Workforce Development 2018 Annual QCEW (Quarterly Census of Employment and Wages) for the industries specified in the report, plus an assumption of 1.5% wage increase for 2019 and 2020.
6. U.S. Bureau of Economic Analysis, RIMS II direct effect employment multiplier for specified industries in the five-county KY-TN region. This multiplier represents the total change in number of jobs in all industries for each additional job in the specified industry.
7. U.S. Bureau of Economic Analysis, RIMS II final demand earnings multiplier for the specified industries for the five-county KY-TN region. This multiplier represents the total dollar change in earnings of households employed in all industries for each additional dollar of output delivered to final demand of the specified industry.
8. Bureau of Economic Analysis, RIMS II, average aggregate direct effect earnings multiplier for the specified industries for the five-county KY-TN region. This multiplier represents the total dollar change in earnings of households employed by all industries for each additional dollar of earnings paid directly to households employed by the specified industry.

Note: All calculations are in constant 2020 dollars. No tax rate increases, inflation factor or discount rate is assumed. Constant dollar calculations eliminate the need to make multiple assumptions about future conditions.

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                           | Total  | Percentage |
|-----------------------------------------------------------|--------|------------|
| <b>Population</b>                                         |        |            |
| 2000 Census                                               | 90,698 |            |
| 2010 Census                                               | 89,689 |            |
| 2020 Estimate                                             | 84,818 |            |
| 2025 Projection                                           | 84,339 |            |
| <b>Population Growth</b>                                  |        |            |
| Percent Change: 2000 to 2010                              |        | -1.11      |
| Percent Change: 2010 to 2020                              |        | -5.43      |
| Percent Change: 2020 to 2025                              |        | -0.56      |
| <b>Households</b>                                         |        |            |
| 2000 Census                                               | 35,768 |            |
| 2010 Census                                               | 35,422 |            |
| 2020 Estimate                                             | 33,514 |            |
| 2025 Projection                                           | 33,347 |            |
| <b>Household Growth</b>                                   |        |            |
| Percent Change: 2000 to 2010                              |        | -0.97      |
| Percent Change: 2010 to 2020                              |        | -5.39      |
| Percent Change: 2020 to 2025                              |        | -0.50      |
| <b>Family Households</b>                                  |        |            |
| 2000 Census                                               | 25,137 |            |
| 2010 Census                                               | 24,048 |            |
| 2020 Estimate                                             | 22,789 |            |
| 2025 Projection                                           | 22,683 |            |
| <b>Family Household Growth</b>                            |        |            |
| Percent Change: 2000 to 2010                              |        | -4.33      |
| Percent Change: 2010 to 2020                              |        | -5.24      |
| Percent Change: 2020 to 2025                              |        | -0.47      |
| <b>2020 Est. Population by Single-Classification Race</b> |        |            |
| White Alone                                               | 68,168 | 80.37      |
| Black/African American Alone                              | 12,344 | 14.55      |
| American Indian/Alaskan Native Alone                      | 283    | 0.33       |
| Asian Alone                                               | 518    | 0.61       |
| Native Hawaiian/Pacific Islander Alone                    | 31     | 0.04       |
| Some Other Race Alone                                     | 1,656  | 1.95       |
| Two or More Races                                         | 1,818  | 2.14       |
| <b>2020 Est. Population by Hispanic or Latino Origin</b>  |        |            |
| Not Hispanic or Latino                                    | 81,366 | 95.93      |
| Hispanic or Latino                                        | 3,452  | 4.07       |
| Mexican Origin                                            | 2,701  | 78.24      |
| Puerto Rican Origin                                       | 227    | 6.58       |
| Cuban Origin                                              | 45     | 1.30       |
| All Other Hispanic or Latino                              | 479    | 13.88      |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                        | Total  | Percentage |
|--------------------------------------------------------|--------|------------|
| <b>2020 Est. Pop by Race, Asian Alone, by Category</b> |        |            |
| Chinese, except Taiwanese                              | 81     | 15.64      |
| Filipino                                               | 192    | 37.07      |
| Japanese                                               | 31     | 5.99       |
| Asian Indian                                           | 59     | 11.39      |
| Korean                                                 | 54     | 10.43      |
| Vietnamese                                             | 44     | 8.49       |
| Cambodian                                              | 0      | 0.00       |
| Hmong                                                  | 0      | 0.00       |
| Laotian                                                | 5      | 0.96       |
| Thai                                                   | 24     | 4.63       |
| All Other Asian Races Including 2+ Category            | 28     | 5.41       |
| <b>2020 Est. Population by Ancestry</b>                |        |            |
| Arab                                                   | 109    | 0.13       |
| Czech                                                  | 37     | 0.04       |
| Danish                                                 | 42     | 0.05       |
| Dutch                                                  | 562    | 0.66       |
| English                                                | 5,518  | 6.51       |
| French (Excluding Basque)                              | 618    | 0.73       |
| French Canadian                                        | 108    | 0.13       |
| German                                                 | 4,118  | 4.86       |
| Greek                                                  | 77     | 0.09       |
| Hungarian                                              | 31     | 0.04       |
| Irish                                                  | 6,444  | 7.60       |
| Italian                                                | 604    | 0.71       |
| Lithuanian                                             | 17     | 0.02       |
| Norwegian                                              | 96     | 0.11       |
| Polish                                                 | 352    | 0.41       |
| Portuguese                                             | 10     | 0.01       |
| Russian                                                | 50     | 0.06       |
| Scotch-Irish                                           | 1,357  | 1.60       |
| Scottish                                               | 581    | 0.69       |
| Slovak                                                 | 25     | 0.03       |
| Sub-Saharan African                                    | 323    | 0.38       |
| Swedish                                                | 136    | 0.16       |
| Swiss                                                  | 36     | 0.04       |
| Ukrainian                                              | 5      | 0.01       |
| United States or American                              | 15,130 | 17.84      |
| Welsh                                                  | 73     | 0.09       |
| West Indian (Excluding Hispanic groups)                | 75     | 0.09       |
| Other ancestries                                       | 18,401 | 21.70      |
| Ancestries Unclassified                                | 29,883 | 35.23      |
| <b>2020 Est. Pop Age 5+ by Language Spoken At Home</b> |        |            |
| Speak Only English at Home                             | 74,735 | 93.49      |
| Speak Asian/Pacific Isl. Lang. at Home                 | 426    | 0.53       |
| Speak Indo-European Language at Home                   | 991    | 1.24       |
| Speak Spanish at Home                                  | 3,605  | 4.51       |
| Speak Other Language at Home                           | 185    | 0.23       |



# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                            | Total  | Percentage |
|------------------------------------------------------------|--------|------------|
| <b>2020 Est. Hisp. or Latino Pop by Single-Class. Race</b> |        |            |
| White Alone                                                | 1,361  | 39.43      |
| Black/African American Alone                               | 108    | 3.13       |
| American Indian/Alaskan Native Alone                       | 32     | 0.93       |
| Asian Alone                                                | 4      | 0.12       |
| Native Hawaiian/Pacific Islander Alone                     | 14     | 0.41       |
| Some Other Race Alone                                      | 1,609  | 46.61      |
| Two or More Races                                          | 324    | 9.39       |
| <b>2020 Est. Population by Sex</b>                         |        |            |
| Male                                                       | 42,247 | 49.81      |
| Female                                                     | 42,571 | 50.19      |
| <b>2020 Est. Population by Age</b>                         |        |            |
| Age 0 - 4                                                  | 4,876  | 5.75       |
| Age 5 - 9                                                  | 4,981  | 5.87       |
| Age 10 - 14                                                | 5,144  | 6.07       |
| Age 15 - 17                                                | 3,251  | 3.83       |
| Age 18 - 20                                                | 3,031  | 3.57       |
| Age 21 - 24                                                | 4,259  | 5.02       |
| Age 25 - 34                                                | 10,605 | 12.50      |
| Age 35 - 44                                                | 9,819  | 11.58      |
| Age 45 - 54                                                | 10,754 | 12.68      |
| Age 55 - 64                                                | 11,366 | 13.40      |
| Age 65 - 74                                                | 10,020 | 11.81      |
| Age 75 - 84                                                | 4,839  | 5.71       |
| Age 85 and over                                            | 1,873  | 2.21       |
| Age 16 and over                                            | 68,754 | 81.06      |
| Age 18 and over                                            | 66,566 | 78.48      |
| Age 21 and over                                            | 63,535 | 74.91      |
| Age 65 and over                                            | 16,732 | 19.73      |
| Median Age                                                 | --     | 41.41      |
| Average Age                                                | --     | 41.35      |
| <b>2020 Est. Pop Age 15+ by Marital Status</b>             |        |            |
| Total, Never Married                                       | 18,105 | 25.93      |
| Male, Never Married                                        | 10,005 | 14.33      |
| Female, Never Married                                      | 8,100  | 11.60      |
| Married, Spouse Present                                    | 32,805 | 46.99      |
| Married, Spouse Absent                                     | 3,168  | 4.54       |
| Widowed                                                    | 5,855  | 8.39       |
| Male, Widowed                                              | 1,269  | 1.82       |
| Female, Widowed                                            | 4,586  | 6.57       |
| Divorced                                                   | 9,884  | 14.16      |
| Male, Divorced                                             | 4,796  | 6.87       |
| Female, Divorced                                           | 5,088  | 7.29       |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                           | Total  | Percentage |
|-----------------------------------------------------------|--------|------------|
| <b>2020 Est. Male Population by Age</b>                   |        |            |
| Male: Age 0 - 4                                           | 2,511  | 5.94       |
| Male: Age 5 - 9                                           | 2,562  | 6.06       |
| Male: Age 10 - 14                                         | 2,629  | 6.22       |
| Male: Age 15 - 17                                         | 1,683  | 3.98       |
| Male: Age 18 - 20                                         | 1,620  | 3.83       |
| Male: Age 21 - 24                                         | 2,325  | 5.50       |
| Male: Age 25 - 34                                         | 5,650  | 13.37      |
| Male: Age 35 - 44                                         | 4,988  | 11.81      |
| Male: Age 45 - 54                                         | 5,423  | 12.84      |
| Male: Age 55 - 64                                         | 5,543  | 13.12      |
| Male: Age 65 - 74                                         | 4,645  | 10.99      |
| Male: Age 75 - 84                                         | 2,089  | 4.95       |
| Male: Age 85 and over                                     | 579    | 1.37       |
| Median Age, Male                                          | --     | 39.25      |
| Average Age, Male                                         | --     | 39.91      |
| <b>2020 Est. Female Population by Age</b>                 |        |            |
| Female: Age 0 - 4                                         | 2,365  | 5.55       |
| Female: Age 5 - 9                                         | 2,419  | 5.68       |
| Female: Age 10 - 14                                       | 2,515  | 5.91       |
| Female: Age 15 - 17                                       | 1,568  | 3.68       |
| Female: Age 18 - 20                                       | 1,411  | 3.31       |
| Female: Age 21 - 24                                       | 1,934  | 4.54       |
| Female: Age 25 - 34                                       | 4,955  | 11.64      |
| Female: Age 35 - 44                                       | 4,831  | 11.35      |
| Female: Age 45 - 54                                       | 5,331  | 12.52      |
| Female: Age 55 - 64                                       | 5,823  | 13.68      |
| Female: Age 65 - 74                                       | 5,375  | 12.63      |
| Female: Age 75 - 84                                       | 2,750  | 6.46       |
| Female: Age 85 and over                                   | 1,294  | 3.04       |
| Median Age, Female                                        | --     | 43.56      |
| Average Age, Female                                       | --     | 42.84      |
| <b>2020 Est. Households by Household Type</b>             |        |            |
| Family Households                                         | 22,789 | 68.00      |
| NonFamily Households                                      | 10,725 | 32.00      |
| <b>2020 Est. Group Quarters Population</b>                |        |            |
| 2020 Est. Group Quarters Population                       | 4,134  | 4.87       |
| <b>2020 HHs By Ethnicity, Hispanic/Latino</b>             |        |            |
| 2020 HHs By Ethnicity, Hispanic/Latino                    | 881    | 2.63       |
| <b>2020 Est. Family HH Type by Presence of Own Child.</b> |        |            |
| Married Couple Family, own children                       | 5,725  | 25.12      |
| Married Couple Family, no own children                    | 10,606 | 46.54      |
| Male Householder, own children                            | 778    | 3.41       |
| Male Householder, no own children                         | 798    | 3.50       |
| Female Householder, own children                          | 2,703  | 11.86      |
| Female Householder, no own children                       | 2,179  | 9.56       |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                        | Total  | Percentage |
|--------------------------------------------------------|--------|------------|
| <b>2020 Est. Households by Household Size</b>          |        |            |
| 1-Person Household                                     | 9,444  | 28.18      |
| 2-Person Household                                     | 11,735 | 35.02      |
| 3-Person Household                                     | 5,649  | 16.86      |
| 4-Person Household                                     | 4,031  | 12.03      |
| 5-Person Household                                     | 1,721  | 5.13       |
| 6-Person Household                                     | 613    | 1.83       |
| 7-or-more-person                                       | 321    | 0.96       |
| 2020 Est. Average Household Size                       | --     | 2.40       |
| <b>2020 Est. Households by Number of Vehicles</b>      |        |            |
| No Vehicles                                            | 2,618  | 7.81       |
| 1 Vehicle                                              | 11,317 | 33.77      |
| 2 Vehicles                                             | 12,138 | 36.22      |
| 3 Vehicles                                             | 5,441  | 16.23      |
| 4 Vehicles                                             | 1,620  | 4.83       |
| 5 or more Vehicles                                     | 380    | 1.13       |
| 2020 Est. Average Number of Vehicles                   | --     | 1.77       |
| <b>2020 Est. Occupied Housing Units by Tenure</b>      |        |            |
| Housing Units, Owner-Occupied                          | 22,040 | 65.76      |
| Housing Units, Renter-Occupied                         | 11,474 | 34.24      |
| <b>2020 Owner Occ. HUs: Avg. Length of Residence</b>   |        |            |
| 2020 Owner Occ. HUs: Avg. Length of Residence          | --     | 20.38      |
| <b>2020 Renter Occ. HUs: Avg. Length of Residence</b>  |        |            |
| 2020 Renter Occ. HUs: Avg. Length of Residence         | --     | 7.59       |
| <b>2020 Est. Owner-Occupied Housing Units by Value</b> |        |            |
| Value Less Than \$20,000                               | 791    | 3.59       |
| Value \$20,000 - \$39,999                              | 1,671  | 7.58       |
| Value \$40,000 - \$59,999                              | 2,378  | 10.79      |
| Value \$60,000 - \$79,999                              | 3,060  | 13.88      |
| Value \$80,000 - \$99,999                              | 3,208  | 14.55      |
| Value \$100,000 - \$149,999                            | 4,457  | 20.22      |
| Value \$150,000 - \$199,999                            | 2,637  | 11.96      |
| Value \$200,000 - \$299,999                            | 2,108  | 9.56       |
| Value \$300,000 - \$399,999                            | 976    | 4.43       |
| Value \$400,000 - \$499,999                            | 430    | 1.95       |
| Value \$500,000 - \$749,999                            | 195    | 0.89       |
| Value \$750,000 - \$999,999                            | 43     | 0.20       |
| Value \$1,000,000 - \$1,499,999                        | 25     | 0.11       |
| Value \$1,500,000 - \$1,999,999                        | 13     | 0.06       |
| Value \$2,000,000 or more                              | 48     | 0.22       |
| 2020 Est. Median All Owner-Occupied Housing Value      | --     | 99,397.81  |
| <b>2020 Est. Housing Units by Units in Structure</b>   |        |            |
| 1 Unit Attached                                        | 422    | 1.08       |
| 1 Unit Detached                                        | 29,230 | 74.88      |
| 2 Units                                                | 1,456  | 3.73       |
| 3 to 4 Units                                           | 1,662  | 4.26       |
| 5 to 19 Units                                          | 1,675  | 4.29       |
| 20 to 49 Units                                         | 389    | 1.00       |
| 50 or More Units                                       | 328    | 0.84       |
| Mobile Home or Trailer                                 | 3,848  | 9.86       |
| Boat, RV, Van, etc.                                    | 27     | 0.07       |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                            | Total  | Percentage |
|------------------------------------------------------------|--------|------------|
| <b>2020 Est. Housing Units by Year Structure Built</b>     |        |            |
| Built 2014 or Later                                        | 278    | 0.71       |
| Built 2010 to 2013                                         | 489    | 1.25       |
| Built 2000 to 2009                                         | 4,242  | 10.87      |
| Built 1990 to 1999                                         | 5,969  | 15.29      |
| Built 1980 to 1989                                         | 4,593  | 11.77      |
| Built 1970 to 1979                                         | 7,519  | 19.26      |
| Built 1960 to 1969                                         | 5,504  | 14.10      |
| Built 1950 to 1959                                         | 4,263  | 10.92      |
| Built 1940 to 1949                                         | 2,854  | 7.31       |
| Built 1939 or Earlier                                      | 3,326  | 8.52       |
| <b>2020 Housing Units by Year Structure Built</b>          |        |            |
| 2020 Est. Median Year Structure Built                      | --     | 1,974.69   |
| <b>2020 Est. Households by Presence of People Under 18</b> |        |            |
| 2020 Est. Households by Presence of People Under 18        | 10,813 | 32.26      |
| <b>Households with 1 or More People under Age 18</b>       |        |            |
| Married Couple Family                                      | 6,431  | 59.48      |
| Other Family, Male Householder                             | 936    | 8.66       |
| Other Family, Female Householder                           | 3,310  | 30.61      |
| NonFamily Household, Male Householder                      | 110    | 1.02       |
| NonFamily Household, Female Householder                    | 26     | 0.24       |
| <b>2020 Est. Households with No People under Age 18</b>    |        |            |
| Households with No People under Age 18                     | 22,701 | 67.74      |
| <b>Households with No People under Age 18</b>              |        |            |
| Married Couple Family                                      | 9,892  | 43.58      |
| Other Family, Male Householder                             | 646    | 2.85       |
| Other Family, Female Householder                           | 1,575  | 6.94       |
| NonFamily, Male Householder                                | 4,748  | 20.91      |
| NonFamily, Female Householder                              | 5,840  | 25.73      |
| <b>2020 Est. Pop Age 25+ by Edu. Attainment</b>            |        |            |
| Less than 9th Grade                                        | 4,869  | 8.21       |
| Some High School, No Diploma                               | 5,751  | 9.70       |
| High School Graduate (or GED)                              | 24,214 | 40.85      |
| Some College, No Degree                                    | 11,329 | 19.11      |
| Associate's Degree                                         | 3,824  | 6.45       |
| Bachelor's Degree                                          | 5,903  | 9.96       |
| Master's Degree                                            | 2,440  | 4.12       |
| Professional Degree                                        | 641    | 1.08       |
| Doctorate Degree                                           | 305    | 0.52       |
| <b>2020 Est. Pop Age 25+ by Edu. Attain., Hisp./Lat.</b>   |        |            |
| High School Diploma                                        | 655    | 41.22      |
| High School Graduate                                       | 530    | 33.35      |
| Some College or Associate's Degree                         | 228    | 14.35      |
| Bachelor's Degree or Higher                                | 176    | 11.08      |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                                                | Total  | Percentage |
|--------------------------------------------------------------------------------|--------|------------|
| <b>2020 Est. Households by HH Income</b>                                       |        |            |
| Income < \$15,000                                                              | 5,414  | 16.15      |
| Income \$15,000 - \$24,999                                                     | 4,613  | 13.76      |
| Income \$25,000 - \$34,999                                                     | 4,024  | 12.01      |
| Income \$35,000 - \$49,999                                                     | 4,660  | 13.90      |
| Income \$50,000 - \$74,999                                                     | 5,932  | 17.70      |
| Income \$75,000 - \$99,999                                                     | 3,858  | 11.51      |
| Income \$100,000 - \$124,999                                                   | 2,186  | 6.52       |
| Income \$125,000 - \$149,999                                                   | 1,068  | 3.19       |
| Income \$150,000 - \$199,999                                                   | 912    | 2.72       |
| Income \$200,000 - \$249,999                                                   | 414    | 1.24       |
| Income \$250,000 - \$499,999                                                   | 323    | 0.96       |
| Income \$500,000+                                                              | 110    | 0.33       |
| 2020 Est. Average Household Income                                             | --     | 58,996.33  |
| 2020 Est. Median Household Income                                              | --     | 43,242.07  |
| <b>2020 Median HH Inc. by Single-Class. Race or Eth.</b>                       |        |            |
| White Alone                                                                    | --     | 46,369.23  |
| Black or African American Alone                                                | --     | 28,077.35  |
| American Indian and Alaskan Native Alone                                       | --     | 38,570.66  |
| Asian Alone                                                                    | --     | 33,152.29  |
| Native Hawaiian and Other Pacific Islander Alone                               | --     | 38,087.87  |
| Some Other Race Alone                                                          | --     | 43,883.20  |
| Two or More Races                                                              | --     | 35,864.89  |
| Hispanic or Latino                                                             | --     | 42,749.22  |
| Not Hispanic or Latino                                                         | --     | 43,259.91  |
| <b>2020 Est. Families by Poverty Status</b>                                    |        |            |
| 2020 Families at or Above Poverty                                              | 19,159 | 84.07      |
| 2020 Families at or Above Poverty with children                                | 7,650  | 33.57      |
| 2020 Families Below Poverty                                                    | 3,630  | 15.93      |
| 2020 Families Below Poverty with children                                      | 2,712  | 11.90      |
| <b>2020 Est. Employed Civilian Population 16+ by Occupation Classification</b> |        |            |
| White Collar                                                                   | 16,710 | 49.15      |
| Blue Collar                                                                    | 10,364 | 30.49      |
| Service and Farming                                                            | 6,921  | 20.36      |
| <b>2020 Est. Workers Age 16+ by Travel Time to Work</b>                        |        |            |
| Less than 15 Minutes                                                           | 14,256 | 43.98      |
| 15 - 29 Minutes                                                                | 10,510 | 32.42      |
| 30 - 44 Minutes                                                                | 4,014  | 12.38      |
| 45 - 59 Minutes                                                                | 1,591  | 4.91       |
| 60 or more Minutes                                                             | 2,044  | 6.31       |
| 2020 Est. Avg Travel Time to Work in Minutes                                   | --     | 22.96      |
| <b>2020 Est. Workers Age 16+ by Transp. to Work</b>                            |        |            |
| 2020 Est. Workers Age 16+ by Transp. to Work                                   | 33,477 | 100.00     |
| Drove Alone                                                                    | 29,119 | 86.98      |
| Carpooled                                                                      | 2,246  | 6.71       |
| Public Transport                                                               | 46     | 0.14       |
| Walked                                                                         | 465    | 1.39       |
| Bicycle                                                                        | 4      | 0.01       |
| Other Means                                                                    | 503    | 1.50       |
| Worked at Home                                                                 | 1,094  | 3.27       |

# Demographic Overview

## KTRRP - Rail Line Expansion Service Region

Fulton & Hickman Counties in Kentucky and Dyer, Lake and Obion Counties in Tennessee

|                                                           | Total  | Percentage |
|-----------------------------------------------------------|--------|------------|
| <b>2020 Est. Civ. Employed Pop 16+ by Class of Worker</b> |        |            |
| 2020 Est. Civ. Employed Pop 16+ by Class of Worker        | 33,995 | 100.00     |
| For-Profit Private Workers                                | 23,734 | 69.82      |
| Non-Profit Private Workers)                               | 1,478  | 4.35       |
| Local Government Workers                                  | 2,744  | 8.07       |
| State Government Workers                                  | 2,144  | 6.31       |
| Federal Government Workers                                | 363    | 1.07       |
| Self-Employed Workers                                     | 3,462  | 10.18      |
| Unpaid Family Workers                                     | 70     | 0.21       |
| <b>2020 Est. Civ. Employed Pop 16+ by Occupation</b>      |        |            |
| Architecture/Engineering                                  | 328    | 0.96       |
| Arts/Design/Entertainment/Sports/Media                    | 310    | 0.91       |
| Building/Grounds Cleaning/Maintenance                     | 1,586  | 4.67       |
| Business/Financial Operations                             | 696    | 2.05       |
| Community/Social Services                                 | 614    | 1.81       |
| Computer/Mathematical                                     | 234    | 0.69       |
| Construction/Extraction                                   | 1,627  | 4.79       |
| Education/Training/Library                                | 2,043  | 6.01       |
| Farming/Fishing/Forestry                                  | 302    | 0.89       |
| Food Preparation/Serving Related                          | 1,978  | 5.82       |
| Healthcare Practitioner/Technician                        | 2,280  | 6.71       |
| Healthcare Support                                        | 807    | 2.37       |
| Installation/Maintenance/Repair                           | 1,160  | 3.41       |
| Legal                                                     | 219    | 0.64       |
| Life/Physical/Social Science                              | 226    | 0.67       |
| Management                                                | 3,048  | 8.97       |
| Office/Administrative Support                             | 3,886  | 11.43      |
| Production                                                | 4,723  | 13.89      |
| Protective Services                                       | 991    | 2.92       |
| Sales/Related                                             | 2,826  | 8.31       |
| Personal Care/Service                                     | 1,257  | 3.70       |
| Transportation/Material Moving                            | 2,854  | 8.39       |
| <b>2020 Est. Pop Age 16+ by Employment Status</b>         |        |            |
| In Armed Forces                                           | 36     | 0.05       |
| Civilian - Employed                                       | 34,050 | 49.52      |
| Civilian - Unemployed                                     | 2,732  | 3.97       |
| Not in Labor Force                                        | 31,936 | 46.45      |

Sources: U.S. Census Bureau, U.S. Bureau of Labor Statistics, ESRI, Environics

## CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Reply was served by email on the following persons:

Mr. Russell E. Reviere  
209 East Main  
Jackson, TN 38301  
[rreviere@raineykizer.com](mailto:rreviere@raineykizer.com)

The Honorable James Comer  
1037 Longworth House Office Building  
Washington, DC 20515  
[sarah.coffman@mail.house.gov](mailto:sarah.coffman@mail.house.gov)



---

Justin J. Marks

Dated: January 11, 2021