

SURFACE TRANSPORTATION BOARD

302661

Docket No. AB 1296X

ENTERED
Office of Proceedings
July 1, 2021
Part of
Public Record

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

MOTION FOR LEAVE TO FILE A REBUTTAL

Anderson County, Tennessee (“Anderson County”) respectfully moves the Surface Transportation Board (“STB”) for leave to file a rebuttal in the above-captioned proceeding. On May 26, 2021, Anderson County filed its petition to reopen on ground of material error (49 CFR § 1152.25(e)(4)), or alternatively, to vacate on grounds of significant procedural defects (49 CFR § 1152.25(e)(6)), this abandonment authorization. Anderson County asserted that the abandonment as proposed will result in a “stranded” segment of a rail line which is subject to the jurisdiction of the STB.

On June 15, 2021, R.J. Corman Railroad Property, LLC (“RJC”) filed a response to the petition, arguing, among other things, that the “stranded” segment of rail line was de facto abandoned before 1973 and cited to cases allegedly in support of this position. Anderson County would like to address this argument as it believes RJC has misread the case law on this point. RJC also unfairly and incorrectly asserted that Anderson County filed its petition in bad faith which it would like to respond to in its Rebuttal. While Anderson County understands that a reply to a reply is not permitted under 49 C.F.R. § 1104.13(c), it believes this filing will only be helpful to the Board and will not prejudice the other party. Therefore, Anderson County asks the STB to accept its rebuttal being filed simultaneously herewith into the record.

Respectfully submitted,

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July 1, 2021

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2021, I served the foregoing Anderson County Motion for Leave using the below email addresses on all parties of record in this proceeding:

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