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Office of Proceedings
August 17, 2021
Part of
Public Record

Ms. Cynthia T. Brown,

Chief Section of Administration Office of Proceedings Surface Transportation Board 395 E
Street, S.W. Washington, D.C.
20423

Re: Docket No. AB 1314X, The Elk River Railroad, Inc. – Abandonment Exemption – In Kanawha
& Clay Counties, WV

Dear Ms. Brown,

I am requesting the STB deny abandonment and railbanking to the Elk River Railroad Inc, on the 28.75 mi. Rail corridor between Hartland, Clay Co, WV. and Reamer, Kanawha Co. WV. for the following reasons:

- 1. Future use of this 28.75 mi. Corridor as a railroad is highly unlikely. It was purchased in 1990 from CSXT by TERRI to haul coal mined from a 7,000-acre tract of land they purchased from Coastal Lumber Co. in 1986. Two years of searching for mineable coal proved fruitless. Plans to ship coal were abandoned. In 1992 TERRI's prospects of re-building the tracks (previously taken out in the mid-1980s) including replacing defunct trestles, re-taking R.O.W.'s (some leased by the D.O.T, as paved rds.) proved to be too costly a venture to embark on. The same costs apply today except quadrupled by inflation, plus the future of coal in the area is doubtful as many mines have and are closing operation.**
- 2. Due to the fact for the past 40 yrs. TERRI has never prohibited or blocked use of the 28.75 corridor for public use, properties owned for generations were subdivided and sold to the public. Hundreds of property owners now reside here or own camps along the river as well as hundreds more using the "Road" for all manner of recreational purposes. The situation is unique in that this is the only "Road " available for ingress and egress on 90% of the corridor.**

3. **Allowing railbanking to preserve the corridor for future rail use puts it under the Fed. Rails to Trails program which, in turn, forbids motorized vehicles anywhere on the trail, resulting in loss of access and assets to the aforementioned property owners which will result in millions of dollars in lawsuits the Fed. Gov. is responsible to pay. Most, if not all, compensation payments come from gas tax revenues which then depletes the Fed. spending budget for roads and infrastructure. The cost of re-building a railroad plus property owners' compensation payments makes it infeasible and unlikely to ever return a rail system to this area.**

I respectfully request you to deny abandonment and railbanking to Elk River Railroad pursuant to the reasons given above.

Sincerely,

Tawney Mangus

CC: " All Parties of Record"

Marvin Brandt Revocable Trust v. United States, 572 U.S. 93 (2014)

Leo Sheep Co. v. United States, 440 U.S. 668 (1979)

Great Northern R. Co. v. United

States, 315 U. S. 262.