

SERVICE DATE – APRIL 15, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1296X

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

Digest:¹ This decision prohibits R. J. Corman Railroad Property from consummating its abandonment until further order of the Board.

Decided: April 15, 2022

On May 26, 2021, Anderson County, Tenn. (Anderson County), filed a petition to reopen an exemption authorizing R. J. Corman Railroad Property, LLC (RJC Railroad Property), to abandon a rail line extending from milepost 0.95 at or near Oneida, Tenn., to the end of the line at milepost 42.0 at or near Devonia, Tenn., a distance of approximately 41.05 miles in Scott, Campbell, and Anderson Counties, Tenn. (the Line). Notice of the exemption was served and published in the Federal Register on March 9, 2020 (85 Fed. Reg. 13,696), and the exemption became effective in June 2020.²

Currently, the exemption is subject to a notice of interim trail use (NITU), as RJC Railroad Property consented to negotiate with two trail sponsors for acquisition of the Line for interim trail use/rail banking under the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. See May Ord., AB 1296X, slip op. at 8. The NITU negotiating period, however, will expire on April 17, 2022, and is the only legal or regulatory barrier to RJC Railroad Property's consummation of the abandonment.

Therefore, to ensure that the Board can continue to consider Anderson County's petition, RJC Railroad Property will be ordered not to consummate its abandonment of the Line until further order of the Board. See Tulare Valley R.R.—Aban. & Discontinuance Exemption—in Tulare & Fresno Cntys., Cal., AB 397 (Sub-No. 3X), slip op. at 2 (ICC served May 4, 1995)

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² As discussed more fully in a decision served in this docket last year, Arkansas-Oklahoma Railroad Co. had attempted to purchase the Line through the Board's offer of financial assistance (OFA) process at 49 U.S.C. § 10904. See R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cntys., Tenn. (May Order), AB 1296X (STB served May 3, 2021).

(ordering railroad not to consummate abandonment to allow Commission sufficient time to consider a petition to revoke).

It is ordered:

1. RJC Railroad Property is directed not to consummate its abandonment pending further order of the Board.

2. This decision is effective on its date of service.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.