

ENTERED
Office of Proceedings
March 24, 2023

Part of
Public Record

Re: Docket No. AB 1296X

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

Dear Surface Transportation Board,

On behalf of Tennessee Citizens for Wilderness Planning (TWCP), I respectfully request that the clock on the trail use negotiation period be stopped until the abandonment has been granted. Further, when the abandonment is granted, we ask that the clock be reset to zero. As noted in the November 17, 2022 decision (ID 51128), there have been many obstacles to the granting of abandonment.

Since the April 17, 2020 acceptance of our requests for issuance of a notice of interim trail use, TCWP has filed every year (with requisite fees) to renew the trail use negotiation period. A number of decisions about this rail line have been issued by the Board that precluded the beginning of negotiations between TCWP and R.J. Corman.

On May 26, 2020, the Board granted, in part, a motion filed by Arkansas-Oklahoma Railroad Company and on June 9, 2020, extended the deadline for A-OK Railroad Company to file its Offer of Financial Assistance to June 23. On June 26, the Board rejected Arkansas-Oklahoma Railroad Company's offer of financial assistance.

On September 23, 2020, the Board denied an appeal of the decision to reject Arkansas-Oklahoma Railroad Company's offer of financial assistance. In December the Board denied a petition for a stay of a decision denying an appeal of an earlier decision rejecting an offer of financial assistance and ordered board-sponsored mediation.

On May 3, 2021, the Board denied a petition for reconsideration of a decision denying an appeal of an earlier decision rejecting an offer of financial assistance. On October 6, 2021, the Director of Proceedings granted a motion to accept Anderson County, Tennessee's rebuttal and directed R.J. Corman Railroad Property, LLC to file a supplement by November 5, 2021.

On April 15, 2022, the Board prohibited R.J. Corman Railroad Property from consummating its abandonment until further order. On November 17 of that same year, the Board partially granted a petition to reopen because the Board had

determined that exercising the abandonment authority previously granted would isolate a connected line of railroad from the interstate rail network.

Since TCWP first filed a request for interim trail use three years ago we have been unable to begin negotiations because the abandonment effort has been subject to many considerations and decisions by the Board. If the abandonment were granted immediately, we will need months to mobilize support and backing for the transition to a trail.

TCWP is a small, not-for-profit environmental advocacy organization that is based in Oak Ridge. Our annual budgets are bare-bones and the \$500 application renewal fee is a hardship. We request that the Surface Transportation Board grant a suspension of the trail use negotiation period until the Abandonment is granted. We request a reset of the clock on the trail use negotiation period. Finally, we request that the Surface Transportation Board forgive this year's application fee.

Thank you for consideration of this request.

Sincerely,

/s/ Mark Bevelhimer
President, Tennessee Citizens for Wilderness Planning

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