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Office of Proceedings
November 20, 2023
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Public Record

November 20, 2023

VIA E-FILE

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: **Docket No. AB-1296 (Sub No. 1X)**
R. J. Corman Railroad Property, LLC – Abandonment Exemption – in
Campbell, County, Tennessee

Dear Ms. Brown:

In follow-up to the Board's October 11, 2023 request for clarification regarding the endpoint of the proposed abandonment of the subject railroad line in the above-referenced proceeding, R. J. Corman Railroad Property hereby submits as Exhibit A, its Amendment to Combined Environmental and Historic Report ("CEHR Amendment"). The CEHR Amendment is being filed for OEA review; it revises the endpoint of the subject railroad line and provides an updated map. As reflected in the CEHR Amendment's certificate of service, it was served on the required agencies on November 16, 2023. A sample copy of the enclosure letter that was served with the CEHR Amendment is attached as Exhibit B.

Please feel free to contact me if there are any questions.

Sincerely,
/s/ Catherine S. Wright
Attorney for R. J. Corman Railroad
Property, LLC

CSW/lgb
cc: Client

EXHIBIT A

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1296 (Sub-No. 1X)

R. J. CORMAN RAILROAD PROPERTY, LLC
– ABANDONMENT EXEMPTION –
IN CAMPBELL COUNTY, TENN.

AMENDMENT TO COMBINED ENVIRONMENTAL AND HISTORIC REPORT

(color copies included)

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*Counsel for R. J. Corman Railroad
Property, LLC*

Dated: November 16, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1296 (Sub-No. 1X)

R. J. CORMAN RAILROAD PROPERTY, LLC
– ABANDONMENT EXEMPTION –
IN CAMPBELL COUNTY, TENN.

AMENDMENT TO COMBINED ENVIRONMENTAL AND HISTORIC REPORT

R. J. Corman Railroad Property, LLC (“RJC Railroad Property”) submits this Amendment to the Combined Environmental and Historic Report (“CEHR Amendment”), pursuant to 49 C.F.R. §§ 1105.7 and 1105.8. RJC Railroad Property submits this CEHR Amendment to clarify the endpoint of the Line proposed for abandonment as well as provide an updated map. Except as provided herein, all other portions of the March 29, 2023 CEHR, submitted in this proceeding by RJC Railroad Property, remain unchanged. It is the conclusion of this report, as amended, that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

The March 29, 2023 CEHR is amended as follows: (1) The first three (3) paragraphs of the Response to 49 CFR 1105.7(e)(1) Proposed Action and Alternatives are amended and replaced in their entirety as set forth below; and (2) Paragraphs 1-3 of the CEHR’s Historic Report responses to 49 CFR § 1105.8(d) are amended and replaced in their entirety as set forth below. A certificate of service of this CEHR Amendment evidencing service on the agencies as required by 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c) is also attached.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail lines and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: RJC Railroad Property intends to file an individual petition for exemption with the Surface Transportation Board (the “Board”) to abandon approximately 3.67 miles of a long-dormant line, known as the Beech Fork Branch, which extends from milepost 33 on the Oneida Line¹ in a southeasterly direction along Beech Fork and Stoney Fork and dead-ends at Clinchmore in Campbell County, TN at the former Clinchmore Mine (the “Line”). The Line does not have any mileposts or stations and little, if any, track. Connected to the Line is an approximately three-mile dead-end spur to Carbon Hill, Tenn. (“Carbon Hill Spur”). The application to build the Carbon Hill Spur was dismissed by the Interstate Commerce Commission (“ICC”) for lack of jurisdiction in 1940. *Application of Tennessee Railroad Company for a Certificate of Public Convenience and Necessity Authorizing the Construction of Line of Railroad in Campbell County, Tenn.*, Docket No. FD 12747 (ICC served March 7, 1940). Thus, the Carbon Hill Spur is excepted track and does not require specific authority for abandonment.

¹ The Oneida Line extends from milepost 0.96 at or near Oneida, Tennessee to the end of the line at milepost 42.0 at or near Devonia, Tennessee, a distance of approximately 41.05 miles in Scott, Campbell, and Anderson Counties, Tennessee. When built, the Line physically connected to the Oneida Line, which is currently the subject of abandonment proceedings in *R. J. Corman Railroad Property, LLC – Abandonment Exemption – in Scott, Campbell and Anderson Counties, Tenn.*, Docket No. AB-1296X. By Decision issued in AB-1296X on November 17, 2022, the STB conditioned abandonment of the Oneida Line on the abandonment of any § 10901 track that could be stranded by abandonment of the Oneida Line. The Oneida Line has a single rail connection at Oneida, Tennessee with Norfolk Southern Railway Company.

The ICC authorized construction of the Line in 1921. *In the Matter of the Application of the Tennessee Railroad Company for a Certificate of Public Convenience and Necessity*, 65 I.C.C. 654, 657 (1921). The ICC describes the Line as starting “from a point on applicant’s main line at the mouth of Beech Fork of New River, in Campbell County, Tenn., in a southeasterly direction along Beech Fork and Rocky Fork in Anderson County, a distance of 6 miles”.² Further, the ICC decision suggests the Line may have serviced a timber company in or about Clinchmore. Local historical accounts also reference the existence of the Clinchmore Coal Mining Company, suggesting the Line was used to transport coal. https://scholarworks.moreheadstate.edu/kilgore_scrip_collection/24/ (last visited February 3, 2023); <https://www.tngenweb.org/campbell/history/comm.html> (last visited February 3, 2023).

The Line was acquired by RJC Railroad Property in 2011 as part of its acquisition of the Oneida Line from NC Railroad, Inc. (“NCR”). *R. J. Corman Railroad Property, LLC – Acquisition Exemption – NC Railroad, Inc.*, Docket No. FD 35363 (STB served June 29, 2011). Ownership of the Line is evidenced by the quitclaim deed RJC Railroad Property received from NCR upon its purchase of the Oneida Line in 2011 (the “Deed”). The Deed granted RJC Railroad Property ownership rights to the main tracks, sidings, spurs and other appurtenant railway facilities of the Oneida Line. The Deed filed of record in Campbell County, Tenn. identifies the Oneida Line by a series of 1973 Railway Valuation Maps including Val Map pages V-1/13a, 13b and 13c. Those Val Map pages relate to the Line and confirm that whatever ownership rights to the Line that NCR had were transferred to RJC Railroad Property.³ The Val Map, page 13a, identifies the Line as

² The ICC decision appears to incorrectly refer to Rocky Fork instead of Stony Fork which is the body of water that flows southeasterly toward Clinchmore, TN. There is also no evidence the line ever extended into Anderson County, Tennessee.

³ RJC Railroad Property’s Deed is consistent with the quitclaim deed NCR received in 2006 from Tennessee Railway Company, a subsidiary of Norfolk Southern Railway Company (“NSR”), in that NCR’s deed also references, inter alia, Val Map pages 13a, 13b and 13c.

being approximately 3.67 miles in length, extending approximately 2.0 miles from milepost 33 on the Oneida Line along the Beech Fork before reaching a junction that forked in a southeasterly toward Clinchmore (the “Northern Segment”). At the fork, the Line continued in a southeasterly directly along Stony Fork for approximately 1.67 miles before dead-ending in Clinchmore, TN at the former Clinchmore Mine (the “Southern Segment”). The track dead-ended at the Clinchmore Coal Mine’s tipple, which operated between 1929 until 1965.

HISTORIC REPORT

49 CFR § 1105.8(d)

1. **Map.** A revised map of the Line is attached hereto in Appendix A.
2. **Written Description of Line.** RJC Railroad Property intends to file an individual petition for exemption with the Board to abandon approximately 3.67 miles of a rail line which extends from milepost 33 on the Oneida Line in Campbell County, Tenn., in a southeasterly direction along Beech Fork and Stony Fork before dead ending at Clinchmore, Tenn. RJC Railroad Property acquired the track in 2011 from NCR. *R. J. Corman Railroad Property, LLC – Acquisition Exemption – NC Railroad, Inc.*, FD 35363 (STB served June 29, 2011). NCR acquired the Oneida Line in February of 2006 from the Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway. *Tenn. Railway Company – Aban. Exemption – in Scott County, Tenn.*, AB 290 (Sub-No. 260X) (STB served March 3, 2006).
3. **Topographic Maps.** A revised topographic map depicting the location of the Line is attached in Appendix A.

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Amendment to the Combined Environmental and Historic Report in Docket No. AB 1296 (Sub-No. 1X) was mailed via first class mail on November 16, 2023, to the following parties:

Hon. Jack Lynch Mayor, Campbell County 590 Main Street P.O. Box 435 Jacksboro, TN 37757	Mr. John LeCroy Deputy Director Tennessee Department of Environment and Conservation 3711 Middlebrook Pike Knoxville, TN 37921
Ms. Jeananne Gettle Acting Regional Administrator, Region IV U.S. Environmental Protection Agency Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104	Cliff Lippard, Ph.D., Executive Director Tennessee Advisory Commission on Intergovernmental Relations 226 Anne Dallas Dudley Boulevard, Suite 508 Nashville, TN 37243
Dr. Theresa Damiani Chief, Spatial Reference System Division Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #8716 1315 East-West Highway Silver Spring, MD 20910-3282	Mr. Daniel Pallme Assistant Chief of Environment and Planning/ Freight and Logistics Director Tennessee Department of Transportation James K. Polk Building, Suite 400 505 Deaderick Street Nashville, TN 37243
Mr. E. Patrick McIntyre, Jr. Executive Director/State Historic Preservation Officer Tennessee Historical Commission 2941 Lebanon Pike Nashville, TN 37214	Mr. John Mike Regional Wildlife Program Manager, Region IV Tennessee Wildlife Resources Agency 3030 Wildlife Way Morristown, TN 37814
Mr. Daniel Elbert Field Supervisor Tennessee Ecological Services Field Office U.S. Fish & Wildlife Service 446 Neal Street Cookeville, TN 38501	Lt. Col. Robert W. Green Nashville District Commander and District Engineer U.S. Army Corps of Engineers Estes Kefauver Federal Building 801 Broadway Nashville, TN 37203

Pam McLay
Chief, Land Resources Division
National Park Service
1849 C Street, NW, Suite 2340
Main Interior Building
Washington, D.C. 20240

Sheldon Hightower
State Conservationist
USDA Natural Resources Conservation
Service
U.S. Department of Agriculture
801 Broadway
675 US Courthouse
Nashville, TN 37203


Catherine S. Wright

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1296 (Sub-No. 1X)

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– ABANDONMENT EXEMPTION –
IN CAMPBELL COUNTY, TENN.

APPENDIX A

MAP

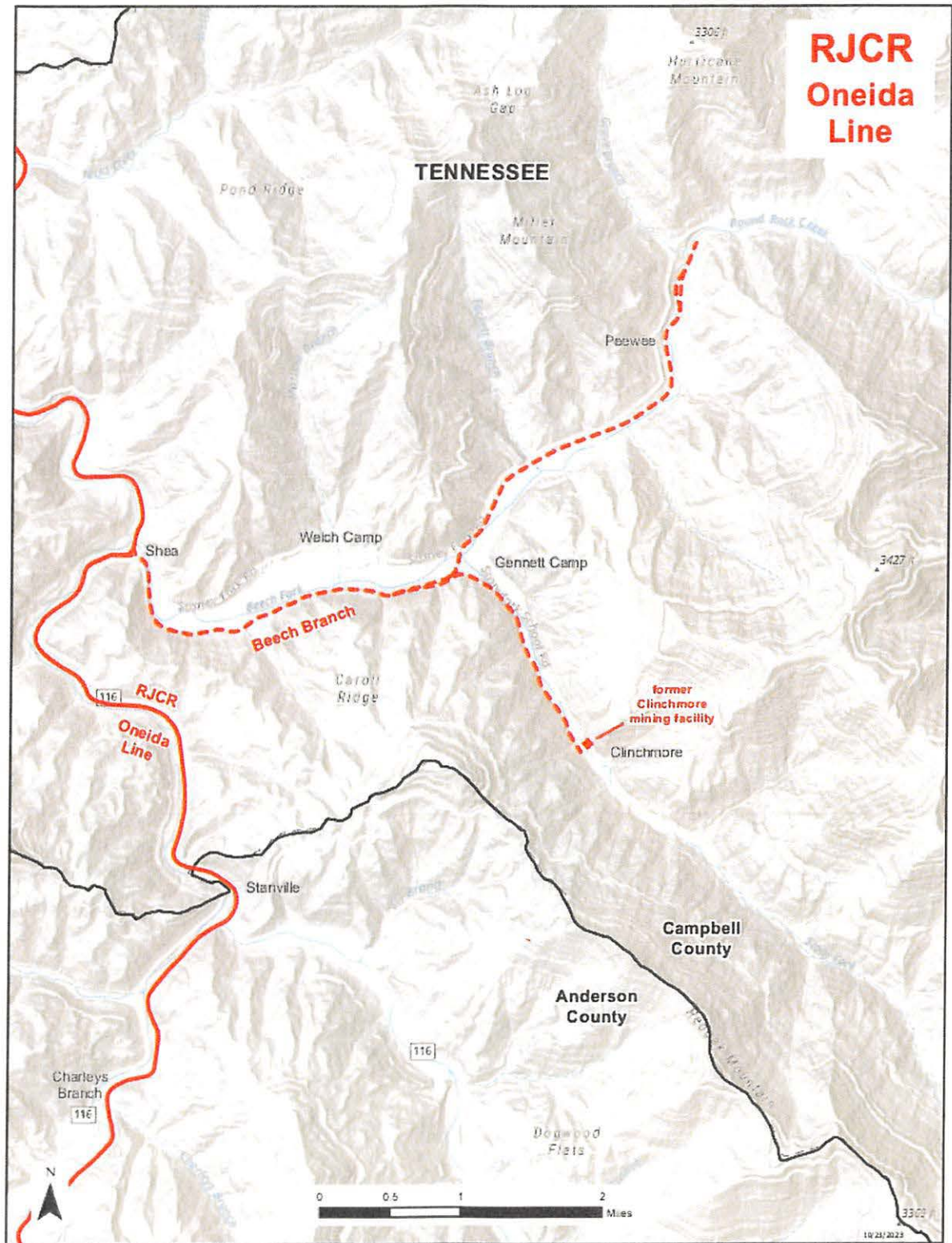


EXHIBIT B

JACKSONKELLY PLLC

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www.jacksonkelly.com

catherine.wright@jacksonkelly.com

859-288-2836

November 16, 2023

NAME
ADDRESS
CITY, STATE ZIP

SENT VIA USPS

Re: R. J. Corman Railroad Property, LLC – Abandonment Exemption – In Campbell, County, Tenn. (STB Docket No. AB 1296 (Sub-No. 1X)).

Dear _____.

On March 29, 2023, a copy of Petitioner R. J. Corman Railroad Property's Combined Environmental and Historic Report ("Report") was mailed to you in accordance with 49 U.S.C. § 10502. We provided the Report and requested that you review the information and provide any comments so that the Surface Transportation Board's Office of Environmental Analysis (OEA) could consider them in its evaluation of the proposed abandonment proceeding, which was filed on April 21, 2023.

Petitioner has been requested to clarify the endpoint of the affected Line and upon review, has determined that the endpoint of the Line that previously was stated as being at or near Clinchmore, TN, is being revised to reflect an endpoint in Clinchmore, TN at the former Clinchmore Mine. Accordingly, we are enclosing with this letter an Amendment to the Combined Environmental and Historical Report ("CEHR Amendment"). Except for the information reflected as amended in the enclosed CEHR Amendment, all other aspects of the Report remain the same.

We are providing the CEHR Amendment so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any question about the Board's environmental review process, please contact the OEA, Surface Transportation Board, Washington, DC, (202) 245-0245 and refer to the above Docket No. Your written comments to OEA, with a copy to the representative identified below, would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact Petitioner's representative in this matter, Catherine S. Wright, Jackson Kelly PLLC, via email at catherine.wright@jacksonkelly.com or by phone at 859-288-2836.

November 16, 2023

Page 2

Sincerely yours,

Catherine S. Wright

CSW/lgb

Enclosure: CEHR Amendment