



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

February 17, 2021

301647

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

ENTERED
Office of Proceedings
February 18, 2021
Part of
Public Record

**Re: Docket No. AB-1296X, R.J. Corman Railroad Property, LLC – Abandonment
Exemption – in Scott, Campbell and Anderson Counties, Tennessee**

Dear Ms. Brown:

On February 8, 2020, R. J. Corman Railroad Property, LLC (RJC Railroad Property), filed a verified notice of exemption at the Surface Transportation Board (STB) under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a railroad 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) in the above-referenced proceeding. This matter is presently in mediation between Arkansas-Oklahoma Railroad Co. and RJC Railroad Property but was not held in abeyance during this process.

Anderson County in Tennessee is one of the counties that the Line proposed to be abandoned in this proceeding runs through. It has a strong interest in seeing this Line remain in service because of its vital importance to the economic development of this area. Therefore, Anderson County has been paying close attention to this proceeding.

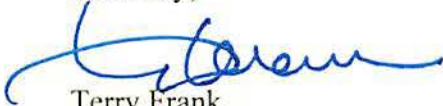
Recently, it has come to the attention of Anderson County that RJC Railroad Property removed the track in 2015 on a branch line of the Line that is being abandoned in this proceeding. Anderson County researched the history of this branch line and found its construction had been approved by the Interstate Commerce Commission (ICC) 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 (1921). In this proceeding, the Tennessee Railroad Company, a carrier by railroad subject to the Interstate Commerce Act, on October 28, 1920, filed its application with the ICC for a certificate of public convenience and necessity authorizing

it to construct a branch line of railroad from a point on applicant's main line (the Line at issue in this abandonment proceeding) 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. The ICC found "[u]pon the facts presented we find that the present and future public convenience and necessity require or will require the construction and operation by the applicant of the branch line." *Id.* at 656. Therefore, it is apparent that this branch line is subject to the jurisdiction of the Surface Transportation Board unless it was abandoned by the appropriate railroad.

The Line changed hands two times since this construction before it was acquired by RJC Railroad Property and apparently has involved this branch line in each of those transactions. However, upon extensive research of this branch line, there is no evidence that it has ever been abandoned at the ICC or STB. Therefore, it remains an active rail line. Consequently, Anderson County felt compelled to bring this to the attention of the STB in the event this branch line has been abandoned without authority. The STB has "stressed the well established principle that a carrier cannot escape our abandonment jurisdiction simply by terminating service or removing track." *Chelsea Property Owners – Abandonment – Portion of the Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY*, 8 I.C.C.2d 773, 790 (1992) (cites omitted). Moreover, this branch line would be cut off from the interstate commerce rail system if the Line at issue in this proceeding is abandoned.

I respectfully ask the Board to investigate this matter at issue in this proceeding. The Line has numerous branches that are not referenced in the notice of exemption which causes further concerns about the thoroughness of the notice of exemption filed by RJC Railroad Property. The North East Tennessee Railroad Authority, which has actively participated in this proceeding, may take further action regarding this issue; however, it must provide public notice and hold a vote on any such action. As a result, I am bringing this matter to the attention of the STB immediately because once the Line is abandoned, the STB would no longer have jurisdiction over the Line.

Sincerely,



Terry Frank
Anderson County Mayor

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2020, I served the foregoing Anderson County Letter using the below email addresses on all parties of record in this proceeding:

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/s/ Terry Frank