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KARL MORELL

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August 27, 2009



BY HAND DELIVERY

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-001

ENTERED
Office of Proceedings
AUG 28 2009
Part of
Public Record

Re: STB Docket No. 1042X, R.J. Corman Railroad
Company/Tennessee Terminal, LLC – Discontinuance of Service
Exemption – In Shelby County, TN

Dear Acting Secretary Quinlan:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. 1152.50. Also attached is a check covering the \$3,700 filing fee.

Please time and date stamp the extra copy of the Notice of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

FEE RECEIVED
AUG 27 2009
SURFACE
TRANSPORTATION BOARD

FILED
AUG 27 2009
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1042X

R.J. CORMAN RAILROAD COMPANY/TENNESSEE TERMINAL
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN SHELBY COUNTY, TENNESSEE



NOTICE OF EXEMPTION

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Of Counsel:

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Of Counsel
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(202) 638-3307

Ronald A. Lane
Fletcher & Sippel LLC
29 N. Wacker Drive, Suite 920
Chicago, IL 60606
(312) 252-1503

Attorney for:
R.J. CORMAN RAILROAD
COMPANY/TENNESSEE TERMINAL,
LLC

Dated: August 27, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1042X

R.J. CORMAN RAILROAD COMPANY/TENNESSEE TERMINAL, LLC
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN SHELBY COUNTY, TENNESSEE

NOTICE OF EXEMPTION

R.J. Corman Railroad Company/Tennessee Terminal, LLC ("RJCK") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to discontinue service over 2,084 feet of rail line owned by BNSF Railway Company ("BNSF") and located in Shelby County, Tennessee (the "Line").

1. Proposed consummation date.

The proposed consummation date is 50 days after the filing date of this Notice of Exemption.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

- (1) Exact name of applicant.

R.J. Corman Railroad Company/Tennessee Terminal, LLC

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

RJCK is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought.

RJCK seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue its lease operations over the 2,084 feet of rail line identified as Track A (1110) in the Airport Industrial Park tracks at Memphis, in Shelby County, Tennessee (the "Line").¹ There has been no local or overhead traffic on the Line in over two years. The Line is stub-ended and not capable of handling overhead traffic.

(4) Map.

Maps depicting the trackage covered by the proposed discontinuance are attached as Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Ronald A. Lane
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
(312) 252-1503

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses.

The Line traverses ZIP Code 38118.

(e) Rural and community impact.

¹ R.J. Corman leased the Line and began operations in January 2006. See STB Finance Docket No. 34772, *R.J. Corman Railroad Company/Tennessee Terminal, LLC – Lease and Operation Exemption – BNSF Railway Company* (not printed), served February 3, 2006.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right-of-way is not suitable for use for other public purposes.

Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way. Any documentation in RJCK's possession will be made available promptly to those requesting it.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed discontinuance will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

6. Environmental Report.

Since BNSF owns the Line and retains the underlying common carrier obligation, no environmental documentation is required pursuant to 49 C.F.R. § 1105.6(c).

7. Historic Report.

Since BNSF owns the Line and retains the underlying common carrier obligation, no historic documentation is required pursuant to 49 C.F.R. § 1105.8(b).

Respectfully submitted,



Ronald A. Lane
Fletcher & Sippel LLC
29 N. Wacker Drive, Suite 920
Chicago, IL 60606

Attorney for:
R.J. CORMAN RAILROAD
COMPANY/TENNESSEE TERMINAL,
LLC

Of Counsel:

Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Dated: August 27, 2009

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TENNESSEE

)

)

ss.

COUNTY OF SHELBY

)

I, Michael Wester, being duly sworn depose and state that I am Vice President of R.J. Corman Railroad Company/Tennessee Terminal, LLC ("RJCK"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line identified as Track A (1110) in the Airport Industrial Park tracks at Memphis, in Shelby County, Tennessee (the "Line") for at least two (2) years prior to the date hereof. Also, no overhead traffic has been handled on the Line for at least two (2) years prior to the date hereof. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of RJCK by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Michael Wester
Michael Wester

SUBSCRIBED AND SWORN TO before me this 25th day of August, 2009.

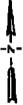
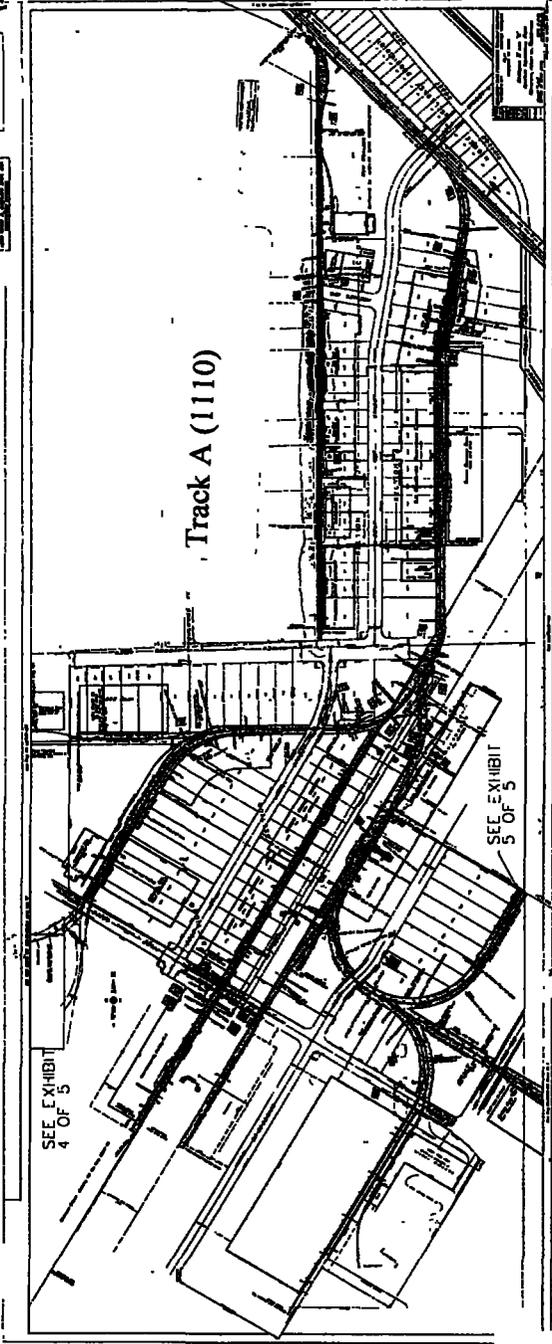
My Commission Expires: 3-22-2013

Melissa Lynn Estes
Notary Public

EXHIBIT B

MAPS

SEE EXHIBIT
1 OF 5
MP 493.69 (MAIN LINE)
ES 26069-05



SCALE 1" = 300'

DESIGNED BY
MEMPHIS, TN
MEMPHIS, TN
ARROW INDUSTRIAL PLY
COUNTY, TENN.
FORMED 1959 BY
MEMPHIS, TN

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of lease operations in STB Docket No. AB-1042X was mailed via first class mail on July 30, 2009 to the following parties:

State Public Service Commission

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Tennessee Department of Transportation
James K. Polk Bldg.
505 Deaderick Street, Suite 700
Nashville, TN 37243

Military Traffic Management Command

MTMCTEA
David Dorfman, P.E.
SDDCTEA, Attn: SDTE-SA
709 Ward Drive, BLDG 1990
Scott AFB, IL 62225-5357

National Park Service

U.S. National Park Service
Southeast Region
100 Alabama Street, S.W.
Atlanta, GA 30303

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

Dated: August 27, 2009

A handwritten signature in black ink, appearing to read 'Karl Morell', written over a horizontal line.

Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of lease operations in STB Docket No. AB-1042X was published on August 5, 2009 in the Germantown News, a newspaper of general circulation in Shelby County, Tennessee as required by 49 C.F.R. § 1105.12.

Dated: August 27, 2009



Karl Morell