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June 30, 2021

ENTERED
Office of Proceedings
June 30, 2021
Part of
Public Record

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

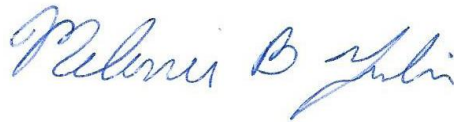
Re: **Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately approximately 2,262-foot sub-ended rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN. The filing fee of \$4,600 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
June 30, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
June 30, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 805X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN DAVIDSON
COUNTY, TN

PETITION FOR EXEMPTION

Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION, INC.

Dated: June 30, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 805X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN DAVIDSON
COUNTY, TN

PETITION FOR EXEMPTION

CSX Transportation, Inc. (“CSXT”) petitions the Surface Transportation Board (the “Board”) to exempt from 49 U.S.C. §10903 under 49 U.S.C. §10502, CSXT’s abandonment of an approximately 2,262-foot sub-ended rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”), from the prior approval requirements of 49 U.S.C. §10903.

There were two shippers on the Line, Cherokee Marine Terminals, who shipped seven (7) cars in 2020, and Kenwal Steel Corporation, who shipped two (2) cars in 2019. The property where the two shippers were located has been purchased by Monroe Infrastructure, LLC (“Monroe”). Monroe intends to redevelop the land for non-rail purposes. Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”) CSXT will consummate the abandonment and will sell its interest in the Line to Monroe.

The Cherokee Marine Terminals property and other property adjacent to the Line are experiencing new construction. In June of 2019, a venture between Creek Lane Capital and MRP Realty acquired 12 acres along the riverfront and will begin construction of the first three of five buildings this summer, consisting of 650 multifamily apartments, and approximately 80,000sf of office and 75,000sf of retail. In June 2021, Oracle Corporation acquired

approximately 65 acres for its \$1.2 billion southeast tech campus. That property constitutes virtually all of the property adjacent to the Line. Road and infrastructure improvements to support these developments are underway. CSXT is selling its interest in the Line to facilitate the redevelopment of the adjacent property.

PROPOSED TRANSACTION

CSXT proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN. There are no stations on the Line. A map of the Line is attached as Exhibit A. Exhibit B consists of the Combined Environmental and the Historic Report. The draft Federal Register Notice is in Exhibit C, and copies of the newspaper publication and the required certification are in Exhibit D. The certificate of service is in Exhibit E.

The Line traverses United States Postal Service Zip Code 37207. Based on information in the possession of CSXT the Line does not contain federally granted right-of-way. Any documentation in the possession of CSXT concerning title will be made available to those requesting it.

BACKGROUND

The approximately 2,262-foot line is located in Davidson County, TN. It is stub-ended and serves no local traffic. The area is undergoing mixed use development. Creek Lane Capital and MRP Realty are commencing this summer construction of a \$400 million multifamily, retail, and office projects along the river. Oracle Corporation has acquired approximately 65 acres along the Line (virtually all of the property adjacent to the Line) for its \$1.2 billion southeast

tech campus. There are no prospects for future shippers on the Line. CSXT is seeking to abandon its interest in the Line and will sell to Monroe, after abandonment is approved, to facilitate the redevelopment of the neighboring properties.

The former customers Cherokee Marine Terminals, and Kenwal Steel Corporation are no longer located on the Line and the properties they occupied are now owned by Monroe. There are no current customers on the Line and there is no possibility of future customers because the property adject to the Line is undergoing significant mixed-use development. The City has adopted a zoning overlay on all of the property in the area which provides for mixed use commercial and residential development and does not provide for future development that would be served by rail.

ARGUMENT SUPPORTING THE ABANDONMENT AND DISCONTINUANCE OF SERVICE

CSXT seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. §10903 in order to abandon the Line.

Under 49 U.S.C. §10502, the Board must exempt a transaction from regulation when it finds that:

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers

Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. §10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit. 49 U.S.C. §10101 (2, 7, and 15).

This proposed abandonment of a line with no active customers (and no possible future need for rail service) located in a single county of Tennessee does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101 and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. The Line is stub-ended and there is

no overhead traffic. Other aspects of the rail transportation policy are not adversely affected because no shippers exist along the Line.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. CSXT seeks to abandon a 2,262-foot railroad line in Davidson, TN and there are no shippers on the Line.

C. This Transaction Will Not Result In An Abuse Of Market Power.

Since the proposed transaction is of limited scope, it is not necessary for the Board to consider whether shippers need to be protected from abuse of market power. However, because no active shippers exist on the Line, there is no possibility of abuse of market power. As such, regulation is not needed to protect the shippers from abuse of market power.

After approval by the Board, CSXT will abandon the Line and sell it to Monroe. There are no shippers on the Line and there is no potential for new shippers because the property adjacent to the Line is being redeveloped from industrial to mixed-use.

ENVIRONMENTAL REPORT

A Combined Environmental and Historic Report is attached as Exhibit C.

HISTORIC REPORT

A Combined Environmental and Historic Report is attached as Exhibit C.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as Exhibit D.

LABOR PROTECTION

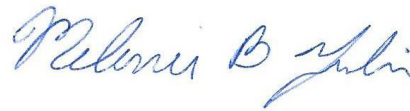
The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment of the Line proposed by CSXT is not required to carry out the rail transportation policy set forth in 49 U.S.C. §10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope.

Accordingly, CSXT respectfully requests the Board grant an exemption for the proposed abandonment of the Line.

Respectfully Submitted,



Steven Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION, INC.

Dated: June 30, 2021

EXHIBIT A–MAP

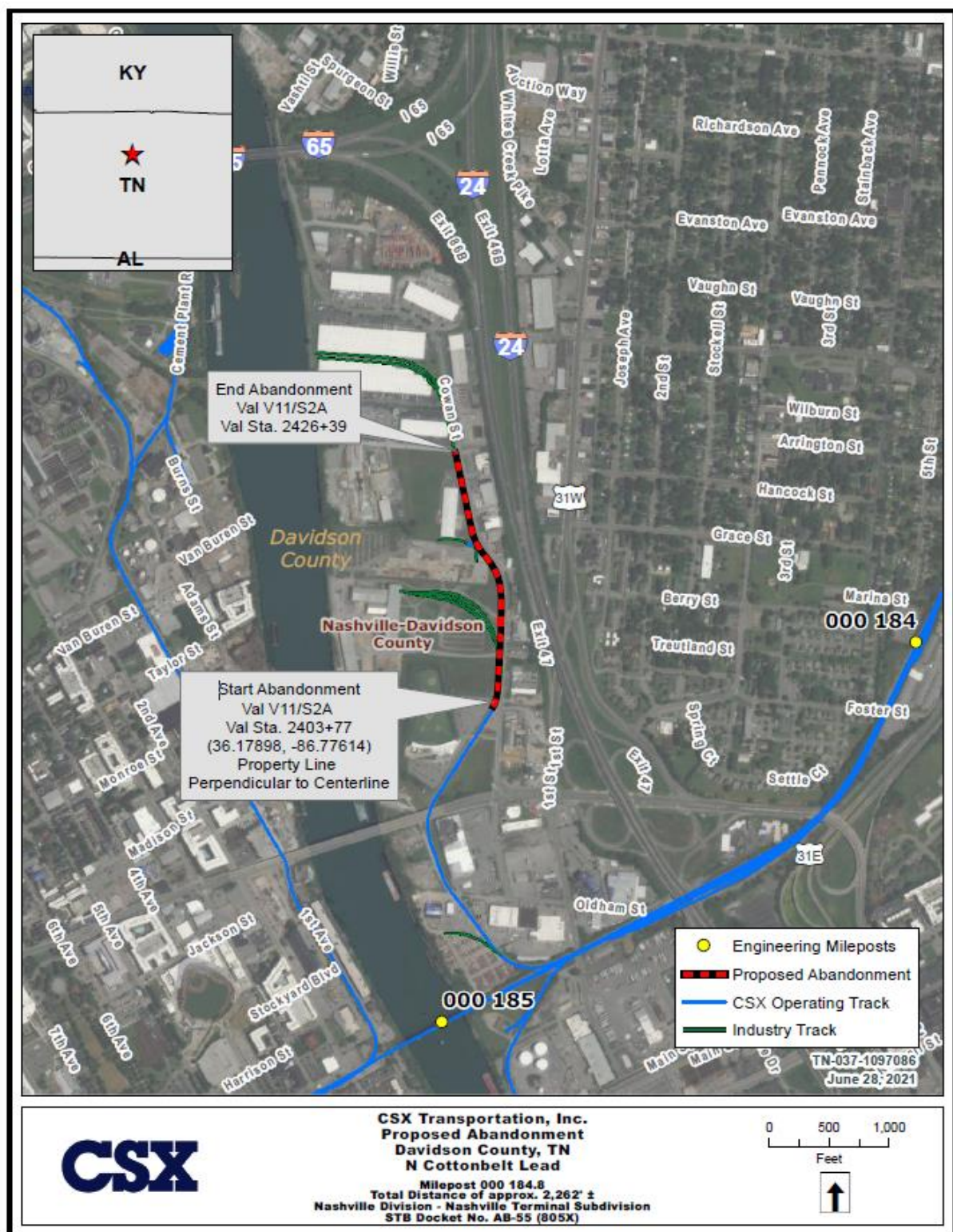


EXHIBIT B—COMBINED ENVIRONMENTAL AND HISTORIC REPORT

CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT

Pursuant to the requirements of 49 C.F.R. §1105.7(c) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 805X) was sent via email or mailed via first class mail on June 10, 2021, to the following parties:

Mayor's Office of Transportation
Mr. Fabian Bedne
Planner, Neighborhood
Development, Infrastructure
Fabian.bedne@nashville.gov

Tennessee Department of Environment &
Conservation
Regional Director
Jaclyn Mothupi
Jaclyn.mothupi@tn.gov

U.S. Fish & Wildlife Service
Tennessee National Wildlife Refuge
446 Neal Street
Cookerville, TN 38501-4027
Tennesseewr@fws.gov

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960
Blevins.John@epa.gov

U.S. Army Corps of Engineers
Este Kefauver Federal Building & Courthouse Annex
801 Broadway
Nashville, TN 37203

U.S. Department of Agriculture
Natural Resources Conservation Service
Davidson Soil Conservation District
1607-A County Hospital Road
P. O. Box 196300
Nashville Tennessee 37218
Carol.edwards.@usda.gov

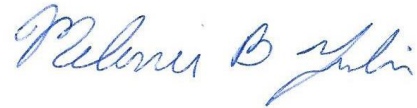
National Geodetic Service (NOAA)
RRAE@noaa.gov

National Park Service
Southeast Regional Office
Mr. Stan Austin
100 Alabama Street, SW, 1924 Building
Atlanta, GA 30303

Metropolitan Council
Doris Cal
Administrative and Planning Assistant
Metro Historic Courthouse
One Public Square, Suite 204
P.O. Box 196300
Nashville, TN 37219-630
Doris.cal@nashville.gov

Tennessee Department of Transportation
Amy Kosanovic
Planning Supervisor
Freight and Logistics Division
James K. Polk Building
Nashville, TN 37243
Amy.kosanovic@tn.gov

Tennessee Wildlife Resource Agency
5107 Edmondson Pike
Ellington Agricultural Center
Nashville, TN 37211
Kathy.Johnston@tn.gov

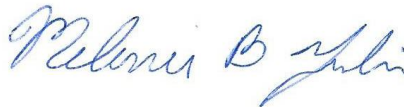
A handwritten signature in blue ink, appearing to read "Melanie B. Yasbin".

Melanie Yasbin
June 30, 2021

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 805X) was sent via email on June 10, 2021, to the following party:

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Pike
Nashville, TN 37214
Section.106@tn.gov

A handwritten signature in blue ink, reading "Melanie B. Yasbin".

Melanie Yasbin
June 30, 2021

EXHIBIT C—FEDERAL REGISTER NOTICE

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 805X)

CSX TRANSPORTATION, INC.—ABANDONMENT—DAVIDSON COUNTY, TN

Notice of Petition for Abandonment Exemption

On June 30, 2021, CSX Transportation, Inc. (“CSXT”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, which traverses United States Postal Service ZIP Code 37207 in Davidson County, TN (the “Line”). There are no stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees of CSXT will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

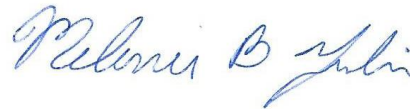
Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board’s Office of Environmental Analysis (“OEA”). An environmental assessment (“EA”) (or environmental

impact statement (“EIS”), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact OEA. EAs in this proceeding normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT D—NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No.805X), as required by 49 C.F.R. § 1105.7(c) and .12, was advertised on June 25, 2021, in The Tennessee Ledger, a newspaper of general circulation in Davidson County, TN.

A handwritten signature in blue ink, reading "Melanie B. Yasbin".

Melanie Yasbin
June 30, 2021

CSX Transportation, Inc. (“CSXT”) gives notice that on or about June 30, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting CSXT to abandon approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, which traverses United States Postal Service ZIP Code 37207 in Davidson County, TN (the “Line”). The proceeding has been docketed as No. AB-55 (Sub-No. 805X).

The Board’s Office of Environmental Analysis (“OEA”) will generally prepare an Environmental Assessment (“EA”), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2250, email at Lou@lgrailaw.com.

EXHIBIT E—CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-55 (Sub-No. 805X), *CSX Transportation, Inc.—Abandonment Exemption—in Davidson County, TN* was sent via electronic mail or mailed via email or first class mail, postage prepaid, on June 30, 2021, to the following parties:

State Public Service Commission

Tennessee Department of Transportation
Mr. Rick Beals
Rail Inspection Manager
Phone: 615.253.1054
Rick.Beals@tn.gov

Military Surface Deployment and Distribution Command Transportation Engineering Agency

Headquarters
Military Surface Deployment and Dist Cmd
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357
david.p.dorfman.civ@mail.mil

National Park Service

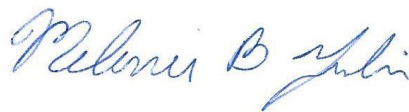
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C St., NW
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250



Melanie Yasbin
June 30, 2021

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 805X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN DAVIDSON COUNTY, TN

Dated: June 30, 2021

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line 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.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

There were two shippers on the Line, Cherokee Marine Terminals, who shipped seven (7) cars in 2020, and Kenwal Steel Corporation, who shipped two (2) cars in 2019. The property where the two shippers were located has been purchased by Monroe Infrastructure, LLC (“Monroe”). Monroe intends to redevelop the land for non-rail purposes. Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”) CSXT will consummate the abandonment and sell the Line to Monroe.

Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. The shippers on the Line have moved and there is no freight traffic on the Line to be diverted to motor carrier. The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. The purpose of this abandonment is to sell the Line to Monroe for redevelopment in accordance with the current zoning. CSXT notified Davidson County by letter dated June 10, 2021, (See Exhibit 2) requesting comments and included a copy of the Preliminary CEHR. A copy of the Preliminary CEHR was sent to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated June 10, 2021 (See Exhibit 2) requesting

comments and included a copy of the Preliminary CEHR. No comments have been received to date.

(iii) The Line is not in a Tennessee Coastal Zone.

(iv) CSXT does not believe the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an

increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public crossings and five (5) private crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated June 10, 2021 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the Preliminary CEHR. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing was generated on May 17, 201, finding twelve (12) threatened, endangered, or candidate species that may be in the area including: Gray Bat, Indiana Bat, Northern Log-eared Bat, Cumberlandian Combshell, Orangefoot Pimpleback, Pink Mucket, Ring Pink, Braun’s Rock-cress, Guthrie’s Ground-plum, Leafy Prairie-clover, Prices Potato-bean, Short’s Bladderpod but that there are no critical habitats within the project area (See Exhibit 2). The Bald Eagle, Blue-wings Warbler, Cerulean Warbler, Kentucky Warbler, Prairie Warbler Red-headed Woodpecker, Rusty Blackbird, Semipalmated Sandpiper, and Wood Thrush, may be in the area and the May 17th letter provides a probability of presence summary.

(See Exhibit 2). Based on the USF&W letter, there are no refuge lands, fish hatcheries, or wetlands within the project area. (See Exhibit 2).

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT notified the National Parks Service of the proposed abandonment by letter dated June 10, 2021 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the Preliminary CEHR. No comments have been received to date.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated June 10, 2021 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and included a copy of the Preliminary CEHR. No comments have been received to date.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any

activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or other debris away from the Line and will not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways. Based upon this course of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated June 10, 2021 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the Preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated June 10, 2021 (See Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the Preliminary CEHR. No comments have been received to date.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with the preliminary CEHR.

There are no CSXT-owned structures that are 50 years old or older.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way width along this right of way is approximately 50 feet wide. The Line starts north of Cowan Court and follows Cowan Street north for approximately 2,262 feet.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Not applicable.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Line is a spur track originally built by the Louisville and Nashville Railroad (“L&N”). The Seaboard Coast Line Railroad purchased the L&N in 1971. In 1986 Seaboard merged into CSX. CSXT intends to sell the Line to Monroe Infrastructure, LLC.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CSXT possesses valuation maps and track charts of the Line but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

There are no bridges or structures on the Line. CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the Tennessee Historical Commission by letter dated June 10, 2021 (*See* Exhibit 2) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the Preliminary CEHR. By letter dated June 14, 2021, the Tennessee Historical Commission concluded that in its opinion “there are no National Register of Historic Places listed or eligible properties affected by this undertaking.” (See Exhibit 2).

EXHIBIT 1 – MAP

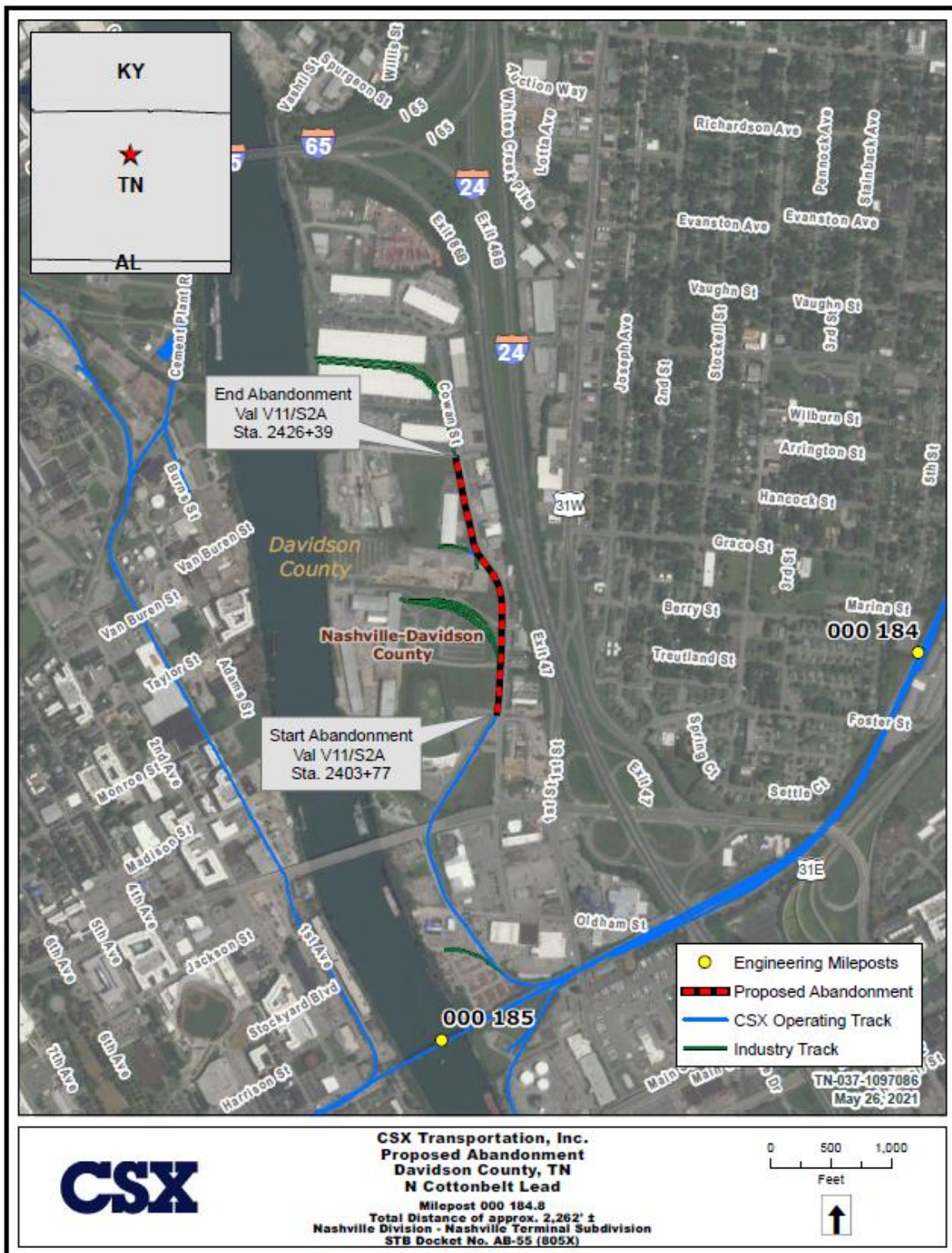


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

Mayor's Office of Transportation
Mr. Fabian Bedne
Planner, Neighborhood
Development, Infrastructure
Fabian.bedne@nashville.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Mr. Bedne:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 12,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960
Blevins.John@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Mr. Blevins:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with

existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

Tennessee Department of Environment & Conservation
Regional Director
Jaclyn Mothupi
Jaclyn.mothupi@tn.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Ms. Mothupi:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in

the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

U.S. Fish & Wildlife Service
Tennessee National Wildlife Refuge
446 Neal Street
Cookerville, TN 38501-4027
Tennesseennwr@fws.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501-4027
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:
Consultation Code: 04ET1000-2021-SLI-0781
Event Code: 04ET1000-2021-E-01903
Project Name: CSXT Abandonment in Davidson County

June 09, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;
<http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501-4027
(931) 528-6481

Project Summary

Consultation Code: 04ET1000-2021-SLI-0781

Event Code: 04ET1000-2021-E-01903

Project Name: CSXT Abandonment in Davidson County

Project Type: TRANSPORTATION

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 1,860-foot rail line that runs between Val Sta. 2407+30 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.182092350000005,-86.77593479902347,14z>



Counties: Davidson County, Tennessee

Endangered Species Act Species

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Cumberlandian Combshell <i>Epioblasma brevidens</i> Population: Wherever found; Except where listed as Experimental Populations There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3119	Endangered
Orangefoot Pimpleback (pearlymussel) <i>Plethobasus cooperianus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1132	Endangered
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7829	Endangered
Ring Pink (mussel) <i>Obovaria retusa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4128	Endangered

Flowering Plants

NAME	STATUS
Braun's Rock-cress <i>Arabis perstellata</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4704	Endangered
Guthrie's (=pyne's) Ground-plum <i>Astragalus bibullatus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1739	Endangered
Leafy Prairie-clover <i>Dalea foliosa</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5498	Endangered
Prices Potato-bean <i>Apios priceana</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7422	Threatened
Short's Bladderpod <i>Physaria globosa</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7206	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

NAME	BREEDING SEASON
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 23 to Jul 20
Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee

was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

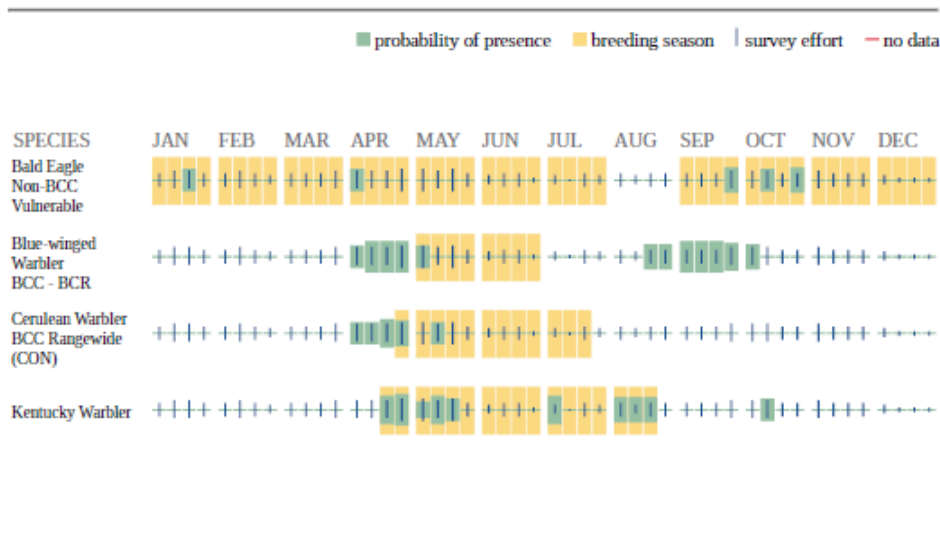
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



BCC Rangewide
(CON)

Prairie Warbler
BCC Rangewide
(CON)



Red-headed
Woodpecker
BCC Rangewide
(CON)



Rusty Blackbird
BCC Rangewide
(CON)



Semipalmated
Sandpiper
BCC Rangewide
(CON)



Wood Thrush
BCC Rangewide
(CON)



Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwiderstandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501-4027
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:
Consultation code: 04ET1000-2021-TA-0781
Event Code: 04ET1000-2021-E-01708
Project Name: CSXT Abandonment in Davidson County

May 17, 2021

Subject: Verification letter for the 'CSXT Abandonment in Davidson County' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on May 17, 2021 your effects determination for the 'CSXT Abandonment in Davidson County' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"⁽¹⁾ prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Braun's Rock-cress *Arabis perstellata* Endangered
- Cumberlandian Combshell *Epioblasma brevidens* Endangered
- Gray Bat *Myotis grisescens* Endangered
- Guthrie's (=pyne's) Ground-plum *Astragalus bibullatus* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Leafy Prairie-clover *Dalea foliosa* Endangered
- Orangefoot Pimpleback (pearlymussel) *Plethobasus cooperianus* Endangered
- Pink Mucket (pearlymussel) *Lampsilis abrupta* Endangered
- Prices Potato-bean *Apios priceana* Threatened
- Ring Pink (mussel) *Obovaria retusa* Endangered
- Short's Bladderpod *Physaria globosa* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

CSXT Abandonment in Davidson County

2. Description

The following description was provided for the project 'CSXT Abandonment in Davidson County':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 1,860-foot rail line that runs between Val Sta. 2407+30 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@36.1825166,-86.77628920876984,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?
Yes
2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")
No
3. Will your activity purposefully **Take** northern long-eared bats?
No
4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?
Automatically answered
No
5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?
No
7. Will the action involve Tree Removal?
No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below.
Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below.
Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below.
Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

Tennessee Wildlife Resource Agency
5107 Edmondson Pike
Ellington Agricultural Center
Nashville, TN 37211
Kathy.Johnston@tn.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Ms. Johnston:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

- (i) *Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*
- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

U.S. Army Corps of Engineers
Este Kefauver Federal Building & Courthouse Annex
801 Broadway
Nashville, TN 37203

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses to the following statement:

“Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects.”

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

National Park Service
Southeast Regional Office
Mr. Stan Austin
100 Alabama Street, SW, 1924 Building
Atlanta, GA 30303

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

Tennessee Department of Transportation
Amy Kosanovic
Planning Supervisor
Freight and Logistics Division
James K. Polk Building
Nashville, TN 37243
Amy.kosanovic@tn.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Ms. Kosanovic:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



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Gene Payne
Manager Strategic Planning

June 10, 2021

Metropolitan Council
Doris Cal
Administrative and Planning Assistant
Metro Historic Courthouse
One Public Square, Suite 204
P.O. Box 196300
Nashville, TN 37219-630
Doris.cal@nashville.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Ms. Cal:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

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Gene Payne
Enclosures (3)



500 Water Street, J801
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Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne
Enclosures (3)



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Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Pike
Nashville, TN 37214
Section.106@tn.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Mr. McIntyre:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



TENNESSEE HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37243-0442
OFFICE: (615) 532-1550
www.tnhistoricalcommission.org

June 14, 2021

Mr. Gene Payne
CSX
500 Water Street, J801
Jacksonville, FL 32202

RE: STB / Surface Transportation Board, CSX Rail Line Abandonment, Between Val Sta. 2403+77 and Val Sta. 2426+39, Nashville Division, Nashville, Davidson County, TN

Dear Mr. Payne:

In response to your request, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

After considering the documentation submitted, it is our opinion that there are no National Register of Historic Places listed or eligible properties affected by this undertaking. We have made this determination because either: no National Register listed or eligible Historic Properties exist within the undertaking's area of potential effects, the specific location, size, scope and/or nature of the undertaking and its area of potential effects precluded affects to Historic Properties, the undertaking will not alter any characteristics of an identified eligible or listed Historic Property that qualify the property for listing in the National Register, or it will not alter an eligible Historic Property's location, setting or use. We have no objections to your proceeding with your undertaking.

If your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. If you are applying for federal funds, license or permit, you should submit this letter as evidence of consultation under Section 106 to the appropriate federal agency, which, in turn, should contact us as required by 36 CFR 800. If you represent a federal agency, you should submit a formal determination of eligibility and effect to us for comment. You may direct questions or comments to ((615) 687-4780, Jennifer.Barnett@tn.gov). This office appreciates your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jmb



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 359-3739
Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

June 10, 2021

USDA-NRCS
Davidson Soil Conservation District
1607-A County Hospital Road
P. O. Box 196300
Nashville Tennessee 37218
Carol.edwards.@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 805X), CSX Transportation, Inc.—Abandonment
Exemption—in Davidson County, TN

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 2,262-foot rail line that runs between Val Sta. 2403+77 and Val Sta. 2426+39 on its Nashville Division, Nashville Terminal Subdivision, in Davidson County, TN (the “Line”). The Line runs through the U.S. Postal Zip Code 37207.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)

EXHIBIT 3 – USGS MAPS

