

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2225

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022

236683 (410) 296-2250 • (202) 466-6532
236684 FAX (410) 332-0885

September 16, 2014

ENTERED
Office of Proceedings
September 16, 2014
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. 736X), *CSX Transportation, Inc.—*
Abandonment Exemption—in Knoxville, Knox County, TN
Docket No. AB-290 (Sub-No. 368X), *Norfolk Southern Railway*
Company—Discontinuance of Service Exemption—in Knoxville, Knox
County, TN

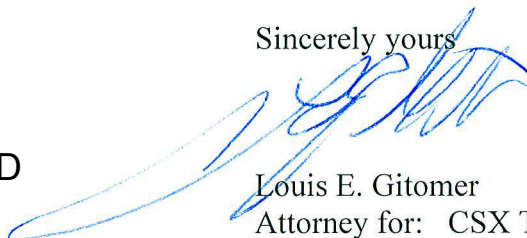
Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. to abandon and Norfolk Southern Railway Company to discontinuance of service over an approximately 1.18-mile rail line on CSXT's Second Creek Spur on CSXT's Central Region, Huntington Division, KD Subdivision between milepost 0KS 275.09 (Valuation Station 15304+87), at the end of track, and milepost 0KS 276.27 (Valuation Station 15368+89), near West Baxter Avenue in Knoxville, Knox County, TN. A disc containing a WORD and pdf version of the Notice is enclosed. CSXT and NSR are each submitting a check in the amount of \$3,800 for the filing fee.

Please time and date stamp the extra copy of this letter and the Notice of Exemption and return it with the messenger. Thank you for your assistance.

If you have any questions, please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: CSX Transportation, Inc.

FEE RECEIVED

September 16, 2014

SURFACE

TRANSPORTATION BOARD

FILED
September 16, 2014
SURFACE
TRANSPORTATION BOARD

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 736X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN KNOXVILLE, KNOX COUNTY, TN

Docket No. AB-290 (Sub-No. 368X)

NORFOLK SOUTHERN RAILWAY COMPANY–DISCONTINUANCE OF SERVICE
EXEMPTION–IN KNOXVILLE, KNOX COUNTY, TN

VERIFIED NOTICE OF EXEMPTION

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

Williams A. Mullins, Esq.
Baker & Miller PLLC
2401 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20037
202-663-7820
wmullins@bakerandmiller.com

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

Attorney for: NORFOLK SOUTHERN
RAILWAY COMPANY

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: September 16, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 736X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN KNOXVILLE, KNOX COUNTY, TN

Docket No. AB-290 (Sub-No. 368X)

NORFOLK SOUTHERN RAILWAY COMPANY–DISCONTINUANCE OF SERVICE
EXEMPTION–IN KNOXVILLE, KNOX COUNTY, TN

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NSR”) file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon and NSR to discontinue service over an approximately 1.18-mile rail line on CSXT’s Second Creek Spur on CSXT’s Central Region, Huntington Division, KD Subdivision between milepost OKS 275.09 (Valuation Station 15304+87), at the end of track, and milepost OKS 276.27 (Valuation Station 15368+89), near West Baxter Avenue in Knoxville, Knox County, TN (the “Line”). After receiving abandonment authority, CSXT plans to abandon the Line, salvage the track and materials and sell or lease the real estate. After receiving discontinuance of service authority, NSR plans to discontinue service over the Line. No local

rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

Based on information in the possession of CSXT, 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.

1. Proposed consummation date. The proposed consummation date is November 5, 2014.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc., and Norfolk Southern Railway Company.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CSXT and NSR are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT and NSR seek to use the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon and NSR to discontinue service over an approximately 1.18-mile rail line on CSXT's Second Creek Spur on CSXT's Central Region, Huntington Division, KD Subdivision between milepost OKS 275.09 (Valuation Station 15304+87), at the end of track, and milepost OKS 276.27 (Valuation Station 15368+89), near West Baxter Avenue in Knoxville, Knox County, TN. There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. For CSXT, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com, and for NSR William A. Mullins, 2401 Pennsylvania Avenue, NW, Suite 300, Washington , DC 20037, (202) 663-7820, wmullins@bakerandmiller.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses U.S. Postal ZIP Code 37921.

(e) Rural and community impact.

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

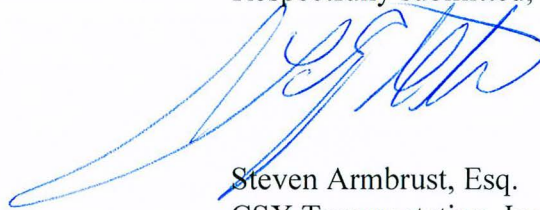
The Line may be suitable for other public purposes or trail use, but may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by CSXT's proposed abandonment and NSR's proposed discontinuance of service will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.
7. Historic Report. See Exhibit E.

Respectfully submitted,



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

Williams A. Mullins, Esq.
Baker & Miller PLLC
2401 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20037
202-663-7820
wmullins@bakerandmiller.com

Attorney for: NORFOLK SOUTHERN
RAILWAY COMPANY

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: September 16, 2014

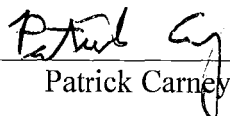
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

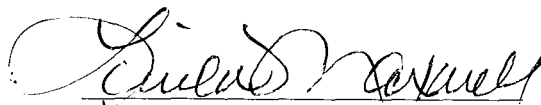
I, Patrick Carney state that I am Director Cost & Economic Development for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

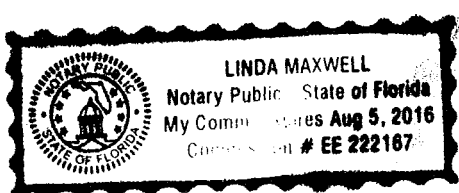
I hereby certify that no freight traffic has moved over CSXT's 1.18-mile rail line on CSXT's Second Creek Spur on CSXT's Central Region, Huntington Division, KD Subdivision between milepost 0KS 275.09 (Valuation Station 15304+87), at the end of track, and milepost 0KS 276.27 (Valuation Station 15368+89), near West Baxter Avenue in Knoxville, Knox County, TN, for two years prior to the date hereof, and that any overhead freight traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Patrick Carney

SUBSCRIBED AND SWORN TO before me this 7 day of September 2014.

My Commission Expires: 8/5/16

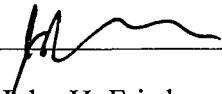

Notary Public



Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing discontinuance notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 12th day of August 2014.



John H. Friedmann
Vice President

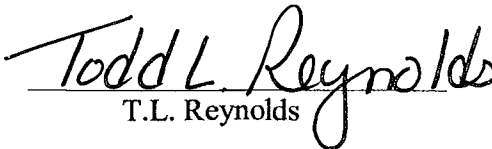
CERTIFICATION

STATE OF GEORGIA:

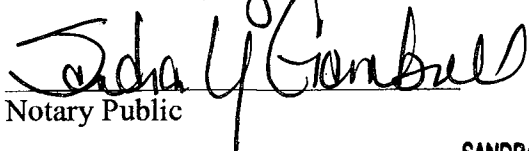
ss:

CITY OF ATLANTA

T.L. Reynolds makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company ("NSR"); that the rail line known as CSXT's Central Region, Appalachian Division, KD Subdivision, Second Street Spur, extending between Milepost OKS 275.09 to OKS 276.27 (a total distance of 1.18 miles), over which NSR's service is to be discontinued, is subject to his supervision and direction; that NSR has not moved local traffic over the line for at least two years, that NSR has not handled overhead traffic over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint against NSR filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.


T.L. Reynolds

Subscribed and sworn to before me
This 25th day of August 2014

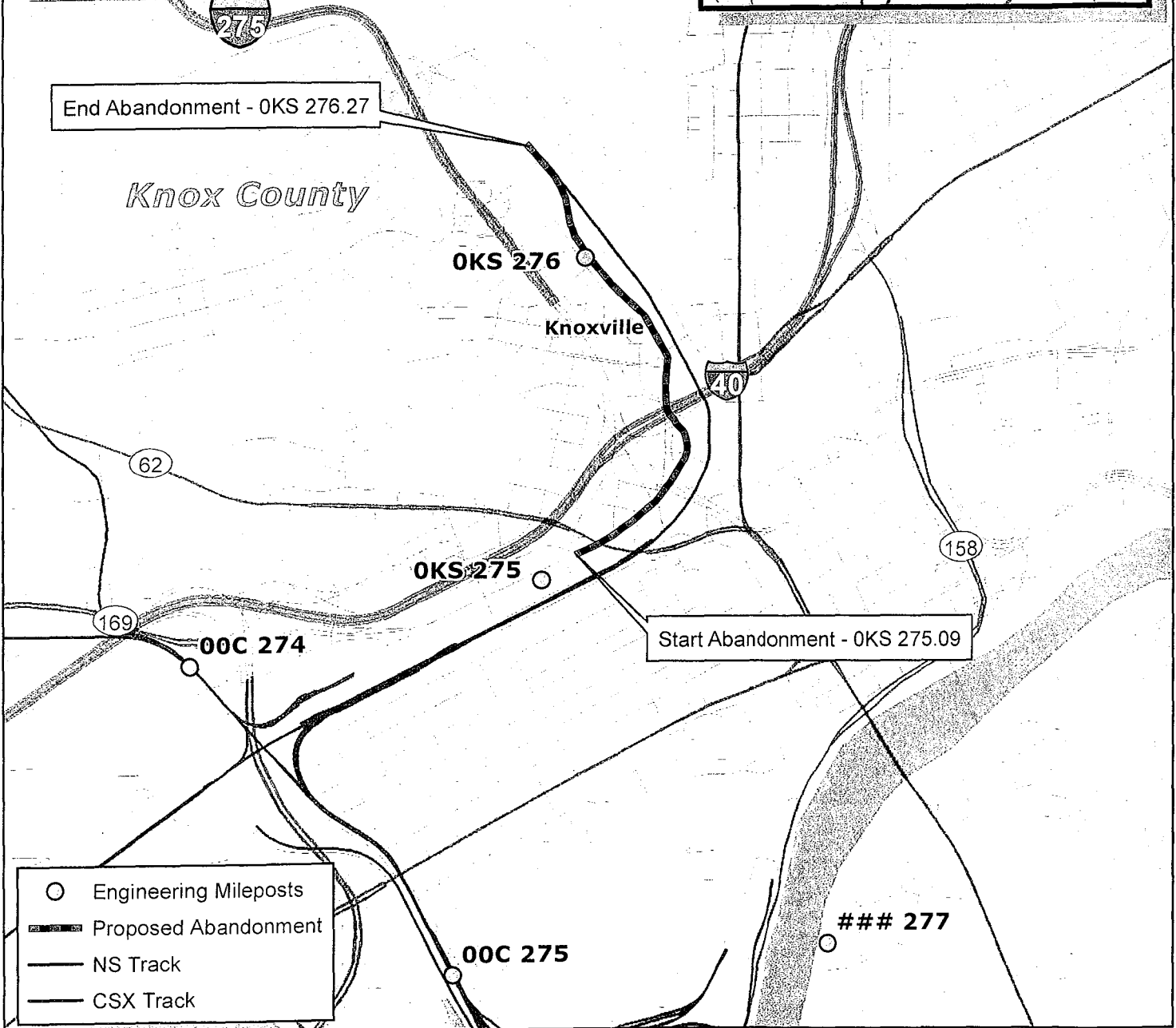
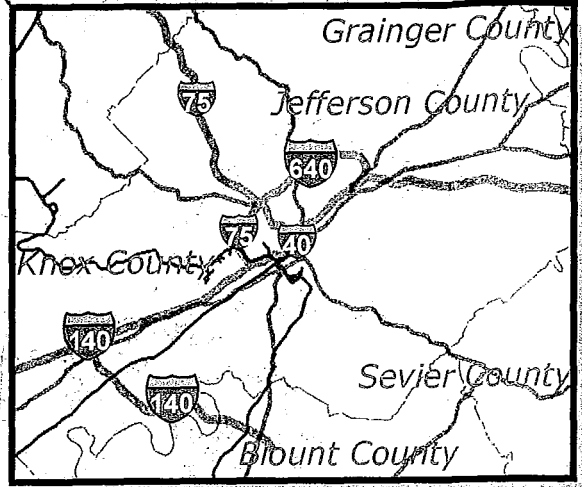
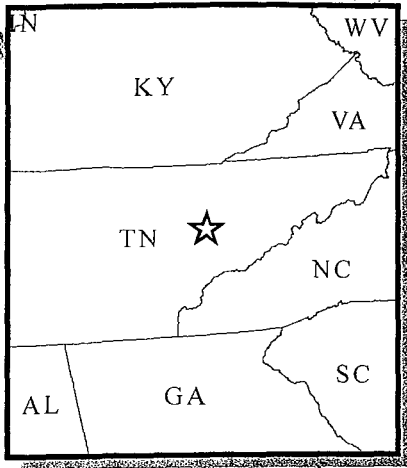

Notary Public

My commission expires:

4/20/15

SANDRA Y. GAMBRELL
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES APRIL 20, 2015

EXHIBIT B-MAP



**CSX Transportation, Inc.
Proposed Abandonment and Discontinuance of Trackage Rights
Second Creek Spur**

**MP OKS 275.09 to OKS 276.27
Total Distance of approx. 1.18 Miles
Knoxville, Knox County, TN**

CSXT STB Docket No. AB-55 (Sub-No. 736X) and NSR AB-290 (Sub-No. 368X)

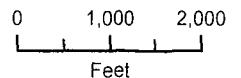


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 734X) and proposed discontinuance of service in Docket No. AB-290 (Sub-No. 368X) was mailed via first class mail on September 5, 2014, to the following parties:

State Public Service Commission

Tennessee Department of Transportation
Multimodal Transportation Resources Division
Office of Freight and Rail
James K. Polk Building, Suite 1800
505 Deaderick Street
Nashville, TN 37243

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service

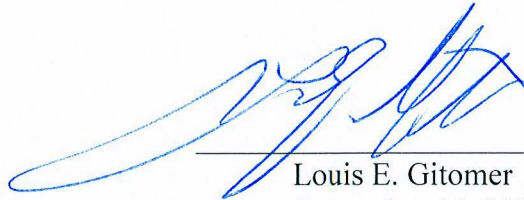
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

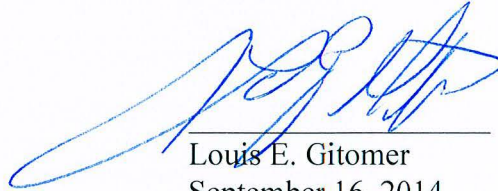
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
September 16, 2014

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 734X) and the proposed discontinuance of service in Docket No. AB-290 (Sub-No. 368X) in the following form was advertised on September 12, 2014 in the Knoxville News Sentinel, a newspaper of general circulation in Knox County, TN as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer

September 16, 2014

Notice of Intent To Abandon and Discontinue Service

CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NSR”) give notice that on or about September 16, 2014, CSXT and NSR intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment by CSXT and the discontinuance of service by NSR of an approximately 1.18-mile rail line on CSXT’s Second Creek Spur on CSXT’s Central Region, Huntington Division, KD Subdivision between milepost 0KS 275.09 (Valuation Station 15304+87), at the end of track, and milepost 0KS 276.27 (Valuation Station 15368+89), near West Baxter Avenue, which traverses United States Postal Service ZIP Code 37921 in Knoxville, Knox County, TN (the “Line”). The proceedings have been docketed as No. AB-55 (Sub-No. 736X) for the CSXT abandonment and No. AB-290 (Sub-No. 368X) for the NSR discontinuance of service.

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 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 the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office 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 20423–0001 [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, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any

comments or requests for conditions should be served on the applicant's representative: for CSXT, Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com, and for NSR, William A. Mullins, 2401 Pennsylvania Avenue, NW, Suite 300, Washington , DC 20037, (202) 663-7820, wmullins@bakerandmiller.com.

EXHIBIT D– ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 736X) and Docket No. AB-290 (Sub-No. 368X) was emailed on June 26, 2014 to the following parties:

U.S. Department of Agriculture
Natural Resources Conservation Service
Mr. Kevin Brown
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Tennessee Department of Transportation
Mr. John Schroer
James K. Polk Building
505 Deaderick Street, Suite 700
Nashville, TN 37243

U.S. Corps of Engineers
Nashville District
Chief of Planning
P.O. Box 1070
Nashville, TN 37202-1070

U.S. EPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd., Suite 400
Atlanta, GA 30345

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

City of Knoxville
City Council
Room 460, City County Building
Knoxville, TN 37901

Knox County Tennessee
Knox County Mayor Tim Burchett
400 Main Street
Knoxville, TN 37902

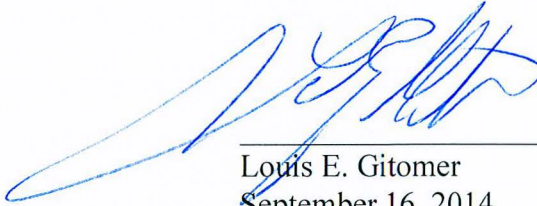
Mayor's Office
Mayor Madeline Rogero
P.O. Box 1631
Knoxville, TN 37901

Knox County Engineering & Public Works
Planning and Development Division
205 West Baxter Ave.
Knoxville, TN 37917

Tennessee Division of Water Pollution Control
Mr. Greg Denton
Manager of Planning and Standards Section
Gregory.Denton@tn.gov

National Geodetic Survey
Simon.Monroe@noaa.gov

Tennessee Department of Environment &
Conservation-Bureau of Environment
Commissioner Robert J. Martineau, Jr.
312 Rosa L. Parks Ave-TN Tower-2nd Floor
Nashville, TN 37243



Louis E. Gitomer
September 16, 2014

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
STB Docket No AB-55 (Sub-No. 736X)
And
NORFOLK SOUTHERN RAILWAY COMPANY
STB Docket AB-290 (Sub-No. 368X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(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.

CSXT proposes to abandon and Norfolk Southern Railway Company (NSR) proposes to discontinue trackage rights over approximately 1.18 miles of its rail line from Railroad Milepost OKS 275.09, Valuation Station 15304+87 to the end of track located at Railroad Milepost OKS 276.27, Valuation Station 15368+89 also known as the Second Creek Spur in Knoxville, Knox County, Tennessee.

The above referenced 1.18-mile line has not generated any originating or terminating traffic in over two (2) years.

Abandonment of this 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. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached. (See Attachment 1)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 2)

(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 or freight traffic on this line. Since there has not been any traffic on this line in over two (2) years, there will be no effect on existing regional or local transportation systems or 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.**

Applicant received a response dated July 31, 2014 from the City of Knoxville, Director of Engineering, James R. Hagerman, PE stating *"The Proposed action to abandon rail service and discontinue trackage rights in the line known as the Second Creek Spur Is consistent with the alternative uses of the land as recommended in 2007."* Mr. Hagerman conferred with Metropolitan Planning Commission and the Transportation Planning Organization staff to reach this conclusion. (See Attachment 3)

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant received a response dated August 19, 2014 from the U.S. Department of Agriculture Natural Resources Conservation Service stating *"It appears from the project description and location information you sent that the project is completely within an area identified as urban land---and there is no prime farmland identified"*. (See Attachment 4)

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant received a response dated August 13, 2014 from The

Tennessee Department of Environment & Conservation, Vojin Janjic, Manager Based Systems, stating *"you will need to obtain a construction SW permit and /or ARAP permit"*. (See Attachment 5)

- (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. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (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.**

There will be no diversion 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% (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% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road**

segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% 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.**

The above thresholds will not be exceeded.

- (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 restriction); 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.**

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) **Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

There will be no effect on public health and safety as a result of the proposed action. The railroad crossings were closed as a result of the Discontinuance of Service effective February 1, 2004, STB Docket No. AB-55 (Sub-No. 641X). (See Attachment 6)

- (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.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(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.

Applicant has not received a response to its inquiry dated June 26, 2014 to the U.S. Fish & Wildlife Service Southeast Region. (See Attachment 7)

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(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.

Applicant received a response dated July 9, 2014 from U.S. Environmental Protection Agency recommending that we contact Mr. Greg Denton, Manager of the Planning and Standards Section

at the Tennessee Division of Water Pollution Control. (See Attachment 8)

- (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.**

Applicant has received a response from the U.S. Army Corps of Engineering; Nashville, Tennessee dated July 15, 2014 stating that the proposed project will have "The proposed rail line abandonment presents a unique opportunity to restore a low level floodplain along Second Creek between W 5th Avenue NW and W Baxter Avenue NW".

Applicant is aware that this project lies within FEMA's Flood Insurance Rate Maps No. 47093C0281G 100-year floodplain. (See Attachment 9)

Upon receiving abandonment authority, removal of 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. Applicant does not intend to disturb any of the underlying road-bed 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. 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. 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, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

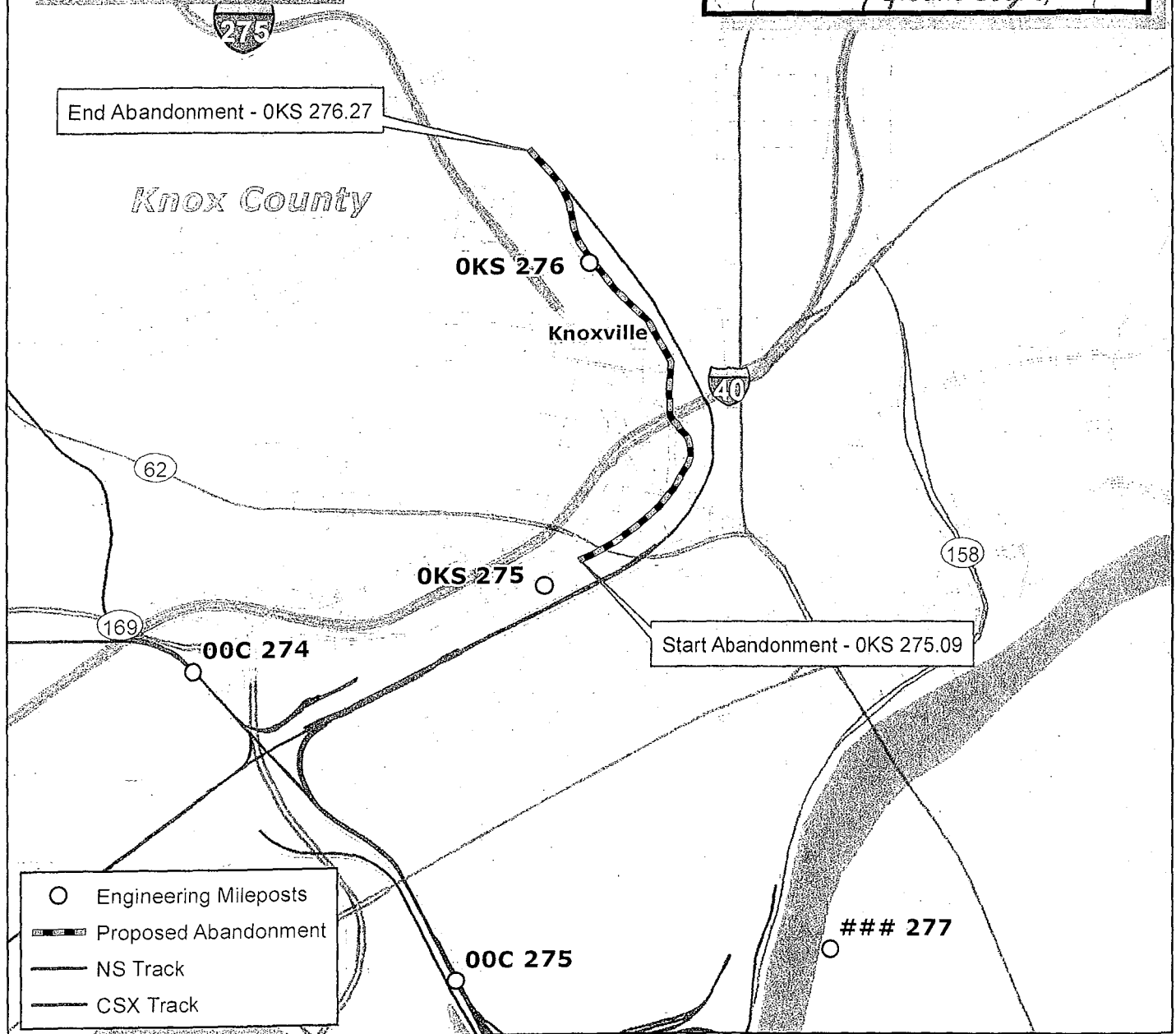
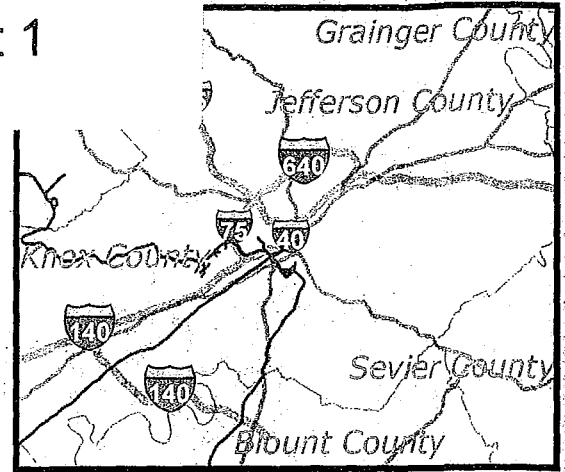
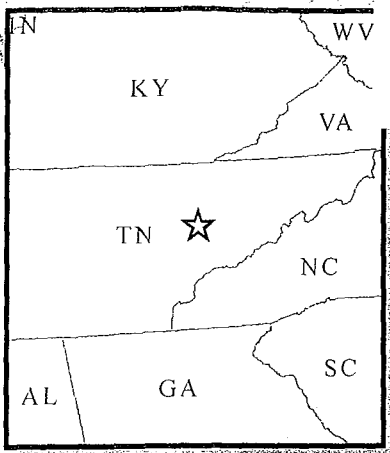
Applicant has received a response from the U.S. EPA dated July 9, 2014 stating that the proposed project may need a "State of Tennessee water quality permit from the Aquatic Resource Alteration Permit (ARAP)". (See Attachment 8)

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment and Discontinuance of Trackage Rights
Second Creek Spur

MP OKS 275.09 to OKS 276.27
Total Distance of approx. 1.18 Miles
Knoxville, Knox County, TN

CSXT STB Docket No. AB-55 (Sub-No. 736X) and NSR AB-290 (Sub-No. 368X)

0 1,000 2,000
 Feet



Attachment 2

Tennessee Historical Commission
Mr. E. Patrick McIntyre, Jr.
Executive Director
2941 Lebanon Road
Nashville, TN 37243-0442

U.S. Department of Agriculture
Natural Resources Conservation Service
Mr. Kevin Brown
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

U.S. Corps of Engineers
Nashville District
Chief of Planning
P.O. Box 1070
Nashville, TN 37202-1070

U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd, Suite 400
Atlanta GA 30345

National Geodetic Survey
Simon.Monroe@noaa.gov

City of Knoxville
City Council
Room 460, City County Building
Knoxville, TN 37901

Mayor's Office
Mayor Madeline Rogero
P.O. Box 1631
Knoxville, TN 37901

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

U.S. EPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta GA 30303

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

Knox County Tennessee
Knox County Mayor Tim Burchett
400 Main Street
Knoxville, TN 37902

Knox County Engineering & Public Works
Planning & Development Division
205 W. Baxter Ave.
Knoxville, TN 37917

Tennessee Department of Environment &
Conservation-Bureau of Environment
Commissioner Robert. J. Martineau, Jr.
312 Rosa L. Parks Ave-TN Tower-2nd Floor
Nashville, TN 37243

Tennessee Division of Water Pollution Control
Mr. Greg Denton
Manager of Planning and Standards Section
Gregory.Denton@tn.gov

Attachment 3

Burroughs, JoAnn

From: Jim Hagerman <jhagerman@cityofknoxville.org>
Sent: Thursday, July 31, 2014 4:20 PM
To: Burroughs, JoAnn
Cc: Jeff Welch; Mark.donaldson@knoxmpc.org
Subject: CSX track abandonment

Ms. Burroughs,

The proposed action to abandon rail service and discontinue trackage rights in the line known as the Second Creek Spur is consistent with the alternative uses of the land as recommended in the 2007 I-275/North Central Street Corridor Study. In this study, the completion of an extension of the second creek greenway generally along this corridor from World's Fair Park to Lonsdale is recommended. In addition, the abandonment presents opportunities to improve the street system, facilitate environmental remediation plans and ultimately contribute to the potential redevelopment of adjacent brownfields.

The City of Knoxville has conferred with Metropolitan Planning Commission and Transportation Planning Organization staff to reach this conclusion.

James R. Hagerman, PE
Director of Engineering
City of Knoxville



Natural Resources Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, Tennessee 37203

August 19, 2014

JoAnn Burroughs
Manager, Network Services
CSX Transportation
500 Water Street – J 315
Jacksonville, FL 32202

Dear Ms. Burroughs:

We received your request for any concerns we might have with a project to abandon a rail line known as the Second Creek Spur in Knoxville, Knox County, Tennessee.

NRCS has responsibility for implementing the Farmland Protection Policy Act (FPPA). The FPPA is intended to minimize the impact that Federal programs have on the conversion of farmland to nonagricultural uses. When locations and all possible alternates have been established for this project, a CPA-106 form should be initiated by the responsible agency and submitted to this office. NRCS will then supply a farmland conversion impact rating. More information about FPPA can be found at http://www.nrcs.usda.gov/wps_portal/nrcs/main/national/landuse/fppa/.

In most cases, an FPPA Assessment will not be required for modifications to existing structures, for land that is already in or committed to urban uses (commonly identified as having density of 30 or more structures per 40-acre area), for land within an existing right-of-way purchased on or before August 4, 1984, for corridor projects less than 10 acres in 1 mile where an approved LESA system is in place, for land used for water storage, or for other projects that do not irreversibly convert prime farmland to non-agricultural uses. Land use zoning for non-agricultural use in itself, or current ownership however are not exemptions under FPPA.

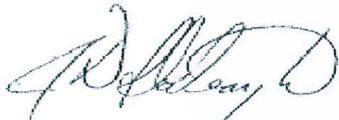
It appears from the project description and location information you sent that the project is completely within an area identified as Urban land in the 2010 Census - Urbanized Area Reference Map for Knoxville, TN. In addition, the land is already in or committed to urban use, there is no prime farmland identified within the project area, and modifications to existing structures would not convert farmland. As such, the project appear to meet several exemptions for FPPA. If the Federal agency that is assisting you with this project agrees, an FPPA Assessment would not be required for this project

Our soil survey information can also be found online at <http://websoilsurvey.nrcs.usda.gov>. This website will provide you with all of our most current soil survey data and interpretations, including prime farmland and hydric soils.

-- MORE --

Please feel free to call me at (615) 277-2550, or e-mail me at doug.slabaugh@tn.usda.gov, if you have questions about this request, or if you need assistance with accessing our soils information on the web and any other needs that may arise for Tennessee Soil Survey products or information.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Slabaugh". The signature is fluid and cursive, with the first name "J." and last name "Slabaugh" clearly distinguishable.

J. DOUGLAS SLABAUGH, State Soil Scientist

Attachment 5

Burroughs, JoAnn

From: Vojin Janjic <Vojin.Janjic@tn.gov>
Sent: Wednesday, August 13, 2014 10:13 PM
To: Gregory Denton; Burroughs, JoAnn
Cc: Jimmy R. Smith; Robert D. Baker; Michael Atchley
Subject: RE: Proposed Abandonment Knoxville TN Second Creek Spur

Mr. Burroughs:

I checked in our database, and do not see any current or past permits associated with CSX at this location. If soil disturbance activities and/or any aquatic resource alterations occur as a part of the track abandonment, you will need to obtain a construction SW permit and/or ARAP permit. Like Greg mentioned, those permits are managed from our Knoxville Field Office.

Thanks for your interest in protecting waters of the state.

Vojin Janjic
Manager, Water Based Systems, DWR
(615) 532-0670
We accept and encourage electronic document submittals.

Please tell us how you think we're doing by completing this survey: [TDEC Customer Satisfaction Survey](#)

From: Gregory Denton
Sent: Wednesday, August 13, 2014 1:57 PM
To: Jo_Burroughs@CSX.com
Cc: Jimmy R. Smith; Robert D. Baker; Michael Atchley; Vojin Janjic
Subject: FW: Proposed Abandonment Knoxville TN Second Creek Spur

Ms. Burroughs-

I received your information request, but as I do not work in the permitting part of the agency, I've forwarded your materials to Michael Atchley, the manager of our Knoxville regional office, Jimmy Smith and Robby Baker of our Natural Resources Section, and Vojin Janjic, the manager of our permitting unit.

They will be able to give you a better answer regarding permits that may or may not be needed for your project.

Sorry I could not be more directly helpful.

Greg Denton
Tennessee Water Resources Division

From: Burroughs, JoAnn [mailto:Jo_Burroughs@CSX.com]
Sent: Wednesday, August 13, 2014 1:46 PM
To: Gregory Denton
Subject: Proposed Abandonment Knoxville TN Second Creek Spur

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - OIR-Security. ***

August 13, 2014

Tennessee Division of Water Pollution Control

Mr. Greg Denton

Manager of Planning and Standards Section

Gregory.Denton@tn.gov

Dear Mr. Denton;

Please be advised that CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR) are considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service and discontinuance of the trackage rights in the Huntington Division, KD Subdivision from Railroad Milepost OKS 275.09 to OKS 276.27. The distance is approximately 1.18 miles, also known as the Second Creek Spur in Knoxville, Knox County, Tennessee. STB Docket numbers AB 55 (Sub-No. 736X) and AB-290 (Sub-No. 368X). The U.S. EPA suggested that we contact you for consultation regarding this project, see attachment.

The purpose of the proposed abandonment action is to officially abandon CSXT common carrier obligation and NSR discontinuance of trackage rights, salvage the track and improvements, and subsequently lease or sell the property. The 1.18-mile line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and retention of the line is no longer justified. No new rail-oriented business is expected to develop.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (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 will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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

Sincerely,

Jo Ann Burroughs

Enclosures (2)



Jo Ann Burroughs
Manager Network Services
CSX Transportation
904-359-1247

This email transmission and any accompanying attachments may contain CSX privileged and confidential information intended only for the use of the intended addressee. Any dissemination, distribution, copying or

Attachment 6

SURFACE TRANSPOR.

Decision Information

Docket Number: **AB_55_641_X**

Case Title: **CSX TRANSPORTATION, INC.--DISCONTINUANCE EXEMPTION--IN KNOX COUNTY, TN**

Decision Type: **Decision**

Deciding Body: **Entire Board**

Decision Summary

Decision Notes: **GRANTED CSXT AN EXEMPTION UNDER 49 U.S.C. 10502 FROM THE PRIOR APPROVAL REQUIREMENTS OF 49 U.S.C. 10903 TO DISCONTINUE SERVICE OVER APPROXIMATELY 1.2 MILES OF RAIL LINE IN ITS CENTRAL REGION, APPALACHIAN DIVISION, KD SUBDIVISION, SECOND CREEK SPUR, EXTENDING FROM VALUATION STATION 15304+87 TO VALUATION STATION 15368+89 IN KNOXVILLE, KNOX COUNTY, TN.**

Decision Attachments

34025.pdf

9 KB

Approximate download time at 28.8 kb: **10** Seconds

① Note:

If you do not have Acrobat Reader, or if you have problems reading our files with your current version of Acrobat Reader, the latest version of Acrobat Reader is available free at www.adobe.com.

Full Text of Decision

34025
EB

SERVICE DATE - JANUARY 2, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 641X)

CSX TRANSPORTATION INC. - DISCONTINUANCE EXEMPTION
IN KNOX COUNTY, TN

Decided: December 21, 2003

By petition filed on September 15, 2003, CSX Transportation, Inc. (CSXT) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to discontinue service

over approximately 1.2 miles of rail line in CSXT's Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, extending from Valuation Station 15304+87 to Valuation Station 15368+89 in Knoxville, Knox County, TN. Notice of the filing was served and published in the Federal Register on October 3, 2003 (68 FR 57511-12). The exemption will be granted, subject to standard employee protective conditions.

BACKGROUND

The only shipper on the line, PSC Metals, Inc. (PSC), uses rail primarily to send and receive iron/steel scrap shipments. According to CSXT, the PSC facility generates minimal traffic on CSXT's line and currently utilizes motor carrier transportation for both inbound and outbound shipments.

CSXT states that providing service to PSC is difficult because CSXT has an "island" operation at that location. According to CSXT, because the configuration requires a CSXT train to travel over the line of another carrier that also provides service to PSC, Norfolk Southern Railroad Company (NSR), it takes much longer to serve PSC than if CSXT had direct access to the shipper's facility. CSXT states that not only did it serve a copy of the instant petition on PSC, but it also discussed the possibility of discontinuance with the shipper prior to seeking the exemption. PSC has not filed a reply to CSXT's petition.

DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. 10903, a rail carrier may not discontinue operations without the Board's prior approval. Under 49 U.S.C. 10502, however, the Board must exempt a transaction or service from regulation when it finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions, and encourage efficient management by relieving CSXT of the costs of maintaining and operating the line [49 U.S.C. 10101(5) and (9)]. Other aspects of the rail transportation policy will not be affected adversely.

Regulation is not necessary to protect shippers from the abuse of market power. The only shipper on the line, PSC, will continue to receive rail service from NSR and has other transportation alternatives available. Given the finding regarding market power, it is not necessary to determine whether the proposed discontinuance is limited in scope. Nevertheless, to ensure that PSC is informed of the Board's decision, CSXT will be required to serve a copy of this decision on the shipper within 5 days of the service date of this decision and certify to the Board that it has done so.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, as a condition to granting this exemption, the employee protective conditions set forth in Oregon Short Line R. Co.-Abandonment-Goshen, 360 I.C.C. 91 (1979), will be imposed.

Because this is a discontinuance proceeding and not an abandonment, the Board need not consider offers of financial assistance (OFAs) to acquire the line for continued rail service (the OFA provisions for a subsidy to provide continued rail service do apply to discontinuances), trail use

requests, or requests to negotiate for public use of the line. This proceeding is also exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b). Therefore, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 10903 the discontinuance of service by CSXT of its operations as described above, subject to the employee protective conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

2. CSXT is directed to serve a copy of this decision on PSC within 5 days after the service date of this decision and to certify to the Board that it has done so.

3. An OFA under 49 CFR 1152.27(b)(2) to subsidize continued rail service must be received by the railroad and the Board by January 12, 2004, subject to time extensions authorized under 49 CFR 1152.27(c)(1)(i)(C). The offeror must comply with 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1). Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

4. OFAs and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: **“Office of Proceedings, AB-OFA.”**

5. Petitions to stay must be filed by January 20, 2004. Petitions to reopen must be filed by January 27, 2004.

6. Provided no OFA to subsidize continued rail service has been received, this exemption will be effective February 1, 2004.

By the Board, Chairman Nober.

Vernon A. Williams
Secretary



Jo Ann Burroughs
Manager Network Services

Attachment 7

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
Jo_Burroughs@csx.com

June 26, 2014

U.S. Fish & Wildlife Service
Southeast Region
1875 Century Blvd, Suite 400
Atlanta GA 30345

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR) are considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service and discontinuance of the trackage rights in the Huntington Division, KD Subdivision from Railroad Milepost 0SK 275.09 to 0SK 276.27. The distance is approximately 1.18 miles, also known as the Second Creek Spur in Knoxville, Knox County, Tennessee. STB Docket numbers AB-55 (Sub-No. 736X) and AB-290 (Sub-No. 368X).

The purpose of the proposed abandonment action is to officially abandon CSXT common carrier obligation and NSR discontinuance of trackage rights, salvage the track and improvements, and subsequently lease or sell the property. The 1.18-mile line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and retention of the line is no longer justified. No new rail-oriented business is expected to develop.

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.*



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

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.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office. This environmental report can be sent electronically by email or through the United States Postal Service (USPS). Please email Jo_Burroughs@csx.com if you wish to receive the report electronically. If we do not receive notification, it will be mailed via USPS.

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

Sincerely,

Jo Ann Burroughs
Enclosures (2)

Attachment 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUL - 9 2014

Ms. Jo Ann Burroughs
CSX Transportation, Inc
500 Water Street – J-315
Jacksonville, FL 32202

Dear Ms. Burroughs:

Your letter to the U.S. Environmental Protection Agency (dated June 26, 2014) concerning the proposed abandonment of a CSX Transportation-Norfolk Southern Railway 1.18-mile track (including trackage rights) in Knox County, Tennessee (Huntington Division, KD Subdivision, milepost OSK 275.09 to OSK 276.27) was recently forwarded to my attention. Specifically, you mentioned the need for a consultation with "State water quality officials" regarding the consistency of the proposed action with all applicable federal, state and local water quality standards, and you also mentioned the need for potential permits, such as a Section §402. To accomplish this consultation and answer your questions, I recommend you contact Mr. Greg Denton, who is currently serving as Manager of the Planning and Standards Section at the Tennessee Division of Water Pollution Control. Mr Denton may be reached by phone at (615) 532-0699 or by email at Gregory.Denton@tn.gov.

I also wanted to point out that the State of Tennessee has a unique water quality permit that you may need to obtain depending upon the nature of the demolition/salvaging operations and subsequent civil-site work and re-grading. This permit is known as the Aquatic Resource Alteration Permit (ARAP), and is typically processed in conjunction with a Section §401 Water Quality Certification required under the federal Clean Water Act. The application process for a §401 certification is the same as for the ARAP permit, and the §401 certification will serve to affirm that any discharges related to the trackage abandonment will not violate Tennessee's (EPA-approved) water quality standards.

Examples of projects that could possibly trigger this ARAP/§401 process include:

- » Dredging, excavation, channel widening, or straightening
- » Bank sloping; stabilization
- » Channel relocation
- » Water diversions or withdrawals
- » Dams, weirs, dikes, levees or other similar structures
- » Flooding, excavating, draining and/or filling a wetland
- » Road and utility crossings
- » Structural fill

Also, a federal permit, known as the §404 permit, may also be required from the U.S. Army Corps of Engineers (Corps) for projects that include the discharge of dredged or fill material into "waters of the U.S." including wetlands. When a §404 permit is required from the Corps, a §401 certification must first be obtained from the State (including an ARAP permit as noted above). The following activities could trigger the need for the §404 permit:

Internet Address (URL) • <http://www.epa.gov>

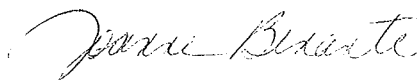
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

- » Alteration of wet weather conveyances
- » Bank stabilization
- » Construction and removal of minor road crossings
- » Construction of launching ramps and public access structures
- » Construction of intake and outfall structures
- » Emergency road repair
- » Maintenance activities
- » Minor alterations to wetlands
- » Minor dredging and filling
- » Sand and gravel dredging
- » Sediment removal for stream remediation
- » Stream restoration and habitat enhancement
- » Surveying and geotechnical exploration
- » Utility line crossings
- » Wetlands restoration and enhancement

Finally, Knox County has several relevant permits/engineering plans that may be required depending upon the nature of your work. These include a floodplain development permit, a grading permit(s), a Knox County Special Pollution Abatement Permit, a Knox County Storm Water Pollution Prevention Plan and possibly an Erosion Prevention and Sediment Control Plan. You may find more information on permits at: <https://www.knoxcounty.org/stormwater/permits.php>

If you need any further assistance or questions, please feel free to contact the EPA's Tennessee Watershed Coordinator, Ms. Vivian Doyle at doyle.vivian@epa.gov or by phone at (404) 562-9942.

Sincerely,



Joanne Benante
 Chief, Water Quality Planning Branch
 Water Protection Division
 U.S. EPA, Region 4



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

July 15, 2014

SUBJECT: Reference No. LRN-2014-00676; Abandonment of Railroad Line, CSX Transportation, Inc. and Norfolk Southern Railway Company (Abandon Service and Discontinue Trackage Rights for 1.8-Miles, Second Creek Spur, from Railroad Milepost OSK 275.09 and OSK 276.27, Huntington Division, KD Subdivision, in Knoxville, Knox County, TN)

Ms. Jo Ann Burroughs
CSX Transportation, Inc.
500 Water Street - J-315
Jacksonville, FL 32202

Dear Ms. Burroughs:

This is in regard to your June 26, 2014, request for our comments on the subject proposal.

The stretch of rail line proposed to be abandoned parallels Second Creek for much of its length. From W 5th Avenue NW to just below Bernard Avenue the rail line runs along the right descending bank of the creek. Just below Bernard Avenue the rail line crosses a bridge over the creek. Upstream of this bridge the rail line runs along the left descending bank of the creek to W Baxter Avenue NW. As shown on FEMA's Flood Insurance Rate Maps No. 47093C0281G, dated August 5, 2013, this reach of the rail line lies within the 100-year floodplain.

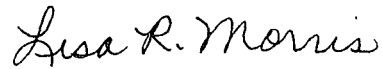
While it can be seen on FEMA's Flood Profile sheet 138P the rail line bridge below Bernard Avenue does not cause an increase in larger floods, it does cause some increase in smaller floods with the break point being somewhere between a 10-year and 50-year flood. While it does not appear that the proposed rail line abandonment will have any adverse effect on the 100-year flood, it is recommended that CSX consider removing the rail line bridge below Bernard Avenue as part of the abandonment action. This recommendation is made based on the bridge's potential to increase the frequency of low level flooding. This is particularly a concern if there is potential for debris to clog the opening of the soon-to-be unmaintained bridge, especially since the creek is forced to make a sharp turn entering and exiting the bridge.

The proposed rail line abandonment presents a unique opportunity to restore a low level floodplain along Second Creek between W 5th Avenue NW and W Baxter Avenue NW. Therefore, the U.S. Army Corps of Engineers (USACE) encourages CSX to engage in discussions with the City of Knoxville on the possible transfer of this portion of the rail line property to the city. Such a project would have the potential to not only reduce frequent, low level flooding of adjacent properties but would also improve water quality and aesthetics by providing room for a riparian zone in an area where there currently is little or none.

In addition, we reviewed the information you provided pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899. USACE has regulatory responsibilities pursuant to Section 404 of the CWA and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, USACE regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Under Section 10, USACE regulates any work in, or affecting, navigable waters of the U.S. A review of the information provided indicates activities that would not involve work in waters of the US (streams and/or wetlands). We determined a Department of the Army permit is not required for the action described in your application.

If you have questions regarding this matter, please contact me at the above address or telephone (615) 369-7504.

Sincerely,

A handwritten signature in black ink that reads "Lisa R. Morris". The signature is written in a cursive style with a large, stylized "L" and "M".

Lisa Morris
Project Manager
Operations Division



Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

June 26, 2014

National Geodetic Survey
NGS.InfoCenter@noaa.gov

Dear Simon;

Please be advised that CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR) are considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service and discontinuance of the trackage rights in the Huntington Division, KD Subdivision from Railroad Milepost OKS 275.09 to OKS 276.27. The distance is approximately 1.18 miles, also known as the Second Creek Spur in Knoxville, Knox County, Tennessee. STB Docket numbers AB 55 (Sub-No. 736X) and AB-290 (Sub-No. 368X).

The purpose of the proposed abandonment action is to officially abandon CSXT common carrier obligation and NSR discontinuance of trackage rights, salvage the track and improvements, and subsequently lease or sell the property. The 1.18-mile line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and retention of the line is no longer justified. No new rail-oriented business is expected to develop.

Please advise if there are any geodetic markers which could be affected by the proposed transaction.

Sincerely,

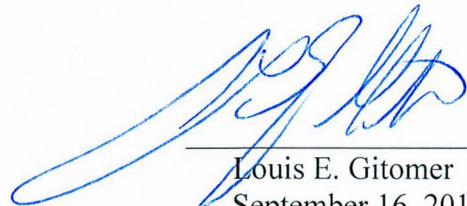
Jo Ann Burroughs
Enclosures (2)

EXHIBIT E– HISTORIC REPORT

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 736X) and Docket No. AB-290 (Sub-No. 368X) was mailed via first class mail on June 26, 2014, to the following party:

Tennessee Historical Commission
Mr. E. Patrick McIntyre, Jr.
Executive Director
2941 Lebanon Road
Nashville, TN 37243-0442



Louis E. Gitomer
September 16, 2014

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
DOCKET AB-55 (SUB-NO. 736X)
NORFOLK SOUTHERN RAILWAY COMPANY
DOCKET AB-290 (SUB-NO. 368X)
KNOXVILLE, KNOX COUNTY, TENNESSEE**

1105.7(e)(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.

CSXT proposes to abandon approximately 1.18 miles of its rail line between from Railroad Milepost OKS 275.09 to Railroad Milepost OKS 276.27 also known as the Second Creek Spur in Knoxville, Knox County, Tennessee.

The above referenced 1.18-mile line has not generated any originating or terminating traffic in over two (2) years. This rail line was issued an STB Discontinuance of Service under STB Docket No. AB-55 (Sub-No. 641X), effective February 1, 2004.

Abandonment of this line will result in the removal of the rail, crossties, improvements, signals and possibly the upper layer of ballast. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached. (See Attachments 1)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an 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.**

Attached are copies of the Knoxville quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy red line with black dashes. (See Attachment 2)

There is One (1) CSXT-owned structure that is 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

CSXT does not consider timber trestle bridges as “historic” since it is CSXT’s required maintenance practice to repair timber trestle bridges on an “ongoing and as needed” basis. Repair and/or maintenance records are not retained due to the unique safety requirements that timber trestle bridges retain. Therefore, the historic qualities of such bridges are continually being changed due to safety and operational requirements.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

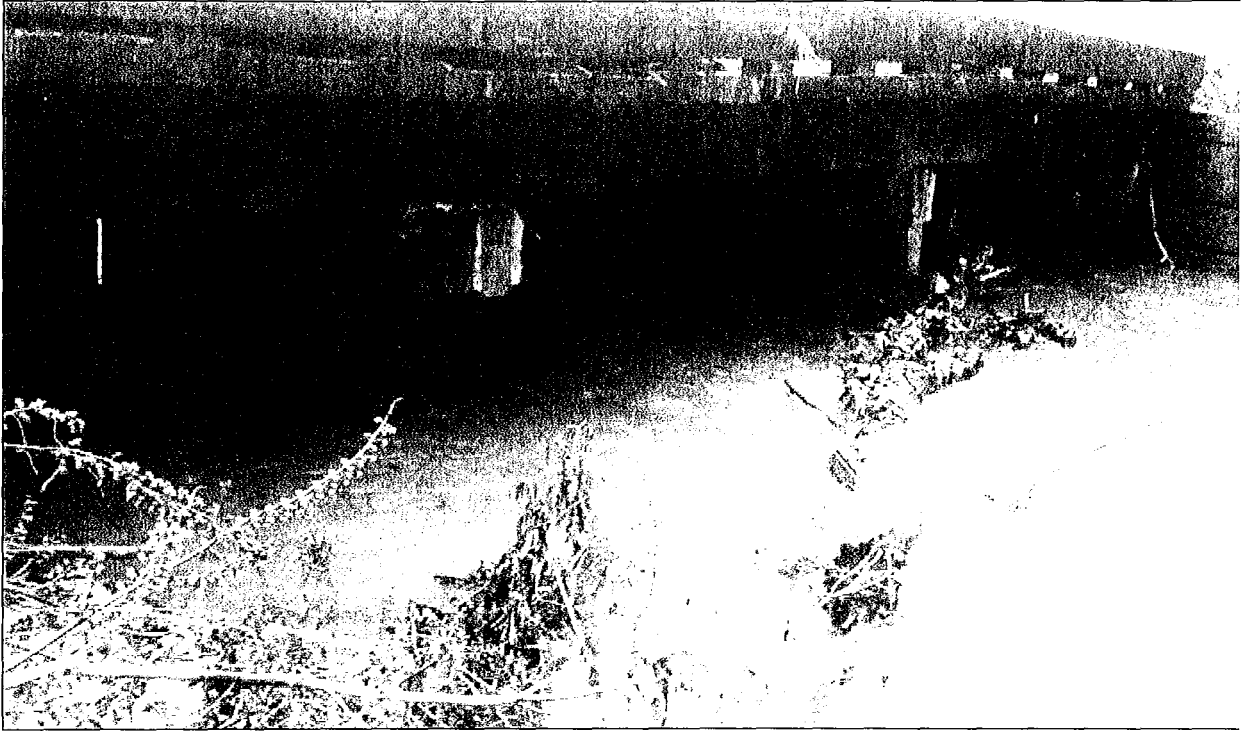
The right of way width along this right of way is approximately 10-90 feet from the centerline of track. The rail line traverses the City of Knoxville TN and closely parallels Interstate I-275. It is located in an urban area that used to contain several industries. The industries have been moved or closed.

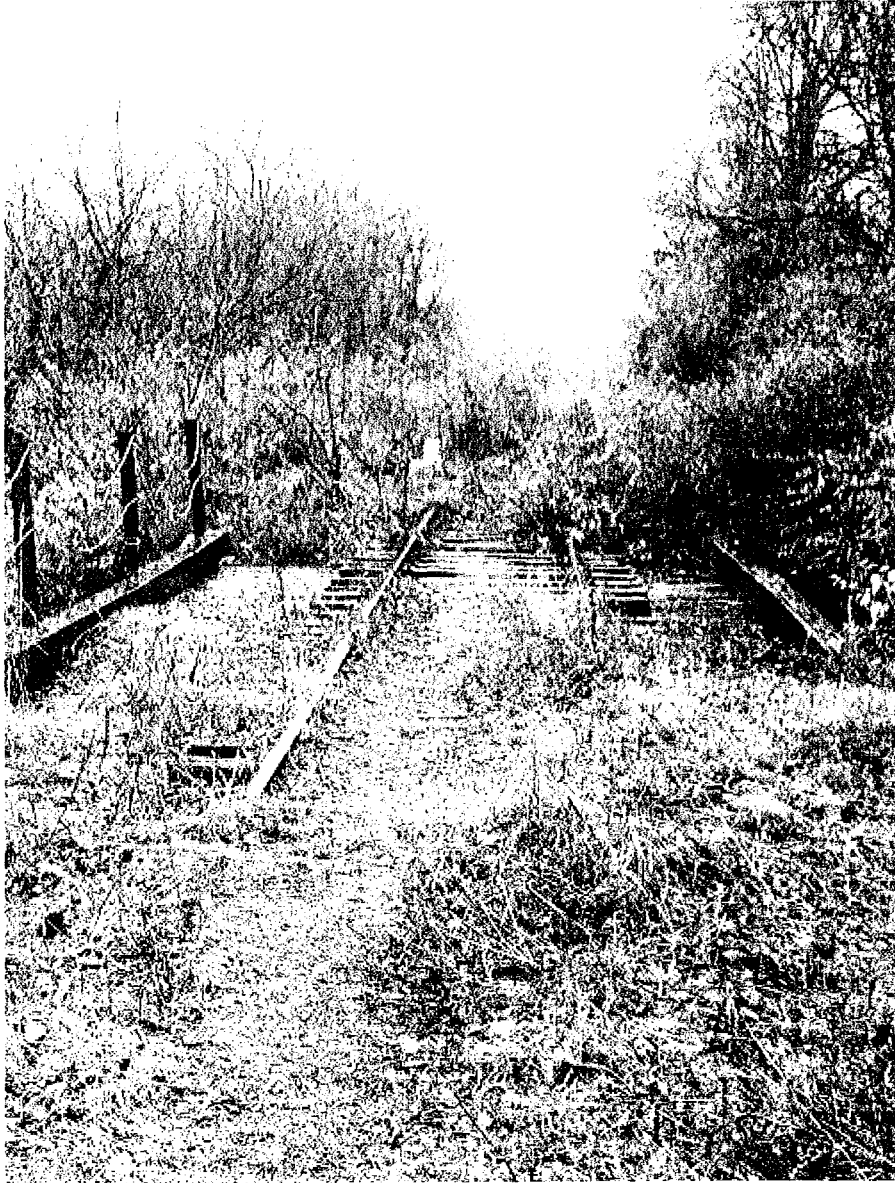
The line traverses in a small creek in a north south direction to the town of Knoxville.

- (3) **Good quality photographs of railroad structures on the property that are 50**

years old or older and of the immediately surrounding area:









(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:

The Bridge is located in the town of Knoxville TN and was built by Louisville & Nashville Railroad (L&N) in 1911. This is a timber ballast deck bridge located at CSXT Milepost Marker 0KS 276.00S or L&N Milepost Marker 00C 276.00S that traverses the Second Creek Spur near Bernard Avenue.

The structure has been modified as necessary throughout its

existence to maintain safe railroad operation and perform routine maintenance.

(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 Louisville and Nashville Railroad Company was incorporated under special act of Kentucky on March 5, 1850, under special act of Tennessee on December 4, 1851, and under special act of Virginia, on March 30, 1887.

In 1972 the Family Lines was adopted to identify the L&N Railroad and the Seaboard Coast Line Railroad. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie System, Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad, Inc., which name was changed on July 1, 1986 to CSX Transportation, Inc.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

(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:

An Engineering Sketch of the Railroad Bridge has been included.
(See Attachment 3.)

(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):

A review of our records indicates there is one (1) CSXT-owned structure over 50 years old on this line segment that may be eligible for listing in the National Register. This exact rail line was issued an STB Discontinuance of Service under STB Docket No. AB-55 (Sub-No. 641X), effective February 1, 2004. A Historical report was filed

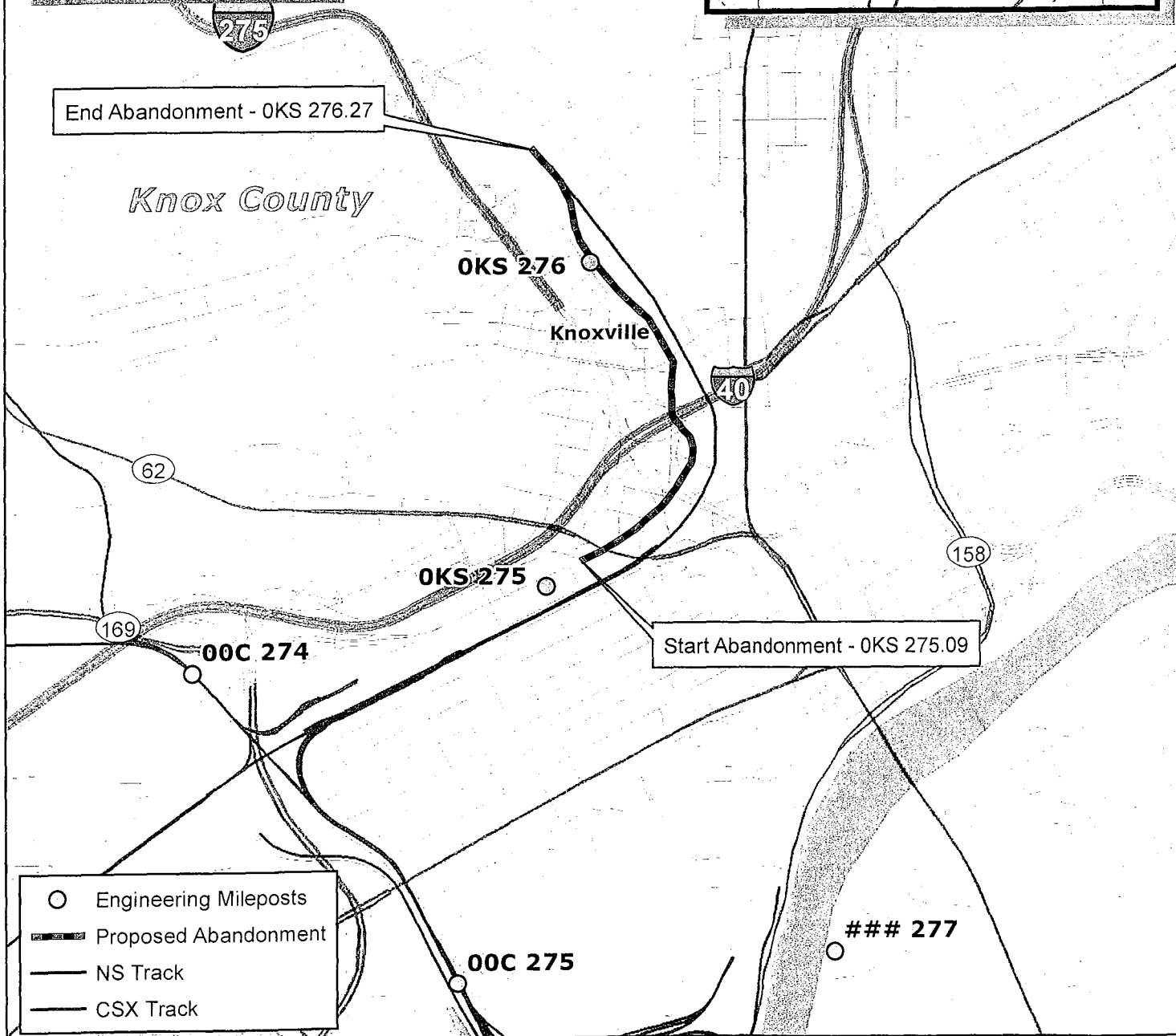
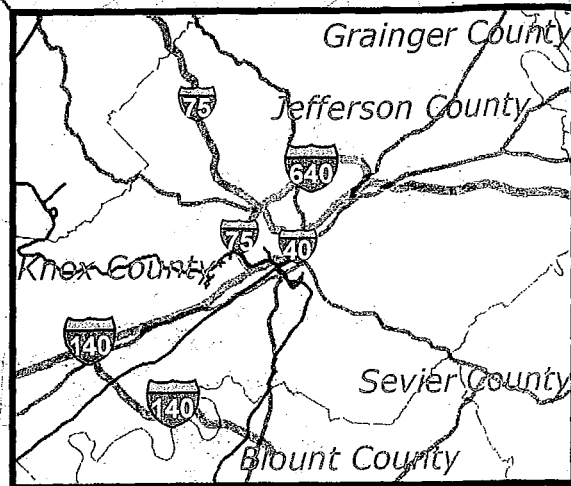
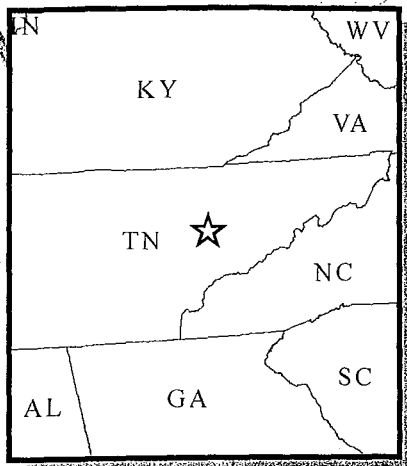
with the Tennessee Historical Commission on July 21, 2003. (See Attachment 4) The Tennessee Historical Commission reviewed our documents and determined that *"There are no National Register of Historic Places listed or eligible properties affected by this undertaking"* (See Attachment 5) on July 30, 2003.

We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; nor is it associated with lives of persons significant to our past; nor does it embody the distinctive characteristics of a type, period or method of construction; and nor does it represent a significant and distinguishable entity. Its components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do 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 man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), 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.

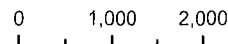


CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment and Discontinuance of Trackage Rights
Second Creek Spur

MP OKS 275.09 to OKS 276.27
 Total Distance of approx. 1.18 Miles
 Knoxville, Knox County, TN

CSXT STB Docket No. AB-55 (Sub-No. 736X) and NSR AB-290 (Sub-No. 368X)



Feet





Jo Ann Burroughs
Manager Network Services

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

June 26, 2014

Tennessee Historical Commission

Mr. E. Patrick McIntyre, Jr.

Executive Director

2941 Lebanon Road

Nashville, TN 37243-0442

Dear Mr. McIntyre, Jr.

Please be advised that CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR) are considering to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon service and discontinuance of the trackage rights in the Huntington Division, KD Subdivision from Railroad Milepost OKS 275.09 to OKS 276.27. The distance is approximately 1.18 miles, also known as the Second Creek Spur in Knoxville, Knox County, Tennessee. STB Docket numbers AB-55 (Sub-No. 736X) and AB-290 (Sub-No. 368X).

The purpose of the proposed abandonment action is to officially abandon CSXT common carrier obligation and NSR discontinuance of trackage rights, salvage the track and improvements, and subsequently lease or sell the property. The 1.18-mile line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and retention of the line is no longer justified. No new rail-oriented business is expected to develop.

In connection with rail lines that are to become the subject of applications 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



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-1247
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

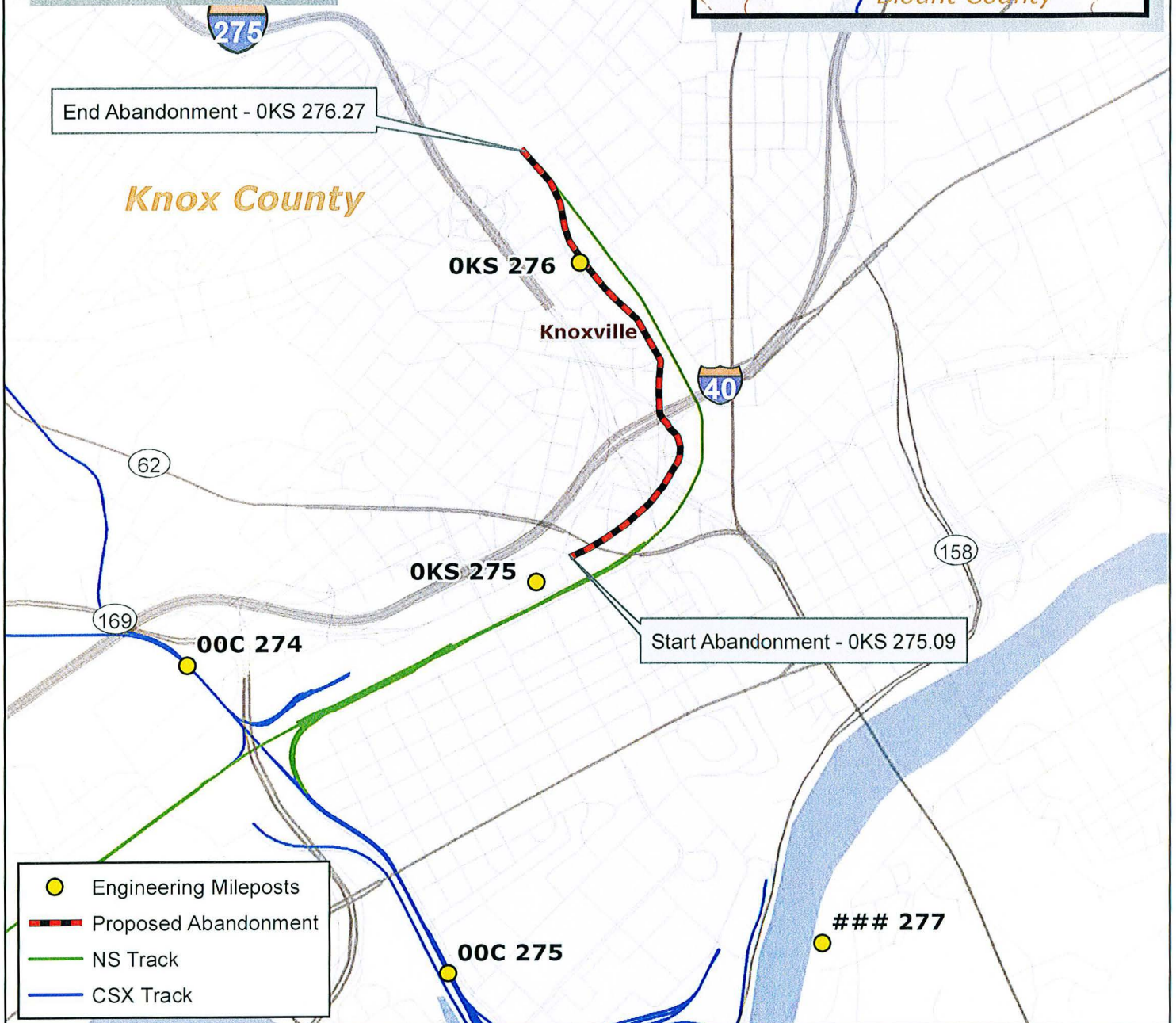
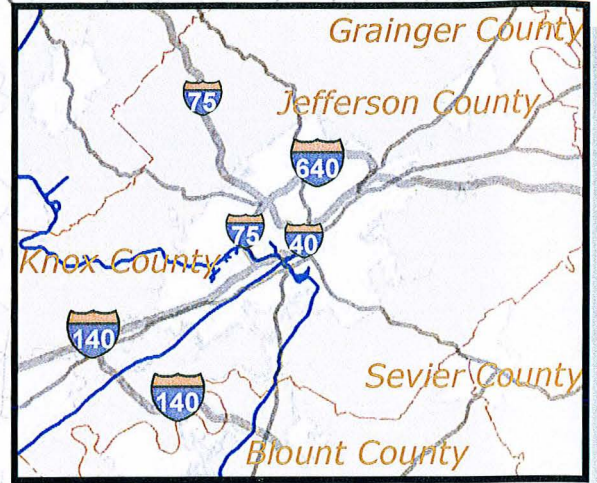
We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.

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

Sincerely,

Jo Ann Burroughs
Enclosures (2)

EXHIBIT F—COLOR EXHIBITS



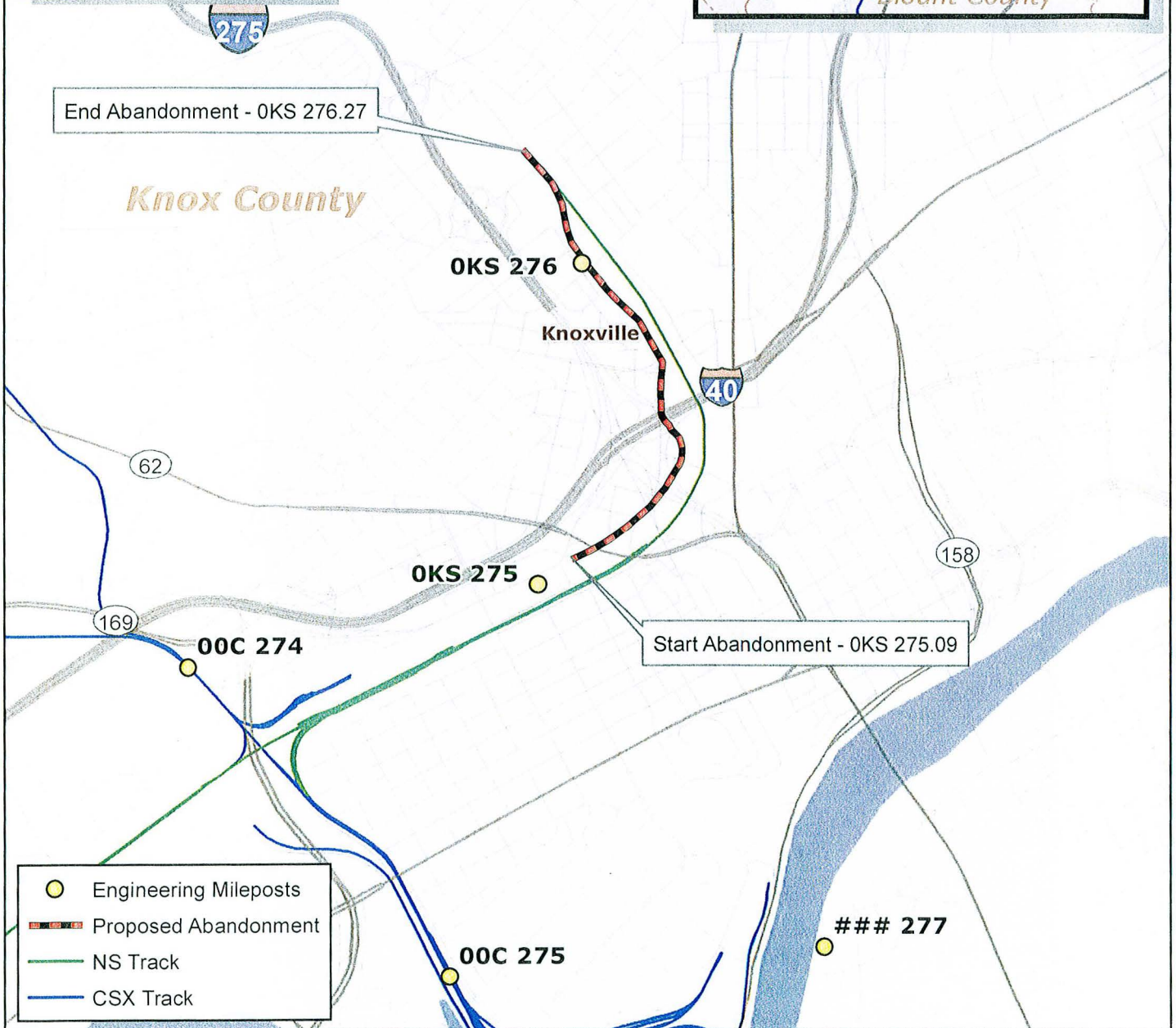
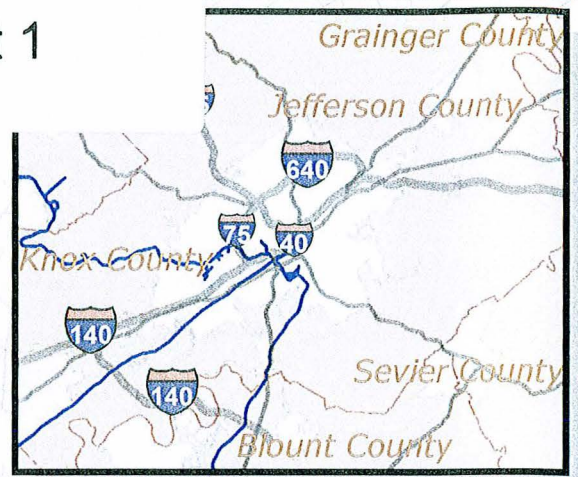
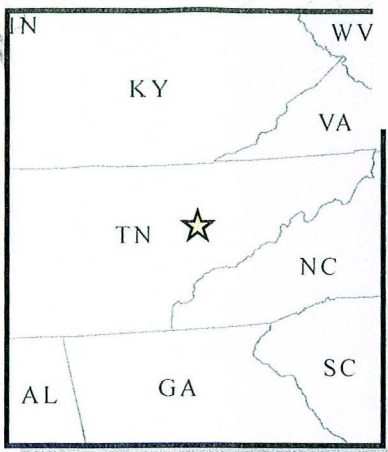
CSX Real Property, Inc.

CSX Transportation, Inc.
Proposed Abandonment and Discontinuance of Trackage Rights
Second Creek Spur
MP OKS 275.09 to OKS 276.27
Total Distance of approx. 1.18 Miles
Knoxville, Knox County, TN
CSXT STB Docket No. AB-55 (Sub-No. 736X) and NSR AB-290 (Sub-No. 368X)

0 1,000 2,000

Feet

Attachment 1



CSX Transportation, Inc.
Proposed Abandonment and Discontinuance of Trackage Rights
Second Creek Spur

MP OKS 275.09 to OKS 276.27
Total Distance of approx. 1.18 Miles
Knoxville, Knox County, TN
CSXT STB Docket No. AB-55 (Sub-No. 736X) and NSR AB-290 (Sub-No. 368X)

