



January 17, 2025

VIA E-FILING

309119

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 17, 2025
Part of
Public Record

Re: **Knoxville & Holston River Railroad Co., Inc., a wholly owned subsidiary of Gulf & Ohio Railways, Inc. – Abandonment Exemption – In Knox County, Tennessee, AB-580 (Sub-No. 1X)**

Petition for Issuance of a Notice of Interim Trail Use

Dear Ms. Brown:

Pursuant to 16 U.S.C. § 1247(d), and 49 C.F.R. 1152.29, the City of Knoxville, Tennessee (the “City of Knoxville” or “City”) is filing a petition for the issuance of a Notice of Interim Trail Use. The City of Knoxville has been in contact with Knoxville & Holston River Railroad Co., Inc. (“KXHR”), Class III railroad and wholly owned subsidiary of Gulf & Ohio Railways, Inc., and KXHR has indicated that it is willing to negotiate a Trails Use Agreement with the City for an approximately 3.8-mile long rail line, extending from Milepost 0.1, in Knoxville, TN, to the end of the line, also in Knoxville, TN (the “Line” or K&A Belt”) in Knox County, Tennessee.

As a local government entity, the City also requests, pursuant to 49 C.F.R. 1002(e)(1), a waiver or reduction of the \$350.00 filing fee, which has been prepaid for the filing. If there are any questions or concerns about this matter, please contact me or my Chief of Staff, David Brace, at (865) 755-4775 or by email at dbrace@knoxvilletn.gov.

By my signature below, I certify service by email of a copy of this request on counsel for KXHR and the parties of record.

Sincerely,

Indya Kincannon
Mayor
City of Knoxville

FILING FEE WAIVED

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Charles W. Swanson", is written over a horizontal line.

Charles W. Swanson
Law Director

Cc: Crystal M. Zorbaughm Counsel for KXHR
Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB 580 (Sub-No. 1X)

**KNOXVILLE & HOLSTON RIVER RAILROAD CO., INC.
A wholly owned subsidiary of GULF & OHIO RAILWAYS, INC.
-ABANDONMENT EXEMPTION-
IN KNOX COUNTY, TENNESSEE**

PETITION FOR ISSUANCE OF A NOTICE OF INTERIM TRAIL USE

Pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. 1152.29, the City of Knoxville, Tennessee (the “City of Knoxville” or “City”) hereby makes its Petition for Issuance of a Notice of Interim Trail Use. The City of Knoxville states as follows:

1. The City of Knoxville files this petition pursuant to state, federal, and local laws as applicable and as authorized by its Mayor and City Council.
2. The name, title, and address of the City of Knoxville’s representative to whom correspondence should be sent is:

Charles W. Swanson
City of Knoxville Law Director
P.O. Box 1631
Knoxville, TN 37901

3. The City of Knoxville is interested in acquiring and using the right-of-way of the following rail line owned by Knoxville & Holston River Railroad Co., Inc. (“KXHR” or “Petitioner”), a Class III railroad and wholly owned subsidiary of Gulf & Ohio Railways, Inc., for interim trail use and railbanking.
4. A map of the Line is attached as Exhibit A.
5. The City of Knoxville makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 247(d) and 49 C.F.R. 1152.29 with respect to right-of-way owned by Knoxville & Holston River Railroad Co., Inc. ("KXHR" or "Petitioner"), a Class III railroad and wholly owned subsidiary of Gulf & Ohio Railways, Inc., and operated by KXHR, the City of Knoxville is willing to assume full responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property known as the K&A Belt, extends for approximately 3.8 miles between milepost 0.1, in Knoxville, TN, to the end of the line, also in Knoxville, TN in Knox County, Tennessee. The right-of-way is part of a railroad line proposed for abandonment in AB-580 (Sub-No. 1X). A map of the property depicting the right-of-way is attached.

The City of Knoxville acknowledges that the use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

6. The City of Knoxville has been on contact with the staff of KXHR, and KXHR has indicated that KXHR is willing to negotiate a Trails Use Agreement with the City with respect to the Line if the Board issues a Notice of Interim Trail Use.

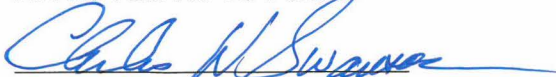
Accordingly, the City of Knoxville respectfully petitions the Surface Transportation Board to issue a Notice of Interim Trail Use authorizing the City and KXHR to negotiate for the City of Knoxville's acquisition or use of the Line's right-of-way in the above stated proceeding for interim trail use and railbanking.

Respectfully,



Indya Kincannon
Mayor
City of Knoxville

APPROVED AS TO FORM:



Charles W. Swanson
Law Director

