

January 14, 2014

JOHN D. HEFFNER
(202) 742-8607
Direct Fax (202) 742-8697
John.Heffner@strasburger.com

Mr. Josh Wayland
Office of Environmental Assessment
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**RE: Northwest Tennessee Regional Port Authority-Construction and
Operation of Line of Railroad**

Dear Mr. Wayland:

Pursuant to 49 CFR §1105.10(c)(2), I am writing on behalf of the Northwest Tennessee Regional Port Authority (hereafter "NWTRPA") to request a waiver of the six months' pre-filing notice required by the Board's environmental regulations at 49 CFR §1105.10(a)(1). Within the next several months NWTRPA plans to petition the Board for an individual exemption under 49 U.S.C. §10901 to permit it to construct and operate approximately 5 miles of new common carrier railroad trackage ("the Line"). NWTRPA submits that a waiver of the 6 months' advance notice requirement is consistent with the regulations of the Office of Environmental Assessment ("OEA") and the Board's policies.

For your information, NWTRPA is a public agency and political subdivision of the State of Tennessee that in 2013 completed the construction of a new port facility at a point called Cates Landing, located at mile marker 900L on the Mississippi River in Lake County, Tennessee. This facility is significant insofar as it is located on a plain of 5,000 acres at the highest point on the east bank of the Mississippi River between the confluence of the Mississippi and Ohio Rivers on the north and Baton Rouge, LA on the south. This elevated location requires no levee protection from flooding and in combination with the Port's 9,000 foot water harbor, enables year round intermodal port operation.

The Line will extend from its junction with an existing line of the Tenneken Railroad near Tiptonville, in Lake County, TN, to the port facility on the Mississippi River. The Line will also serve a new industrial park to be constructed roughly half way between the Line's origin and destination points. As noted in the "briefing book" provided the OEA staff, the Line will serve a very lightly settled, economically depressed, agricultural area in northwest Tennessee near the Kentucky and Missouri borders. There are no tourist attractions, shopping areas, schools or hospitals along or near the line. The nearest population sources consist of a State prison east of the Line and a small rural settlement south of the Port facility. NWTRPA believes the Line will be extremely important in enabling the port to attain its full potential as well as an important asset in attracting industry and therefore jobs to the area.

Once constructed, NWTRPA anticipates contracting with a short line railroad to provide operations over the Line. Nevertheless, it seeks operating as well as construction authority from the Board and will have a "residual" common carrier obligation over the Line once that authority is consummated.

The waiver provisions of the Board's environmental rules require a party seeking a waiver to describe as completely as possible the environmental effects and timing of the proposed action and to show that all or part of the six months' lead time is not appropriate. Moreover, the regulations require a party seeking a waiver to indicate (1) whether the area affected is a nonattainment area, (2) the number of trains per day that would be involved and the commodities and tonnage that would be handled, and (3) the impacts, if any, on endangered species.

In response to these inquiries, NWTRPA believes the environmental effects of the proposed construction project will be minimal. Regarding the questions identified above, the subject area is an attainment area. Because the Port is not yet operational, precise estimates of cargo types and volumes likely to move over the Line are speculative. However, anticipated cargoes will include freight of all kinds, including agricultural and other, diverse commodities. NWTRPA does not expect traffic over the Line to exceed the traffic threshold of 8 trips per day for an attainment area as per 49 CFR §1105.7(e) (5) and (6). All of this traffic represents new business.

Regarding environmental impacts, the "briefing book" included an Environmental Assessment (EA) prepared by the Army Corps of Engineers for

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construction of the port facility on the river. Currently the port facility is generating no traffic as there are no current operations. Once operations do commence, movement of freight by rail instead of truck will be very beneficial due to reduced highway congestion and associated air and noise pollution and energy consumption. The Line will be built on land owned or to be acquired by NWTRPA. There will be only two highway crossings, one near the state prison and one at a county road which connects the Port facility to the planned industrial park.

The EA concluded that the project would have no adverse environmental impacts and includes a FONSI to that effect. As to wetland impacts, the EA identified farm wetlands east and west of the rail corridor. However, none would appear to be affected by the Line. Aside from some small streams and a drainage channel, the Line will not cross any bodies of water. Nor did the EA find any active or inactive hazardous waste sites.

While the EA notes the presence of bald eagles and interior least terns as endangered species in Lake County, the associated Biological Assessment did not identify any such species within the proposed harbor areas or along the rail corridor. Because the environmental effects of this project are negligible, NWTRPA does not believe that an environmental impact statement would be necessary. Accordingly, the six months' lead time is unnecessary and should be waived.

Please date stamp and return one copy of this letter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John D. Heffner", with a long horizontal flourish extending to the right.

John D. Heffner

cc: Victoria Rutson, Esq.
John M. Lammon, Esq.