



NATALIE S. ROSENBERG  
Counsel

208915

Law Department  
500 Water Street  
Speed Code J-150  
Jacksonville, FL 32202  
Fax (904) 359-1248  
Telephone (904) 359-3100

Writer's direct telephone line:  
(904) 359-1253

September 12, 2003

**VIA AIRBORNE EXPRESS**

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
Mercury Building  
1925 K Street, N.W.  
Washington, D.C. 20423



Re: **STB Docket No. AB-55 (Sub.-No. 641X)**  
**CSX Transportation, Inc. - Discontinuance**  
**Exemption in Knox County, Tennessee**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Petition for Exemption in the above-captioned proceeding. A check in the amount of \$4,700.00 to cover the filing fee is also enclosed. Finally, I am enclosing the original and ten copies of a draft Federal Register notice along with a computer diskette compatible with the Board's current word processing capabilities. I would appreciate your acknowledgment of receipt of these documents by stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

**FILED**

SEP 15 2003

**SURFACE  
TRANSPORTATION BOARD**

NSR/pkw

Enclosures

*Natalie S. Rosenberg*  
Natalie S. Rosenberg

**FEE RECEIVED**

SEP 15 2003

**SURFACE  
TRANSPORTATION BOARD**

**FILED**

SEP 15 2003

**SURFACE  
TRANSPORTATION BOARD**

208915

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

Notice of Petition for Exemption to  
Discontinue Service

On September 12, 2003, CSX Transportation, Inc. filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption to discontinue service over a line of railroad in the Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, extending from Valuation Station 15304+87 to Valuation Station 15368+89, a total distance of approximately 1.2 miles, (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Code 37066. The line for which the discontinuance exemption request was filed includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the labor protective conditions imposed in 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 abandonment or discontinuance regulations at

49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis 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 the Section of Environmental Analysis. EAs in these abandonment proceedings 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.

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-55 (Sub-No. 641X)

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CSX TRANSPORTATION, INC.  
DISCONTINUANCE EXEMPTION  
IN KNOX COUNTY, TENNESSEE

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P E T I T I O N   F O R   E X E M P T I O N

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NATALIE S. ROSENBERG  
500 Water Street, J150  
Jacksonville, Florida 32202  
(904) 359-1253

Counsel for  
CSX TRANSPORTATION, INC.

Dated: September 12, 2003

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-55 (Sub-No. 641X)

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CSX TRANSPORTATION, INC.  
DISCONTINUANCE EXEMPTION  
IN KNOX COUNTY, TENNESSEE

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P E T I T I O N   F O R   E X E M P T I O N

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CSX Transportation, Inc. ("CSXT") proposes to discontinue service over that portion of the Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, extending from Valuation Station 15304+87 to Valuation Station 15368+89, a total distance of 1.2 miles in Knoxville, Knox County, Tennessee (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Code 37066. Maps showing the trackage proposed for discontinuance, as well as the location of the trackage in the State of Tennessee, are attached to this petition as Exhibit A. CSXT files this petition under 49 U.S.C. 10502 for an exemption from the provisions of 49 U.S.C. 10903,

with regard to the proposed discontinuance. In support of its petition, CSXT states the following:

1. CSXT proposes to discontinue service over a 1.2 mile line on its Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, extending between Valuation Station 15304+87 and Valuation Station 15368+89 in Knoxville, Knox County, Tennessee.

There is one rail patron located on the line proposed for discontinuance. The patron on the line is PSC Metals, Inc. ("PSC"), a user of rail primarily for inbound and outbound iron/steel scrap but has used rail in the past to transport cotton. The PSC facility generates minimal traffic on CSXT (127 carloads in 2001; 85 carloads in 2002; and approximately 60 carloads to date in 2003). PSC is also served at this location by Norfolk Southern Railroad. As a result, rail service to PSC will be preserved.

Service to the PSC facility by CSXT is complicated by the fact that CSXT has an "island" operation at this location. Because CSXT is required to travel over a Norfolk Southern line to reach PSC, it takes much longer for CSXT to serve PSC than if CSXT had direct access without having to involve another carrier.

With regard to alternative transportation, PSC will have continued access to rail service by Norfolk Southern. In addition, motor carrier transportation is also available to PSC. It is CSXT's understanding that PSC presently utilizes motor

carrier transportation for both inbound and outbound shipments. A verified traffic statement is attached hereto as Exhibit E.

CSXT has been discussing various options with PSC for some time and as a result, PSC is aware of CSXT's desire to discontinue service. PSC is being made aware of the filing and a copy of this petition is being served on PSC.

2. Under 49 U.S.C. 10903, a rail line cannot be abandoned or service discontinued without the prior approval of the Board. However, under 49 U.S.C. 10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers from the abuse of market power. The proposed discontinuance falls squarely within the statutory standards requiring exemption.

3. The rail transportation policy set forth in 49 U.S.C. 10101 requires, as relevant here, that in exercising its regulatory authority, the Board will minimize the need for Federal regulatory control over the rail transportation system and, when regulation is necessary, render fair and expeditious regulatory decisions; reduce barriers to exit from the industry; foster sound economic conditions and encourage efficient management; ensure the operation of transportation facilities and equipment without detriment to the public health and safety; and promote a sound

transportation system meeting the needs of the public and the national defense.

Exemption of the proposed discontinuance well serves all of these elements of the rail policy. Specifically, by minimizing the regulatory expense and time lag inherent in a full discontinuance application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions and encourage efficient management. As earlier indicated, there is only one rail patron physically located on the line proposed for discontinuance of service.

The line does not serve a military facility. Given this fact, it seems very unlikely that the line proposed for discontinuance of service is necessary for the national defense. Nevertheless, CSXT has served a copy of this petition on the Military Traffic Management Command, which shall advise the Board of any national defense concerns about the line.

In short, full proceedings are unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. 10101. No vital interest of shippers, competitors or communities will be adversely affected, and the discontinuance exemption CSXT seeks here will free it from the burdens associated with continued use of the line.

4. The Environmental Report required by 49 C.F.R.

Section 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits B and C, respectively, to this petition for exemption. Attached as Exhibit D is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.

5. CSXT understands that the Board will impose labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979), to satisfy the requirements of 49 U.S.C. 10502(g).

6. The one rail patron on the line will have continued access to rail and a viable alternative transportation option available to it which that patron already makes use of. Therefore, it is clear that the proposed discontinuance presents no opportunity for an abuse of market power. Further, the proposed discontinuance is of limited scope, because it involves only 1.2 miles of trackage.

7. All communications with respect to this petition should be directed to:

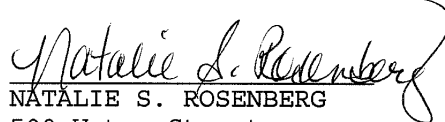
Natalie S. Rosenberg  
Senior Counsel  
500 Water Street - J150  
Jacksonville, Florida 32202  
(904) 359-1253

8. Based on information in our possession, the line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

9. The newspaper notice required by 49 C.F.R. 1105.12 was published in *The Knoxville News-Sentinel*, Knoxville, Tennessee, on September 11, 2003. An affidavit of publication from that newspaper will be forwarded to the Board as soon as it is received by CSXT.

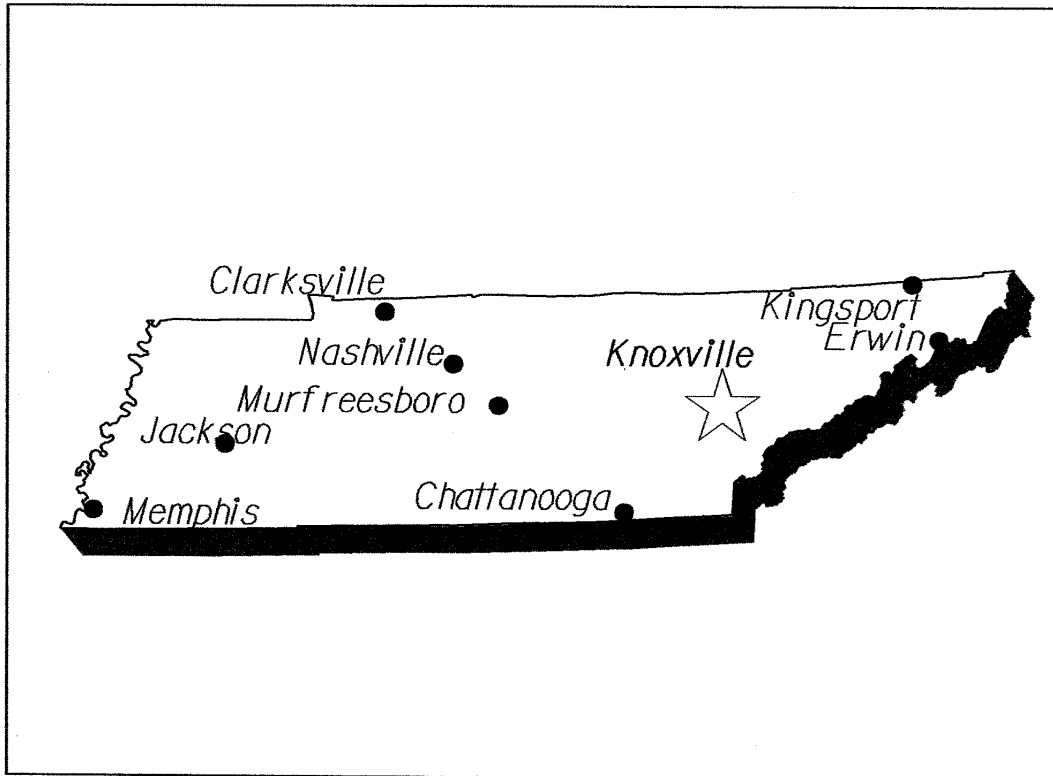
CSXT accordingly requests that the Board grant an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed discontinuance of service over that portion of its Central Region, Appalachian Division, KD Subdivision, Second Creek Spur, between Valuation Station 15304+87 and Valuation Station 15368+89 in Knoxville, Knox County, Tennessee.

Respectfully submitted,

  
NATALIE S. ROSENBERG  
500 Water Street  
Jacksonville, Florida 32202

Counsel for  
CSX Transportation, Inc.

## Proposed Discontinuance



AREA MAP  
Proposed Discontinuance  
of Service  
- 6,402 Feet -  
Knoxville, Knox County, TN

CENTRAL REGION - APPALACHIAN DIVISION - KD SUBDIVISION - 2nd CREEK SPUR

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## ENVIRONMENTAL REPORT

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**CSX TRANSPORTATION, INC.  
KNOXVILLE, KNOX COUNTY, TENNESSEE  
DOCKET AB-55 (SUB-NO. 641X)**

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.**

CSX Transportation, Inc. (CSXT) proposes to discontinue service on 1.2 miles of its rail line in Knoxville, Knox County, Tennessee. The only patron, PSC Metals, Inc., is also currently being served by the Norfolk Southern (NS) at this location. The patron has generated only minimal traffic for CSX over the past several years. The patron will continue to be served by NS.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. The only alternative would be to continue operating this line and pass the operating loss and maintenance costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached.  
(See Attachments 1 and 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 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 has not received a response to its inquiry dated July 18, 2003 to the Knoxville-Knox County Metropolitan Planning Commission seeking information regarding this statement. (See Attachment 3.) Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant has not received a response to its inquiry dated July 18, 2003 to the U. S. Department of Agriculture, National Resources Conservation Service, Knoxville Service Center seeking information regarding this statement. (See Attachment 4.) However, Applicant does not anticipate the proposed project will have any adverse impact on prime agricultural land because the line is located in a primarily urban area.

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

The State of Tennessee does not have a coastal zone management program.

- (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.**

Not applicable.

**(4) ENERGY**

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

The proposed action will have no effect on the transportation 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 in excess of the above thresholds.

**(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

- (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 hazardous waste sites or sites where there have been hazardous material spills on this line segment.

**(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.**

On July 22, 2003, Applicant received a response from the U.S. Fish and Wildlife Service Field Office in Cookeville, Tennessee. The Service advises, "No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal." (See Attachment 5.)

- (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 has not received a response to its inquiry dated July 18, 2003 to the Department of Environment and Conservation, Division of Water Pollution Control seeking information regarding this statement. (See Attachment 6.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or

procedures required by regulatory agencies.

- (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.**

On August 8, 2003, the U. S. Army Corps of Engineers, Nashville District, advised, "...it appears that the proposed work will not involve impacts to these waters. Therefore, a permit is not required." (See Attachment 7.)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

- (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).**

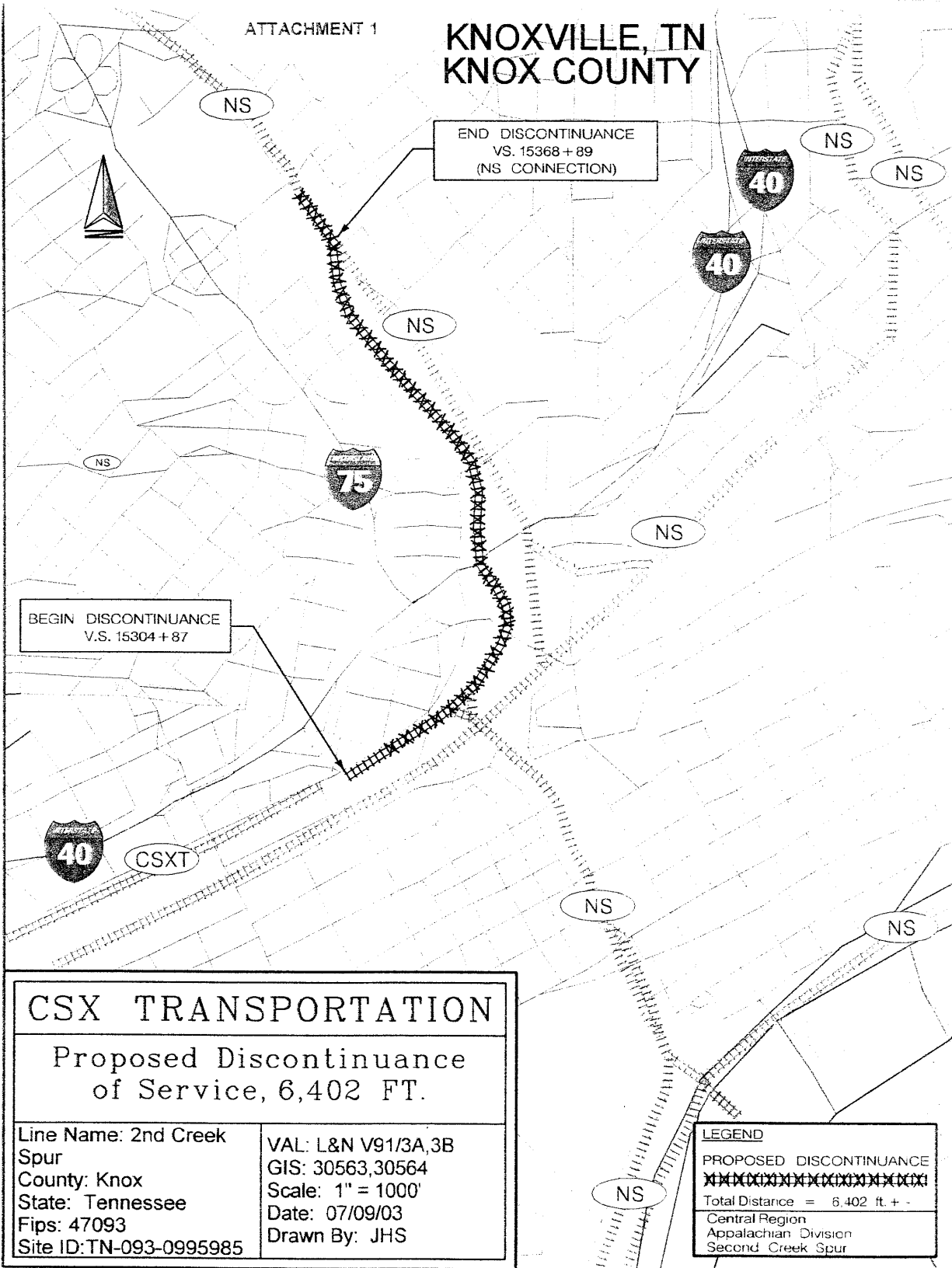
Applicant has not received a response to its inquiry dated July 18, 2003 to the U. S. Environmental Protection Agency, Region 4, seeking information regarding this statement. (See Attachment 8.) Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

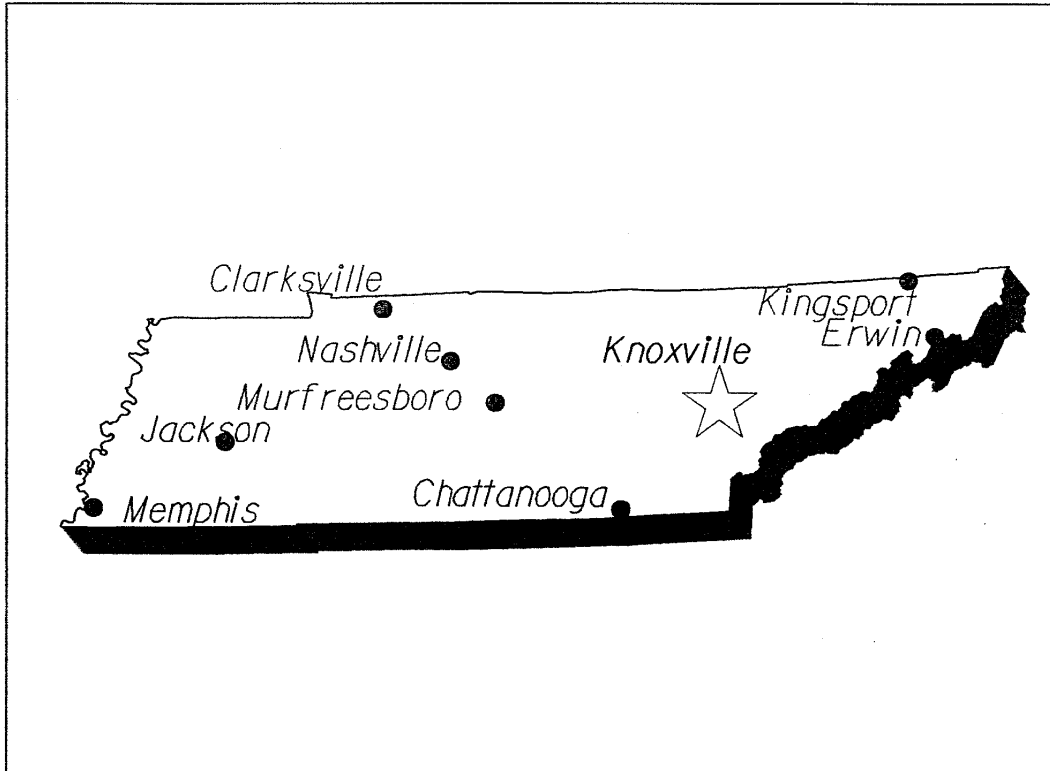
CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place.

## **10. MITIGATION**

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

To mitigate any adverse environmental impact in the project area, Applicant will comply with State and Federal regulations and obtain any necessary permits required.

KNOXVILLE, TN  
KNOX COUNTY



AREA MAP  
Proposed Discontinuance  
of Service  
- 6,402 Feet -  
Knoxville, Knox County, TN

CENTRAL REGION - APPALACHIAN DIVISION - KD SUBDIVISION - 2nd CREEK SPUR

ATTACHMENT 3



Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

July 18, 2003

Knoxville-Knox County Metropolitan Planning Commission  
Suite 403 City County Building  
400 Main Street  
Knoxville, TN 37902

Dear Sir/Madam:

Please be advised CSX Transportation, Inc. ("CSXT") is considering discontinuance of service over a portion of its rail line in Knoxville, Knox County, Tennessee, as depicted on the attached map. CSXT will only discontinue service over the line. It does not intend to abandon the line, but rather leave the line in place.

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

"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."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Knox County and the line's relationship to such planning.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment



ATTACHMENT 4

Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

July 18, 2003

U. S. Department of Agriculture  
Natural Resources Conservation Service  
Knoxville Service Center  
4730 New Harvest Lane  
Knoxville, TN 37918-7052

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering discontinuance of service over a portion of its rail line in Knoxville, Knox County, Tennessee, as depicted on the attached map. CSXT will only discontinue service over the line. It does not intend to abandon the line, but rather leave the line in place.

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

"Based on consultation with the Natural Resources Conservation Service, state the effect of the proposed action on any prime agricultural land."

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

Sincerely,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment

ATTACHMENT 5



Stephanie M. Lemmon  
Project Manager

1534  
Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

JUL 22 2003

July 18, 2003

Lee A. Barclay, Ph.D., Field Supervisor  
United States Department of the Interior  
Fish & Wildlife Service – Field Office  
446 Neal Street  
Cookeville, TN 38501

Dear Mr. Barclay:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering discontinuance of service over a portion of its rail line in Knoxville, Knox County, Tennessee, as depicted on the attached map. CSXT will only discontinue service over the line. It does not intend to abandon the line, but rather leave the line in place.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we 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.

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not adversely impact any endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your comments. If you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachment

No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal.

7/23/03  
Field Supervisor Date  
U.S. Fish and Wildlife Service  
Cookeville, TN 38501



ATTACHMENT 6

Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

July 18, 2003

Department of Environment and Conservation  
Division of Water Pollution Control  
401 Church Street  
6th Floor, L & C Annex  
Nashville, TN 37243-1534

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering discontinuance of service over a portion of its rail line in Knoxville, Knox County, Tennessee, as depicted on the attached map. CSXT will only discontinue service over the line. It does not intend to abandon the line, but rather leave the line in place.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

We would appreciate receiving your letter of concurrence. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie M. Lemmon".

Stephanie M. Lemmon

Attachment

ATTACHMENT 7



DEPARTMENT OF THE ARMY  
NASHVILLE DISTRICT, CORPS OF ENGINEERS  
3701 Bell Road  
NASHVILLE, TENNESSEE 37214

August 8, 2003

REPLY TO  
ATTENTION OF:

Regulatory Branch

SUBJECT: File No. 2003-01244; Proposed Discontinuance of Rail  
Service, Knox County, Tennessee

Ms. Stephanie M. Lemmon  
CSX Transportation  
Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202

Dear Ms. Lemmon:

This is in response to your July 18, 2003 letter concerning  
the above subject project.

The U.S. Army administers regulatory jurisdiction over  
navigable waters of the United States under Section 10 of the  
Rivers and Harbors Act of 1899 and all waters of the U.S.,  
including wetlands, under Section 404 of the Clean Water Act.  
The proposed subject work would require a Department of the Army  
(DA) permit if these waters would be impacted.

Based on the information submitted, it appears that the  
proposed work will not involve impacts to these waters.  
**Therefore, a permit is not required.**

We appreciate your awareness of our regulatory program. If  
you have any questions, you can contact me at the above address  
or phone (615) 369-7518.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Tuck".

Deborah T. Tuck  
Regulatory Specialist  
Operations Division

ATTACHMENT 8



Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

July 18, 2003

United States Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. ("CSXT") is considering discontinuance of service over a portion of its rail line in Knoxville, Knox County, Tennessee, as depicted on the attached map. CSXT will only discontinue service over the line. It does not intend to abandon the line, but rather leave the line in place.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we 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."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

We would appreciate receiving your letter of concurrence. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment

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## HISTORIC REPORT

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CSX TRANSPORTATION, INC.  
KNOXVILLE, KNOX COUNTY, TENNESSEE  
DOCKET AB-55 (SUB-NO. 641X)

**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.

CSX Transportation, Inc. (CSXT) proposes to discontinue service over 1.2 miles of its rail line in Knoxville, Knox County, Tennessee. The only patron, PSC Metals, Inc., is also currently being served by the Norfolk Southern (NS) at this location. The patron has generated only minimal traffic for CSX over the past several years. The patron will continue to be served by NS.

CSXT only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place. The only alternative would be to continue operating this line and pass the operating loss and maintenance costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached.  
(See Attachments 1 and 2.)

**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 is a copy of the Knoxville quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be discontinued has been identified by a heavy black and white diagonal line. (See Attachment 3.) There is one CSXT-owned structure that is 50 years old or older and its location is noted on the attached topographic map.

- (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 varies from 90 feet to 10 feet from the centerline.

- (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:**

See attachments 4 through 7.

- (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:**

This timber ballast deck bridge is located at Milepost 00C 276.00S.  
The Louisville and Nashville Railroad built it in 1911.

- (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 Louisville and Nashville Railroad and the Seaboard Coast Line Railroad. On November 1, 1980, Seaboard Coast Line Industries, Inc. (which was formed in May 1969) 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.

Applicant only intends to discontinue service over the line. It does not intend to abandon the line, but rather it intends to leave the line in place.

- (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:**

Engineering Sketches and Valuation Maps,  
Office of Chief Engineer, Jacksonville, FL.

- (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 is one CSXT-owned structure that is 50 years old or older that is located on this line.

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; or was not associated with lives of persons significant to our past; does not embody the distinctive characteristics of a type, period or method of construction and does not represent a significant and distinguishable entity whose component may lack individual distinction and has not or may not be likely to yield information important in prehistory or history.

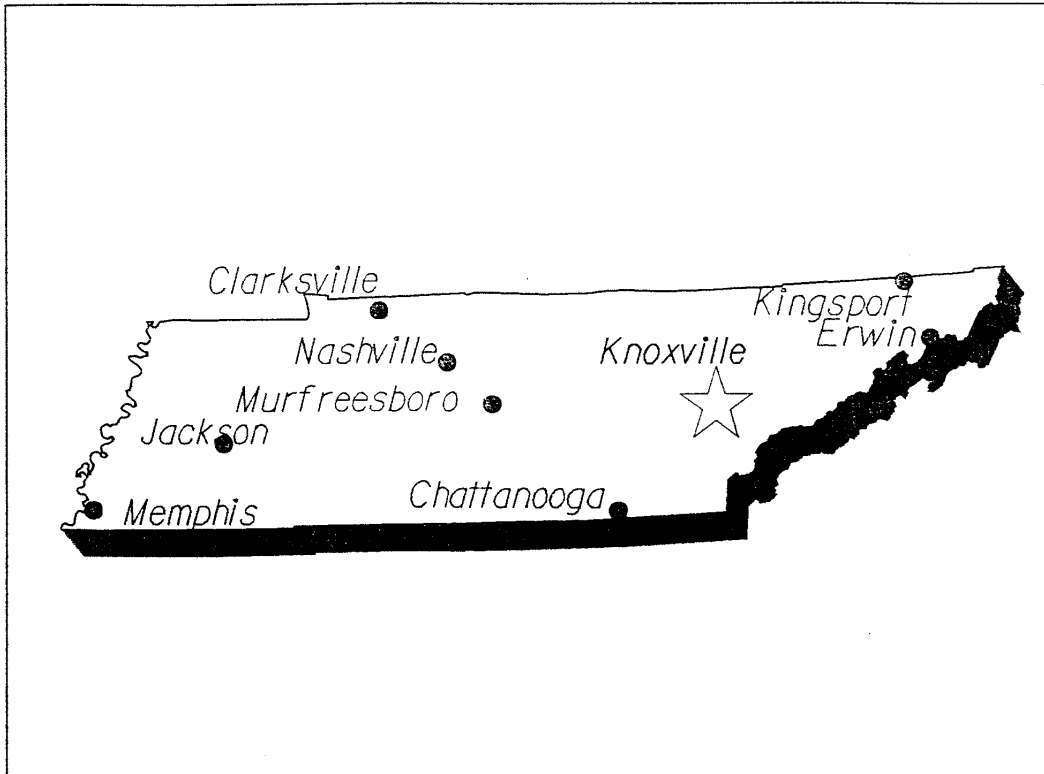
We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (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.

KNOXVILLE, TN  
KNOX COUNTY





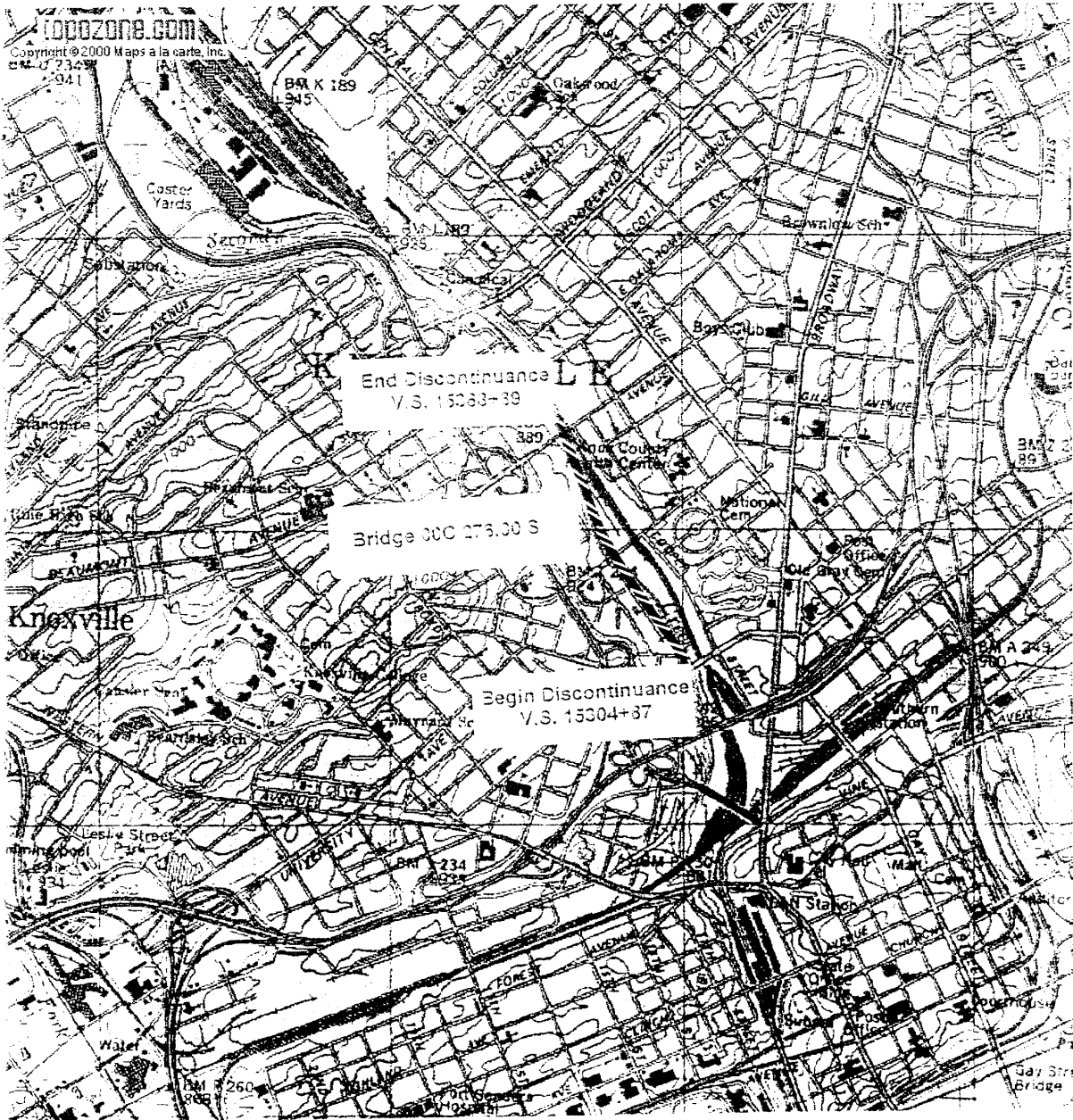
AREA MAP  
Proposed Discontinuance  
of Service  
- 6,402 Feet -  
Knoxville, Knox County, TN

CENTRAL REGION - APPALACHIAN DIVISION - KD SUBDIVISION - 2nd CREEK SPUR

# ATTACHMENT C

U. S. DEPT. OF THE INTERIOR  
QUADRANGLE GEOLOGICAL SURVEY

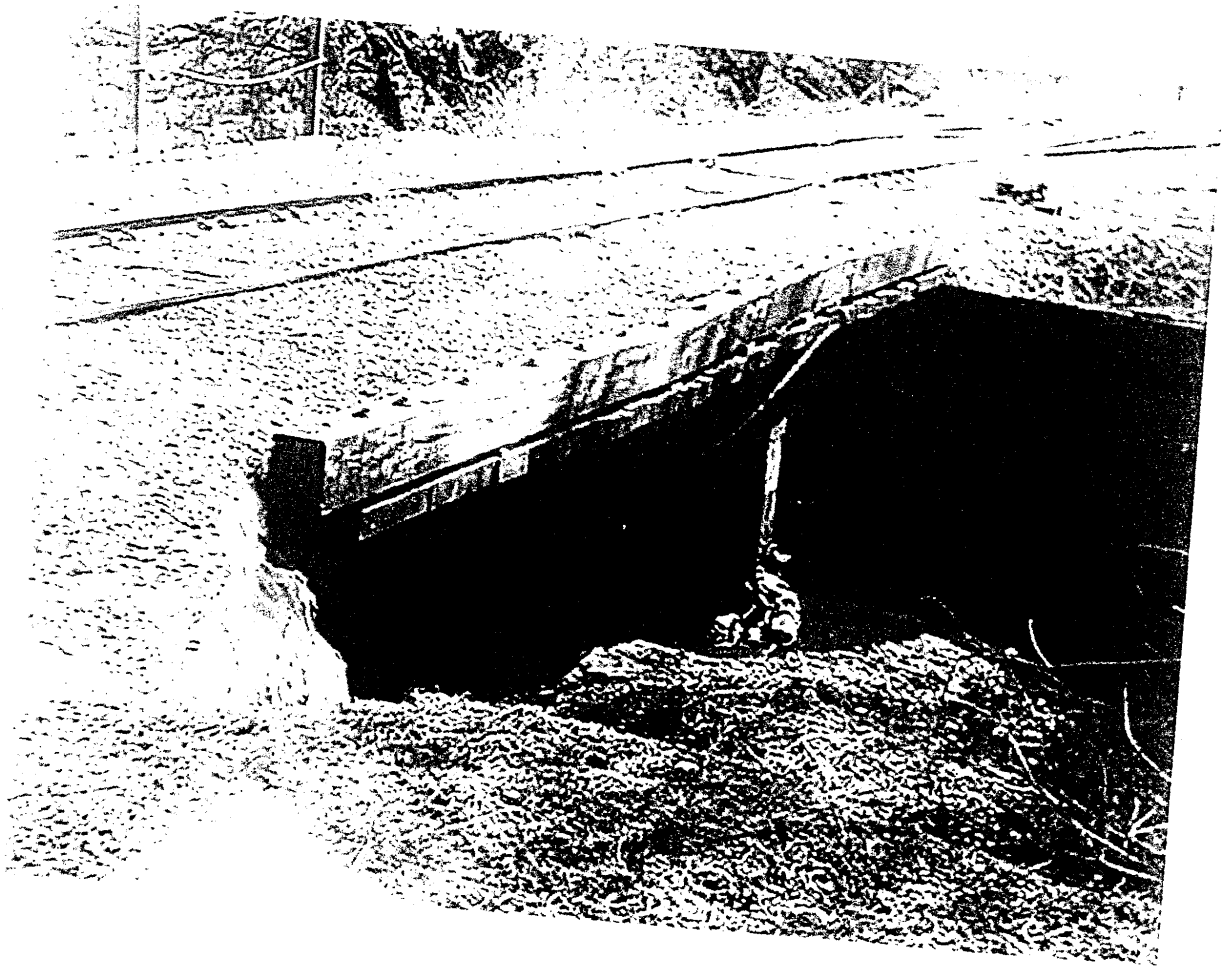
KNOXVILLE QUADRANGLE  
TENNESSEE - KNOX COUNTY  
1984  
Page 1 of 1



ATTACHMENT 1



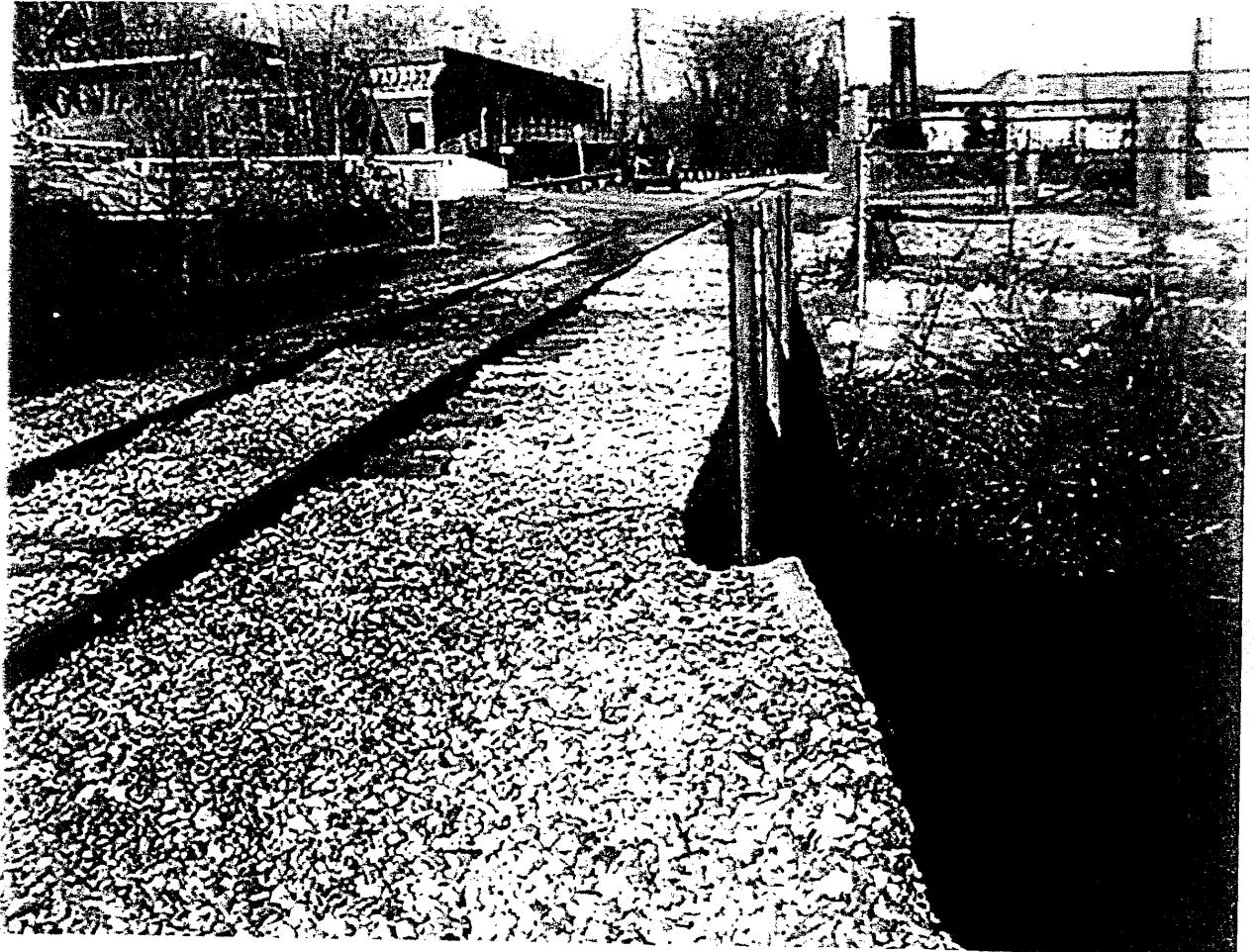
ATTACHMENT 5



ATTACHMENT 5



ATTACHMENT 7





Stephanie M. Lemmon  
Project Manager – Asset Management

500 Water Street – J200  
Jacksonville, FL 32202  
Tel. (904) 359-3311  
Fax (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

July 21, 2003

Mr. Herbert L. Harper  
Executive Director and Deputy  
State Historic Preservation Officer  
Tennessee Historical Commission  
Department of Environment and Conservation  
2941 Lebanon Road  
Nashville, TN 37243-0442

RE: CSX Transportation, Inc.  
Proposed Discontinuance of Service  
Knoxville, Knox County, Tennessee  
Docket AB-55 (Sub-No. 641X)

Dear Mr. Harper:

Please be advised that CSX Transportation, Inc., anticipates filing a discontinuance of service of approximately 1.2 miles of its rail line in Knoxville, Knox County, Tennessee, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon or for discontinuance of service, 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 Historic Report covering the above-proposed discontinuance of service.

I will appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachments

Copy:  
Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street NW - Suite 534  
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202



July 30, 2003

**TENNESSEE HISTORICAL COMMISSION**  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

Ms. Stephanie M. Lemmon  
CSX Transportation  
500 Water St./J200  
Jacksonville, Florida, 32202

RE: STB, AB-55 SUB NO. 641X, KNOXVILLE, KNOX COUNTY

Dear Ms. Lemmon:

In response to your request, received on Thursday, July 24, 2003, 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. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

After considering the documents you submitted, we determine that **THERE ARE NO NATIONAL REGISTER OF HISTORIC PLACES LISTED OR ELIGIBLE PROPERTIES AFFECTED BY THIS UNDERTAKING.** We have made this determination either because of the specific location, scope and/or nature of your undertaking, and/or because of the size of the area of potential effect; or because no listed or eligible properties exist in the area of potential effect; or because the undertaking will not alter any characteristics of an identified eligible or listed property that qualify the property for listing in the National Register or alter such property's location, setting or use. Therefore, we have no objections to your proceeding with your undertaking.

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 find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at [www.state.tn.us/environment/hist/sect106.shtm](http://www.state.tn.us/environment/hist/sect106.shtm). You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper  
Executive Director and  
Deputy State Historic  
Preservation Officer

HLH/jyg

EXHIBIT D

CERTIFICATE OF COMPLIANCE  
WITH NOTICE REQUIREMENTS OF  
49 C.F.R 1105.11

In accordance with 49 C.F.R. § 1105.7(b), I hereby certify that on August 15, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

U.S. Army Corps of Engineers  
Nashville District  
Regulatory Branch  
3701 Bell Road  
Nashville, TN 37214

Lee Barclay, Ph.D., Field Supervisor  
U.S. Department of the Interior  
Fish & Wildlife Service - Field Office  
446 Neal Street  
Cookeville, TN 38501

Dept. of Environment and Conservation  
Division of Water Pollution Control  
401 Church Street  
6<sup>th</sup> Floor, L&C Annex  
Nashville, TN 37243-1534

U.S. Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

Knoxville-Knox County Metropolitan  
Planning Commission  
Suite 403, City County Building  
400 Main Street  
Knoxville, TN 37902

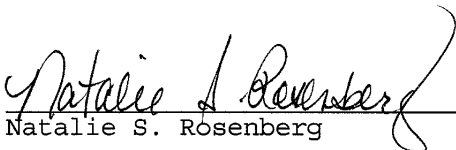
Southeast Region  
Regional Director  
National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

Mr. Frank Maida  
DOC/NOAA  
National Geodetic Survey N/NGS23  
1315 East West Highway Station 8736  
Silver Spring, MD 20910-3282

U.S. Department of Agriculture  
Natural Resources Conservation Svc.  
Knoxville Service Center  
4730 New Harvest Lane  
Knoxville, TN 37918-7052

In accordance with 49 C.F.R. 1105.8(c), I hereby  
certify that on July 21, 2003, a copy of the Historic Report was  
served upon the below listed party, by first-class mail, postage  
prepaid:

Mr. Herbert L. Harper  
Execute Directory and Deputy  
State Historic Preservation Officer  
Tennessee Historical Commission  
Department of Environment and Conservation  
2941 Lebanon Road  
Nashville, TN 37243-0442

  
Natalie S. Rosenberg

September 12, 2003

Jacksonville, Florida    September 10, 2003

Ms. Natalie S. Rosenberg

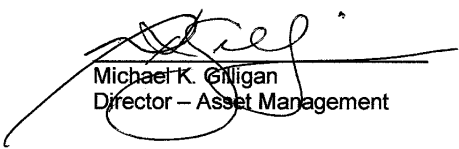
Re:    TN-35A - CSXT Proposed Discontinuance of Service – Central Region,  
Appalachian Division, KD Subdivision, Second Creek Spur, between V.S.  
15304+87 to V.S. 15368+89, a distance of approximately 1.2 miles in Knoxville,  
Knox County, Tennessee  
STB Docket No. AB-55 (Sub-No. 641X)

In preparation for filing a Petition for Exemption to discontinue service on the above-referenced line segment, listed below are the carloads handled over the line for the years 2001, 2002 and 2003 (as of August 31, 2003):

| <u>Patron</u>                                                                            | <u>Station</u> | <u>Commodity</u>               | <u>2001</u> | <u>2002</u> | <u>Carloads<br/>2003 (as of 8/30/03)</u> |
|------------------------------------------------------------------------------------------|----------------|--------------------------------|-------------|-------------|------------------------------------------|
| <b>PSC Metals, Inc.</b><br>Mr. Gary Bryant<br>822 Richards Street<br>Knoxville, TN 37921 | Knoxville      | Iron/Steel Scrap<br>and Cotton | 127         | 85          | 60                                       |

The only patron, PSC Metals, Inc., is also currently being served by the Norfolk Southern (NS) at this location. The patron will continue to be served by NS.

There are no defense installations served by this line or in the immediate vicinity.



Michael K. Gilligan  
Director – Asset Management

CERTIFICATE OF SERVICE

I certify that on September 12, 2003, I served by first-class mail, postage prepaid, a copy of the foregoing Petition for Exemption on the following:

Mr. Gary Bryant  
PSC Metals, Inc.  
822 Richards St.  
Knoxville, Tennessee 37921

Mr. Chuck Hunter  
Director Transportation  
PSC Metals, Inc.  
20521 Chagrin Blvd.  
Cleveland, OH 44101

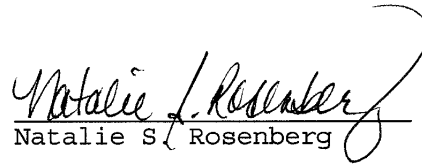
Tennessee Dept. of Transportation  
Ben Smith, Director Public Transit Rail &  
Waterways Division  
Suite 400  
James K. Polk Building  
505 Deaderick Street  
Nashville, TN 37243-0339

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, Virginia 23606-2574

National Park Service  
Recreation Resources Division  
1849 C Street NW  
Washington, D.C. 20240-0001

National Park Service  
Land Resources Division  
1849 C Street NW  
Washington, D.C. 20240-0001

U. S. Department of Agriculture  
Chief of the Forest Service  
P. O. Box 96090  
Washington, D.C. 20050

  
Natalie S. Rosenberg