



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
Senior General Attorney

(757) 629-2759

January 4, 2007

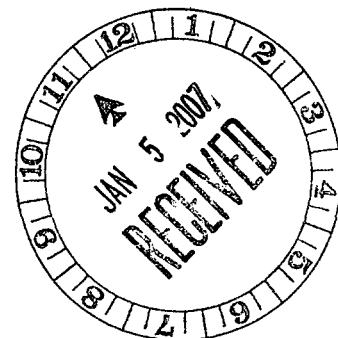
VIA DHL EXPRESS

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20006

FEE RECEIVED

JAN - 5 2007

**SURFACE
TRANSPORTATION BOARD**



-218374

Re: STB Docket No. AB-290 (Sub. No. 277X), Norfolk Southern Railway
Company – Abandonment; and Docket No. AB-997X Western Tennessee
Railroad – Discontinuance of Service – Madison County, Tennessee –
Notice of Exemption

-218375

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also enclosed is a check in the amount of \$6,200.00 to cover the filing fees.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the enclosed, self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

**ENTERED
Office of Proceedings**

JAN - 5 2007

**Part of
Public Record**

JRP/kch
Enclosures

FILED

JAN - 5 2007

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 277X)
NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

AND

DOCKET NO. AB-997X

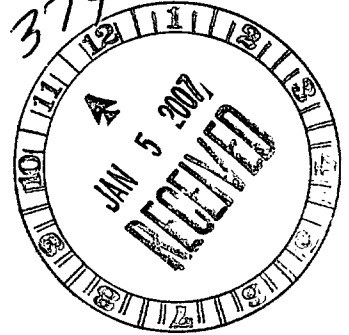
WESTERN TENNESSEE RAILROAD

-- DISCONTINUANCE OF SERVICE --

--

IN MADISON COUNTY, TENNESSEE

VERIFIED NOTICE OF EXEMPTION



FILED
JAN - 5 2007
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
JAN - 5 2007
SURFACE
TRANSPORTATION BOARD

218 375

ENTERED
Office of Proceedings
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Part of
Public Record

COMES NOW Norfolk Southern Railway Company ("NSR") and Western Tennessee Railroad ("WTNN") (collectively "Railroads") and file this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment and discontinuance of service and operating rights under a lease over, the line of railroad lying between mileposts (old) C 471.00 and (old) C 471.25 in Jackson, Madison County, Tennessee.

Pursuant to the Board's regulations codified at 49 CFR § 1152.50, the Railroads state as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager G. R. Comstock confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the discontinuance of service and abandonment between mileposts (old) C 471.00 and (old) C 471.25 in Jackson, Madison County, Tennessee, will be February 24, 2007.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The parties filing this notice are Norfolk Southern Railway Company, a common carrier by railroad, and Western Tennessee Railroad, an independent shortline railroad, subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Western Tennessee Railroad has given Norfolk Southern Railway Company authorization to act on their behalf with regard to this proceeding, a copy of which is attached as Exhibit 1 to this notice.

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon and for WTNN to discontinue service and operating rights under a lease over the subject line. The line that will be subject to abandonment and discontinuance under the exemption consists of .25 miles of track between mileposts (old) C 471.00 and (old) C 471.25 in Jackson, Madison County, Tennessee. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 2 to this notice. The line traverses United States Postal Service ZIP Code 38301 in Madison County, Tennessee. The line includes the station of Jackson, Tennessee.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR does not have fee title to the right-of-way underlying the line to be abandoned, and thus will not have a corridor available for alternative public use. The City of Jackson, Tennessee has asked NSR to abandon the line and relinquish the right-of-way to facilitate the City's redevelopment efforts.

Labor Protection - § 1152.50(d)(2)

Since the line has been out of service for over two years, the Railroads believe no employees will be adversely affected by exercise of discontinuance and

abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, the Railroads will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. The Railroads certify that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

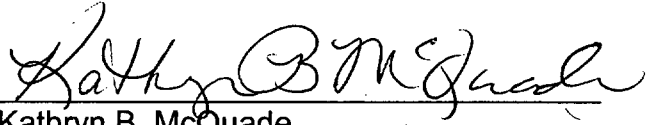
The Railroads have consulted with the Tennessee Historical Commission, Department of Environment and Conservation, and they have responded that there are no national register of historic places listed or eligible properties affected by this undertaking. A copy of the response is attached to the Historic Report.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, the Railroads certify that they have complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

For the foregoing reasons, NSR and WTTN believe the proposed rail line discontinuance and abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and request that the Board serve the appropriate notice of exemption.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kathryn B. McQuade", written over a horizontal line.

Kathryn B. McQuade

Vice President

Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: January 4, 2007

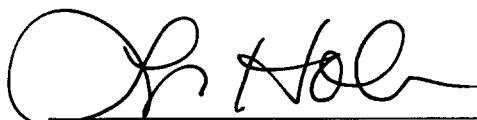
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 277X) and AB-997X on behalf of Norfolk Southern Railway Company and West Tennessee Railroad; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me
this 13th day of December, 2006.


Notary Public

My commission expires:

November 30, 2009

[SEAL]

CERTIFICATION

STATE OF GEORGIA :
SS:
CITY OF ATLANTA :

G. R. Comstock makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between mileposts (old) C 471.00 and (old) C 471.25 in Jackson, Madison County, Tennessee, over which service is to be discontinued and operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved 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 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.

AR Constable

G. R. Comstock

Subscribed and sworn to before me
this 13th day of December, 2006.

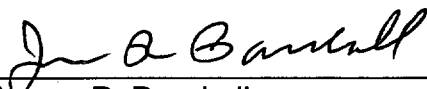
Nancy K Kish
Notary Public

My commission expires:

~~Notary Public, Fulton County, Georgia~~
My Commission Expires June 9th 2008

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 3); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Jackson Sun*, Jackson, Tennessee, on December 8, 2006 (see Exhibit 4); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 5).

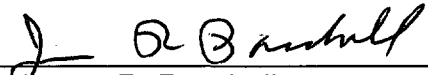


James R. Paschall

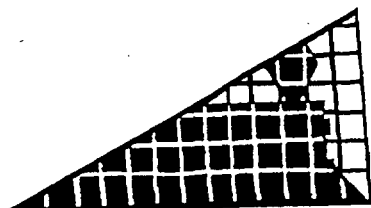
Dated: January 4, 2007.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Ms. Sara Kyle, Chair, Tennessee Regulatory Authority; Gerald F. Nicely, Commissioner, Tennessee Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Ms. Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service, Cultural Resources; and the United States Department of Defense (MTMCTEA); on January 4, 2007, by first class mail, postage prepaid.


James R. Paschall

1061 James Buchanan Drive
Jackson, Tennessee 38301
Tel: (731) 423-4304
Fax: (731) 422-6497



WEST TENNESSEE RAILROAD LLC.

11 East Church Street
Sea Bright, New Jersey 07760
Tel: (732) 842-0912
Fax: (732) 530-7270

November 8, 2006

Marc Kirchner
Director Strategic Planning
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

RE: Sun Spur Abandonment – Jackson, TN

Dear Marc,

As you know, this spur was covered in our lease agreement with you however, we have never actually run over it as there has been no business tendered on it.

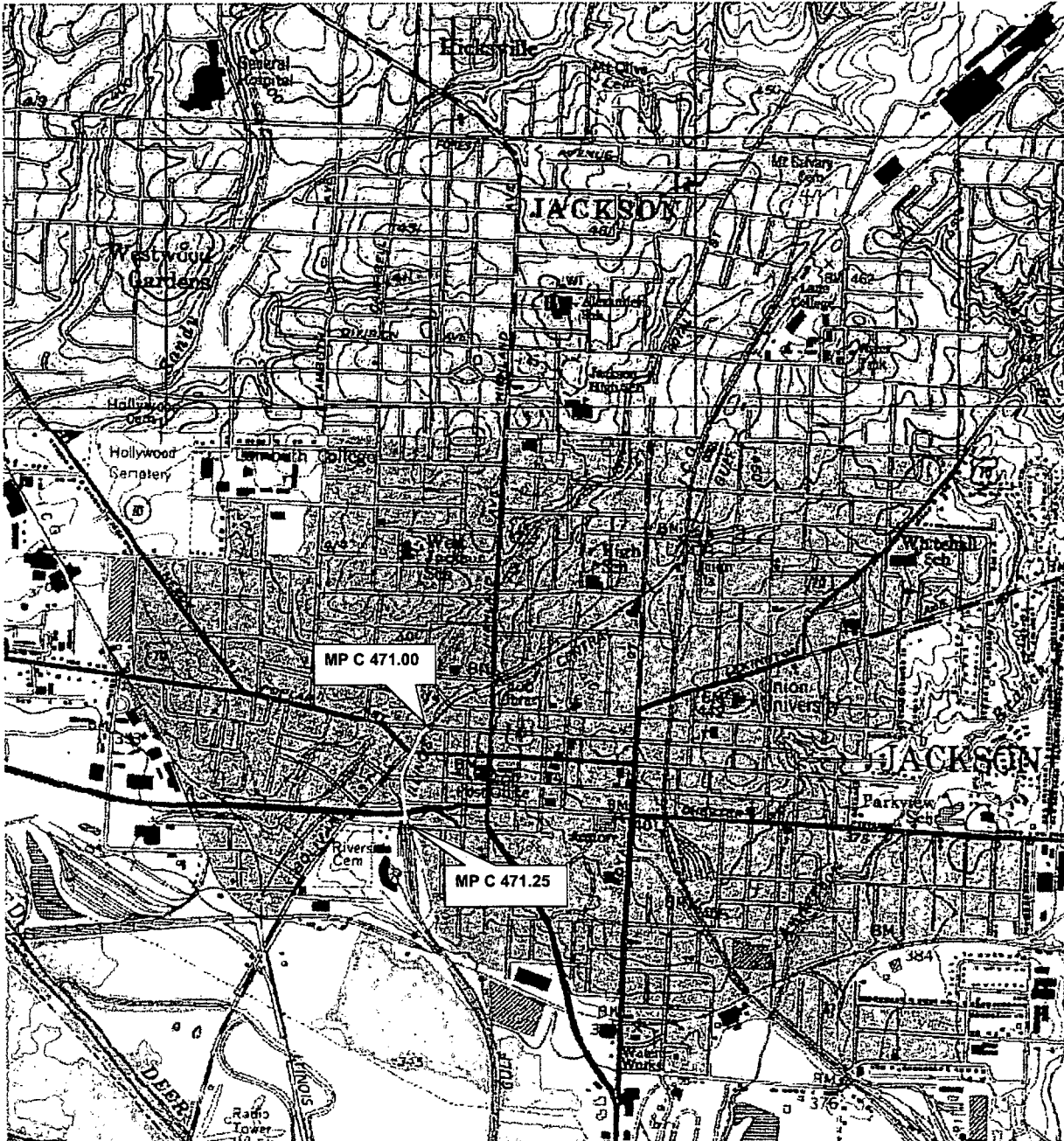
Please accept this as our authorization to prepare, execute and file appropriate documentation concurrent with your own, with the Surface Transportation Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "BCH", followed by a stylized flourish.

Bruce Hohorst
President

Exhibit 2



**NORFOLK SOUTHERN RAILWAY COMPANY
WEST TENNESSEE RAILROAD, LLC
PROPOSED ABANDONMENT/
DISCONTINUANCE OF SERVICE
MP C 471.00 - MP C 471.25
JACKSON, TENNESSEE**

EXHIBIT 3

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 277X)
PROPOSED RAIL LINE ABANDONMENT**

**THE WEST TENNESSEE RAILROAD, LLC
STB DOCKET NO. AB-997X
PROPOSED RAIL LINE DISCONTINUANCE OF SERVICE**

**BETWEEN MP (old) C-471.00 AND MP (old) C-471.25
AT JACKSON, MADISON COUNTY, TENNESSEE**

ENVIRONMENTAL REPORT

**September 15, 2006
Revised November 17, 2006**

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**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

**THE WEST TENNESSEE RAILROAD, LLC
ELEVEN EAST CHURCH STREET
SEA BRIGHT, NEW JERSEY 07760**

**NORFOLK SOUTHERN RAILWAY COMPANY
THE WEST TENNESSEE RAILROAD, LLC**

STB DOCKET NOS. AB-290 (Sub-No. 277X) and AB-997X

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT
AND DISCONTINUANCE OF SERVICE**

49 CFR 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.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon, and The West Tennessee Railroad, LLC (WTNN) (collectively "railroads") proposes to discontinue service and operating rights under a lease over, 0.25 miles of rail line between old railroad mileposts C 471.0 and C 471.25 at Jackson in Madison County, Tennessee. The line proposed for abandonment has been dormant for many years. The City of Jackson has asked NSR to abandon and relinquish the right-of-way to facilitate the City's redevelopment efforts.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroads' letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(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.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway or other modes as a result of the abandonment.

49 CFR 1105.7(e)(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.

RESPONSE: An outline of future land use plans was requested from the Mayors of Jackson and Madison County. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. The City of Jackson's Director of Planning responded that the City was in full support of the abandonment and the impetus behind it and that they had been working for approximately three years to get it accomplished. The

Mayor of Madison County advised that they had no objection to the abandonment. This correspondence is attached in **Appendix C**.

Subsequent to the distribution of this report, the Mayor of Madison County and the Director of Planning of the City of Jackson, both advised that this project will not have any adverse effect on the environment. This correspondence is attached in **Appendix C**.

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

RESPONSE: The United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) advises that the project will have no adverse effects on adjacent farmlands, prime or otherwise. A copy of the response received from the USDA-NRCS is included in **Appendix C**.

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

RESPONSE: Not Applicable, as the property is not located in a coastal zone.

(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.

RESPONSE: As NSR does not have fee title to the right-of-way underlying the line to be abandoned, it will not have a corridor available for alternative public use.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic has moved over the line for many years.

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

RESPONSE: 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.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

- (B) *An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

- (A) *An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
(B) *An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded. Madison County, Tennessee is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

(iii) *If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

RESPONSE: Not applicable.

49 CFR 1105.7(e)(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.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of five at-grade crossings on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line. These crossings are at Sycamore Street, W. Chester Street, W. Baltimore Street and W. Main Street and W. Lafayette Street.

(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.

RESPONSE: Not applicable.

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

RESPONSE: The railroads have no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(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.

RESPONSE: A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. The response of USFWS, attached in **Appendix C**, states that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal. The USFWS website indicates that there are no federally listed endangered or threatened species in Madison County.

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

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(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.

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned. The rail line crosses no waterways. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action.

Consultation was requested from the Tennessee Department of Environment and Conservation and from the United States Environmental Protection Agency.

The U.S. Environmental Protection Agency has advised that this activity is not subject to the National Pollutant Discharge Elimination System (NPDES) permitting requirements, but that the Tennessee Department of Environment and Conservation has been authorized to implement the NPDES permit program and can make a final determination on this matter. A copy of this letter is attached in **Appendix C**.

The Tennessee Department of Environment and Conservation, Division of Water Pollution Control has advised that a cursory review of their permit database did not reveal any current permit coverages that would be affected by the planned abandonment. A copy of this letter is attached in **Appendix C**.

(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.

RESPONSE: The rail line proposed for abandonment crosses no waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment and discontinuance. Consequently, the railroads do not believe a Section 404 permit will be required.

The US Army Corps of Engineers (USACE) has rendered a preliminary Jurisdictional Determination that no Department of the Army permit would be required for this project as it would not result in the discharge of dredged or fill

material into wetlands or other waters of the United States. A copy of this correspondence is attached in **Exhibit C**.

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

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or to use any fill materials. There should be no significant effects to water quality. Thus, the railroads do not believe that a permit under Section 402 of the Clean Water Act will be required.

The U.S. Environmental Protection Agency has advised that this activity is not subject to the National Pollutant Discharge Elimination System (NPDES) permitting requirements, but that the Tennessee Department of Environment and Conservation has been authorized to implement the NPDES permit program and can make a final determination on this matter. A copy of this letter is attached in **Appendix C**.

The Tennessee Department of Environment and Conservation, Division of Water Pollution Control has advised that a cursory review of their permit database did not reveal any current permit coverages that would be affected by the planned abandonment. A copy of this letter is attached in **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

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

RESPONSE: Abandonment and discontinuance of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical

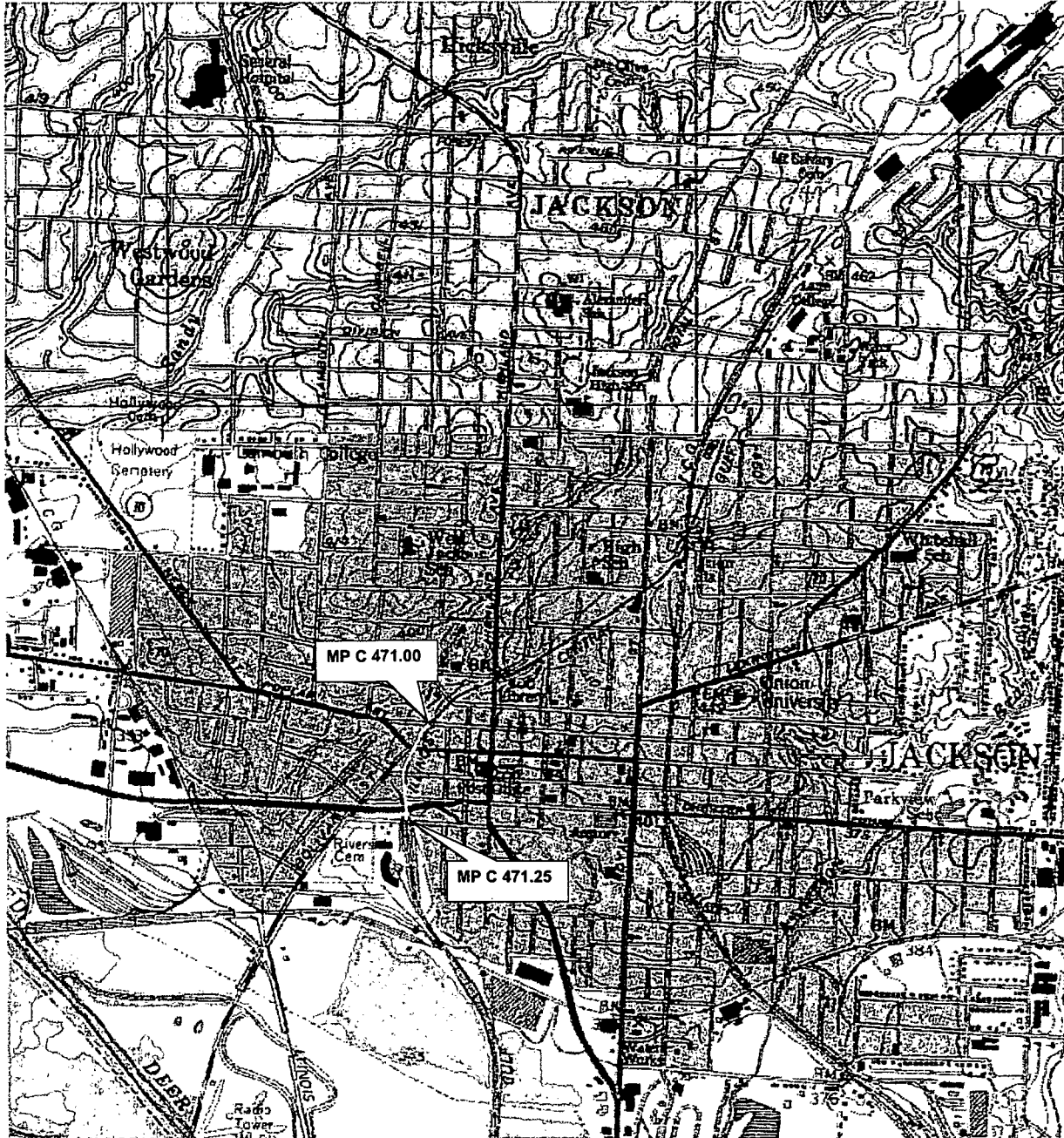
activity may occur, such as removal of rail, ties, and other railroad appurtenances, and only on a short segment of the subject line. The railroads will undertake all reasonable mitigation associated with these activities to assure the abandonment and discontinuance does not produce adverse environmental impacts.

Additional Information - National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states there are no National Geodetic Survey markers on or near the Line.

APPENDIX A

Site Map



**NORFOLK SOUTHERN RAILWAY COMPANY
WEST TENNESSEE RAILROAD, LLC
PROPOSED ABANDONMENT/
DISCONTINUANCE OF SERVICE
MP C 471.00 - MP C 471.25
JACKSON, TENNESSEE**

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between (old) MP C-471.00 and (old) MP C-471.25, a distance of 0.25 miles, located in Jackson, Tennessee.

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

Mayor Charles Farmer
City of Jackson
121 East Main Street, Suite 301
Jackson, Tennessee 38301

Mayor Jerry Gist
Madison County Mayor
100 E. Main Street, Suite 302
Jackson, TN 38301

Paul E. Davis, P.E.
Director Division of Water Pollution Control
Department of Environment and Conservation
6th Floor, L&C Tower
401 Church Street
Nashville, TN 37243-1534

Saya Ann Qualls, P.E.
Division of Water Pollution Control
Department of Environment and Conservation
6th Floor, L&C Tower
401 Church Street
Nashville, TN 37234-0437

Mr. Charles L. Davis
Resource Soil Scientist
United States Department of Agriculture
Natural Resources Conservation Service
235 Oil Well Road
Jackson, TN 38305

National Park Service
Southeast Region
100 Alabama Street SW
Atlanta, GA 30303

Field Supervisor
United States Fish and Wildlife Service
446 Neal Street
Cookeville, TN 38506

Ms. Christie Hopper
Tennessee Wildlife Resources Agency
P. O. Box 40747
Nashville, TN 37204

Mr. James W. Ford
State Conservationist
United States Department of Agriculture, Natural
Resource Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Mr. Larry D. Watson
U.S. Army Engineer District, Memphis
B-202 Clifford Davis Federal Building
167 North Main Street
Memphis, TN 38103-1854

Mr. Roosevelt Childress
Chief, United States Environmental Protection
Agency
Sam Nunn Atlanta Federal Center
Atlanta, GA 30303-3104

Mr. Rob Holland, CESAD-PA
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street SW Room 9M15
Atlanta, GA 30303-8801

Mr. Richard Snay
Chief of Spatial Reference System Division
National Geodetic Survey
1315 East/West Highway, Room 8813
Silver Spring, MD 20910



Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

September 15, 2006

RE: Docket No. AB-290 (Sub-No. 277X), Norfolk Southern Railway Company
Abandonment and Docket No. AB-997, The West Tennessee Railroad, LLC –
Discontinuance of Service – in Madison County, Tennessee

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon and The West Tennessee Railroad, LLC (WTNN) (collectively "railroads") proposes to discontinue service over a segment of rail line between (old) Milepost C 471.0 and (old) Milepost C 471.25 a distance of 0.25 miles, located in Jackson, Madison County, Tennessee.

Enclosed is a Preliminary Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroads do not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB).

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 565-1552 or by mail to:

Surface Transportation Board,
1925 K Street, N.W., Room 3219
Washington DC 20423-001

Please refer to the above Docket when contacting the STB. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

Appendix C

Agency Responses

Kirchner, Marc C.

From: Braun, Donna L.
Sent: Wednesday, June 28, 2006 8:08 AM
To: Headrick, Kathy, C; Kirchner, Marc C.
Subject: FW: Docket No AB-290 (Sub-no. 277X)

-----Original Message-----

From: Stanley Pilant [mailto:SPilant@cityofjackson.net]
Sent: Tuesday, June 27, 2006 9:09 AM
To: donna.braun@nscorp.com
Subject: Docket No AB-290 (Sub-no. 277X)

Ms. Braun,

The Mayor forwarded me your letter dated June 5, 2006 regarding the abandonment of a section of rail line between Milepost C 471.00 and C 471.25 in downtown Jackson, Tennessee. As I am sure you aware, the City of Jackson is full support of this abandonment and the impetus behind this request. We have been working diligently for approximately three years to get this accomplished and are elated that it is finally going to happen. This portion of rail line is a part of our downtown revitalization plan and its future use as a multipurpose trail will benefit downtown Jackson, adjacent property owners, and the citizens of Jackson, Tennessee.

If I can be of any further assistance, please contact me.

Respectfully,

Stan Pilant, AICP
Director of Planning

This message has been prepared on resources owned by the City of Jackson, TN and is subject to the Internet Procedures and Standards of the City. E-Mail that is created by any City staff member is a public record and is subject to Tennessee Public Records Law, TCA Code 10-7-503 and the rules of the Public Records Commission.

Headrick, Kathy, C

From: Stanley Pilant [SPilant@cityofjackson.net]
Sent: Thursday, September 21, 2006 10:53 AM
To: kathy.headrick@nscorp.com
Subject: Docket No. AB-290 (Sub-No. 277X) Norfolk Southern Railway Company Abandonment and Docket No. AB-997

Dear Ms. Headrick:

We do not anticipate any adverse environmental impacts associated with the abandonment of this section of railway.

If I can be of any further assistance, please do not hesitate to contact me.

Respectfully,

Stan Pilant, AICP
Director of Planning
City of Jackson, Tennessee

OFFICE OF
Jerry Gist
Madison County Mayor



100 EAST MAIN, SUITE 302
JACKSON, TENNESSEE 38301
PHONE: 731-423-6020
FAX: 731-988-3820

June 12, 2006

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, Virginia 23510

Dear Ms. Braun:

In response to your letter of June 5, 2006, regarding Docket No. AB-290 (Sub. -No. 277X) Norfolk Southern Railway Company Abandonment-in Madison County, Tennessee, Madison County has conferred with the City of Jackson, Tennessee, and has no objection to this planned abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Gist".

Jerry Gist
County Mayor

JG:bms

OFFICE OF
Jerry Gist
Madison County Mayor



100 EAST MAIN, SUITE 302
JACKSON, TENNESSEE 38301
PHONE: 731-423-6020
FAX: 731-988-3820

September 21, 2006

Ms. Kathy Headrick
Coordinator-Abandonments
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Re: Docket No. AB-290 (Sub-No. 277X), Norfolk Southern Railway Company
Abandonment and Docket No. AB-997, The West Tennessee Railroad, LLC-
Discontinuance of Service – in Madison County, Tennessee

Dear Ms. Headrick:

A review of the proposed abandonment site shows that the removal of the tracks and abandonment will have no adverse effect on the environment.

Sincerely,

Jerry Gist, County Mayor
Madison County, Tennessee

JG/m

United States Department of Agriculture



Natural Resources Conservation Service
235 Oil Well Road
Jackson, Tennessee 38305

Date: June 20, 2006

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor-Strategic Planning
Norfolk, VA 23510

Re: Docket No AB-290 (Sub-No. 277X), Norfolk Southern Railway Company
Abandonment-in Madison County, Tennessee

Dear Ms. Braun:

In response to your request for the impact on prime farmland in the area of the above-mentioned project, the following is my report.

Upon reviewing the maps and your proposed project of abandonment, the nature of the project will have no adverse effects on adjacent farmlands, prime or other.

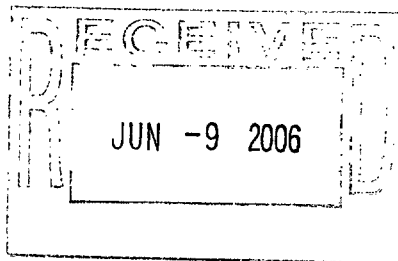
If you have any additional questions please contact me at (731) 668-0700.

A handwritten signature in cursive script, appearing to read "Charles L. Davis".

Charles L. Davis
Resource Soil Scientist



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191



Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

June 5, 2006

Field Supervisor
United States Fish and Wildlife Service
Tennessee Field Office
446 Neal Street
Cookeville, TN 38506

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

for James C. Widlake 6-27-06
Field Supervisor Date
U.S. Fish and Wildlife Service
Cookeville, TN 38501

RE: Docket No AB-290 (Sub-No. 277X), Norfolk Southern Railway Company
Abandonment – in Madison County, Tennessee

Dear Sir or Madam:

Norfolk Southern Railway Company is considering the abandonment of 0.25 miles of rail line between Milepost C 471.00 and Milepost C 471.25 in Jackson located in Madison County, Tennessee. A map is included delineating the area under consideration.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address 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 of refuges, National or State parks or forests will be affected, and describe any effects.”

During the removal of track and materials, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. During salvage operations, Norfolk Southern will take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways. Finally, any debris or other material will be removed from the area, preventing any of the material from entering waterways.

Norfolk Southern believes that our actions will not adversely impact any endangered or threatened species and their habitats or wildlife sanctuaries and parks; however would appreciate your review and input. Please direct your responses and questions to Donna Braun by email at donna.braun@nscorp.com or by mail to:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

JUN 22 2006

Donna Braun
Norfolk Southern Corp.
3 Commercial Place
12th Floor - Strategic Planning
Norfolk, VA 23510

SUBJ: Docket No. AB-290 (Sub-No. 277X)

Dear Ms. Braun:

This letter is in response to Mr. Marcellus C. Kirchner's letter of June 5, 2006, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of 0.25 miles of rail line between Milepost C 471.00 and Milepost C 471.25 in Jackson located in Madison County, Tennessee.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one or more acres of land are disturbed by clearing, grading or excavation and if storm water discharges from this disturbance enter either a surface water body, by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. Based on the information provided in Mr. Kirchner's letter, it appears that this activity is not subject to National Pollutant Discharge Elimination System (NPDES) permitting requirements. The State of Tennessee Department of Environment and Conservation has been authorized to implement the NPDES permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Roosevelt Childress", is written over a horizontal line.

Roosevelt Childress, Chief
NPDES and Biosolids Permits Section
Permits, Grants and Technical Assistance Branch
Water Management Division

cc: Ed Polk, Tennessee Department of Environmental Health



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

6th floor - L&C Tower
401 Church Street
Nashville, Tennessee 37243-0437

August 17, 2006

VIA FACSIMILE

Kathy Headrick, Coordinator Abandonments
Strategic Planning Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Subject: Docket No AB-290 (Sub-No277X), Norfolk Southern Railway Company Abandonment
Madison County, Tennessee

Dear Ms. Headrick:

The division is in receipt of the June 5, 2006, letter from Marcellus Kirchner to Paul Davis regarding the above referenced issue. A cursory review of our permit database did not reveal any current permit coverages that would be affected by the planned abandonment. However, the proposed activity is likely to require permitting or other regulatory oversight at both the state and local level.

If the activity causes land disturbance of one acre or more, Norfolk Southern must obtain coverage under Tennessee's general permit for construction stormwater. Also, if the track removal results in the physical alteration of any waters of the state, the railroad must obtain the appropriate aquatic resource alteration permit(s) (ARAPs). Information on obtaining construction stormwater and ARAP coverage can be found on our web page at the following address: <http://www.state.tn.us/environment/permits/>. Additionally, since the activity will occur within the city limits of Jackson, a permitted municipal separate storm sewer system (MS4), you must contact Mr. Mike Robinson, Assistant City Engineer at (731) 425-8221 for local permitting requirements.

If you have further questions, please contact the division at the Jackson Environmental Field Office at (731)- 512-1300.

Sincerely,

Saya Ann Qualls, P.E.
Chief Engineer
Division of Water Pollution Control

cc: Division of Water Pollution Control, Jackson Environmental Field Office
Mike Robinson, P.E., City of Jackson

39

AUG 17 2006 17:55

PAGE 02



DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894
June 14, 2006

REPLY TO
ATTENTION OF:

Operations Division
Regulatory Branch

Ms. Donna Braun
Norfolk Southern
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, Virginia 23510

Dear Ms. Braun:

This is in reference to your request for a jurisdictional determination from the U.S. Army Corps of Engineers for the proposed abandonment of approximately 0.25 mile of rail line between Milepost C 471.00 and Milepost C 471.25 in Madison County, Tennessee (shown on the attached location map). As proposed, no fill would be used for this project, the underlying roadbed will not be disturbed, and any debris would be removed.

Our preliminary jurisdictional determination (JD) is that this project would not result in the discharge of dredged or fill material into wetlands or other waters of the United States. Therefore, no Department of the Army permit would be required for this project.

This determination is valid for a period of five years from the date of this letter, unless new information warrants revision of the determination before the expiration date.

If you have questions, please contact Roger Allan at (901) 544-3682 and refer to File No. MVM-2006-297-RSA.

Sincerely,

Larry D. Watson
Chief
Regulatory Branch

Enclosure

JACKSON SOUTH QUADRANGLE
TENNESSEE-MADISON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

STATE OF TENNESSEE
DEPARTMENT OF CONSERVATION
DIVISION OF GEOLOGY

HUMBOLDT 16 MI. FAIRVIEW 10 MI. 3255 III NE (JACKSON NORTH) HUNTINGDON 34 MI. LEXINGTON 25 MI.



Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Tuesday, October 10, 2006 11:59 AM
To: Gilbert Mitchell
Cc: Surface Transportation Board; National Society of Professional Surveyors;
kathy.headrick@nscorp.com
Subject: [Fwd: NGS Response, STB docket AB-290 (SUB NO. 277X)]

Thank you for sharing your railroad abandonment environmental report for Jackson, Madison County, Tennessee.

Approximately 00 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, NGS requests 90-day advance notice to attempt their formal relocation. These marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

|Dist|PID...|H V|Vert_Source|Approx.|Approx..|Stab|Designation
NO STATIONS MARKS FOUND.

**Environmental 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 Environmental Report in Docket No. AB-290 (Sub-No. 277X) and Docket No. AB-997 was mailed via first class mail on September 15, 2006 to the following parties:

Tennessee State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, TN 37219

National Park Service
Southeast Region
100 Alabama Street SW
Atlanta, GA 30303

Mayor Charles Farmer
City of Jackson
121 East Main Street, Suite 301
Jackson, Tennessee 38301

Field Supervisor
United States Fish and Wildlife Service
446 Neal Street
Cookeville, TN 38506

Mayor Jerry Gist
Madison County Mayor
100 E. Main Street, Suite 302
Jackson, TN 38301

Ms. Christie Hopper
Tennessee Wildlife Resources Agency
P. O. Box 40747
Nashville, TN 37204

Paul E. Davis, P.E.
Dir. Division of Water Pollution Control
Dept. of Environment and Conservation
6th Floor, L&C Tower
401 Church Street
Nashville, TN 37243-1534

Mr. James W. Ford
State Conservationist
United States Department of Agriculture,
Natural Resource Conservation Service
675 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Saya Ann Qualls, P.E.
Division of Water Pollution Control
Department of Environment and
Conservation
6th Floor, L&C Tower
401 Church Street
Nashville, TN 37234-0437

Mr. Larry D. Watson
U.S. Army Engineer District, Memphis
B-202 Clifford Davis Federal Building
167 North Main Street
Memphis, TN 38103-1854

Mr. Charles L. Davis
Resource Soil Scientist
United States Department of Agriculture
Natural Resources Conservation Service
235 Oil Well Road
Jackson, TN 38305

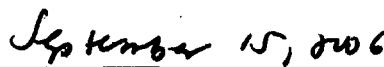
Mr. Roosevelt Childress
Chief, United States Environmental
Protection Agency
Sam Nunn Atlanta Federal Center
Atlanta, GA 30303-3104

Mr. Rob Holland, CESAD-PA
United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street SW Room 9M15
Atlanta, GA 30303-8801

Mr. Richard Snay
Chief of Spatial Reference System Division
National Geodetic Survey
1315 East/West Highway, Room 8813
Silver Spring, MD 20910



Marcellus C. Kirchner



Date

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon, and The West Tennessee Railroad, LLC (WTNN) (collectively "railroads") proposes to discontinue service and operating rights under a lease over, 0.25 miles of rail line between old railroad mileposts C 471.0 and C 471.25 at Jackson in Madison County, Tennessee. The line proposed for abandonment has been dormant for many years. The City of Jackson has asked NSR to abandon and relinquish the right-of-way to facilitate the City's redevelopment efforts.

The only alternatives would be not to abandon the line or to discontinue service on the line and retain the track in place. These alternatives are not satisfactory. Service over the line is not required to serve any shippers. The railroads would incur opportunity and holding costs that would be absorbed by other customers were the line to be retained without being used for active rail freight service.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Tennessee Historical Commission.

(2) **Written Description of Right of Way** -- The right-of-way width is predominately 25 feet on each side of the main track centerline. NSR does not have fee title to the right-of-way, which is located within the City of Jackson.

(3) **Photographs** – As there are no bridges or other structures on the segment to be abandoned, no photographs are provided.

(4) **Date of Construction of Structures** – There are no bridges or other structures associated with this abandonment.

(5) **History of Operations and Changes Contemplated** – The line of railroad that is the subject of the related petition to the Surface Transportation Board (STB) is a 0.25-mile segment of rail line between old Mileposts C-471.0 and C-471.25 in the City of Jackson in Madison County, Tennessee. It is leased by Norfolk Southern Railway Company (NSR) to The West Tennessee Railroad, LLC (WTNN) for operation. This dormant, stub-ended branch, known as the “Sun Spur”, once served the Jackson Sun newspaper. NSR renumbered the mileposts on the route through Jackson such that the Illinois Central milepost series running north-south was extended to the former GM&O line extending south of the junction of the two lines at Jackson towards Corinth, MS. Thus the short segment of former Illinois Central line below that junction at approximate IC milepost 470.3 continued to bear mileposts in the original series, but with “old” appended to distinguish them from the series on the main line. The track between old Mileposts C 470.3 and C 471.0 has long been removed. The Jackson Farmers Market now occupies part of that site.

The Illinois Central was chartered by the Illinois General Assembly on February 10, 1851. The original route, completed in 1856, extended from the confluence of the

Mississippi and Ohio rivers at Cairo, IL to Galena which is located in the extreme northwestern corner of Illinois. A branch extended from Chicago to Centralia, IL, the name of which was derived from the railroad. President Millard Fillmore signed the Federal Land Grant Act in 1850, through which IC became the first railroad to receive a land grant. Between 1867 and 1870, IC extended its line from Galena across the Mississippi into Iowa, reaching Sioux City.

IC had originally relied upon a riverboat connection to provide the route between its southern terminus at Cairo and New Orleans, however starting in 1872 it took steps to extend its rail line south. It made arrangements with the New Orleans, Jackson & Great Northern Railroad and the Mississippi Central Railway, and then proceeded to build a new line between Jackson, Tennessee and Cairo, which was completed in 1873. IC took over the NOJ&GN and Mississippi Central in 1874 and organized them as the New Orleans, St. Louis & Chicago Railroad, and later as the New Orleans, Jackson & Northern and the Central Mississippi. Finally, they were consolidated as the Chicago, St. Louis & New Orleans Railroad, a subsidiary of the IC. This southern extension was the origin of the line at Jackson which is the subject of this abandonment.

The IC purchased the Louisville, New Orleans & Texas Railway, extending between Memphis and New Orleans via Vicksburg and Baton Rouge, and the Mississippi & Tennessee, extending from Grenada, Mississippi to Memphis, and consolidated them with the Yazoo & Mississippi Valley. In 1889, the Mississippi River bridge at Cairo was constructed, enabling IC to join its northern and southern lines. In 1893 IC purchased the Chesapeake, Ohio & Southwestern, extending from Louisville to Memphis, and in 1895 built a line into St. Louis from the southeast.

The IC constructed branches to Madison and Dodgeville, Wisconsin, Cedar Rapids, Iowa, Omaha, Nebraska, and Sioux Falls South Dakota. In 1928 the railroad constructed an alternate route between Edgewood, Ill., and Fulton, Ky. to avoid congestion at Cairo. Between 1909 and 1948, IC controlled the Central of Georgia Railway, which in 1963 was acquired by Southern Railway Company, and is now part of the Norfolk Southern Railway system.

On August 10, 1972, the Illinois Central Railroad merged with the Gulf, Mobile and Ohio Railroad (GM&O) to form the Illinois Central Gulf Railroad. Many redundant lines were eliminated in the 1980s, including much of the former GM&O. ICG consolidated its facilities in Jackson, including the transfer of terminal activity from the former IC Frogmoor Yard into the former GM&O Iselin Yard. On February 29, 1988, ICG dropped the "Gulf" from its name and again became known as the Illinois Central Railroad.

In 1988, NSR acquired from the Illinois Central Gulf Railroad its 199 mile Haleyville, AL – Fulton, KY line, including facilities at Jackson, and trackage rights over ICG's Fulton – Centralia, IL line. The acquisition was approved by the Interstate Commerce Commission in a Decision served May 9, 1988 in Finance Docket No. 31088, *Southern Railway Company – Purchase - Illinois Central Gulf Railroad Company Line Between Fulton, Kentucky and Haleyville, Alabama – and Trackage Rights – Illinois Central Railroad Company Line Between Fulton, Kentucky and Centralia, Illinois*. NSR's operation on these lines began in early 1988 and continued for a number of years.

On August 17, 2001, The West Tennessee Railroad, LLC (WTNN), a new carrier, commenced operation of the NSR lines between Fulton, KY and Corinth, MS, including

associated branches, connecting tracks and terminal facilities, pursuant to authorization in STB Finance Docket No. 34039. The Sun Spur track which is the subject of this abandonment was among the lines leased to WTNN, although it by that time had been dormant for many years.

Books on the history of the Illinois Central include, *From the Lakes to the Gulf, The Illinois Central Story; An Illustrated History of the Main Line of Mid-America* by Alan R. Lind (Transport History Press, Chicago: 1992); John F. Stover, *History of the Illinois Central Railroad* (MacMillan Publishing Company, New York: 1975) and Carlton J. Corliss, *Main Line of Mid-America: The Story of the Illinois Central*. (Creative Age Press, New York: 1950).

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia. Norfolk Southern Corporation, which established its corporate headquarters at Norfolk, VA on October 1, 1982, acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC) in a decision dated March 19, 1982 in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173; 1982 ICC LEXIS 52 (1982).

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Jackson, the second largest city in West Tennessee, lies in Madison County, which was created by the Tennessee General Assembly on November 7, 1821 and is named for President James Madison. The name of the Town of Alexandria, the county seat, was changed in 1822 to Jackson to honor Andrew Jackson, who had negotiated the treaty with the Chicasaws through which the land where the city stands was acquired. Books on Jackson and Madison County history include *Historic Madison: the Story of Jackson and Madison County Tennessee* (1946) by Emma Inman Williams, *Jackson and Madison County: A Pictorial History* (1988) by Emma Inman Williams, Marion B. Smothers and Mitch Carter, and *The Goodspeed Histories of Madison County, Tennessee* (Woodward and Stinson Printing Company, 1972).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation. Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company into NSR, effective September 1,

1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit

customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

The change contemplated in the operation of the subject 0.25 mile segment in Jackson, Tennessee is for West Tennessee Railroad, LLC to discontinue its operation via lease and for Norfolk Southern Railway Company to abandon the subject unprofitable line of railroad and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - There are no structures on or associated with the line.

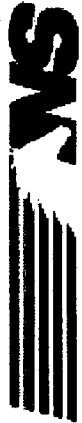
(7) Opinion Regarding Criteria For Listing In The National Register Of Historic

Places – The railroads' opinion is that the line does not meet the criteria for listing in the *National Register of Historic Places*. The line segment proposed for abandonment does not contain any bridges or other structures and is located entirely within an urban area. There is no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery –

The railroads are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

(9) Follow-Up Information - Additional information will be provided as appropriate.



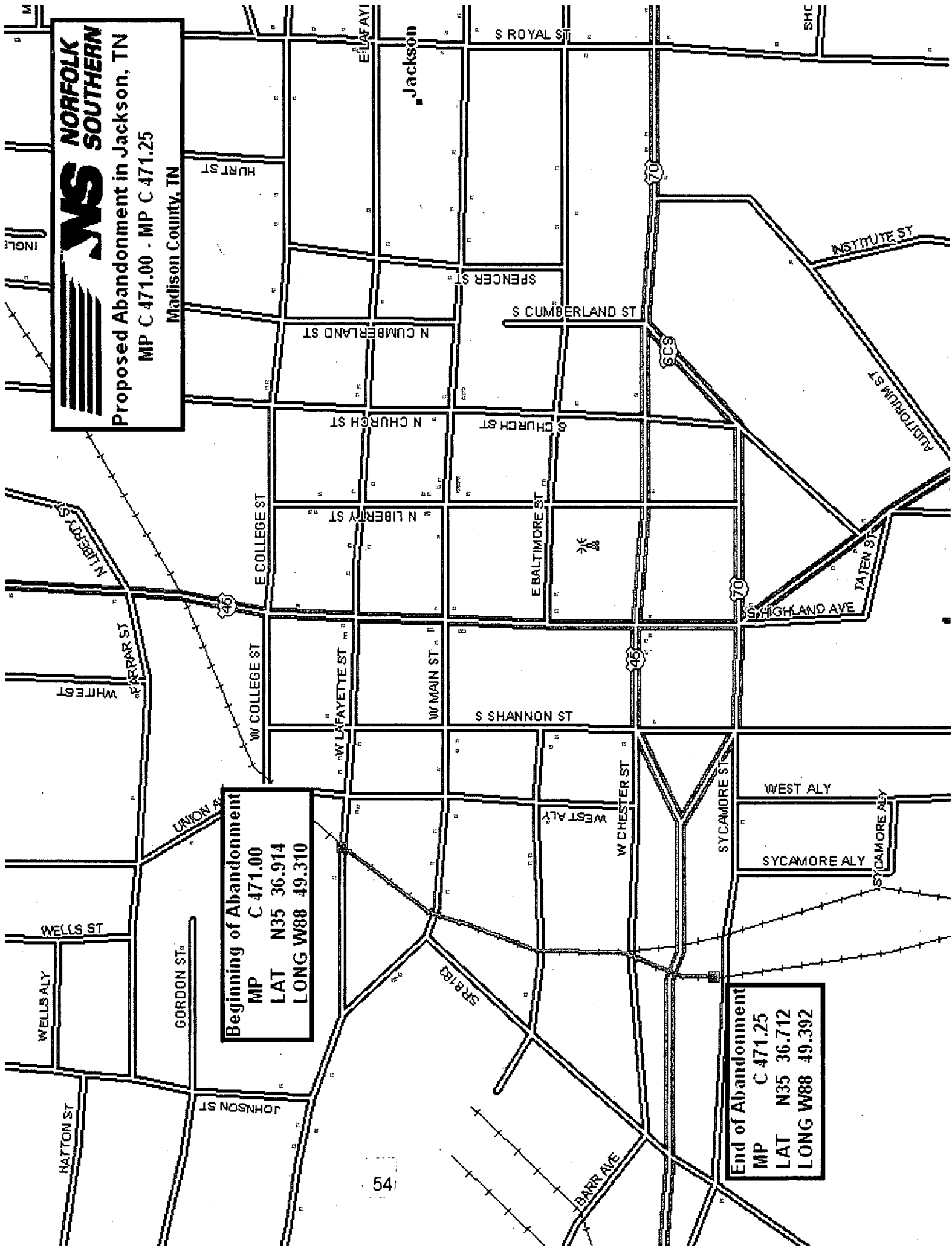
**NORFOLK
SOUTHERN**

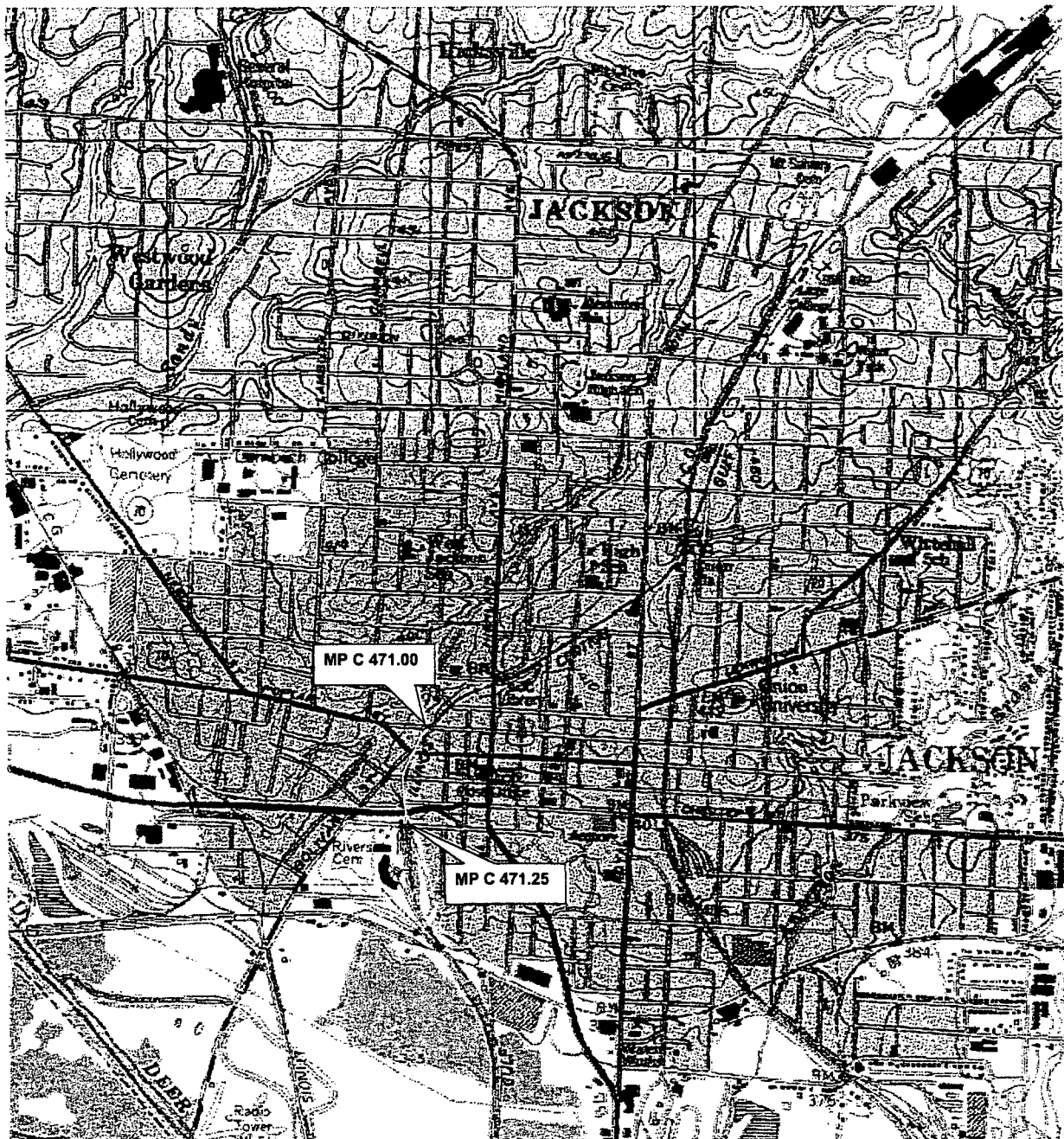
Proposed Abandonment in Jackson, TN
MP C 471.00 - MP C 471.25

Madison County, TN

Beginning of Abandonment
MP C 471.00
LAT N35 36.914
LONG W88 49.310

End of Abandonment
MP C 471.25
LAT N35 36.712
LONG W88 49.392





**NORFOLK SOUTHERN RAILWAY COMPANY
WEST TENNESSEE RAILROAD, LLC
PROPOSED ABANDONMENT/
DISCONTINUANCE OF SERVICE
MP C 471.00 - MP C 471.25
JACKSON, TENNESSEE**



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

September 15, 2006

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

RE: STB Docket No. AB-290 (Sub-No. 277X), Norfolk Southern Railway Company -
Abandonment and STB Docket No. AB-997, West Tennessee Railroad, LLC,
Discontinuance of Service – in Jackson, Madison County, TN

Dear Mr. Harper:

Norfolk Southern Railway Company and West Tennessee Railroad, LLC soon expect to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon and discontinue service and operating rights under a lease over, 0.25 miles of rail line between old railroad mileposts C 471.0 and C 471.25 in Jackson, Madison County, Tennessee. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area and a topographical map.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosures
cc: James R. Paschall, Esq.



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

September 15, 2006

Mr. Russell Townsend, THPO
Eastern Band of Cherokee Indians
P. O. Box 455
Cherokee, NC 28719

RE: STB Docket No. AB-290 (Sub-No. 277X), Norfolk Southern Railway Company -
Abandonment and STB Docket No. AB-997, West Tennessee Railroad, LLC,
Discontinuance of Service – in Jackson, Madison County, TN

Dear Mr. Townsend:

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Sincerely,

Marcellus C. Kirchner

Enclosures

cc: James R. Paschall, Esq.

**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-290 (Sub-No. 277X) and Docket No. AB-997 was mailed via first class mail to the following parties on September 15, 2006:

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

Mr. Russell Townsend, THPO
Eastern Band of Cherokee Indians
P. O. Box 455
Cherokee, NC 28719



Marcellus C. Kirchner

September 15, 2006
Date



September 21, 2006

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

Mr. Marcellus C. Kirchner
Norfolk Southern Corp.
Three Commercial Place
Norfolk, Virginia, 23510-2191

RE: STB, AB-290 SUB NO. 277X, JACKSON, MADISON COUNTY

Dear Mr. Kirchner:

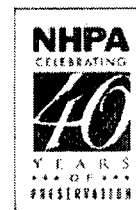
In response to your request, received on Monday, September 18, 2006, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires 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. 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



September 21, 2006

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

Mr. Marcellus C. Kirchner
Norfolk Southern Corp.
Three Commercial Place
Norfolk, Virginia, 23510-2191

RE: STB, AB-997, JACKSON, MADISON COUNTY

Dear Mr. Kirchner:

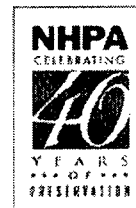
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Sincerely,

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



HLH/jyg

PUBLISHER'S AFFIDAVIT
The Jackson Sun
JACKSON, TENN.

Exhibit 4

State of Tennessee, } ss:
 County of Madison

Before me, a notary public for the state and county aforesaid, personally appeared Jud Putman who, being duly sworn, deposed and says: that he/she is the Classified Advisor of The Jackson Sun, a daily newspaper published in the City of Jackson, County and state aforesaid, and that the advertisement of Norfolk Southern was published in said paper 1 times, to-wit:

Date	Size	Position	Number of Headline of Copy
12/8/06	1c	Legal	Notice of Intent to Discontinue and Abandon Rail Service

Jud Putman
 (Signature of Newspaper Representative)

Sworn to and subscribed before me this 8th day of Dec. A.D. 2006

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year aforesaid.

Candace Joanne Jeffries
 (Notary Public)
 My Commission expires 8-21-07

329076

**NOTICE OF INTENT TO
 DISCONTINUE AND
 ABANDON RAIL SERVICE**

Norfolk Southern Railway Company (NSR) and Western Tennessee Railroad, LLC (WTNN) give notice that on or about January 5, 2007, they intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment and WTNN's discontinuance of service over a .25-mile line of railroad between mileposts (old) C 471.00 and (old) C 471.25 in Jackson, which traverses through United States Postal Service ZIP Code 38301, in Madison County, Tennessee. The line is a segment of the old main line within the yard limits of the Jackson, TN station. The proceeding will be docketed as No. AB-290 (Sub No. 277X) as to NSR and No. AB-997X as to WTNN.

The STB's Section of Environmental Analysis (SEA) 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 an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N. W., Washington, DC 20423-0001 or by calling that office at 202-565-1545. Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. 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 STB's Office of the Secretary, 1925 K Street, N.W., 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 STB's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicants' representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Exhibit 5

James R. Paschall
Senior General Attorney

(757) 629-2759

December 15, 2006

Sara Kyle, Chair
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Gerald F. Nicely, Commissioner
Tennessee Department of Transportation
J. K. Polk Building
Suite 700
Nashville, TN 37243-0349

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Regional Director
National Park Service
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

United States Department of Defense
MTMCTEA
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 277X), Norfolk Southern Railway Company –
Abandonment and STB Docket No. AB-997X Western Tennessee Railroad, LLC –
Discontinuance of Service, in Madison County, Tennessee

Ladies and Gentlemen:

Pursuant to 49 CFR, 1152.50(d)(1), Norfolk Southern Railway Company (NSR) and Western Tennessee Railroad, LLC (WTNN) hereby give notice that on or about January 5, 2007, they will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment and WTNN's discontinuance of service over a .25-mile line of railroad lying between milepost (old) C 471.00 and milepost (old) C 471.25 in Jackson, Madison County, Tennessee (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, 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.

Very truly yours,

James R. Paschall