



TRANSPORTATION

Dave Geraci

Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
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December 1, 2009

Surface Transportation Board
Section of Environmental Analysis
395 East Street, SW
Washington, DC 20423-0001

RE: CSXT Abandonment
McMinn County, TN
STB Docket AB-55 (Sub-No. 699X)

Dear STB - SEA:

This refers to CSX Transportation's Petition for Exemption filed on September 21, 2009, requesting authority to abandon its rail line described above. Enclosed please a response dated November 23, 2009 from Mr. E. Patrick McIntyre, Jr. - Tennessee State Historic Preservation Officer stating "...we determine that there are no national register of historic places listed or eligible properties affected by this undertaking."

Based on this response CSXT respectfully requests that the Section 106 issued on November 9, 2009 be removed.

Sincerely,

Attachment

Copy: Ms. Kate Barney, 500 Water Street-J150, Jacksonville, FL, 32202



November 23, 2009

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

Mr. Dave Geraci
CSX Transportation
500 Water Street/J-200
Jacksonville, Florida, 32202

RE: STB, DOCKET AB-55 SUB NO. 699X, ATHENS, MCMINN COUNTY

Dear Mr. Geraci:

In response to your request, received on Monday, November 23, 2009, 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 your agency proposes any modifications in current project plans or discovers any archaeological remains during the ground disturbance or construction phase, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. 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 <http://www.tennessee.gov/environment/hist/federal/sect106.shtm>. You may direct questions or comments to Joe Garrison (615) 532-1550-103. This office appreciates your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

EPM/jyg