



236878

ENTERED
Office of Proceedings
October 23, 2014
Part of
Public Record

October 16, 2014

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

Re: CSX Transportation, Inc. Abandonment in Knox County, Tennessee, AB-55 (sub-no.736x)
Clarification to Item 2 under A: Public Use Condition

Dear Ms. Brown:

This letter is submitted as an addendum to the request letter referenced above, dated October 14, 2014, as a clarification for Item 2 under section A: Public Use Condition. *An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels.*

On September 24, 2013, the City of Knoxville requested to CSX Transportation, Inc. to remove the Creosote Wood Trestle #191 over Second Creek at Milepost OKS 276 to prevent further flooding hazards for the community. This particular trestle sits low in the creek, has several timber pilings in the creek bed, and causes significant flooding of upstream property. At that time the City of Knoxville inspected the structure and determined the wood trestle members to be unfit as a trail-related structure and therefore it is specifically excluded from the City's request of trail-related structures to remain.

The request letter for removal of the Creosote Wood Trestle #191 is attached.

Please accept this clarification as part of the City's request to preserve beneficial structures.

Sincerely,

William Lyons on behalf of Madeline Rogero, Mayor
City of Knoxville

c: CSX Transportation, Inc.



File Copy

CITY OF KNOXVILLE



Engineering
James R. Hagerman, P.E.
Director of Engineering

September 24, 2013

Ms. Elizabeth Steel
CSX Transportation, Inc.
500 Water Street, 15th Floor
Jacksonville, FL 32202

Re: Removal of Creo Wood Trestle #191 over 2nd Creek: GIS valmap 30564,
Milepost OKS 276. Discontinued 2004 under AB55-641X TN 35A.

Dear Ms Steel:

The discontinued wood trestle over Second Creek just south of Bernard Street in Knoxville Tennessee collects large amounts of debris and blocks significant amount of flow due to the very low design and thick support timbers. The blockages back up water in the creek, which contributes to flooding and bank erosion upstream.

The construction of this bridge and side-track was authorized by City Ordinance #96 on November 25, 1924. The Louisville & Nashville Railroad Company accepted and agreed to abide by the terms of the ordinance via a letter dated December 3, 1924. Both documents are enclosed for your convenience. Section 5 of the ordinance requires the railroad to remove the side-track *"within ninety [90] days after a written notice demanding such removal"*.

CSX officially discontinued the use of the bridge in 2004. The City notified CSX of the flooding problems in January of this year and has requested that the bridge be removed. Within a few months the winter and spring flooding season will return along with more natural debris. **Therefore, the City of Knoxville hereby demands the removal of the side-track, specifically the low bridge, authorized by Ordinance #96, the public good requiring it.**

If CSX wishes to keep the side-tracks in place for future use, please contact me or Stephen King at (865) 215-2148 to discuss the details and timeline of an alternate proposal to either remove the nuisance bridge or replace the low bridge with a single span over the creek. Thank you for helping improve the safety and quality of Knoxville's streams.

Sincerely,

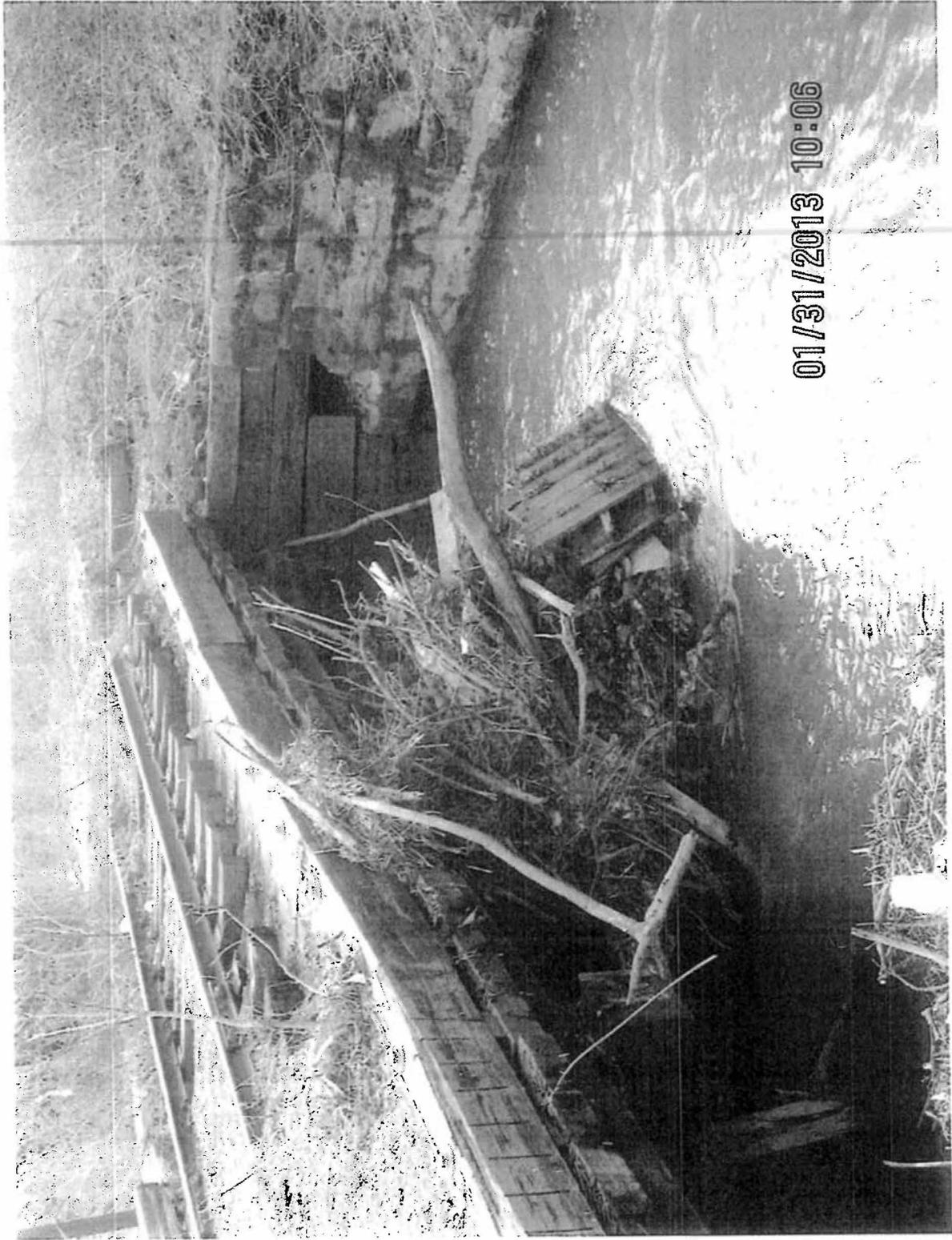
David W. Hagerman, P.E., Stormwater Management

Cc: Tim Browning, CSX Transportation Inc., Contract Manager, Property Services
Stephen J. King, P.E., Deputy Director of Engineering
Lisa B. Hatfield, Esq., Law Department

enclosure

City County Building • Room 480 • 400 Main Street • P.O. Box 1631 • Knoxville, Tennessee 37901
Office: 865-215-2148 • Fax: 865-215-2631
www.CityOfKnoxville.org





Letter from Supd. L. V. N.
Railroad Co accepting
Ordinance #96 - (Sidetrack
on Van St etc.)

MB # 10
Page 387

[Faint, mostly illegible text from a document or newspaper clipping, possibly containing a notice or ordinance details.]

LOUISVILLE & NASHVILLE RAILROAD COMPANY
KNOXVILLE DIVISION
OFFICE OF THE SUPERINTENDENT

12-28-2945

KNOXVILLE, TENN. Dec. 3, 1924.

Mr. Frederick A. Ault,

IN YOUR REPLY REFER
TO DATE AND FILE NO. 4669.

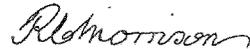
Recorder, City of Knoxville,

Knoxville, Tenn.,

Dear Sir:-

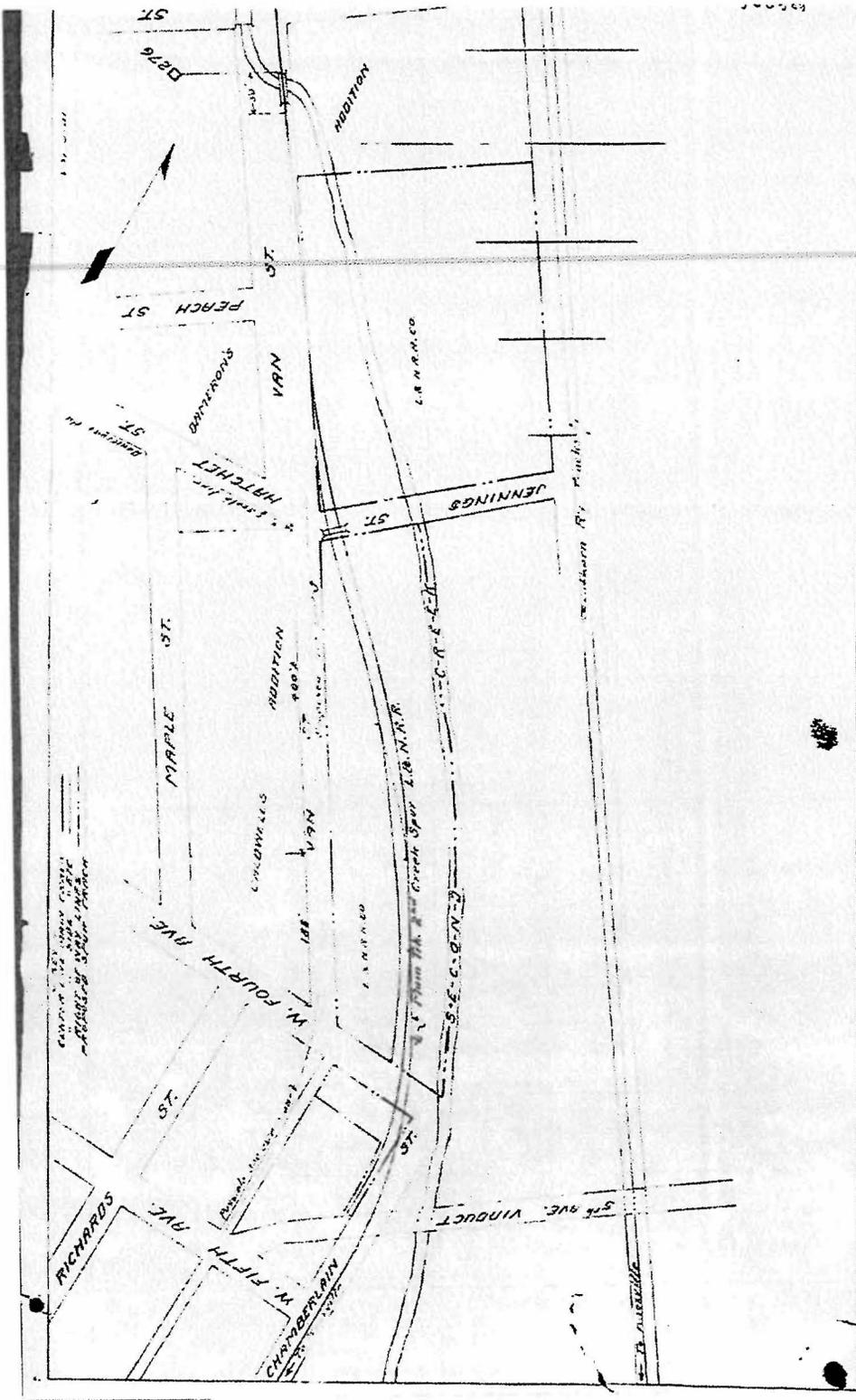
The Louisville & Nashville Railroad Company hereby accepts, and agrees to abide by the terms of, Ordinance No. 96, passed on November 25, 1924, and recorded in Minute Book No. 10, page 369, which ordinance authorizes and permits us to lay a side-track on and along Van Street, between Munson Street and West Fifth Avenue.

Yours truly,



Superintendent.

RCM/ART



AN ORDINANCE AUTHORIZING AND PERMITTING THE LOUISVILLE AND NASHVILLE RAILROAD COMPANY TO LAY A SIDETRACK ON VAN STREET BETWEEN MUNSON STREET AND WEST FIFTH AVENUE IN THE CITY OF KNOXVILLE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1. That the Louisville & Nashville Railroad Company be and is hereby authorized and permitted to lay a side track on and along Van Street between Munson Street and West Fifth Avenue.

SECTION 2. That said side track shall be laid as shown on the blue print of the plan therefor, hereto attached marked Exhibit "A", and made a part of this ordinance; the detailed plans and specifications to be subject to the approval of the Director of Public Service.

SECTION 3. That the Louisville & Nashville Railroad Company, in consideration of this permit, shall indemnify and save harmless the City of Knoxville from any and all liability for damages to person or property resulting from the construction of the said side track, and shall forever maintain that portion of the street between the outer rails of said side track and eighteen inches on either side thereof, in as good condition and with like material, whether macadam or hard surface, as the remainder of the street is improved with and shall pay all costs and expenses therefor.

SECTION 4. That the Louisville & Nashville Railroad Company shall, in doing said work, protect all pipes, wires and conduits of the City, or any public service company, and make any necessary repairs to correct any damages done by reason of the construction and maintenance of said side track.

SECTION 5. That said side track shall be removed by the Louisville & Nashville Railroad Company within ninety days after a written notice demanding such removal, the public good requiring it.

SECTION 6. That this ordinance shall take effect seventeen days from and after its passage, the welfare of the City requiring it; provided however, that unless its terms are accepted in writing by the Louisville & Nashville Railroad Company within fifteen days after its final passage, then it shall be null and void..


Presiding Officer of the Council


Recorder

MR # 10
Nov. 25 - 1924

Ordinance #76

Authorizing L. & N.
Ry. Co. to lay a
streetcar over Van
St. St. Munson St.
& W. Fifth Ave. C.P.K.

CITY RECORDERS FILE
PLEASE RETURN

Nov. 25. 1924