

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FD 35802  
NORTHWEST TENNESSEE REGIONAL PORT AUTHORITY  
-- CONSTRUCTION AND OPERATION OF A LINE OF RAILROAD --  
IN LAKE COUNTY, TN**

**PETITION FOR EXEMPTION  
UNDER 49 U.S.C. §10502 FROM 49 U.S.C. §10901**

**FILED  
June 27, 2014  
SURFACE  
TRANSPORTATION BOARD**

Respectfully submitted,

**FEE RECEIVED  
June 27, 2014  
SURFACE  
TRANSPORTATION BOARD**

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Dated: June 27, 2014

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SURFACE TRANSPORTATION BOARD**

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**I. INTRODUCTION**

Pursuant to 49 U.S.C. §10502, the Northwest Tennessee Regional Port Authority ("NWTRPA" or "Petitioner"), a political subdivision and noncarrier, seeks an exemption from 49 U.S.C. §10901 permitting it to construct and operate a new line of railroad (hereafter "the Line"). Once constructed, the Line will extend approximately 5.5 miles<sup>1</sup> from a connection with an existing line of railroad operated by the TennKen Railroad, near Tiptonville, Tennessee, to the site of a newly constructed port on the Mississippi River at Cates Landing. Once the Line is completed, NWTRPA will contract with a qualified short line railroad to operate the Line. The purpose of the proposed construction is to enable Petitioner to provide rail service at its port as well as to a new industrial park being developed in conjunction with the Port, located adjacent to the Line. A series of maps depicting the Line and its proximity to the Mississippi River, state and federal highways, and other railroad lines in the area are attached hereto as Exhibits A-C.

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<sup>1</sup> As of the present time there are no mileposts.

In support of its proposal, Petitioner submits the verified statement of NWTRPA's Chairman, J.E. Williamson, Jr. (Exhibit D), the verified statement of NWTRPA's Economic Consultant, Ken A. Eriksen (Exhibit E), and support letters from eight (8) municipal and County Mayors from the three (3) counties in Northwest Tennessee which serve as sponsors of NWTRPA (collectively Exhibit F).

The exemption would be subject to completion of an environmental review by the Board's Office of Environmental Analysis ("OEA"). For the reasons stated herein, Petitioner seeks expedited consideration with a decision requested within 90 days of filing.

## II. FACTUAL BACKGROUND

Petitioner is a port authority and political subdivision of the State of Tennessee established by the three counties of Dyer, Lake and Obion in northwest Tennessee for the purpose of owning, constructing, and operating a regional river port in Lake County, Tennessee. *See*, Tenn. Code. Ann. Sections 7-87-101 *et seq.* Lake County is an impoverished and sparsely populated rural county in dire need of economic development in northwest Tennessee approximately 100 miles north of Memphis. With the county seat located at Tiptonville, TN, Lake County has a population of approximately 7,800 people. Lake County's principal economic driver is agriculture. Eriksen VS at para. 4. NWTRPA is a noncarrier because it does not currently own or operate any rail lines or railroad facilities of any type. Williamson VS at paras. 5, 10. NWTRPA seeks to build this rail line to facilitate

intermodal transport operations at the Port of Cates Landing and to attract industrial and commercial activity within this impoverished area. Eriksen VS at paras. 4, 5; Williamson VS at para. 10. In this regard, NWTRPA recently completed construction of a new river port facility on the Mississippi River at the terminus of the proposed Line at Cates Landing. This new port facility is particularly advantageous because it is located on the highest point on the eastern bank of the Mississippi River between Memphis, Tennessee, and Cairo, Illinois. This high plateau of 5,000 acres is above the 100 year flood plain and requires no levee protection from flooding. The 9,000 foot slack water harbor at the Port of Cates Landing is the longest and deepest slack water harbor on the lower Mississippi River. These geological attributes will enable the Port of Cates Landing to operate on a year round basis without interruption from flooding or periods of low water. Williamson VS at paras. 3, 4, 6.

However, the Port is currently disadvantaged by its lack of rail access. The Line will remedy that shortcoming by connecting the Port with a rail line owned by the Hickman River City Development Corporation of Hickman, Kentucky (“HRCDC”), which is leased and operated by a Class III common carrier short line railroad, the TennKen Railroad. Eriksen VS at paras. 4, 5. This short line railroad runs from Hickman, Kentucky to Dyersburg, Tennessee, where it interchanges

traffic with the Chicago-to-New Orleans mainline of the Canadian National Railroad (former Illinois Central). Eriksen VS at para. 7.

The Line will also serve the new industrial park<sup>2</sup> being developed by the Lake County in conjunction with the new river port, which is located approximately three (3) miles from the TennKen Railroad interchange. The development of the new Port and industrial park complex is intended to stimulate economic activity, capital investment and job creation in the severely distressed region of northwest Tennessee, and Lake County in particular. Williamson VS at para. 10,11.

As noted above, NWTRPA will contract with a qualified Class III common carrier short line railroad for the operation of the Line. Eriksen VS at para. 7. However, NWTRPA also seeks operating authority through this Petition to ensure that it retains the residual common carrier obligation for the Line.

As evidence of public need, Petitioner submits the attached letters of support from the Regional Mayors describing the need for rail access and service to the Port of Cates Landing and the Lake County Industrial Park complex. Regional County officials, in partnership with the State of Tennessee and a number of federal agencies, including the U S Department of Transportation, U S Department

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<sup>2</sup> The Lake County Industrial Park will be constructed in three phases commencing with the initial 345-acre facility located on the east side of the rail corridor. Phase Two will double the size of the Lake County Industrial Park by means of an expansion to the west of the corridor. Phase Three will expand the park to the south of the initial industrial park campus towards the connection with the TennKen Railroad on both sides of the rail corridor.

of Agriculture, the Tennessee Valley Authority and the U S Army Corps of Engineers (“the Corps”), have worked for more than fifteen (15) years to develop this Project and remain committed to its success as a regional driver of economic development and activity.

### III. A DESCRIPTION OF THE PROPOSED LINE AND PLANNED OPERATIONS

The Line would begin at a “wye track” connection with the existing rail line owned by HRCDC at Tiptonville and extend in a westerly direction. About three miles from that connection, the Line would bisect the proposed Phase I of the Lake County Industrial Park. Phase I development of the Lake County Industrial Park will commence on the east side of the Line and expand as needed to the west side of the Line. Approximately 2.5 miles northwest of the Lake County Industrial Park, the Line will enter the “Campus” of the Port of Cates Landing and run parallel to the Port’s slack water harbor to the main dock facility.

The Line’s right of way will traverse open farm land a substantial distance from any homes, shopping areas, schools, tourist attractions, and hospitals. The closest residential development to the Line is a state prison located to the south of the new industrial park. Although no major state or federal highways are located near the line, the State of Tennessee is nearing completion of a new Two-Lane “Super Highway” as an extension of state highway 22 to serve the Port and

Industrial Park. This new highway is located parallel to and approximately 2,000 feet west of the line. The surrounding area is largely undeveloped and flat, devoid of any unique land forms, significant wetlands, waterways, historic structures, and Indian tribal areas and cultural resources. The Line will cross two secondary county roads.

The Verified Statement of Ken A. Eriksen, Senior Vice President of Informa Economics, Inc. and consultant to the Port, is submitted in connection with the traffic potential for the new line and its proposed operation. In summary, Mr. Eriksen anticipates that service will be available once per day over the Line, five days per week. Initially, traffic levels are predicted to run less than 1,000 car loads annually in the transport of commodities including agricultural products and industrial and energy commodities and products. Once the Port and the Lake County Industrial Park are fully developed, Mr. Eriksen predicts the traffic levels will rise to more than 1,000 carloads annually and will transport raw materials for industrial products, finished manufactured goods, agricultural-based commodities and products, and special cargoes. Eriksen VS at paras. 8, 9.

Petitioner will acquire the necessary right of way of approximately 70 acres by purchase from adjacent owners and, if necessary, through condemnation as a common carrier railroad. The cost to complete the entire railroad project will total

between \$11 and \$13 million and will be funded by a combination of state, federal and private funds, similar to funding employed for the construction of the Port.

Petitioner is advised and believes that construction of the line will have very few, if any, environmental and historic impacts. As noted above, the area population is very low and there is minimal residential development, and no tourist attractions, shopping areas, schools, and hospitals along or even near the right of way. The line will cross two secondary county roads at grade. These roads serve or will serve the Port and industrial park complex and will not likely be traversed by the population at large. The nearest population center is Tiptonville, about 3 air miles from the railroad right of way. Other communities in Lake County, Wynnburg (population 43) and Ridgely (population about 1,800), are 5 to 10 air miles away. Accordingly, NWTRPA believes the land use and safety impacts should be very minimal.

The Port of Cates Landing was the subject of an environmental analysis performed in 2004 by the Corps. The Corps had issued a Finding of No Environmental Significance because the affected properties are agricultural in nature and have “limited” habitat value. While the Corps’ Environmental Assessment (EA) reported the presence of bald eagles and interior least terns as endangered species within Lake County, the associated Biological Assessment did not identify any such species within the proposed harbor areas or along the rail

corridor. Although the EA identified farm wetlands east and west of the rail corridor, none would appear to be affected by the rail line. Nor did the EA find any active or inactive hazardous waste sites.

On January 14, 2014, NWTRPA wrote the OEA seeking a waiver of the 6 months' advance notice requirement under 49 CFR §1105.10(a) (1). Thereafter NWTRPA selected the environmental consulting firm, EnSafe, of Memphis, Tennessee, to be its independent third party consultant to undertake for the OEA the environmental analysis and prepare the report required under the applicable environmental and historic preservation laws. NWTRPA wrote the OEA on January 17, 2014, seeking OEA's approval for EnSafe's engagement. Both requests were granted by the OEA on January 29, 2014.

#### IV. ARGUMENT

##### A. THIS PROJECT INVOLVES A "LINE OF RAILROAD" SUBJECT TO BOARD JURISDICTION

Petitioner believes that the Line constitutes a "line of railroad" as the Board construes that term and would require a license to construct and operate under 49 U.S.C. §10901. Petitioner seeks residual common carrier authority to enable it or its short line railroad contractor to "hold out" to provide rail service to the public at

large, the test for common carriage under Board precedent.<sup>3</sup> Regardless of the nature of the line (“spur” versus “line of railroad”), Petitioner believes that Board authorization is required for the Line’s construction under the agency’s *Effingham* line of cases<sup>4</sup> as this petition involves NWTRPA’s first “line of railroad.”

Since the enactment of the ICCTA in 1995, NWTRPA’s research indicates that many of the recent construction cases have involved Board approval for small projects undertaken by either port authorities or industrial development agencies seeking common carrier status for new lines of railroad. *See, e.g., Pemiscot County Port Authority – Construction of a Line of Railroad - In Pemiscot County, MO*, FD 34117 (STB served July 2, 2002, cited as Pemiscot, involved construction by a noncarrier of 5 miles of new rail to serve a new port on the west bank of the Mississippi River); Port of Moses Lake-Construction Exemption-Moses Lake, Washington, FD 34936 (STB served Aug. 27, 2009, cited as Moses Lake, involved

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<sup>3</sup> In New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railway Company – Construction, Acquisition and Operation Exemption – In Wilmington and Woburn, MA, FD 34797 (STB slip op. at 10-12, served July 10, 2007), the Board found applicant to be a common carrier railroad because it would be holding out to provide the public with transportation for compensation.

<sup>4</sup> Effingham RR Co.—Pet. For Declaratory Order, 2 S.T.B. 606 (1997). That case involved the construction and operation of less than 10,000 feet of new track to serve present and future customers in a recently established industrial track at the junction of two class I railroads. Although Effingham had argued that its proposal was exempt from STB licensing jurisdiction as a “spur track”, the agency found otherwise. The STB determined that the larger purpose of the transaction was to enable a new carrier [Effingham] to extend its track into territory served by other carriers. Moreover, the agency ruled that the fact that Effingham would be a new carrier and that the line would be its entire operation was another reason to find jurisdiction. *Id.* at 609-610. As a result of Effingham, many new industrial parks have sought to become common carriers subject to Board jurisdiction rather than to be “private carriers” outside that jurisdiction.

a noncarrier's construction and acquisition of 11.5 miles of track); Ellis County Rural Rail Transportation District -- Construction and Operation Exemption -- Ellis County, TX, FD 33731, (STB served Feb. 15, 2000, cited as Ellis County, involved construction by a noncarrier of 4.8 miles of new track to serve an industrial park); Arizona Eastern Railway, Inc., Construction Exemption in Graham County, AZ, FD 34836 (STB served June 15, 2009, cited as Arizona Eastern, involved construction by an existing carrier of 12.1 miles of new track to serve a single industry); and Itasca County Regional Rail Authority-Petition for Exemption-Construction of a Line of Railroad in Itasca County, MN, FD 34992 (STB served Sept. 8, 2008, cited as Itasca, involved construction by a noncarrier of 9 miles of new track to serve a single industry). In many of these cases, the Petitioners have asserted that the availability of rail service is an advantage in attracting customers or industry to their projects. *See, e.g.*, Pemiscot and Ellis.

#### B. A GRANT OF THIS EXEMPTION IS REQUIRED

Petitioner seeks an exemption under 49 U.S.C. §10502 from 49 U.S.C. §10901 to permit it to construct and operate approximately 5.5 miles of new railroad to serve the Port of Cates Landing and the adjacent Lake County Industrial Park. As pertinent, §10901(a) provides that a person may construct an extension to any of its rail lines or construct an additional railroad line only if the Board issues a certificate authorizing such construction. Furthermore, the 1995 revision to

§10901(c) directs the Board to issue a certificate authorizing construction unless it finds that such construction would be inconsistent with the public convenience and necessity. Board precedent establishes a clear presumption *favoring* [emphasis supplied] construction proposals. Midwest Generation, LLC - Exemption From 49 U.S.C. 10901 - For Construction in Will County, IL, FD 34060, slip op. at 7-8 (STB served March 21, 2002).

Moreover, while the proposed construction would be subject to approval under the formal requirements of 49 U.S.C. §10901 and the related regulations, the Board has generally allowed smaller construction proposals such as that here to utilize the individual exemption procedures of 49 U.S.C. §10502 to obtain approval. Under §10502(a), Congress intended for the Board, in a matter related to a rail carrier providing rail transportation subject to its jurisdiction, to exempt a person, class of persons, transaction or service whenever it finds that the application of a provision of this subtitle (1) is not necessary to carry out the transportation policy of §10101a of this title; and (2) either (a) the transaction or service is of limited scope, or (b) the application of a provision of this subtitle is not needed to protect shippers from the abuse of market power.

The legislative history behind §10505 [the predecessor section to the current §10502] makes clear Congress' intent that the Interstate Commerce Commission and [now the Board] use its exemption authority liberally to free certain

transactions and services from the administrative and financial costs associated with continued regulation. In discussing the exemption powers of the Board's predecessor -- the ICC -- the Staggers Act legislative history states:

The policy underlying this provision is that while Congress has been able to identify broad areas of Commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemptions from remaining regulation.

H.R. Rep. No. 96-1430, 96th Cong. 2d Sess. 105 (1980); see also, Exemption from Regulation--Boxcar Traffic, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, Brae Corp. v. United States, 740 F.2d 1023 (D.C. Cir. 1984). This statement applies equally to the Board as the ICC's successor.

Exemption of the proposed construction from §10901 is exactly the type of minor transaction Congress contemplated when it enacted §10502. The transaction proposed here falls squarely within the four corners of §10502 and its predecessor statute. Indeed, with the enactment of the ICC Termination Act of 1995, Board policy clearly favors the approval of short railroad construction projects by exemption. See, e.g., Ellis County, supra; Pemiscot, supra; Arizona Eastern, supra; and Southwest Gulf Railroad Company - Construction And Operation Exemption - Medina County, TX, FD 34284 (STB served May 19, 2003, cited as Southwest).

1. Application of §10901 is Not Necessary to Further National Transportation Policy

Requiring Petitioner to comply with the formal requirements of §10901 is not necessary to carry out the transportation policy of 49 U.S.C. §10101a. That section, originally added to the Act by the Staggers Rail Act amendments and incorporated into the ICC Termination Act, represents Congress' most recent expression of rail transportation policy. Of these, a grant of the petition would satisfy subsections (2) and (7) by minimizing federal regulatory control over and granting expedited consideration of Petitioner's request to construct a short 5.5 mile long rail line. It would also satisfy subsections (4) and (5), by providing a port facility and industrial park lacking direct rail access the option of rail transportation, ensuring the development of a sound transportation system with effective competition and coordination between railroads and other transportation modes, and fostering sound economic conditions in the transportation industry. *See, e.g., Ellis County* and *Southwest, supra*; and Alamo North Texas Railroad Corporation-Construction and Operation Exemption-Wise County, FD 34002 (STB served Nov. 8, 2001, cited as Alamo).

Of particular significance to NWTRPA, a grant of this exemption would promote transportation safety by removing numerous trucks from area highways, thereby enhancing highway safety once the port facility is fully functioning. Finally, a grant of this exemption would satisfy subsection (14) by promoting energy conservation by allowing barge or ship traffic having a prior or subsequent

haul on the Mississippi River to move by clean, energy efficient rail transportation rather than by truck.

2. The Transaction Is One of Limited Scope

The transaction unquestionably satisfies the limited scope test of §10502(a). The proposed trackage is but 5.5 miles long, located in a very sparsely populated section of Northwest Tennessee. The Line would initially serve the Port of Cates Landing. However, it will also serve the proposed Lake County Industrial Park about halfway between the Line's origin at the TennKen Railroad junction and its terminus at the port facility. Petitioner anticipates that the Line will eventually handle more than 1,000 carloads of freight annually. Eriksen VS at para. 9. By any measurement the Board chooses to use, this construction proposal is clearly limited in scope within the meaning of 49 U.S.C. §10502(a) (2) (A). A finding to that effect would be consistent with and is indeed required by the Act. *See, e.g., Ellis County, supra* (4.8 miles of new construction), *Pemiscot, supra* (5 miles), *Alamo, supra* (2.25 miles), *Southwest, supra* (7 miles); and *Itasca, supra* (9 miles).

3. Alternatively, Application of §10901 is Not Necessary to Protect Shippers from Abuse of Market Power

Because this transaction satisfies the limited scope test of §10502(a), Petitioner does not need to show that it also meets the alternative test that there is no opportunity to expose shippers to abuse of market power. But even if the limited scope test were not satisfied, the exemption sought herein would still be warranted by virtue of §10502(a)(2)(B) inasmuch as the subject railroad will offer an additional form of modal competition to customers at the port facility and at the industrial park. *See, Alamo, Southwest, and Pemiscot, supra*. In fact, this case is very similar to *Pemiscot* where the Board granted that port authority's request to construct a new line of railroad subject to its jurisdiction. Both cases involved new

common carrier railroad service to newly constructed ports along the Mississippi River. And both cases involved or involve proposals to construct new rail lines to provide direct rail service to customers that would otherwise be dependent solely on truck or truck/rail transload service for their transportation needs.

V.

EXPEDITED HANDLING REQUESTED

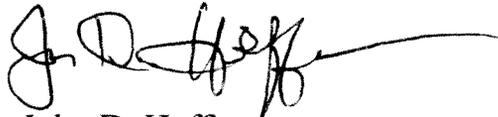
Petitioner requests that the Board expeditiously consider and grant its proposal. NWTRPA has reviewed other fairly straight forward construction proposals such as those filed in Moses Lake, Pemiscot, Alamo, and Itasca and found that the time required from the date of filing the petition to the date of the final decision ran between roughly 12 and 18 months. NWTRPA has no reason to believe that the Board would require substantially more time here particularly because the prior environmental and historical analysis performed by the Corps in connection with the construction of the port facility itself had found no significant impacts.

In anticipation of filing this Petition, NWTRPA has worked diligently 1) to obtain a waiver of the six months prefiling notice sought in a letter submitted to the OEA on January 14, 2014, 2) by letter to the OEA sent on January 17, 2014, to obtain OEA approval to engage the Memphis-based environmental consulting firm of EnSafe as its third party environmental consultant, and 3) obtained the support of State and local officials and community leaders to move this project along as quickly as possible.

VI. CONCLUSION

The Northwest Tennessee Regional Port Authority respectfully requests that the Board expeditiously grant an exemption from the provisions of 49 U.S.C. §10901 to permit the construction and operation of the new line of railroad. The new line will run from the connection with an existing rail line owned by HRCDC to Petitioner's port facility on the Mississippi River at Cates Landing, a distance of approximately 5.5 located in Lake County, TN.

Respectfully submitted,



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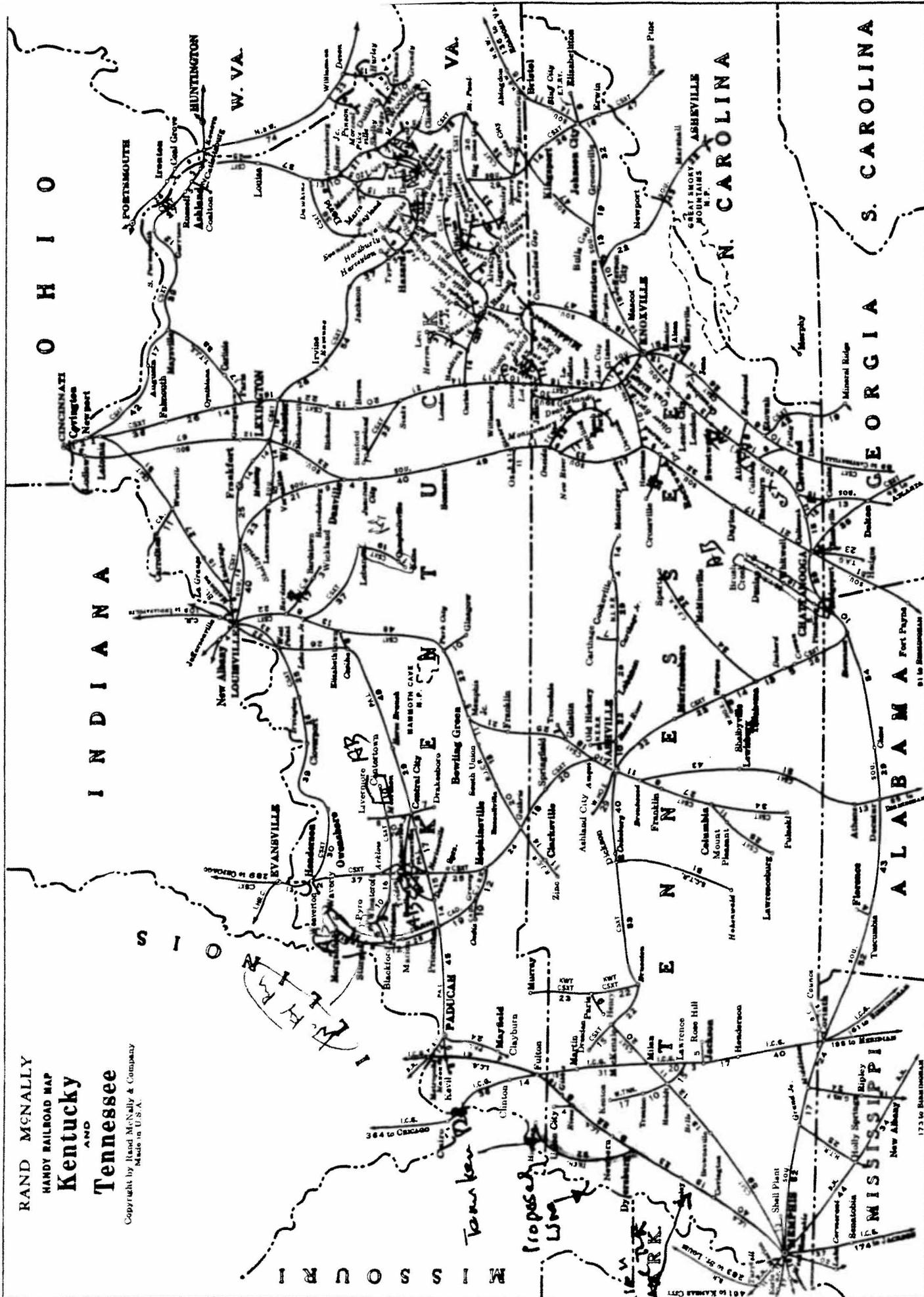
Counsel for Petitioner

DATED: June 27, 2014

# **EXHIBIT A**

**RAND McNALLY**  
**HANDY RAILROAD MAP**  
**Kentucky**  
**AND**  
**Tennessee**

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# **EXHIBIT B**



Orange line represents 3 miles to connect the Lake County Industrial Park to short-line railroad with additional 2 1/2 miles to connect Industrial Park to Port Dock Terminal.

# **EXHIBIT C**

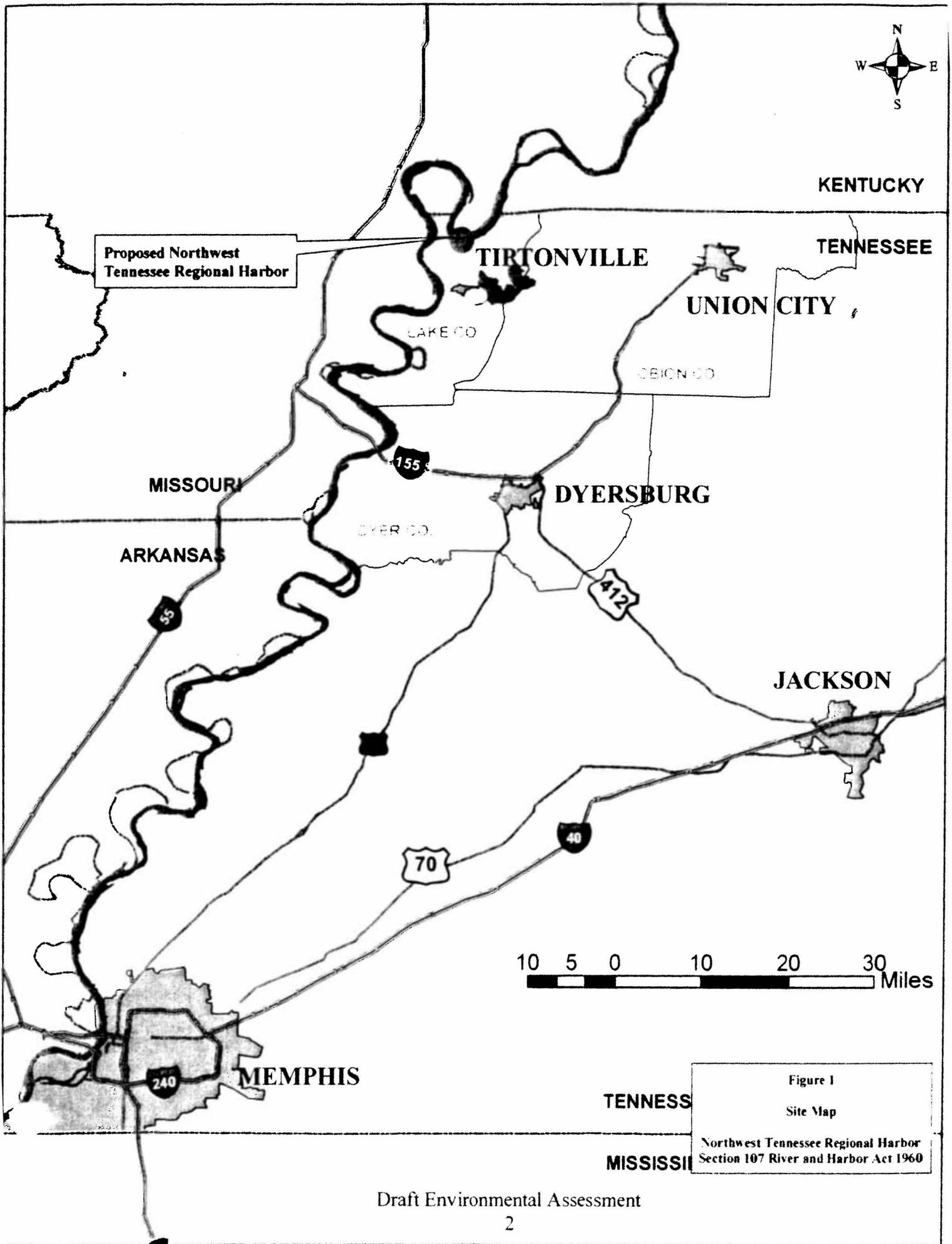


Figure 1  
 Site Map  
 Northwest Tennessee Regional Harbor  
 Section 107 River and Harbor Act 1960

# **EXHIBIT D**

**VERIFIED STATEMENT  
OF  
J.E WILLIAMSON, JR.**

J.E. Williamson, Jr., being duly sworn, deposes and states as follows:

1. My name is J.E. (Jimmy) Williamson, Jr. I serve as Chairman of the Northwest Tennessee Regional Port Authority ("NWTRPA") which is the owner of the Port of Cates Landing ("the Port"). My office address is 402 West Market Street, Dyersburg, TN 38024. I submit this statement in support of the petition NWTRPA has filed with the federal Surface Transportation Board ("the Board") for authority to construct a new 5.5 mile-long line of railroad to serve the Port.
2. NWTRPA is a public, non-profit Tennessee port authority and industrial development corporation originally organized in the year 2001 pursuant to the Tennessee Port Authority Act.<sup>1</sup> NWTRPA was incorporated in a regional cooperative effort by the three (3) rural Tennessee counties of Dyer, Lake and Obion, which surround the site of the Port of Cates Landing.
3. The Port of Cates Landing has been in the planning and developmental stage by regional partners for more than 20 years. Phase I of the Port's construction, consisting primarily of the dredging of the 9,000 foot slack water harbor, was completed by the U.S. Corps of Engineers in December, 2009. The second phase, consisting of the construction of a dock and related facilities to accommodate intermodal Port operations, was completed in 2013. The third phase which is the subject of this petition, consists of the construction of 5.5 miles of new railroad connecting the Port facilities with the national rail system.

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<sup>1</sup> Codified in Tennessee Code Annotated Section 7-87-101 *et seq.*

This trackage will connect at Tiptonville, TN, with a line of railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky, a public agency (HRCDC), and operated by Tennken Railroad, a Class III short line railroad common carrier. The Tennken Railroad connects at Dyersburg, TN, with the Chicago-to-New Orleans mainline of the Canadian National Railroad.

4. The Port's harbor channel is the longest and deepest slack water harbor on the Mississippi River between St. Louis, Missouri, and Baton Rouge, Louisiana. The dock and connected facilities are all constructed above the Mississippi River's 100 year flood plain. An industrial park comprising 350 acres is being developed adjacent to the Port by the County of Lake, TN, for use by industries and transport firms requiring Port services. The Port has been designated as Foreign Trade Zone No. 283 by the U.S. Department of Commerce Foreign Trade Zone Board and will serve as a new national and international intermodal freight hub from its strategic mid-continent location on the Mississippi River.
5. The Port of Cates Landing is located at the geographical center of the contiguous United States in Northwest Tennessee on the Mississippi River's east bank, about 100 miles north of Memphis, Tennessee, 59 miles south of Cairo, Illinois, and 70 miles downstream from the confluence of the Mississippi and Ohio Rivers.

The Port of Cates Landing is within one day's drive to seventy-six percent (76%) of the United States' major markets. The site is 30 miles from both the main line of the Canadian National Railroad and the Interstate 155 Mississippi River Bridge at Dyersburg, TN., and is in close proximity to Interstates 40, 55, 24, 155 and the I-69 corridor. Most importantly, the Port of Cates Landing is located on the Mississippi River which is the largest navigable river in North America and the most important inland waterway in the nation.

6. The Port site is also situated upon a plateau of 5,000 undeveloped contiguous acres above the Mississippi's 100 year flood plain. The combination of the Port's high elevation and deep harbor channel will allow continuous Port operations irrespective of high water, flood conditions or low water, drought conditions. The undeveloped, adjacent plateau of open lands also provides ample, developable space for the growth and expansion of Port facilities, and for staging and mobilization of personnel and material during periods of war or national emergency.
7. Over the past twenty-five (25) years, numerous industrial and manufacturing firms have expressed interest in either using the Port of Cates Landing for transferring cargo between water and ground transportation or as the site for new plants and facilities. However, the absence of an operating port along with the lack of direct rail service prevented this activity from occurring. With the completion of the slack water harbor, dock and landside facilities in late 2013, the Port is now ready for barge-to-truck transport operation. All that remains for full intermodal operation is the construction of the proposed railroad connecting the

Port to the National Rail System. Approval of NWTRPA's petition and construction of the proposed rail line will accomplish this connection.

8. Locating, planning, and constructing a new port is an expensive proposition. To date, federal, state, and local agencies have funded the project through a series of grants totaling in excess of \$50 million. Governmental investment to date serves as justification for the completion of the Railroad and the attainment of full intermodal capability at the Port.
9. Regarding the rail facilities to be constructed, the Port's on-site rail system will include (i) a small rail yard and dockside loading spur on the Port site and; (ii) a spur of approximately 5.5 miles connecting the river port and adjacent industrial park to the TennKen Railroad mainline. The new rail line will be constructed to national Class I standards for maximum durability and to minimize life cycle costs.
10. The completion of the Port and rail facilities are of great importance to the local economy. Current economic conditions in Dyer, Lake and Obion Counties are bleak in comparison to state and federal standards. All three of the Port's county sponsors qualify as economically distressed under 42 USC § 3161 in terms of per capita income. Average per capita income in the region is 66.36% of the Nation's average and unemployment is 4.4% higher than the nation's at 14.1%. Between 2000 and 2008, the region lost 1.26% of its population, indicating the exodus of working population due to low job opportunities. In addition, 17.92% of the Region's population live below the poverty line. Lake County, in particular, is the most distressed and impoverished county in the Region. It has the 15th

highest poverty rate among more than 3,000 counties surveyed in the nation. Approximately 39.2% of Lake County's residents live below the national poverty line, which is 26.2% higher than the national average. County per capita income in 2007 was 45.22% of the national average. As of June 2009, unemployment in Lake County was only 0.8% above national average. Unfortunately, this relatively small unemployment rate results from the lack of job opportunities and resulting exodus of workers, causing a loss of total population. From 2000 to 2008, the County's population declined 8% compared to an increase nationally of 8.04% over the same period.

11. With the completion of the Port of Cates Landing and all the related improvements to the region's transport systems, economic conditions in the region will stabilize and substantially improve, in the short and long terms. According to a study performed in 2009 by the Business and Economic Research Center at Middle Tennessee State University, the most significant economic impact of the Port to the region will be new jobs. Within three (3) to five (5) years of commencement of Port operations, a total of 783 new jobs will be created in support of Port and marine operations. The addition of industrial tenants at the Lake County Industrial Park adjacent to the Port and firms supporting Port operations will create an additional 203 new jobs. Other new jobs, indirectly related to the Port or induced thereby throughout the region, will total 717. Past interest in the Port of Cates Landing by firms engaged in steel production indicate strong potential for location of a steel mill in the industrial park. Within 3 to 5 years of commencement of operations, such a new steel mill would produce

an additional 300 to 370 direct new jobs in steel production. The commencement of Port operations will also reverse the trend of layoffs and unemployment in the region due to business closings and lack of market opportunity, generally. During 2008 and 2009, the three counties of Dyer, Lake and Obion suffered a total of 1,459 business employee layoffs. Over the same period, the four adjacent counties of Crockett, Gibson, Lauderdale and Weakley had layoffs of 2,715, resulting in a total decline throughout the region of 30.63%.<sup>2</sup> The Port of Cates Landing will reverse this trend by improving the region's competitiveness in material and international markets and reducing the number of business closings, thereby preserving existing jobs. Specifically, new opportunities for import and export trade will result in the preservation of 2,293 jobs, including 1,063 jobs in Dyer, Lake and Obion Counties and 1,230 jobs in the four adjacent counties of Crockett, Gibson, Lauderdale and Weakley. These factors will reduce the regional unemployment rate by 6.5%. Additional new jobs will result from construction activities associated with future expansion of the Port as well as the construction of new industrial plants and facilities in the Lake County Industrial Park. In short, the rehabilitation of the region's existing surface transportation systems and their connection to the Port will stabilize and improve the region's economy through the creation of jobs, the increase of per capita incomes, the reduction of poverty and the stimulation of new business and production for the region and the nation.

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<sup>2</sup> See also, <http://www.bls.gov>.

12. For all the reasons stated above, I sincerely believe the rail line is critical to the success of the Port of Cates Landing and to the economic vitality of the region of Northwest Tennessee.

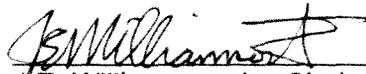
  
\_\_\_\_\_  
J.E. Williamson, Jr., Chairman

VERIFICATION

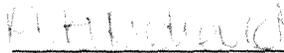
STATE OF TENNESSEE

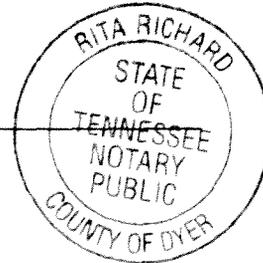
CITY OF DYER

J.E. Williamson, Jr., being duly sworn according to law, hereby deposes and states that he holds the position of Chairman of the Northwest Tennessee Regional Port Authority, is authorized to make this Verification, has read the foregoing documents, and knows the facts asserted therein are true and accurate as stated, to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
J.E. Williamson, Jr., Chairman  
Northwest Tennessee Regional Port Authority

Subscribed and sworn before me, a Notary Public, in and for the County <sup>Dyer</sup> ~~Shelby~~ in the State of Tennessee this the 2<sup>nd</sup> day of June, 2014.

  
\_\_\_\_\_  
Notary Public



My Commission Expires:

7/2015

# **EXHIBIT E**

## **VERIFIED STATEMENT OF KEN A. ERIKSEN**

Ken A. Eriksen, being duly sworn, deposes and states as follows:

1. My name is Ken A. Eriksen. I am Senior Vice President, Transportation, Industrial and Energy Services, Informa Economics, Inc. ("Informa"). Informa is a broad-based domestic and international firm providing agricultural and commodity/product market research, analysis, evaluation and consulting services. My office is located at Informa's headquarters, 775 Ridge Lake Boulevard, Suite 400, Memphis, Tennessee, USA 38120-9403. I submit this statement in support of the Petition the Northwest Tennessee Regional Port Authority (NWTRPA) has filed with the federal Surface Transportation Board (Board) for authority to construct a new 5.5 mile line of railroad to serve the NWTRPA's Port of Cates Landing.
  
2. I have been the leader of Informa Economics' Transportation, Industrials and Energy Services Group since 2011. In that capacity, I direct the group's efforts in client service, research, risk management, consulting and events. Since joining the firm in 2001, I have led Informa's transportation services and co-led Informa's project consulting practice. I speak on commodity, transportation and infrastructure issues and developments and have provided expert witness testimony in the areas of transportation, logistics and supply-chain matters. Prior to joining the company, I worked for the US Department of Agriculture in various capacities covering transportation matters. I hold bachelors and masters degrees in agribusiness and agricultural economics from Washington State University.

3. I am familiar with both NWTRPA's river port project and proposed rail construction project inasmuch as that agency retained Informa to prepare the port master plan (which included a review of previous economic feasibility efforts of the port project), coordinate the port layout during the final phase of construction, conduct initial marketing efforts, and serve as the interim Port director to lead the marketing and administration efforts of the Port which is known as the Port of Cates Landing (Port).
4. NWTRPA seeks to build the new rail line in question to facilitate multi-modal transportation at the Port which is located on the eastern downriver bank of the Mississippi River at river mile 900. The multi-modal operations will consist of the transshipment of freight and traffic to and between barge to truck or rail for movement to or from inland points. The Port is particularly advantageous because it is situated on the only developable land between the confluence of the Mississippi and Ohio Rivers and the deep water draft at Baton Rouge, LA, which is neither levee protected nor located on an elevated bluff. The Port's 9,000 foot slack water harbor is the longest and deepest slack water harbor on the lower Mississippi River. The Port site is above the 100 year flood plain, and much of the adjacent industrial park being developed by Lake County, TN is above the 500 year flood plain. Despite these advantages, the Port lacks rail access. The proposed rail line will correct this deficiency.
5. Lake County and the adjoining counties of Dyer and Obion comprise a largely undeveloped, rural, and impoverished area in the northwest part of Tennessee. Lake County has one of the highest rates of unemployment in the country and is

particularly in need of economic development. NWTRPA believes that once the Port is fully functional with rail service, it will attract substantial industrial and commercial activity to this impoverished area. The adjacent Lake County Industrial Park through which the line will be constructed, is being developed in conjunction with the Port and will also serve as the venue for industrial and logistical plant expansions and contribute to the region's economic development.

6. As part of my assignment for evaluating the viability of the Port and leading the marketing efforts, I have had an opportunity to review correspondence between the NWTRPA and various industrial firms that have considered locating at or near the Port of Cates Landing. Most of these firms have indicated the need for rail service
7. Should the Board decide to approve NWTRPA's petition, NWTRPA will contract with a qualified short line railroad to operate the line after it is constructed. The new line will connect the Port to a line railroad which extends from Hickman, KY to Dyersburg, TN. At Dyersburg, railroad line connects with the Chicago ~~to~~ New Orleans mainline of the Canadian National Railroad. This existing short line railroad is owned by the Hickman River City Development Corporation of Hickman, Kentucky (HRCDC) and operated by a Class III common carrier short line railroad, the TennKenn Railroad under lease from the HRCDC. Through these connections, the Port of Cates Landing will have access to the national rail system.
8. As part of my work to assess the viability of the proposed line of railroad, I was asked to review the traffic potential and proposed operations for the Line. I have

assumed that service will be available over the Line once per day in either direction five days per week. It is my understanding that this is the level of service provided by the TennKen Railroad over the existing trackage leased from the HRCDC.

9. Initially, I have projected the traffic level on the Line to run less than 1,000 car loads per year with commodities handled to include agricultural, industrial, and energy commodities and products. Once the Port and the adjacent Lake County Industrial Park are fully functional, I anticipate that traffic levels on the line will increase and eventually to exceed 1,000 car loads annually, with likely commodities transported to include raw materials for industrial products , finished manufactured goods, agricultural based commodities and products, and special cargoes.
10. In Summary, I believe that the proposed new 5.5 mile line of Railroad is essential for the success of the Port of Cates Landing and will have a substantial and permanent, positive economic impact on Lake, Dyer, and Obion Counties, TN and the region of Northwest Tennessee.

VERIFICATION

STATE OF TENNESSEE

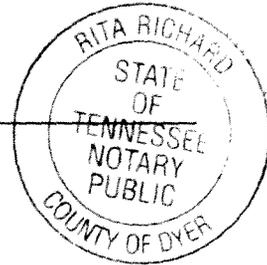
<sup>DKL</sup>  
CITY OF SHELBY

Ken A. Eriksen, being duly sworn according to law, hereby deposes and states that he holds the position of Senior Vice President, Transportation, Industry and Energy Services, Informa Economics, Inc. of Memphis, Tennessee which firm services as consultant to the Petitioner, Northwest Tennessee Regional Port Authority, is authorized to make this Verification, has read the foregoing documents, and knows the facts asserted therein are true and accurate as stated, to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Ken A. Eriksen

Subscribed and sworn before me, a Notary Public, in and for the County <sup>DKL</sup>Shelby in the State of Tennessee this the 20 day of June, 2014.

  
\_\_\_\_\_  
Notary Public



My Commission Expires:

9/22/15

# **EXHIBIT F**

# City of Dyersburg



**JOHN HOLDEN  
MAYOR**

---

TENNESSEE

731-288-7600

[jholden@dyersburgtn.gov](mailto:jholden@dyersburgtn.gov)

June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN

Dear Ms. Brown:

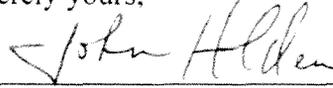
I am writing on behalf of the City of Dyersburg, Tennessee in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky.

For more than 20 years, local, state and federal representatives have worked tirelessly to make the intermodal Port at Cates Landing a reality. During this time many industries have expressed interest in locating at the Port site, including Con Agra, NuCore Steel, TVA and other well-known concerns. However, in the absence of an operating harbor and port with rail connections, these projects located elsewhere. With the completion of the 9,000 foot harbor last year, new interest in Cates Landing has been sparked. Currently, projects totaling in excess of \$1.0 billion are investigating expansions at Cates Landing in anticipation of the completion of the Port. However, the construction of a rail connection is necessary to secure these industrial expansions and full intermodal freight operations.

An economic study by Middle Tennessee State University found that the completion and operation of this intermodal Port would reduce poverty in Northwest Tennessee by 30% and increase business revenues in the Region by \$350 million annually. In addition, state taxes will increase by \$8.0 million annually, and Federal taxes will increase by \$14.2 million annually. Most importantly, however, the regional population will see significant new opportunities for employment and an increase in their standard of living.

The missing link for this project remains the construction of rail connection to the Port of Cates landing. On behalf of the City of Dyersburg, and the entire region of Northwest Tennessee, I urge the Surface Transportation Board to grant the Petition of Northwest Tennessee Regional Port Authority for Authority to construct this railroad.

Sincerely yours,

A handwritten signature in cursive script that reads "John Holden". The signature is written in dark ink and is positioned above a horizontal line.

John Holden, Mayor

cc: John D. Heffner, Esq.



**DYER COUNTY**

**MAYOR**

P.O. Box 1360  
Dyersburg, TN 38025-1360

*Office of County Mayor*

**RICHARD HILL**

June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN

Dear Ms. Brown:

I am writing on behalf of Dyer County, TN in support of the petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee.

I am writing in my capacity as Mayor of Dyer County, a political subdivision of the State of Tennessee, which serves as a sponsor of the NWTRPA. To give your Board some perspective, the three county area consisting of Dyer, Lake and Obion Counties, is an economically depressed, rural, predominately agricultural area with high unemployment. In fact, Lake County is one of the poorest counties in the nation.

In 2013, NWTRPA completed construction of a river port facility on the Mississippi River at a point in Lake County called Cates Landing. This facility is particularly advantageous for commerce because it is located at the highest point in the eastern bank of the river between Memphis, Tennessee and Cairo, Illinois. As such, it is above the 100 year flood plain and requires no levee protection from flooding, permitting it to operate year round. Unfortunately, this river port lacks one significant shortcoming: rail access. Approving NWTRPA's petition will remedy that defect by allowing the port to build a 5.5 mile long railroad connection to a rail line owned by the Hickman River City Development Corporation and over that line, to the Chicago-to-New Orleans main line of Canadian National Railroad.

Completion of this rail line marks the culmination of the river port project that has been 15 years in the making. Finalization of the port project will spur capital investment, economic growth, and job creation. Moreover, the rail line will also serve a new industrial park that will be established on either side of the right of way about half way between its junction with the Hickman River City Development Corporation's existing line and the Port at Cates Landing.

NWTRPA believes this project has few if any adverse environmental impacts. The Army Corps of Engineers studied the port project in 2004 and issued a FONSI, finding no significant environmental impacts. The likely right of way traverses undeveloped open fields far from homes, schools, shopping, tourist areas and hospitals. The only nearby structure is a state prison. There are no significant wetlands, historic structures, tribal areas or Native American cultural resources. Only two highways, one to serve the industrial park, will be crossed.

Accordingly, Dyer County, Tennessee requests that the Board expeditiously consider and grant NWTRPA's petition so that it may commence construction of this rail line.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard Hill", written over a horizontal line.

Richard Hill, Mayor

cc: John D. Heffner, Esq.



# CITY OF NEWBERN

OLEN K. PARKER  
MAYOR

P.O. Box 460 • 103 JEFFERSON STREET  
NEWBERN, TENNESSEE 38059  
TELEPHONE: (731) 627-3221

---

June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN

Dear Ms. Brown:

I am writing on behalf of the City of Newbern, Tennessee in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky.

The completion of the Rail Connection between the Port at Cates Landing and the national system of railroads is essential to economic survival of the nine (9) county region of Northwest Tennessee. With the recent closure of the Goodyear Plant in Union City, our regional economic survival hinges upon the commencement of intermodal operations at the Port at Cates Landing. Critical to these operations is the construction of a railroad to the Port and its adjacent industrial park.

The Port at Cates Landing will be a valuable transportation asset of benefit to the local and national economics for years to come. Consider the following.

- The Port is within one day's drive to 76% of the nation's major markets and connects to five (5) interstate highways and the Canadian National Railroad.
- When operational, the Port would reduce the poverty rate in the surrounding nine counties in West Tennessee by more than 30%, and increase wages by 40%.

- The Port would preserve in excess of 2,200 jobs in the region and create excess of 1,500 new jobs.
- The economic study of Middle Tennessee State University calculates the cost-benefit ratio between 4.64 and 6.06, for the completion of the Port.

All that remains to render the Port fully operational is the completion of the railroad connection to the existing shortline railroad at Tiptonville, TN. Absent this critical rail connection, the realization of the manifold benefits to Northwest Tennessee will be thwarted. After years of study, no ill effects of this project have surfaced. Indeed, this project remains fully supported by every state and federal agency which has ever reviewed it. For these reasons, I respectfully request your prompt approval of the Petition for exemption without delay.

Yours truly,

A handwritten signature in black ink, appearing to read 'Olen Parker', written over a horizontal line.

Olen Parker, Mayor

cc: John Heffner, esq



Larry L. Harley, Mayor

June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN

Dear Ms. Brown:

I am writing on behalf of the citizens, residents, and elected officials of Union City, Tennessee in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky.

Of critical importance to the economy of West Tennessee and Southwestern Kentucky is the completion of the Intermodal Port at Cates Landing in Lake County, Tennessee. I respectfully request your support for the Port's Petition for the rail component of the Port Project.

Cates Landing is the only site on the eastern bank of the Mississippi between Memphis and Cairo, Illinois, located above the 100 year flood plain. The recent completion of the land side dock facilities at a cost in excess of \$50 million brings us very close to realizing the potential of the Port and its geological attributes. However, a railroad is essential to full intermodal operation and our attainment of the full economic benefits of the Port.

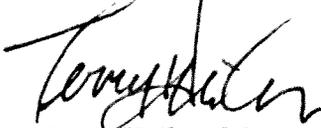
An existing short haul rail line known as the TennKenn Railroad, which is owned by the Hickman River City Development Corporation of Hickman, Kentucky, is located less than six miles from the Port. What is needed is the construction of a railroad to connect the Port to this existing short haul rail line. It is my understanding that the U.S. Corps of Engineers, The U.S. Department of Agriculture, the U.S. Department Transportation, the Tennessee Valley Authority,

and the State of Tennessee have all reviewed the Port project and participated in the funding of the project cost to date. All that remains to complete the overall project is the approval of your Board of the construction of this railroad connection.

Our region has suffered mightily in recent years and our population is suffering from the loss of jobs and hope. Approval of this railroad will go a long way to abate our suffering and I respectfully request your support.

Thank you for your consideration.

Sincerely yours,



Terry Hailey, Mayor

cc: John Heffner

# Obion County

P.O. Box 236  
Union City, Tennessee 38281-0236

Benny McGuire  
Obion County Mayor

[obioncountymayor@ken-tennwireless.com](mailto:obioncountymayor@ken-tennwireless.com)

Phone: (731) 885-9611  
Fax: (731) 885-7515

June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN Dear Ms.  
Brown:

I am writing on behalf of the citizens of Obion County, Tennessee in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky.

The Port at Cates Landing is sponsored by the Counties of Dyer, Lake and Obion in Northwest Tennessee. A total of \$50 Million has been invested to date by the three (3) County sponsors, the State of Tennessee and Federal Government in land acquisitions, dredging, environmental mitigations, and the construction of the River Port. All that remains for final completion of the project is construction of a railroad to the Port and adjacent industrial park.

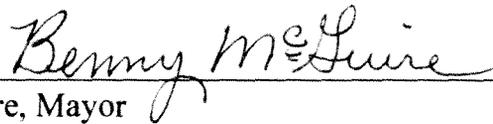
Currently, an industrial firm representing in excess of \$1.0 billion in capital investments is investigating the Port at Cates Landing for the location of a new industrial plant. Of huge importance to this industry is construction of a railroad from the Port to existing short haul railroad at Tiptonville. Obviously, this rail connection will benefit not

only the current industrial prospect, but future industries and patrons of the Port for years to come.

I cannot adequately express to you the importance of this railroad to my county. In recent years, we suffered the closure of a Goodyear tire manufacturing plant and the loss of more than 1,000 jobs. The intermodal Port at Cates Landing is critical to the survival of Obion County and all of Northwest Tennessee; and the railroad is essential to the Port.

I respectfully request your support and approval of the Petition and construction of the railroad without delay.

Respectfully yours,

A handwritten signature in cursive script that reads "Benny McGuire". The signature is written in black ink and is positioned above a horizontal line.

Benny McGuire, Mayor

cc: Mr. John Heffner

Danny Cook  
Mayor



CITY OF TIPTONVILLE

Dewayne Haggard  
Mario Montgomery  
Daisy Parks  
Richard Perkins  
Sarah J. Woods  
Reid Yates

130 South Court Street  
Tiptonville, Tennessee 38079  
731-253-9922

Fran Hearn, City Treasurer  
June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, Tn.

Dear Ms. Brown:

I am writing on behalf of the City of Tiptonville, Tennessee in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky.

The Northwest Tennessee Regional Port Authority's Port at Cates Landing promises benefits to the Nation's economy, environment and security for years to come. The location of the Port in the heart of the Mississippi Valley provides an important midcontinent connection for existing rail and highway systems to international commerce. International freight can be shipped in bulk by barge to Cates Landing within one day's drive to 50% of the Nation's population. The savings in transportation cost by barge and railroad is well known, as are the benefits to the environment resulting from the decrease in green houses gases from other modes of transportation.

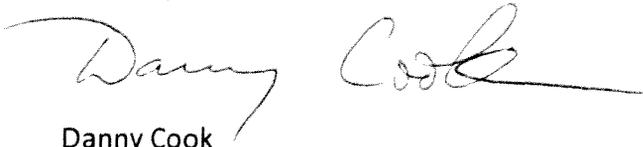
Cates Landings' 5,000 acres high above the 100 year flood plain offers an ideal undeveloped, flat terrain for the staging of military and emergency assets in times of war or national calamity. These attributes were recognized by the Corps of engineers in its study of the Port's feasibility years ago. The same features were acknowledged by USDOT in 2011 when Tiger II grant funding of \$13.0 million was awarded the Port. The State of Tennessee acknowledged the Port's importance by its pledge of match funding in the amount of \$7.0 million.

The \$50 million invested to date by Dyer, Lake, and Obion Counties, and the State and Federal governments, will be prejudiced, however, if the rail connection to the Port is not constructed. Critical to the Port's intermodal freight operation is construction of a rail line to connect the Port to the national rail system. The Port Authority has petitioned the Surface Transportation Board for leave to construct this much needed railroad and I am writing you to request your support of the Petition.

For the benefit of Northwest Tennessee and the Nation as a whole, we hope very much that you and the Surface Transportation Board will grant the Petition and allow construction of the railroad to proceed without delay.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Danny Cook". The signature is written in a cursive style with a long horizontal line extending to the right.

Danny Cook  
Mayor

cc: John D. Heffner, Attorney-at-Law

# MACIE M. ROBERSON

TELEPHONE  
731/253-7382

County Mayor, Lake County  
Box 1 • Court House  
229 Church Street  
Tiptonville, Tennessee 38079



June 16, 2014

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

Re: FD 35802, Northwest Tennessee Regional Port Authority-  
Construction and Operation of a Line Railroad in Lake County, TN

Dear Ms. Brown:

I am writing on behalf of Lake County, TN in support of the Petition for exemption filed by the Northwest Tennessee Regional Port Authority ("NWTRPA") with the Surface Transportation Board seeking authority to construct and operate a new 5.5 mile long railroad in Northwest Tennessee to connect the Port of Cates Landing with an existing short haul railroad owned by the Hickman River City Development Corporation of Hickman, Kentucky. The Intermodal Port at Cates Landing is a valuable national asset. Critical to the Port's success is its connection by Rail to the nation's railroad system.

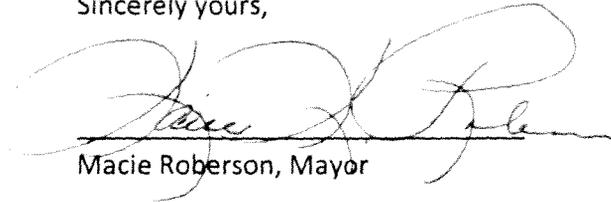
For the past twenty (20) years, more than \$1.0 billion in potential capital investment has investigated Cates Landing in Lake County, Tennessee, for industrial expansions. Cates' unique geography, situated on 3,000 acres high above the 100 year flood plain adjacent to a 9,000 slack water harbor, is ideal for year round river access, even during flood stages. These conditions spawned the efforts of the three (3) surrounding counties in Northwest Tennessee of Dyer, Lake and Obion, to organize the Northwest Tennessee Regional Port Authority for purposes of constructing and operating the Port and exploiting the economic potential of this valuable natural asset.

To date, we have succeeded with the help of State and Federal agencies in constructing the harbor and landside facilities for barge to truck freight handling. However, critical to full intermodal freight operation is the rail spur connecting the truck and barge assets to the national railroad network. This 5.5 mile Rail Spur opens the door to the potential that only the railroads can bring and the success of the Port is dependent on this rail spur.

Studies have revealed that the Region of Northwest Tennessee and Southwest Kentucky, as well as the Nation as whole, will benefit from the Port's full operation. I hope very much that you will support the Petition of the Port Authority and allow this railroad to be built as soon as possible.

Thanking you for your service, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "Macie Roberson", written over a horizontal line. The signature is fluid and cursive.

Macie Roberson, Mayor

cc: John Heffner