



CITY OF KNOXVILLE
MADELINE ROGERO, MAYOR

236825

October 14, 2014

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

ENTERED
Office of Proceedings
October 15, 2014
Part of
Public Record



Re: CSX Transportation, Inc. Abandonment in Knox County, Tennessee, AB-55 (sub-no. 736x)

Dear Ms. Brown:

This request is filed on behalf of the City of Knoxville, a government agency interested in multimodal transportation and recreation, which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost OKS 275.09 (valuation station 15304+87) and milepost OKS 276.27 (valuation station 15368+89).

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question is along Second Creek and will connect World's Fair Park, a destination park in downtown Knoxville, and a new 14-acre sports complex park under construction, at the south end, to Historic Old North Knoxville neighborhood and the Mechanicsville Historic District at Baxter Avenue on the north end. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

FILING FEE WAIVED

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Knoxville is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation, Inc. and operated by Norfolk Southern Railway Company.

The property, known as the Second Creek Spur extends from railroad milepost OKS 275.09 near valuation station 15304+87 to railroad milepost OKS 276.27 near end of track located at valuation station 15368+89 a distance of 1.18 miles in Knox County, Tennessee. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub 736x).

A map depicting the right-of-way is attached.

The City of Knoxville acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon CSX Transportation, Inc. at 500 Water Street, Jacksonville, Florida 32202, by U.S. Mail, postage prepaid, first class, on October 14, 2014.

Sincerely,

A handwritten signature in purple ink that reads "Madeline Rogero". The signature is written in a cursive, flowing style.

Madeline Rogero, Mayor
On behalf of the City of Knoxville

c: CSX Transportation, Inc.

A.F.E. No. 11820
 Date Comp. 4-30-80
 Description of Change: Sale of Prop. 80 in part of No. 6
 Control of Int. = 654-1
 Date of Map: 10-6-78
 Scale: 1" = 125.0'
 Date of Map: 10-6-78
 Control of Int. = 654-1
 Date of Map: 10-6-78
 Control of Int. = 654-1

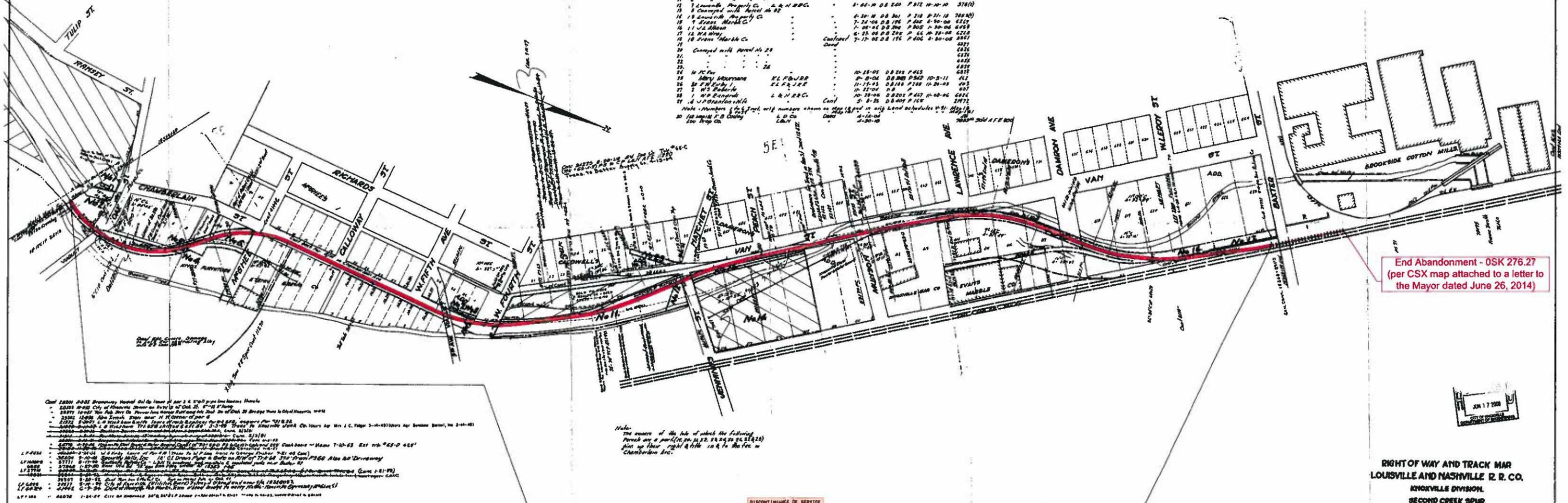
THIS MAP WAS PLOTTED
 DATE: 06-18-2009
 TIME: 10:08 A.M.
 NOTE: MAPS OLDER THAN
 6 MONTHS SHOULD BE
 DESTROYED

Disclaimer:
 The City of Louisville, Kentucky, is not responsible for the accuracy, completeness, or timeliness of the information contained in this map. The City of Louisville, Kentucky, is not responsible for the accuracy, completeness, or timeliness of the information contained in this map. The City of Louisville, Kentucky, is not responsible for the accuracy, completeness, or timeliness of the information contained in this map.

No.	Grantee	Grantee	Instrument Date	Record	Cust. No.	Remarks
1	Louise Property Co.	K.L.F. & J.R.R.	8-1-06	D 8178	P 377	8-11-06 481
2	Conveyed with Parcel No. 52		11-20-06	D 8178	R 118	11-20-06 227
3	Conveyed with Parcel No. 52		8-11-06	D 8178	P 382	8-21-06 479
4	Conveyed with Parcel No. 52		8-11-06	D 8178	P 380	8-21-06 479
5	Conveyed with Parcel No. 52		2-01-06	D 8178	R 290	10-4-06 7823
6	Conveyed with Parcel No. 52		11-20-06	D 8178	P 376	11-20-06 480
7	Conveyed with Parcel No. 52		11-20-06	D 8178	P 375	11-20-06 479
8	Conveyed with Parcel No. 52		11-20-06	D 8178	P 374	11-20-06 478
9	Conveyed with Parcel No. 52		11-20-06	D 8178	P 373	11-20-06 477
10	Conveyed with Parcel No. 52		11-20-06	D 8178	P 372	11-20-06 476
11	Conveyed with Parcel No. 52		11-20-06	D 8178	P 371	11-20-06 475
12	Conveyed with Parcel No. 52		11-20-06	D 8178	P 370	11-20-06 474
13	Conveyed with Parcel No. 52		11-20-06	D 8178	P 369	11-20-06 473
14	Conveyed with Parcel No. 52		11-20-06	D 8178	P 368	11-20-06 472
15	Conveyed with Parcel No. 52		11-20-06	D 8178	P 367	11-20-06 471
16	Conveyed with Parcel No. 52		11-20-06	D 8178	P 366	11-20-06 470
17	Conveyed with Parcel No. 52		11-20-06	D 8178	P 365	11-20-06 469
18	Conveyed with Parcel No. 52		11-20-06	D 8178	P 364	11-20-06 468
19	Conveyed with Parcel No. 52		11-20-06	D 8178	P 363	11-20-06 467
20	Conveyed with Parcel No. 52		11-20-06	D 8178	P 362	11-20-06 466

No.	Grantee	Grantee	Inst. Date	Record	Cust. No.	Remarks
21	L. G. Westlake	L.A.N.R.R. Co.	8-30-37	D 8171	P 207	21872
22	L. G. Westlake	L.A.N.R.R. Co.	8-30-37	D 8171	P 207	21872

No.	Grantee	Grantee	Inst. Date	Record	Cust. No.	Remarks
23	L. G. Westlake	L.A.N.R.R. Co.	8-30-37	D 8171	P 207	21872



End Abandonment - OSK 276.27
 (per CSX map attached to a letter to
 the Mayor dated June 26, 2014)

- Cont. 12801 4-22-80 Broadway Hotel 84' to base of 1st & 2nd 1/2" x 1/2" pipe line basins (Note)
- 12802 4-22-80 City of Louisville (Note on Riv. of Oak St. 8"-10" Pipe)
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DISCONTINUANCE OF SERVICE
 AUGUST 15, 2014
 10-21-04

RIGHT OF WAY AND TRACK MAP
 LOUISVILLE AND NASHVILLE R. R. CO.
 KNOXVILLE DIVISION.
 SECOND CREEK SPUR.
 STATION 15528+60 TO STATION 15548+29 V30384
 SCALE: 1"=100' 100 FT
 DATE: JUNE 12, 1926
 23.2 x 54.9
 9-255 188

