



225754

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 245-3892
Telephone (904) 359-1305
Email: kathryn_barney@csx.com

Kathryn R. Barney
Admitted in Florida

September 18, 2009

Via UPS Next Day Air

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D. C. 20024

ENTERED
Office of Proceedings
SEP 21 2009
Part of
Public Record



FILED
SEP 21 2009
SURFACE
TRANSPORTATION BOARD

RE: Docket No. AB-55 (Sub-No. 699X), *CSX Transportation, Inc.* —
Abandonment Exemption—in McMinn County, Tennessee

Dear Acting Secretary Quinlan:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and the filing fee of \$3,700. Also enclosed is a computer diskette containing the Notice.

Please time and date stamp the additional copy of this letter and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Kathryn R. Barney

Kathryn R. Barney

FEE RECEIVED
SEP 21 2009
SURFACE
TRANSPORTATION BOARD

Enclosures

225754



BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 699X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MCMINN COUNTY, TN

VERIFIED NOTICE OF EXEMPTION

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Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: September 21, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 699X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MCMINN COUNTY, TN

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon a 0.22-mile rail line on its Southern Region, Huntington - West Division, KD Subdivision, from Railroad Milepost OKW 333.4 to Railroad Milepost OKW 333.62, a distance of 0.22 mile in Athens, McMinn County, Tennessee (the “Line”).¹ No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is November 10, 2009 (or such later date that is 50 calendar days from the date this Verified Notice of Exemption is received by the Board).

2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A.

¹ By decision and notice served by the Board on July 21, 2001, CSX Transportation, Inc. (“CSXT”) was previously granted abandonment authority for the line between Milepost OKW 333.40 and Milepost OKW 334.24 in McMinn County, Tennessee in STB Docket Number AB-55 (586X). Although the exemption included the segment between Milepost OKW 333.40 and Milepost OKW 333.62, CSXT allowed the abandonment authority on that segment to expire and is re-filing pursuant to 49 C.F.R. §1152.29(e)(2).

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) *General.*

- (1) Exact name of applicant. CSX Transportation, Inc.
- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 0.22-mile rail line on its Southern Region, Huntington - West Division, KD Subdivision, from Railroad Milepost 0KW 333.4 to Railroad Milepost 0KW 333.62, a distance of 0.22 mile in Athens, McMinn County, Tennessee. There are no stations on the Line.
- (4) Map. *See* Exhibit B.
- (7) Name, title, and address of representative of applicant to whom correspondence should be sent. Kathryn R. Barney, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, Florida 32202, (904) 359-1305.
- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 37303.

(e) Rural and community impact. Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

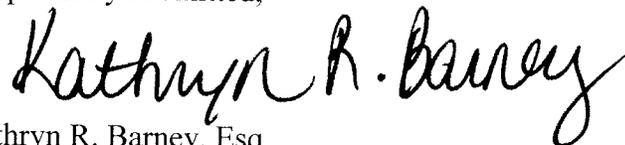
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C (Certificate of Service; Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

6. Environmental Report. See Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. See Exhibit E.

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully submitted,

A handwritten signature in black ink that reads "Kathryn R. Barney". The signature is written in a cursive, flowing style.

Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: September 21, 2009

EXHIBIT A

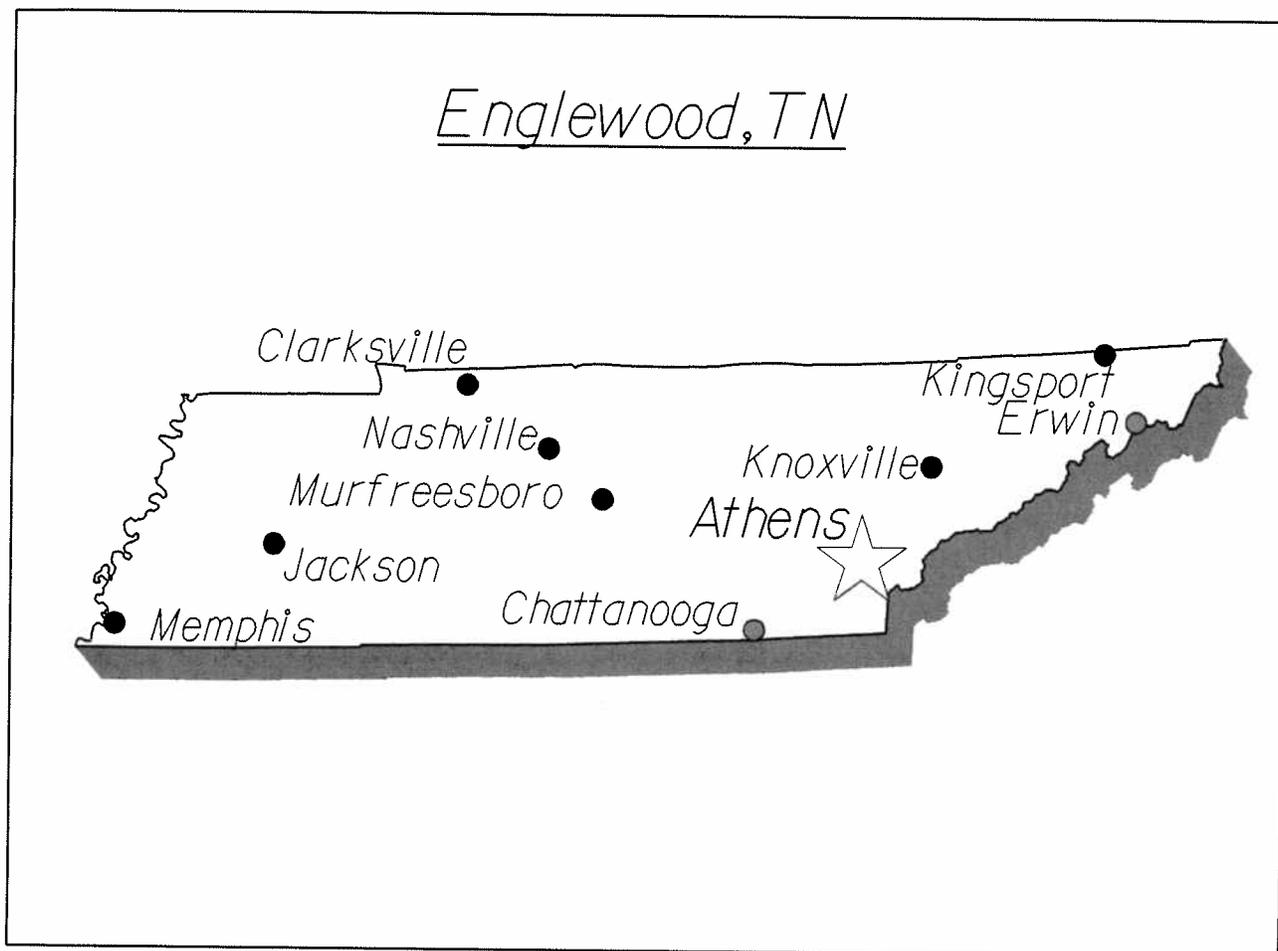
**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

[See attached]

EXHIBIT B

MAP

[See attached]



AREA MAP

- Proposed Abandonment -
A Portion of the Athens Branch
Milepost OKW 333.40 to OKW 333.62 - 0.22 miles
Athens, McMinn County, TN



To Englewood

Athens Branch

OKW 333

305

307

BEGIN ABANDONMENT
OKW 333.40

Forrest Ave

E. Madison Ave.

Green St

Ingleside Ave.

30

N. Jackson St.

Cook Dr.

OKW 334

END ABANDONMENT
OKW 333.62

Athens, TN

11B

Oostanaula Creek

McMinn County,
Tennessee

S. White St

30

11

LEGEND

-  CSXT Operating Corridor
 -  Proposed Abandonment
 -  Previously Abandoned
- Total Distance = 0.22 Miles +/-

SOUTHERN REGION
 HUNTINGTON-WEST DIVISION
 KD SUBDIVISION
 ATHENS BRANCH
 OKW 333.40 - OKW 333.62
 STB Docket No. AB55-699X
 FILE: (TN 07D)

CSX TRANSPORTATION

**Proposed Abandonment of a Portion
of the Athens Branch**
 OKW 333.40 - OKW 333.62
 a distance of 0.22 Miles +/-
 in Athens, McMinn County, TN

SCALE: 1" = 1/4 Mile

Revised: Aug. 4, 2009
 Drawn By: L. Fenwick

EXHIBIT C
CERTIFICATES OF SERVICE AND PUBLICATION
[See attached]

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 699X) was mailed via UPS overnight delivery on September 9, 2009, to the following parties:

State Public Service Commission

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Military Surface Deployment and Distribution Command

Headquarters, Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA
(Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

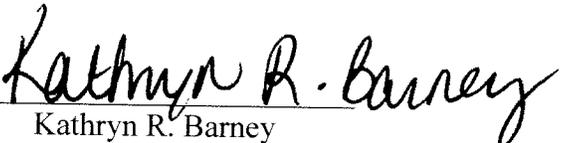
Mr. Rick Potts, Program Chief
Rivers, Trails and Conservation Assistance Program
National Park Service
1201 Eye Street, NW (Org Code 2220)
Washington, D.C. 20005

National Park Service

U.S. Department of Interior
National Park Service
1849 C Street, NW
Washington, D.C. 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250


Kathryn R. Barney
September 18, 2009

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 699X) was advertised on September 16, 2009 in *The Daily Post Athenian*, a newspaper of general circulation in McMinn County, TN, as required by 49 C.F.R. § 1105.12.

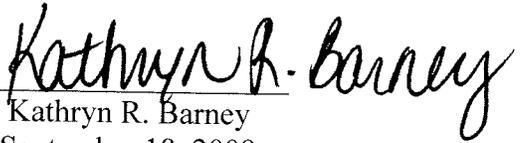

Kathryn R. Barney
September 18, 2009

EXHIBIT D
ENVIRONMENTAL REPORT

[See attached]

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and .11, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 699X) was mailed via first class mail on August 21, 2009 to the following parties:

Mr. Russell Thress
McMinn County Planner
1107 South Congress Pkwy
Athens, TN 37303

US Army Corps of Engineers
Nashville District
P.O. Box 1070
Nashville, TN 37202-1070

Mr. Anthony Casteel, Director
Athens Community Development
815 North Jackson Street
Athens, TN 37303

USDA – NRCS
Athens Branch Service Center
320 Congress Parkway North
Athens, TN 37303-1612

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

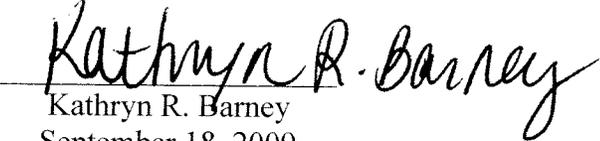
National Park Service
Regional Director
National Park Service
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Tennessee Department of Environment &
Conservation
401 Church Street
1st Floor, L&C Annex
Nashville, TN 37243-0435

Ms. Linda Caldwell
Tennessee Overhill
PO Box 143
Etowah, TN 37331

US Fish & Wildlife Service
Region 4
Century Center
1875 Century Blvd
Atlanta, GA 30345

DOC/NOAA
National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)


Kathryn R. Barney
September 18, 2009

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. ATHENS, MCMINN COUNTY, TENNESSEE DOCKET AB-55 (SUB-NO. 699X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(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.

CSXT proposes to abandon approximately 0.22 mile of its rail line from Railroad Milepost OKW 333.4 to Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

The above referenced line segment has not had any originating, terminating or overhead traffic in over two years. This segment of rail line was approved for abandonment by the Surface Transportation Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(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.

There is no passenger or freight traffic on the line; therefore there will be no effect on existing regional or local transportation systems or patterns.

(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.**

Applicant submitted a copy of this Environmental Report on Date 1 to Mr. Russell Thress - McMinn County Planner and Mr. Anthony Casteel - Athens Community Development Director seeking information regarding this statement. Comments have not been received to date. (See Attachments 4 and 5)

Based on the fact that the line has not generated any traffic over the last several years and that the line was approved for abandonment by the Surface Transportation Board in 2001 under Docket AB 55 Sub No. 586X, Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant submitted a copy of this Environmental Report on Date 1 to the U.S. Department of Agriculture, Natural Resources Conservation Service in Knoxville, Tennessee seeking information regarding this statement. Comments have not been received to date. (See Attachment 6)

Applicant feels the simple removal of track material should not have an adverse impact on any parcels of farmland.

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

The State of Tennessee does not have a Coastal Zone Management System.

- (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.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

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

The proposed action will have no effect on the movement and/or recovery of energy resources.

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

The proposed action will have limited to no effect on the movement and/or recovery of recyclable commodities.

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

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.**

The above thresholds will not be exceeded.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% 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.

The above thresholds will not be exceeded.

- (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 restriction); 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.

Not applicable.

(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.

The above thresholds will not be exceeded.

(7) SAFETY

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

Applicant believes that the abandonment will not have an adverse impact on public health or safety.

- (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.

Not applicable.

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

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(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.**

Applicant submitted a copy of this Environmental Report on Date 1 to the U.S. Fish and Wildlife Service in Atlanta, Georgia seeking information regarding this statement. Comments have not been received to date. (See Attachment 7)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(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.**

Applicant submitted a copy of this Environmental Report on Date 1 to the Tennessee Department of Environment & Conservation in Nashville, Tennessee seeking information regarding this statement. Comments have not been received to date. (See Attachment 8)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained

as well as compliance with conditions or procedures required by regulatory agencies.

- (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.**

Applicant submitted a copy of this Environmental Report on Date 1 to the U.S. Army Corps of Engineers in Nashville, Tennessee seeking information regarding this statement. Comments have not been received to date. (See Attachment 9)

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying road-bed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant submitted a copy of this Environmental Report on Date 1 to the U.S. EPA, Region 4 in Atlanta, Georgia seeking information regarding this statement. Comments have not been received to date. (See Attachment 10)

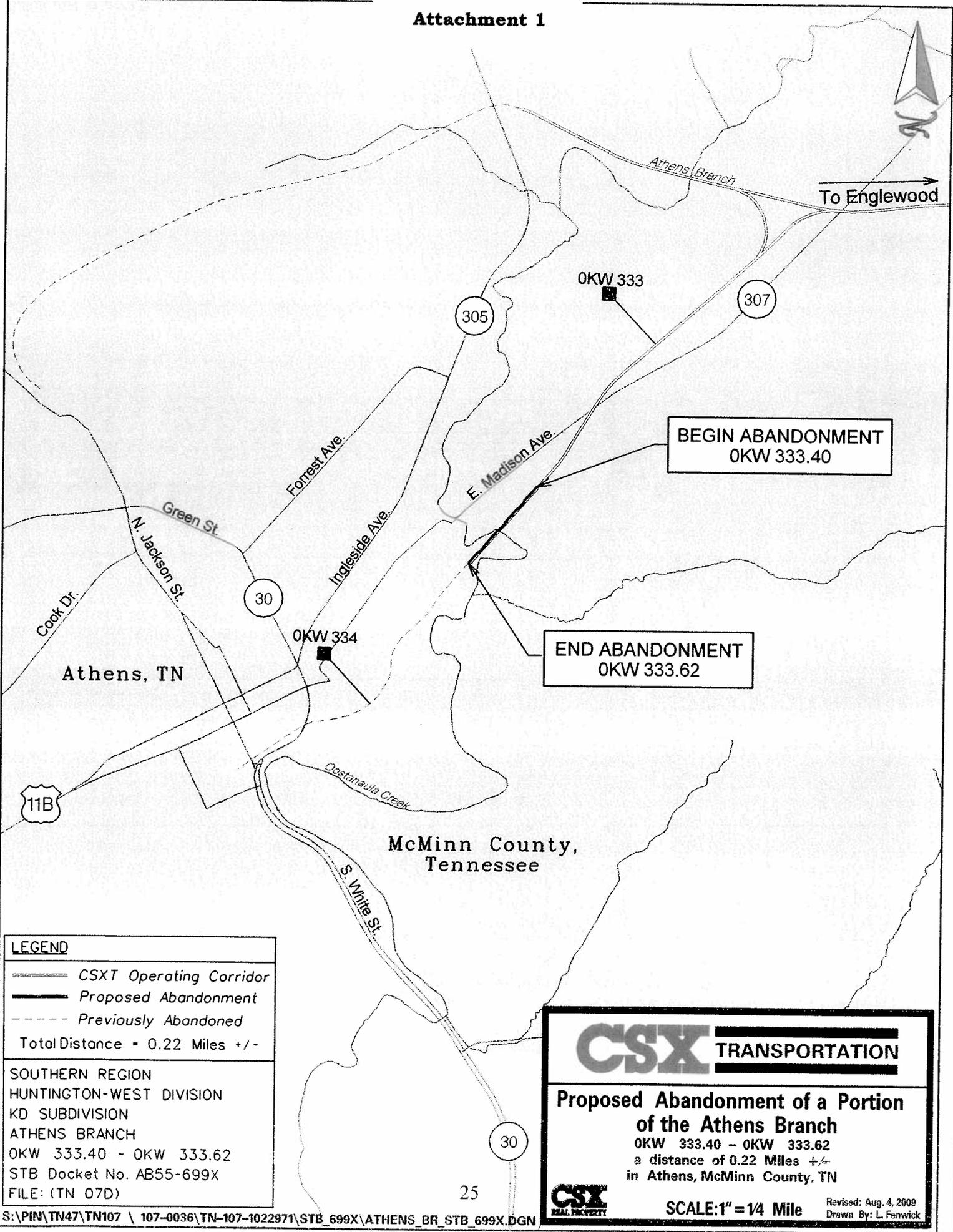
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

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

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



BEGIN ABANDONMENT
OKW 333.40

END ABANDONMENT
OKW 333.62

LEGEND

———— CSXT Operating Corridor
 ———— Proposed Abandonment
 - - - - - Previously Abandoned

Total Distance = 0.22 Miles +/-

SOUTHERN REGION
 HUNTINGTON-WEST DIVISION
 KD SUBDIVISION
 ATHENS BRANCH
 OKW 333.40 - OKW 333.62
 STB Docket No. AB55-699X
 FILE: (TN 07D)

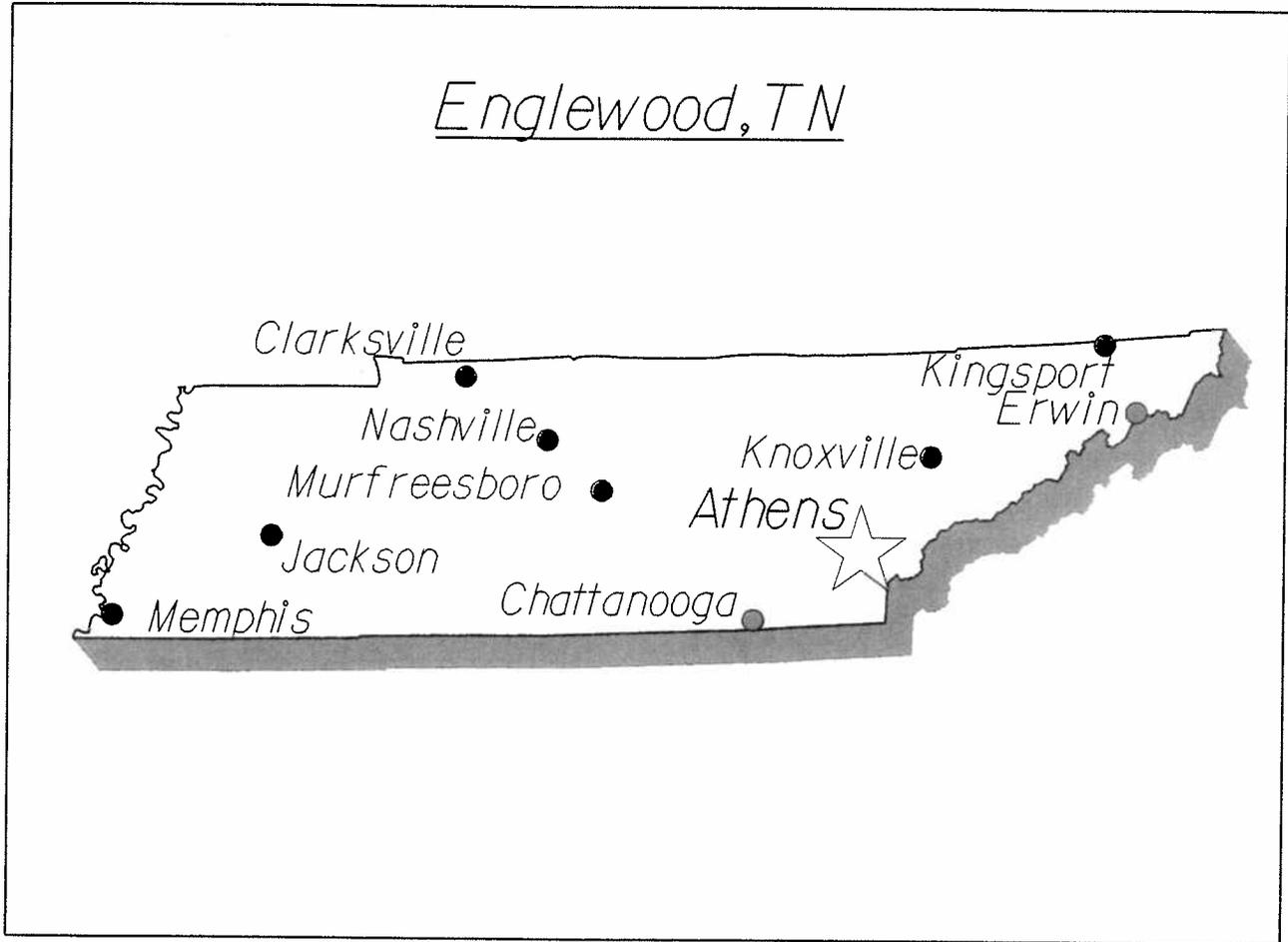
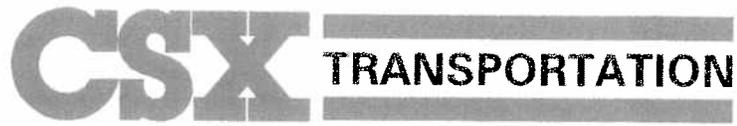
CSX TRANSPORTATION

**Proposed Abandonment of a Portion
 of the Athens Branch**
 OKW 333.40 - OKW 333.62
 a distance of 0.22 Miles +/-
 in Athens, McMinn County, TN

CSX
 REAL ESTATE

SCALE: 1" = 1/4 Mile

Revised: Aug. 4, 2009
 Drawn By: L. Fenwick



AREA MAP

- Proposed Abandonment -
A Portion of the Athens Branch
Milepost OKW 333.40 to OKW 333.62 - 0.22 miles
Athens, McMinn County, TN

Attachment 3

**CSXT Abandonment External Distribution List
Athens Branch, Athens, McMinn County, Tennessee
AB 55 Sub No. 699X**

Mr. Russell Thress
McMinn County Planner
1107 South Congress Pkwy
Athens, TN 37303

US Army Corps of Engineers
Nashville District
P.O. Box 1070
Nashville, TN 37202-1070

Mr. Anthony Casteel, Director
Athens Community Development
815 North Jackson Street
Athens, TN 37303

USDA - NRCS
Athens Branch Service Center
320 Congress Parkway North
Athens, TN 37303-1612

US EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

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

Tennessee Department of Environment
& Conservation
401 Church Street
1st Floor, L&C Annex
Nashville, TN 37243-0435

Ms. Linda Caldwell
Tennessee Overhill
PO Box 143
Etowah, TN 37331

US Fish & Wildlife Service
Region 4
Century Center
1875 Century Blvd
Atlanta, GA 30345

National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: dave_geraci@csx.com

Attachment 4

August 21, 2009

Mr. Russell Thress
McMinn County Planner
1107 South Congress Pkwy
Athens, TN 37303

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear Mr. Thress:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. 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. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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, 395 East Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

For your convenience, the attached form and self addressed stamped envelope will allow you to expedite the environmental review.

If your comments have not been received by October 21, 2009, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Dave Geraci
Manager – Network Rationalization

Attachment 5

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: dave_geraci@csx.com

August 21, 2009

Mr. Anthony Casteel, Director
Athens Community Development
815 North Jackson Street
Athens, TN 37303

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear Mr. Casteel:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. 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. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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, 395 East Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

For your convenience, the attached form and self addressed stamped envelope will allow you to expedite the environmental review.

If your comments have not been received by October 21, 2009, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



TRANSPORTATION

Dave Geraci
Manager – Network Rationalization

Attachment 6

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2228
E-Mail: dave_geraci@csx.com

August 21, 2009

USDA – NRCS
Athens Branch Service Center
320 Congress Parkway North
Athens, TN 37303-1612

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear NRCS:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

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If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Dave Geraci
Manager - Network Rationalization

Attachment 7

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: dave_geraci@csx.com

August 21, 2009

US Fish & Wildlife Service
Region 4
Century Center
1875 Century Blvd
Atlanta, GA 30345

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear US F&WS:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

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If your comments have not been received by October 21, 2009, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Dave Geraci
Manager - Network Rationalization

Attachment 8

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: dave_geraci@csx.com

August 21, 2009

Tennessee Department of Environment & Conservation
401 Church Street
1st Floor, L&C Annex
Nashville, TN 37243-0435

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear TDEC:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. 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. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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, 395 East Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

For your convenience, the attached form and self addressed stamped envelope will allow you to expedite the environmental review.

If your comments have not been received by October 21, 2009, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Dave Geraci
Manager – Network Rationalization

Attachment 9

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2228
E-Mail: dave_geraci@csx.com

August 21, 2009

US Army Corps of Engineers
Nashville District
P.O. Box 1070
Nashville, TN 37202-1070

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear USACE:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. 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. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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, 395 East Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

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If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423



Attachment 10

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 245-2226
E-Mail: dave_geraci@csx.com

Dave Geraci
Manager – Network Rationalization

August 21, 2009

US EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 699X)

Dear EPA Region 4:

Please be advised that on September 21, 2009, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.22 mile of railroad from Railroad Milepost OKW 333.4 to the end of track at Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

This segment of rail line was approved for abandonment by the Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. 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. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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, 395 East Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

For your convenience, the attached form and self addressed stamped envelope will allow you to expedite the environmental review.

If your comments have not been received by October 21, 2009, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 633-1068, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

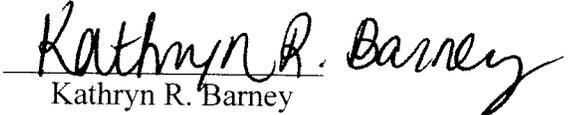
Copy: STB - SEA, 395 E Street SW, Washington, DC 20423

EXHIBIT E
HISTORIC REPORT
[See attached]

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c) and .11, the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 699X) was mailed via first class mail on August 21, 2009, to the following parties:

Mr. James H. Fyke
Tennessee State Historic Preservation Officer
Department of Environment and Conservation
401 Church Street
L & C Tower 1st Floor
Nashville, TN 37243-0435


Kathryn R. Barney
September 18, 2009



TRANSPORTATION

Dave Geraci
Manager – Network & Joint Facility Services

500 Water Street – J200
Jacksonville, FL 32202
Tel. (904) 633-1068
Fax (904) 245-2226
E-Mail: Dave_Geraci@CSX.com

August 21, 2009

Mr. James H. Fyke
Tennessee State Historic Preservation Officer
Department of Environment and Conservation
401 Church Street
L & C Tower 1st Floor
Nashville, TN 37243-0435

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Docket AB-55 (Sub-No. 699X)

Dear Mr. Fyke:

Please be advised that CSX Transportation, Inc., anticipates filing an abandonment of approximately 0.22-mile of its rail line from Railroad Milepost OKW 333.4 to Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment.

I would appreciate receiving a letter confirming that this project will have no impact upon any cultural resources. If you have questions, please feel free to call me.

Sincerely,

Attachment

Cc: STB - SEA, 395 E Street SW, Washington, DC 20423
Ms. Katie Barney, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202
Mr. Steve Armbrust, Counsel, CSXT, 500 Water St.-J150, Jacksonville, FL 32202

HISTORIC REPORT

CSX TRANSPORTATION, INC. ATHENS, MCMINN COUNTY, TENNESSEE DOCKET AB-55 (SUB-NO. 699X)

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.

CSXT proposes to abandon approximately 0.22 mile of its rail line from Railroad Milepost OKW 333.4 to Railroad Milepost OKW 333.62 in Athens, McMinn County, Tennessee.

The above referenced line segment has not had any originating, terminating or overhead traffic in over two years. This segment of rail line was approved for abandonment by the Surface Transportation Board in 2001 under Docket AB 55 Sub No. 586X, however the consummation has expired. Therefore CSXT is required to re-submit a new application for abandonment.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of the Athens quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy red line with black dashes. (See Attachment 3)

There is one (1) CSXT-owned structure that is 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width along this right of way is approximately 33 feet from the centerline of track. The rail line traverses several small streams and communities in a generally rural area.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Color photographs of the structure have been printed on 75-year archival paper and included. (See Attachments 4 through 6)

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Bridge Number 333.6 is located in the town of Athens, TN. This is a 72-foot Timber bridge that traverses a stream (waterway) and was built in 1954 by the Louisville & Nashville Railroad.

CSXT does not consider timber trestle bridges as "historic" since it is CSXT's required maintenance practice to repair timber trestle bridges on an "ongoing and as needed" basis. Repair and/or

maintenance records are not retained due to the unique safety requirements that timber trestle bridges retain. Therefore, the historic qualities of such bridges are continually being changed due to safety and operational requirements.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

This line was acquired and operated by the Louisville and Nashville Railroad Company (L&N) in approximately 1928. The L&N was incorporated under special act of Kentucky on March 5, 1850, under special act of Tennessee on December 4, 1851, and under special act of Virginia, on March 30, 1887.

In 1972 The Family Lines was adopted to identify the Louisville and Nashville Railroad and the Seaboard Coast Line Railroad. On November 1, 1980, Seaboard Coast Line Industries Inc. (which was formed in May, 1969) and Chessie System Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., which name was changed on July 1, 1986 to CSX Transportation, Inc.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

An Engineering Sketch of Bridge 333.6 is the only such drawing or sketch that remains in carrier's possession. (See Attachment 7)

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of our records indicates there is one (1) CSXT-owned structure over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not consider timber trestle bridges as “historic” since it is our required maintenance practice to repair timber trestle bridges on an “ongoing and as needed” basis. Repair and/or maintenance records are not retained due to the unique safety requirements that timber trestle bridges retain. Therefore, the historic qualities of such bridges are continually being changed due to safety and operational requirements.

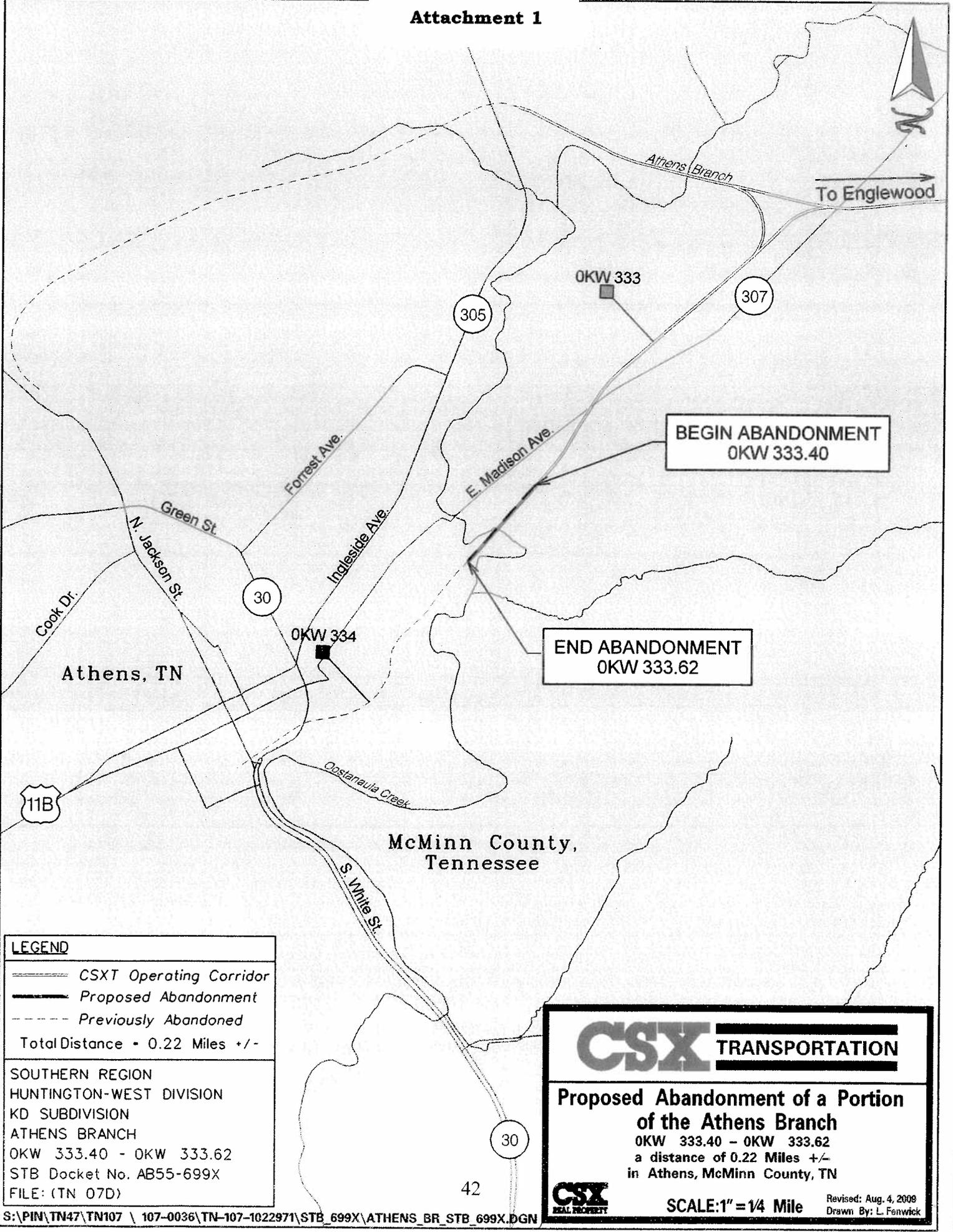
We do not know of any significance or uniqueness to these structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

Attachment 1



BEGIN ABANDONMENT
OKW 333.40

END ABANDONMENT
OKW 333.62

LEGEND

- CSXT Operating Corridor
- Proposed Abandonment
- Previously Abandoned

Total Distance = 0.22 Miles +/-

SOUTHERN REGION
HUNTINGTON-WEST DIVISION
KD SUBDIVISION
ATHENS BRANCH
OKW 333.40 - OKW 333.62
STB Docket No. AB55-699X
FILE: (TN 07D)

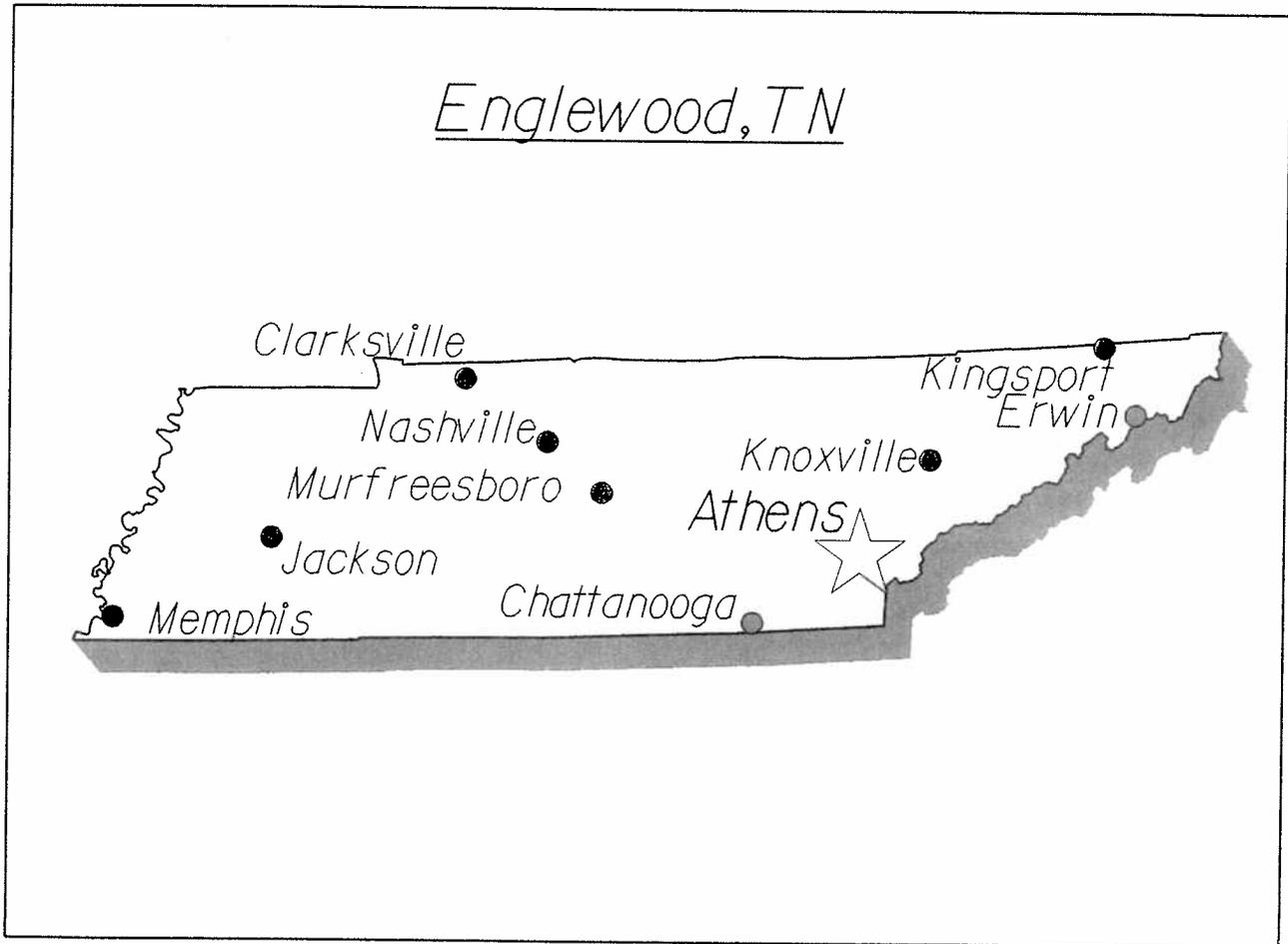
CSX TRANSPORTATION

**Proposed Abandonment of a Portion
of the Athens Branch**
OKW 333.40 - OKW 333.62
a distance of 0.22 Miles +/-
in Athens, McMinn County, TN

CSX
REAL PROPERTY

SCALE: 1" = 1/4 Mile

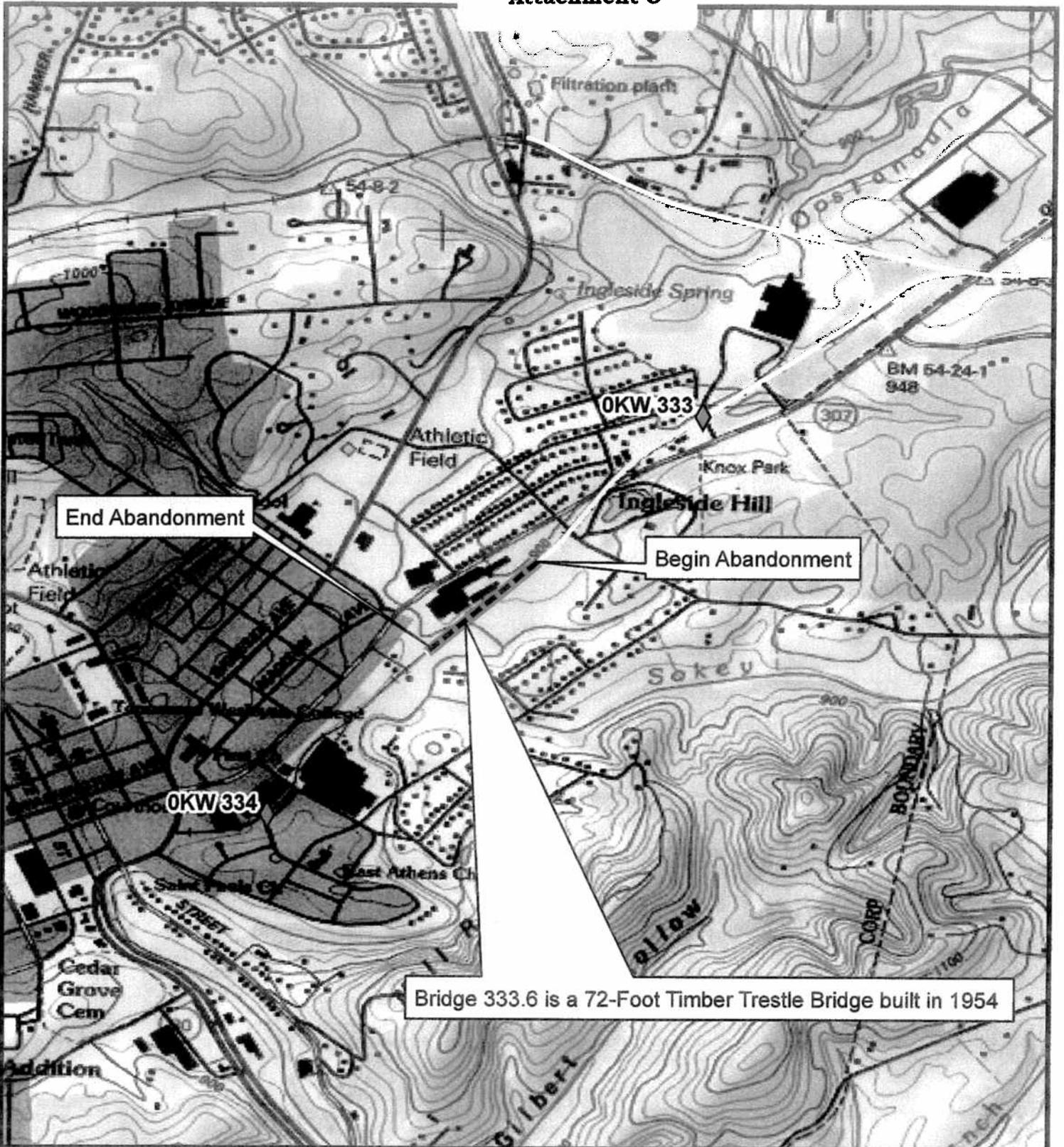
Revised: Aug. 4, 2009
Drawn By: L. Fenwick



AREA MAP

- Proposed Abandonment -
A Portion of the Athens Branch
Milepost OKW 333.40 to OKW 333.62 - 0.22 miles
Athens, McMinn County, TN

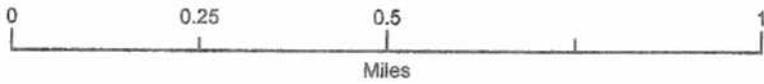
Attachment 3



End Abandonment

Begin Abandonment

Bridge 333.6 is a 72-Foot Timber Trestle Bridge built in 1954



Legend

-  SUBJECT
-  CSX

Approximate Latitude and Longitude at OKW 333.6
N35° 26' 52.39", W84° 34' 56.82"
Topo: USGS 24k ATHENS Quad (USGS_QD_ID: 35084-D5)
Projection is: GCS_WGS_1984 - UTM Zone 16 (NAD83)
44

CSX
REAL PROPERTY
GIS MAPPING SERVICES
Drawn By: L. Fenwick
Rev. Date: Aug. 4, 2009







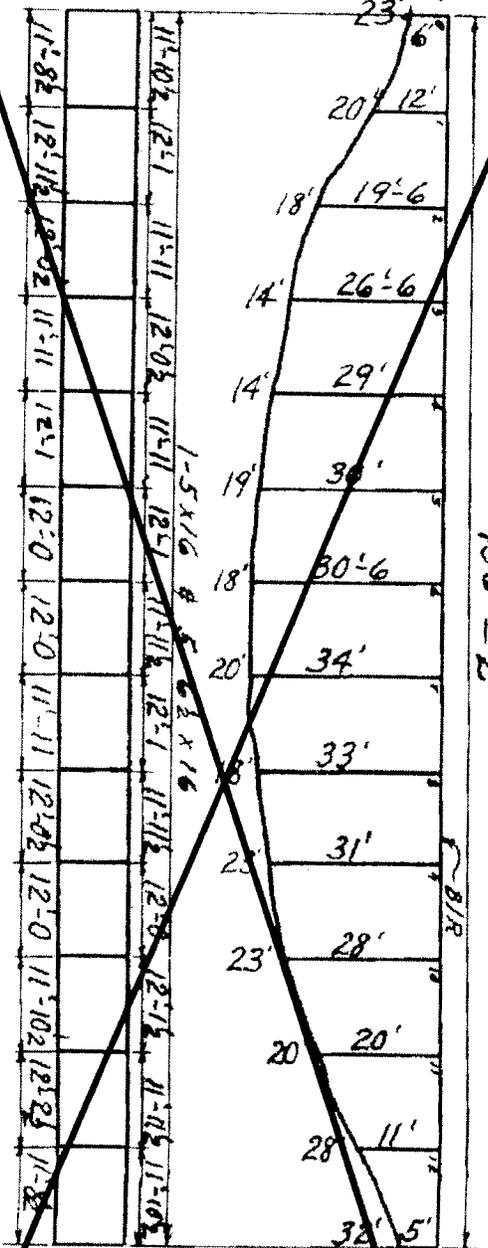
BRIDGE No. 5

MILE KW 332.8

KNOX DIVISION 131

156' - 2

ATHENS & TELICO BRANCH
ENGLEWOOD TO ATHENS



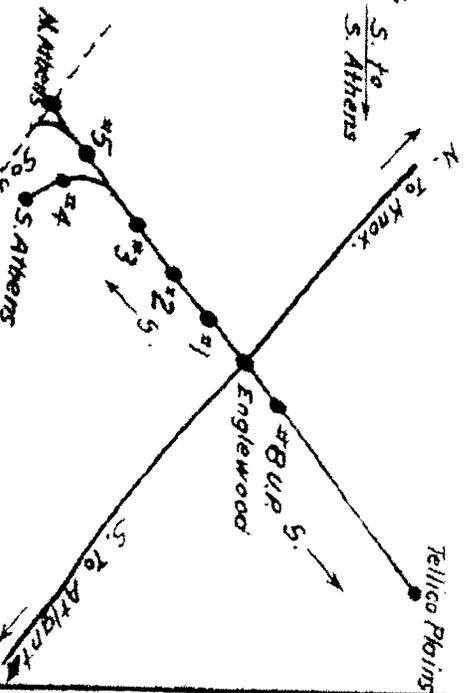
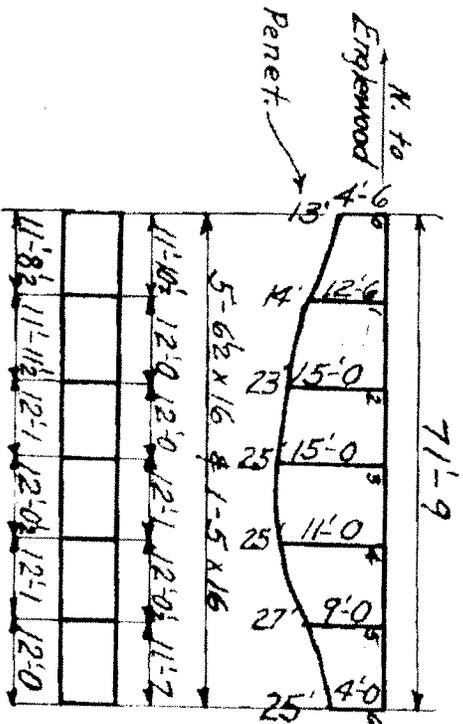
BRIDGE No. 4

MILE 334 KW 333.6

KNOX DIVISION
A. & T.

DIVISION
BRANCH

Alignment - Tangent
Bal. Deck, Creos. - 1955
ents - 4 Creos. Piles 1955
Average Penetration of Piles



Alignment - Tangent
Bents - 605, 616, 194

Deck (Ballast) Creos. 1954
Average Penetration of Piles

Ft. B. M. in Deck
Ft. B. M. in Bents
Lin. Ft. of Piling
For Deck See Sheet No. 614534