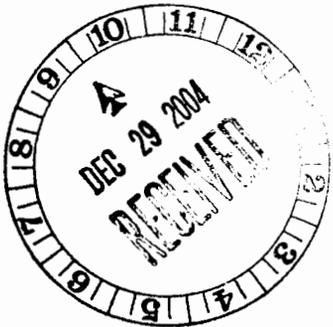


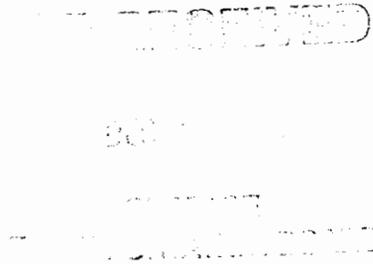
212878



**NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510**

**James R. Paschall
General Attorney**

Direct Dial Number
(757) 629-2759
fax (757) 533-4872



December 28, 2004

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-290 (Sub-No. 259X), Tennessee Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company - Abandonment Exemption - Nick's Creek, TN to Devonia, TN, In Anderson and Campbell Counties, Tennessee - Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board is an original and ten copies of Tennessee Railway Company's (a wholly-owned subsidiary of Norfolk Southern Railway Company) Notice of Exemption in the subject proceeding. Also, enclosed is a check in the amount of \$3000 for the filing fee.

TNR's intention is to file this Notice of Exemption on December 30, 2004. If the Board receives this filing before December 30, TNR requests that the filing date be postponed to December 30, 2004.

Please acknowledge receipt of this filing on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

**ENTERED
Office of Proceedings**

DEC 29 2004

Part of
Public Record

Enclosures

FILED

DEC 29 2004

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 259X)

TENNESSEE RAILWAY COMPANY, A WHOLLY OWNED SUBSIDIARY OF
NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

IN ANDERSON AND CAMPBELL COUNTIES, TENNESSEE

VERIFIED NOTICE OF EXEMPTION

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

Attorney for
Norfolk Southern Railway Company

Dated: December 28, 2004

Before The
Surface Transportation Board

Docket No. AB-290 (Sub-No. 259X)

Tennessee Railway Company, A Wholly Owned Subsidiary Of
Norfolk Southern Railway Company

-- Abandonment --

Between Nick's Creek, TN and Devonia, TN
In Anderson And Campbell Counties, Tennessee

Verified Notice Of Exemption

COMES NOW Tennessee Railway Company ("TNR"), a wholly owned subsidiary of Norfolk Southern Railway Company ("NSR"), and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and the class exemption in the Board's regulations at 49 CFR §1152.50, for TNR's abandonment of a 14.04-mile line of railroad lying between Milepost TE-27.96 at Nick's Creek, Tennessee and Milepost TE-42.00 at Devonia, Tennessee, in Anderson and Campbell Counties, Tennessee (the "Line").

Pursuant to the Board's regulations at 49 CFR §1152.50, TNR states as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

The attached certificate of NSR (TNR) General Manager G. R. Comstock confirms that no traffic has originated, terminated or moved overhead on the Line for at least two years and no complaint concerning cessation of service over the Line is pending with the Board or a U. S. District Court or has been decided in favor of a complainant within the two-year period.

Effective Date, Consummation Date - §1152.50(d)(2)

The effective date of the exemption and the earliest consummation date of the abandonment of the TNR Line between milepost TE-27.96 at Nick's Creek, Tennessee and milepost TE-42.00 at Devonia, Tennessee, will be February 18, 2005.

General Corporate Information - §1152.22(a)(1-2) and (7)

The party filing this notice is Tennessee Railway Company, a Tennessee corporation, a common carrier by railroad subject to STB jurisdiction under 49 U.S.C. Subtitle IV, Chapter 105, and a wholly-owned subsidiary of Norfolk Southern Railway Company, whose representative to whom correspondence may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line, the Relief Sought, Map, Zip Code - §1152.22(a)(3-4 and 7)

The Line that is the subject of this notice of exemption is 14.04-miles in length

and is located between milepost TE-27.96 at Nick's Creek, Tennessee and milepost TE-42.00 at Devonia, Tennessee. The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 for TNR's abandonment of the Line under the class exemption for abandonment of out-of-service rail lines in the Board's regulations at 49 CFR §1152.50. A map showing the Line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The Line traverses United States Postal Service ZIP Code 37710.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

TNR has received no inquiries about public use of the right-of-way comprising the Line and is unaware of any potential public purposes to which the right-of-way may be suited.

TNR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

Labor Protection - §1152.50(d)(2)

Since the Line to be abandoned has been out of service for over two years, TNR

believes no employees will be adversely affected by consummation of the abandonment of this Line. However, as a condition to exercise of the authority permitted by the exemption in this matter, TNR will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.7, §1105.8, §1105.11

Attached are environmental and historical reports prepared and served in accordance with the Board's regulations. TNR certifies that the notice and transmittal requirements of 49 C.F.R. §§1105.7, 1105.8 and 1105.11 have been met.

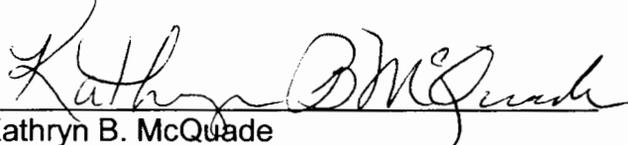
Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification confirms, TNR certifies compliance with the service and notice requirements of 49 C.F.R. §1152.50(d)(1)(certain government agencies) and §1105.12 (newspaper notice) with respect to this notice of exemption.

For the foregoing reasons, TNR states that the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to 49 U.S.C. §10502 and the Board's class exemption at 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,

TENNESSEE RAILWAY COMPANY,
A WHOLLY OWNED SUBSIDIARY OF
NORFOLK SOUTHERN RAILWAY COMPANY



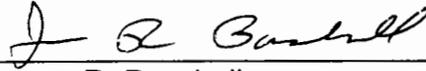
Kathryn B. McQuade
Executive Vice President Planning
and Chief Information Officer

Of Counsel:
James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Dated: December 28, 2004

CERTIFICATION

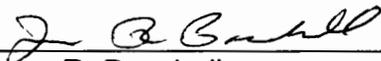
I hereby certify (1), pursuant to 49 C.F.R. §1105.11, that Environmental and Historic Reports were submitted to the agencies identified in 49 C.F.R. §1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to 49 C.F.R. §1105.12, that a notice of intent to abandon rail service was published in *The Knoxville News Sentinel*, Knoxville, Tennessee, on December 10, 2004 (see Exhibit 3); and (3) that the notice required by 49 C.F.R. §1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

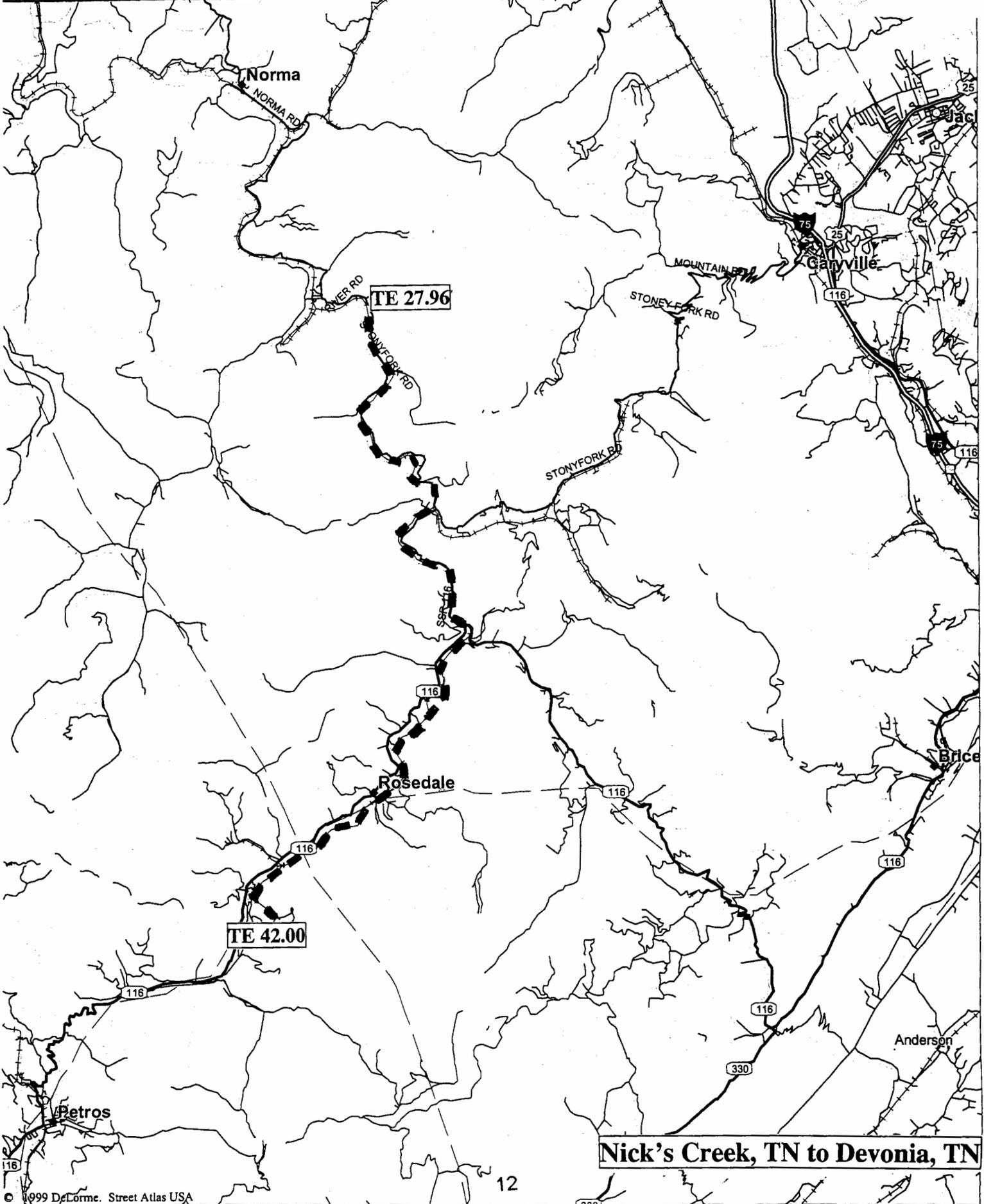
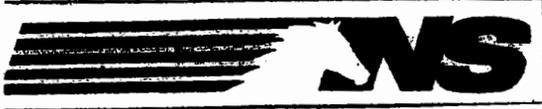
Dated: December 28, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Pat Miller, Chairman, Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, Tennessee 37243-0505; the United States Department of Defense (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals Blvd., Suite 130, Newport News, VA 23606-2574; Tom Ross, Chief of National Recreation and Trails, U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division, 1849 C Street, N.W., Washington, D.C., 20240; and U. S. Department of Agriculture, Chief of the Forest Service, 4th Floor N.W., Auditors' Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250; on December 28, 2004, by first class mail, postage prepaid.



James R. Paschall



Nick's Creek, TN to Devonia, TN

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**TENNESSEE RAILWAY COMPANY
(BETWEEN MP TE-27.96 AND MP TE-41.60)
NICK'S CREEK (BROOKSIDE) TO DEVONIA,
CAMPBELL AND ANDERSON COUNTIES, TENNESSEE**

.....

**TENNESSEE RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

(NCDEER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: 13.64 miles of track between MP TE-27.96 and MP 41.60 from Nick's Creek (Brookside) to Devonia, Campbell and Anderson Counties, in Tennessee.

1. PROPOSED ACTION AND ALTERNATIVES

Tennessee Railway Company (hereinafter called TRC) proposes to abandon 13.64 miles of rail line from Nick's Creek (Brookside) to Devonia, TN, located in the counties of Campbell and Anderson. A map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

These alternatives are not satisfactory. Service over the line is not required to serve any active shippers. TRC would incur opportunity and other holding costs that would need to be covered by TRC's other customers were the line to be retained without being used for active rail freight service. If the line is abandoned, the track and materials may be salvaged and the property sold to be put to a more productive use. Several grade crossings can be eliminated, which will benefit local traffic and reduce railroad and public maintenance costs.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment. Consequently, no rail traffic will be diverted to the highway mode as a result of the abandonment.

TRC's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

3. LAND USE

(i) Land Use Plans

The proposed abandonment involves 13.64 miles of rail line located in Campbell and Anderson Counties in Tennessee. The land use along the rail line to be abandoned is 10% pasture, 80% forest, 5% residential and 5% commercial business. Where TRC owns the right-of-way (ROW), it will be allowed to naturally revegetate; where TRC does not own the ROW, the owner and local zoning and development ordinances will determine land use.

With respect to effects of the proposed rail line abandonment on land use, TRC believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail-dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned the abandonment is not expected to have any effect on existing land use, future land use, land use plans, or the land use planning process. Therefore, the proposed abandonment to be consistent with any land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

TRC does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, TRC will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads TRC to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production or related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years; and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years; and therefore, compared with

the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years; and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action does not exceed Surface Transportation Board thresholds at 49CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions. Emission associated with rail removal and salvage operations will be temporary and will not have a significant impact on air quality.

(i) Effects on Air Emissions

Neither the State of Tennessee nor Campbell or Anderson Counties has established analysis thresholds for air emissions. However, the Tennessee Department of Conservation does have an air regulation regarding fugitive dust emissions. This regulation is located in **Appendix E**.

The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone)

as found in 40 CFR Part 50; however, TRC does not anticipate any adverse effect on Tennessee's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Campbell and Anderson Counties in Tennessee are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency. Campbell and Anderson Counties are in attainment for ozone. TRC does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no Federal noise regulation according to the Environmental Protection Agency. Neither the State of Tennessee nor Campbell or Anderson Counties have established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. However, one benefit is that at grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

TRC has no knowledge of any hazardous waste sites or solid waste site or sites where there have been known hazardous materials spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state, and local agencies.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The US Fish and Wildlife Service (USFWS) and/or the Tennessee Department of Natural Resources has indicated 55 threatened or endangered species that may exist statewide. The Tennessee Department of Environment & Conservation (TDEC) has indicated that with the limited scope of the project action, harm to habitat or plant species of State

concern will be minimal and no significant impact to those species is likely to result from project implementation. The complete list of these species has been included in **Appendix F** for reference. TRC is not aware of any critical habitat which would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, TRC does not believe that any endangered species or critical habitat which might be present would be adversely affected. TRC is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with and during abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated.

9. WATER

(i) Water Quality Standards

TRC does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, TRC considers the abandonment to be

consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Nicks Creek, Hicks Creek, Beech Creek, Elijah's Creek, Charlie's Branch, Urserly Branch, and eight unnamed waterways. The line proposed for abandonment passes through 100-year flood plains and wetlands associated with these streams.

The existing roadbed will not be removed. Removal of rail and ties is anticipated to occur. Because the geometry of the roadbed will not be significantly altered and since no in-stream work is contemplated in connection with the abandonment, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, TRC does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

Inasmuch as TRC does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. TRC does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity such as removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. Should this be the case, TRC will undertake all reasonable mitigation associated

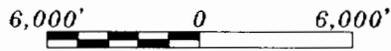
with these activities to assure the abandonment does not produce adverse environmental impacts.

APPENDIX A

Site Map



NORFOLK SOUTHERN RAILWAY COMPANY – NICKS CREEK TO DEVONIA, TENNESSEE
 PORTION OF USGS 7.5' FORK MOUNTAIN, BLOCK, DUNCAN FLATS, AND NORMA, TN. QUADRANGLE



Prepared for:



Nicks Creek to Devonia, Tennessee
 Proposed Abandonment NS District
 MP TE 27.96 to TE 41.60



TENNESSEE
 QUADRANGLE LOCATION



APPENDIX B

Agency Letter



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

May 26, 2004

Dear Sir/Madam:

Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail between Milepost TE 27.96 and Milepost TE 41.60, a distance of 13.64 miles from Nick's Creek to Devonia, Campbell and Anderson Counties, Tennessee. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NS does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist to mitigate such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. The following page lists the various agencies receiving this report and the type of information NS anticipates receiving from those agencies.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think 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), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address below or provide information by telephone to Mr. Larry Western at (540) 981-4239.

**Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013**

Yours truly,

A handwritten signature in black ink, appearing to read 'K.R. Miller', written over a horizontal line.

**K.R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company**

cc: L.G. Western
J.R. Paschall
J.M. Lipps

RECIPIENT LIST

Proposed Abandonment of the segment of rail between Milepost TE 27.96 and Milepost TE 41.60, a distance of 13.64 miles from Nick's Creek to Devonia, Campbell and Anderson Counties, Tennessee.

State Clearinghouse (or alternate):

State Clearinghouse
State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, Tennessee 37219

U.S. Army Corps of Engineers:

Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

State Environmental Protection Agency:

Department of Environment and Conservation
401 Church Street
L&C Tower, 21st Floor
Nashville, Tennessee 37243-0435

National Park Service:

Regional Office
100 Alabama Street SW
Atlanta, GA 30303

State Coastal Zone Management Agency

Not Applicable

U.S. Natural Resources Conservation Service

USDA Natural Resources Service
675 US Courthouse
801 Broadway
Nashville, Tennessee 37203

Head of each County:

Mr. Tom Stiner, County Executive
Campbell County, Tennessee
P.O. Box 435
Jacksborough, Tennessee 37757

Head of each County:

Mr. Rex Lynch, County Executive
Anderson County, Tennessee
100 North Main Street, Suite 208
Clinton, Tennessee 37716

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silverspring, MD 20910

Environmental Protection Agency
(regional office)

Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

USDA Natural Resources Service
675 US Courthouse
801 Broadway
Nashville, Tennessee 37203

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Sir/Madam:

On May 26, 2004 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost TE 27.96 and Milepost TE 41.60 from Nick's Creek to Devonia, Tennessee.

The report stated that NSR proposed the abandonment between Mileposts TE 27.96 and Milepost TE 41.60, when in fact the abandonment filing will include the rail segment between Milepost TE 27.96 and Milepost TE 42.00. A site visit was conducted for the entire length of this rail segment and observed for potential environmental concerns. Therefore, this is merely an administrative change.

This letter is to serve as a correction to all who received an original copy of the Environmental Report for Proposed Rail Line Abandonment from Nick's Creek to Devonia, TN. The revised copy of the report, which will be sent to the Surface Transportation Board, will reflect these new milepost endpoints as described in the regards notation above. A copy of this letter will be kept in the comment section of the report as record you were notified of the change.

Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely

A handwritten signature in black ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

National Park Service
Regional Office
100 Alabama Street SW
Atlanta, Georgia 30303

Re: Revision to May 26, 2004
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Sincerely,

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

U.S. Army Corps of Engineers
Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', with a stylized flourish at the end.

K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

U.S. Fish and Wildlife
Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, Georgia 30345

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Sir/Madam:

On May 26, 2004 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost TE 27.96 and Milepost TE 41.60 from Nick's Creek to Devonia, Tennessee.

The report stated that NSR proposed the abandonment between Mileposts TE 27.96 and Milepost TE 41.60, when in fact the abandonment filing will include the rail segment between Milepost TE 27.96 and Milepost TE 42.00. A site visit was conducted for the entire length of this rail segment and observed for potential environmental concerns. Therefore, this is merely an administrative change.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

Mr. Richard Snay, Chairman At-Large
National Geodetic Survey
Chief of Spatial Reference Systems Division
1315 East/West Highway, Room 8813
Silverspring, Maryland 20910

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Mr. Snay:

On May 26, 2004 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost TE 27.96 and Milepost TE 41.60 from Nick's Creek to Devonia, Tennessee.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

Mr. Tom Stiner, County Executive
Campbell County, Tennessee
P.O. Box 435
Jacksborough, Tennessee 37757

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Mr. Stiner:

On May 26, 2004 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost TE 27.96 and Milepost TE 41.60 from Nick's Creek to Devonia, Tennessee.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', with a long, sweeping underline.

K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

Department of Environment and Conservation
401 Church Street
L&C Tower, 21st Floor
Nashville, Tennessee 37243-0435

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Sir/Madam:

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, Tennessee 37219

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

Rex Lynch, County Executive
Anderson County, Tennessee
100 North Main Street, Suite 208
Clinton, Tennessee 37716

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

Dear Mr. Lynch:

On May 26, 2004 Norfolk Southern Railway Company (herein called NSR) mailed you, via first class mail, a copy of the Environmental Report for Proposed Rail Line Abandonment. This report was for the segment of rail between Milepost TE 27.96 and Milepost TE 41.60 from Nick's Creek to Devonia, Tennessee.

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 11, 2004

Environmental Protection Agency
Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: Revision to May 26, 2004
Environmental Report for Proposed Rail Line Abandonment
Between Milepost TE 27.96 and Milepost TE 42.00 from Nick's Creek to Devonia,
Campbell and Anderson Counties, Tennessee

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Should you have any questions or comments please direct them to Mr. Larry Western at (540) 981-4239.

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K. R. Miller
Director Environmental Engineering and Audits

cc: L.G. Western
J.R. Paschall
J.M. Lipps

Appendix C

Agency Responses

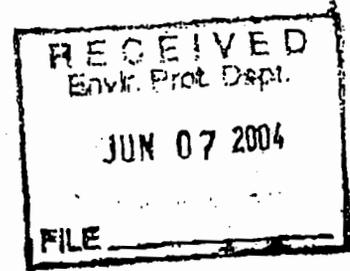
CAMPBELL COUNTY TENNESSEE



JERRY E. CROSS
COUNTY EXECUTIVE

P.O. BOX 419
JACKSBORO, TENNESSEE 37737

June 3, 2004



OFFICE: 423-562-2526
FAX: 423-562-2075

EMAIL: coexec@ccdi.net

Mr. K. R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 2402-0013

RE: Abandonment Information of Rail between Milepost TE 27.96 and Milepost TE 41.60,
13.64 Miles from Nick's Creek To Devonia in Campbell and Anderson Counties, TN

Dear Mr. Miller:

After reviewing your correspondence of May 26, 2004, referencing the above described section of rail and reading the "Environmental Report on Proposed Rail-Line Abandonment" that references this section of rail, I would request some clarification and additional material in order to provide detailed information to our local officials and the general public.

In *Section 3 (i) Land Use Plans*, you state that TRC does not own all the right of way in this section of rail. We would find it extremely important to identify the specific ROW. The map enclosed with this report as *Appendix A*, is not of a size or clarity as to allow us to distinguish what is owned by Tennessee Railway Company and what areas are controlled by other ownership entities. In order to permit an accurate evaluation of this project, could you provide us a larger more detailed map that would clearly illustrate the ownership of ROW discussed in the proposal.

I appreciate in advance your response to this request and look forward to further contacts regarding this matter in the near future.

With regards,

Jerry E. Cross
Campbell County Mayor

JEC/jw



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

M. C. Kirchner
Director
Strategic Planning

Writer's Direct Dial Number

Tel: 757.629.2679

Fax: 757.533.4884

E-mail: Marc.Kirchner@nscorp.com

August 26, 2004

Mr. Jerry E. Cross
Campbell County Mayor
P.O. Box 435
Jacksboro, TN 37757

Re: Proposed Rail Line Abandonment: Nick's Creek to Devonia, TN -
Milepost TE 27.96 to Milepost TE 42.00 (formerly referenced as TE 41.60).

Dear Mr. Cross:

This letter responds to your letter of June 3, 2004 to our Mr. Keith Miller asking for clarification of the right-of-way (ROW) information contained in the Environmental Report for the proposed Nick's Creek-Devonia, TN rail line abandonment. You asked us to clarify what portion of the right-of-way is owned by Tennessee Railway Company and "what areas are controlled by other ownership entities." I think you have misunderstood the meaning of the information provided in Section 3(i) Land Use Plans of the report and I hope this will clarify that paragraph.

For the purposes of possessing the right-of-way for railroad purposes, and owning and operating the line of railroad, Tennessee Railway Company, a subsidiary of Norfolk Southern Railway Company, completely controls the right-of-way and the railroad. No entity other than Norfolk Southern or its subsidiaries owns or controls any part of the right-of-way as a railroad line or controls or has any say in its operation in any respect.

The right-of-way ownership information in the land use plans paragraph of the environmental report is provided in order for the Surface Transportation Board to determine whether the underlying real estate is owned in whole or in part by the railroad in fee simple. If the railroad owns the real estate comprising the right-of-way in fee simple, it will still own that real estate after the line is abandoned. That might provide a continuous corridor for other uses such as highways and the STB might impose a 180-day "public use condition" on an abandonment. That means that the railroad could only dispose of the line for public use for 180 days, although it would be free to deal with it as it chose if no agreement were reached within that period.

If the real estate comprising the right-of-way is held by the railroad only by easement, that real estate most likely will revert to the fee simple owners of the real estate upon the railroad line's abandonment. The principal exception would be if the line is converted to a trail under the National Trails System Act. A public entity that wanted the entire right-of-way for some other purpose would have to deal not only with the railroad, but any other property owners. Condemnation might be

Jerry E. Cross, Mayor
Re: Nick's Creek - Devonia
August 26, 2004
Page 2

necessary in some cases. All this real estate ownership information would be relevant as to whether the contemplated use of the right-of-way after the abandonment (if known) is consistent with local land use plans or could fit in with them. It has no bearing on the current operation of the railroad line or on its abandonment. The underlying fee interest holders have no current say about the use of the property by the railroad or about the discontinuance of rail service over it.

As we see it, the information concerning the ownership status of the real estate that comprises the right-of-way, including whether any of the right-of-way is held by easement, is not relevant in at least four situations: 1 with respect to the current possession, use and operation of the rail line; 2 with respect to the transfer of the rail line to another railroad, such as a short line, for continued railroad purposes (although the overall percentage ownership interest might have some effect on the price that another railroad would pay for the property if that were in issue); 3 with respect to whether the railroad line can be abandoned (which means the permanent end of rail service on the line as approved by the STB, not forfeiture of any property owned by the railroad in fee simple); and 4 whether a trail can be established on the right-of-way under the provisions of the National Trail Systems Act. The U. S. Supreme Court has ruled that trail use can be maintained on right-of-way held by easement, because the trail user must convey the line back to the railroad at any time that the railroad decides to restore the rail line over the right-of-way. So railroad purposes for the right-of-way may not be abandoned forever under such circumstances.

The precise real estate ownership status of individual parcels of the right-of-way is not important until the railroad disposes of the property, or a party claims an interest in any of the property as the underlying fee owner, either of which must come after the abandonment authority or exemption from the STB is exercised by the railroad, and without the property being converted to a trail. It is enough at this stage to determine whether the railroad alone can convey title to the entire right-of-way. Our records, which are likely incomplete and would be subject to confirmation through the County records before final action is taken with respect to any parcel or portion of the right-of-way, disclose that Tennessee Railway Company was not the fee owner of all the underlying real estate.

We have no maps that would disclose the current identity of any parties that might be underlying fee interest holders to which any parcel or portion of the real estate comprising the right-of-way of the rail line might revert if the rail line were abandoned and not replaced by trail use. Inasmuch as the entire rail line is possessed and controlled entirely by Norfolk Southern's Tennessee Railway Company subsidiary, the map submitted with report identifies the location of the rail line sufficiently to show the points and general direction in which it runs and its end points. This conforms to the STB requirements. You might get additional detail from U. S. Geological Survey maps of the County, which I assume you have available or can obtain. These maps will not give you any real estate ownership information, but will give some additional detail as to the location of the rail line.

Tennessee Railway Company, sometimes known as Tennessee Railroad Company, started as an independent short line about 1904. Norfolk Southern Railway Company's predecessor, Southern Railway Company, bought the property out of bankruptcy in the 1970s. The records that were inherited may or may not be complete. It is sufficient at this point that they identify some property as having been held by easement.

In general, a railroad would have no interest in identifying easement segments while the railroad is operating over a right-of-way. It would have no reason to keep track of or otherwise to know the identity of the successors, if any, to the parties who conveyed an easement, rather than a fee interest, in any parcel of the right-of-way 100 or more years ago. If it became necessary to have or verify that information, we would have to consult the County records.

Jerry E. Cross, Mayor
Re: Nick's Creek - Devonia
August 26, 2004
Page 3

If your purpose is simply to identify the current parties who hold any underlying fee interests in any part of the railroad right-of-way, the County can do that through a search of local records more easily than the railroad can. If the County has some definitive proposal for disposition of the right-of-way or any segment of it in the County, in line with the land use planning or other public purposes for which the information in the environmental report is sought, we will work with you to find or confirm the ownership status of that property in order to determine the feasibility of the County's plan or the identity of other parties with which the County must deal (other than for trail use where the information does not matter).

I trust that this has provided you with sufficient information to clarify the matters raised in your letter.

Sincerely,



M. C. Kirchner
Director-Strategic Planning

Cy: J. R. Paschall
K. R. Miller
L. G. Western
J. M. Lipps

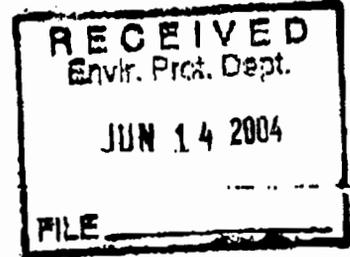


DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 Bell Road
NASHVILLE, TENNESSEE 37214

June 9, 2004

REPLY TO
ATTENTION OF:
Regulatory Branch

SUBJECT: File No. 2004-01165; Proposed Abandonment and Rail
Removal from [redacted] (Milepost TE 27.96) to
Devonia [redacted] and Campbell Counties, TN



Mr. Larry G. Western
Norfolk Southern Railway Company
Environmental Protection Dept.
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Dear Mr. Western:

This is in response to your May 26, 2004 letter requesting our review/comments of the subject proposal by Tennessee Railway Company.

Based on the information provided, it does not appear that the project would impact waters of the U.S., including wetlands, with deposition of fill or dredged material. The project would involve rail, tie and appurtenance removal across Nick's Creek, Hicks Creek, Beech Creek, Elijah's Creek, Charlie's Branch, Ursery Branch, and eight unnamed tributaries. It would also pass through wetlands. No debris/structures would be deposited within these waters. Since the proposal does not include deposition of material, bed removal and restoration, or work in the waterway, the proposal would not be within our regulatory authority. **Therefore, a permit would not be required.** However, this is only a cursory review based on the information you provided. Should the proposal involve impacts to these waters, more information would be necessary in order to complete our review for permit determination. An application may be obtained via our website at <http://www.orn.usace.army.mil/cof/>.

We appreciate your awareness of our regulatory program. If you have any questions, you can contact me at the above address, telephone (615) 369-7518, or by email at deborah.g.tuck@usace.army.mil.

Sincerely,

Deborah T. Tuck
Regulatory Specialist
Operations Division

Appendix D
Certification of Environmental Report
Recipients



State Clearinghouse (or alternate):

State Clearinghouse
State Planning Office
500 Charlotte Avenue
309 John Sevier Building
Nashville, Tennessee 37219

U.S. Army Corps of Engineers:

Nashville District
P.O. Box 1070
Nashville, Tennessee 37202

State Environmental Protection Agency:

Department of Environment and Conservation
401 Church Street
L&C Tower, 21st Floor
Nashville, Tennessee 37243-0435

National Park Service:

Regional Office
100 Alabama Street SW
Atlanta, GA 30303

State Coastal Zone Management Agency

Not Applicable

U.S. Natural Resources Conservation Service

USDA Natural Resources Service
675 US Courthouse
801 Broadway
Nashville, Tennessee 37203

Head of each County:

Mr. Tom Stiner, County Executive
Campbell County, Tennessee
P.O. Box 435
Jacksborough, Tennessee 37757

Head of each County:

Mr. Rex Lynch, County Executive
Anderson County, Tennessee
100 North Main Street, Suite 208
Clinton, Tennessee 37716

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silverspring, MD 20910

Environmental Protection Agency (regional office)

Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife:

Richard B. Russell Building, Room 1200
1875 Century Boulevard, Suite 200
Atlanta, GA 30345

Proposed Abandonment of the segment of rail between Milepost TE 27.96 and Milepost TE 41.60, a distance of 13.64 miles from Nick's Creek to Devonia, Campbell and Anderson Counties, Tennessee.

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced agencies on

5/26/04
Date


K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E

Fugitive Dust Regulation

**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
BUREAU OF ENVIRONMENT
DIVISION OF AIR POLLUTION CONTROL
CHAPTER 1200-3-8
FUGITIVE DUST
TABLE OF CONTENTS**

1200-3-8-.01 Fugitive Dust 1200-3-8-.03 New and/or Modified Source
1200-3-8-.02 Special Additional Control Area
Fugitive Dust Requirements

1200-3-8-.01 FUGITIVE DUST.

- (1) No person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:
- (a) Use, where possible, of water or chemicals for control of dust in demolition of existing buildings or structures, construction operations, grading of roads, or the clearing of land;
 - (b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, material stock piles, and other surfaces which can create airborne dusts;
 - (c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.
- (2) No person shall cause, suffer, allow, or permit fugitive dust to be emitted in such manner to exceed five (5) minutes per hour or twenty (20) minutes per day as to produce a visible emission beyond the property line of the property on which the emission originates, excluding malfunction of equipment as provided in Chapter 1200-3-20.
- (3) Compliance Schedule.
- (a) For those operations in existence before April 3, 1972, fugitive dust control must be achieved by August 9, 1973.
 - (b) For those operations, the construction of which commences after April 3, 1972, fugitive dust control must be achieved at the time operation commences.
- (4) Regardless of the specific emission standards contained in this Chapter, all sources identified in rule 1200-

3-9-.01(4) of these regulations shall comply with the standards set pursuant to Chapter 1200-3-9.

Authority: T.C.A. §§53-3412, 68-25-105 and 4-5-202. **Administrative History:** Original rule certified June 7, 1974. Amendment filed May 7, 1979; effective June 21, 1979. Amendment filed June 21, 1979. Amendment filed July 11, 1980.

1200-3-8-.02 SPECIAL ADDITIONAL CONTROL AREA FUGITIVE DUST REQUIREMENTS.

Certain areas of the state have been identified as needing additional control beyond that required by this Chapter.

These areas and the additional control requirements are stated in Chapter 1200-3-19.

APPENDIX F
**Federal and State Threatened and
Endangered Species Listings**

Threatened and Endangered Species of Anderson County

The following is a list of the rare species found in Anderson County. This list was compiled by the Division of Natural Heritage and last updated on April 20, 2004.

- Tennessee's Rare Plant List
- Rare and Endangered Vertebrate List of Tennessee
- Rare and Endangered Invertebrate List of Tennessee

| Anderson County | | | | | |
|---------------------------------|---------------------------|-----------------------|---------------------|-------------------|--------------------|
| ALL PLANTS | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>CIMICIFUGA RUBIFOLIA</i> | Appalachian Bugbane | | T | S3 | G3 |
| <i>CYPRIPEDIUM ACAULE</i> | Pink Lady's-slipper | | E-CE | S4 | G5 |
| <i>DELPHINIUM EXALTATUM</i> | Tall Larkspur | | E | S2 | G3 |
| <i>DIERVILLA LONICERA</i> | Northern Bush-honeysuckle | | T | S2 | G5 |
| <i>DRABA RAMOSISSIMA</i> | Branching Whitlow-grass | | S | S2 | G4 |
| <i>ELODEA NUTTALLII</i> | Nuttall's Waterweed | | S | S2 | G5 |
| <i>EPILOBIUM CILIATUM</i> | Hairy Willow-herb | | T | S1 | G5 |
| <i>EUONYMUS OBOVATUS</i> | Running Strawberry-bush | | S | S2 | G5 |
| <i>FOTHERGILLA MAJOR</i> | Mountain Witch-alder | | T | S2 | G3 |
| <i>HELIANTHUS OCCIDENTALIS</i> | Naked-stem Sunflower | | S | S2 | G5 |
| <i>HOMALIADELPHUS SHARPII</i> | Sharp's Homaliadelphus | | E | S1 | G3? |
| <i>HYDRASTIS CANADENSIS</i> | Goldenseal | | S-CE | S3 | G4 |
| <i>IRIS FULVA</i> | Copper Iris | | T | S2 | G5 |
| <i>JUGLANS CINEREA</i> | Butternut | | T | S3 | G3G4 |
| <i>LATHYRUS PALUSTRIS</i> | Marsh Pea | | S | S1 | G5 |
| <i>LILIUM CANADENSE</i> | Canada Lily | | T | S3 | G5 |
| <i>LILIUM MICHIGANENSE</i> | Michigan Lily | | T | S3 | G5 |
| <i>MEEHANIA CORDATA</i> | Heartleaf Meehania | | T | S2 | G5 |
| <i>PALAMOCLADIUM LESKEOIDES</i> | | | T | S1 | G3G5 |

| <i>PANAX QUINQUEFOLIUS</i> | American Ginseng | | S-CE | S3S4 | G3G4 |
|---|------------------------------------|-------------------|-----------------|---------------|----------------|
| <i>PARNASSIA GRANDIFOLIA</i> | Large-leaved Grass-of-parnassus | | S | S3 | G3 |
| <i>PLATANThERA FLAVA VAR HERBIOLA</i> | Tuberclad Rein- orchid | | T | S2 | G4T4Q |
| <i>SILPHIUM WASIOTENSE</i> | Kentucky Rosinweed | | E | S2 | G3? |
| <i>SOLIDAGO PTARMICOIDES</i> | Prairie Goldenrod | | E | S1S2 | G5 |
| <i>SULLIVANTIA SULLIVANTII</i> | Sullivantia | | E | S1 | G4 |
| <i>THUJA OCCIDENTALIS</i> | Northern White Cedar | | S | S3 | G5 |
| INVERTEBRATES - Insects | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>PSEUDANOPHTHALMUS PAYNEI</i> | Payne's Cave Beetle | MC | | S1S2 | G1G2 |
| <i>PSEUDANOPHTHALMUS PUSILLUS</i> | Tiny Cave Beetle | MC | | S1 | G1G2 |
| <i>PSEUDANOPHTHALMUS WALLACEI</i> | Wallace's Cave Beetle | MC | | S1 | G1G2 |
| INVERTEBRATES - Molluscs | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>ATHEARNIA ANTHONYI</i> | Anthony's River Snail | LE | E | S1 | G1T1 |
| <i>CONRADILLA CAELATA</i> | Birdwing Pearlymussel | LE | E | S1 | G1 |
| <i>CUMBERLANDIA MONODONTA</i> | Spectaclecase | MC | | S2S3 | G2G3 |
| <i>CYPROGENIA IRRORATA</i> | Eastern Fanshell Pearly Mussel | LE | E | S1 | G1 |
| <i>DROMUS DROMAS</i> | Dromedary Pearlymussel | LE | E | S1 | G1 |
| <i>FUSCONAIA CUNEOLUS</i> | Fine-rayed Pigtoe | LE | E | S1 | G1 |
| <i>FUSCONAIA EDGARIANA</i> | Shiny Pigtoe | LE | E | S1 | G1 |
| <i>HEMISTENA LATA</i> | Cracking Pearlymussel | LE | E | S1 | G1 |
| <i>IO FLUVIALIS</i> | Spiny Riversnail | MC | | S2 | G2 |
| <i>LAMPSILIS ABRUPTA</i> | Pink Mucket | LE | E | S2 | G2 |
| <i>LAMPSILIS VIRESCENS</i> | Alabama Lamp Mussel | LE | E | S1 | G1 |

| <i>PLETHOBASUS CICATRICOSUS</i> | White Wartyback | LE | E | S1 | G1 |
|---|------------------------------------|-------------------|-----------------|---------------|----------------|
| <i>PLETHOBASUS COOPERIANUS</i> | Orange-foot Pimpleback | LE | E | S1 | G1 |
| <i>PLEUROBEMA PLENUM</i> | Rough Pigtoe | LE | E | S1 | G1 |
| VERTEBRATES - Amphibians | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>CRYPTOBRANCHUS ALLEGANIENSIS</i> | Hellbender | MC | D | S3 | G3G4 |
| <i>DESMOGNATHUS WELTERI</i> | Black Mountain Dusky Salamander | | D | S3 | G4 |
| <i>HEMIDACTYLIUM SCUTATUM</i> | Four-toed Salamander | | D | S3 | G5 |
| VERTEBRATES - Birds | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>DENDROICA CERULEA</i> | Cerulean Warbler | MC | D | S3B | G4 |
| <i>LIMNOTHLYPIS SWAINSONII</i> | Swainson's Warbler | MC | D | S3 | G4 |
| <i>THRYOMANES BEWICKII</i> | Bewick's Wren | MC | E | S1 | G5 |
| <i>TYTO ALBA</i> | Common Barn-owl | | D | S3 | G5 |
| VERTEBRATES - Fishes | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>CYCLEPTUS ELONGATUS</i> | Blue Sucker | MC | T | S2 | G3G4 |
| <i>CYPRINELLA MONACHA</i> | Spotfin Chub | LT | T | S2 | G2 |
| <i>ETHEOSTOMA BAILEYI</i> | Emerald Darter | | D | S2 | G4G5 |
| <i>ETHEOSTOMA CINEREUM</i> | Ashy Darter | MC | T | S2S3 | G2G3 |
| <i>NOTURUS FLAVIPINNIS</i> | Yellowfin Madtom | (LT, | E | S1 | G1 |
| <i>PHOXINUS TENNESSEENSIS</i> | Tennessee Dace | | D | S3 | G3 |
| VERTEBRATES - Mammals | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>MYOTIS GRISESCENS</i> | Gray Bat | LE | E | S2 | G3 |
| <i>MYOTIS LEIBII</i> | Eastern Small- footed Bat | MC | D | S2S3 | G3 |
| <i>NAPAEOZAPUS INSIGNIS</i> | Woodland Jumping Mouse | | D | S4 | G5 |
| <i>NEOTOMA MAGISTER</i> | Eastern Woodrat | MC | D | S3 | G3G4 |
| <i>SOREX CINEREUS</i> | Common Shrew | | D | S4 | G5 |

| | | | | | |
|--|---------------------------------|---------------------------|-------------------------|-----------------------|------------------------|
| <i>SOREX FUMEUS</i> | Smoky Shrew | | D | S4 | G5 |
| <i>SOREX LONGIROSTRIS</i> | Southeastern Shrew | | D | S4 | G5 |
| <i>SYNAPTOMYS COOPERI</i> | Southern Bog Lemming | | D | S4 | G5 |
| <i>ZAPUS HUDSONIUS</i> | Meadow Jumping Mouse | (PS) | D | S4 | G5 |
| VERTEBRATES - Reptiles | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>OPHISAURUS ATTENUATUS LONGICAUDUS</i> | Eastern Slender Glass Lizard | | D | S3 | G5T5 |
| <i>PITUOPHIS MELANOLEUCUS MELANOLEUCUS</i> | Northern Pine Snake | MC | T | S3 | G4T4 |

Threatened and Endangered Species of Campbell County

The following is a list of the rare species found in Campbell County. This list was compiled by the Division of Natural Heritage and last updated on April 20, 2004.

- [Tennessee's Rare Plant List](#)
- [Rare and Endangered Vertebrate List of Tennessee](#)
- [Rare and Endangered Invertebrate List of Tennessee](#)

| Campbell County | | | | | |
|--------------------------------------|---------------------------|-----------------------|---------------------|-------------------|--------------------|
| ALL PLANTS | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>ADLUMIA FUNGOSA</i> | Climbing Fumitory | | T | S2 | G4 |
| <i>AUREOLARIA PATULA</i> | Spreading False-foxglove | | T | S3 | G3 |
| <i>BRYOXIPHUM NORVEGICUM</i> | Sword Moss | | T | S1 | G5? |
| <i>CARDAMINE ROTUNDIFOLIA</i> | Round-leaf Watercress | | S | S2S3 | G4 |
| <i>CORYDALIS SEMPERVIRENS</i> | Pale Corydalis | | E | S1S2 | G4G5 |
| <i>CYPRIPEDIUM ACAULE</i> | Pink Lady's-slipper | | E-CE | S4 | G5 |
| <i>DREPANOLEJEUNEA APPALACHIANA</i> | A Liverwort | | S | S1 | G2? |
| <i>ELEOCHARIS INTERMEDIA</i> | Matted Spike-rush | | S | S1 | G5 |
| <i>HOMALIADELPHUS SHARPII</i> | Sharp's Homaliadelphus | | E | S1 | G3? |
| <i>HYDRASTIS CANADENSIS</i> | Goldenseal | | S-CE | S3 | G4 |
| <i>JUNGERMANNIA FOSSOMBRONIOIDES</i> | | | S | S1 | G4 |
| <i>LEJEUNEA BLOMQUISTII</i> | Blomquist Leafy Liverwort | | S | S1S2 | G1G2 |
| <i>LILIUM CANADENSE</i> | Canada Lily | | T | S3 | G5 |
| <i>LONICERA DIOICA</i> | Mountain Honeysuckle | | S | S2 | G5 |
| <i>MEEHANIA CORDATA</i> | Heartleaf Meehania | | T | S2 | G5 |
| <i>MELANTHIUM WOODII</i> | Ozark Bunchflower | | E | S1 | G5 |
| <i>METZGERIA UNCIGERA</i> | Metzgeria | | S | S1 | G3 |
| <i>PALAMOCLADIUM LESKEOIDES</i> | | | T | S1 | G3G5 |

| | | | | | |
|-------------------------------------|---------------------------------|-----------------------|---------------------|-------------------|--------------------|
| <i>PANAX QUINQUEFOLIUS</i> | American Ginseng | | S-CE | S3S4 | G3G4 |
| <i>PARNASSIA GRANDIFOLIA</i> | Large-leaved Grass-of-parmassus | | S | S3 | G3 |
| <i>RHAMNUS ALNIFOLIA</i> | Alderleaf Buckthorn | | E | S1 | G5 |
| <i>RHYNCHOSPORA CAPILLACEA</i> | Horned Beakrush | | E-P | SH | G4G5 |
| <i>SILPHIUM WASIOTENSE</i> | Kentucky Rosinweed | | E | S2 | G3? |
| <i>SULLIVANTIA SULLIVANTII</i> | Sullivantia | | E | S1 | G4 |
| <i>THUJA OCCIDENTALIS</i> | Northern White Cedar | | S | S3 | G5 |
| <i>TRICHOMANES BOSCHIANUM</i> | Bristle-fern | | T | S1S2 | G4 |
| INVERTEBRATES - Insects | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>GOMPHUS CONSANGUIS</i> | Cherokee Clubtail Dragonfly | MC | | S1 | G2G3 |
| <i>PSEUDANOPHTHALMUS SCUTILUS</i> | A Cave Obligate Beetle | MC | | S1 | G1G2 |
| <i>PSEUDANOPHTHALMUS SIDUS</i> | Meredith Cave Beetle | MC | | S1 | G1G2 |
| INVERTEBRATES - Molluscs | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>IO FLUVIALIS</i> | Spiny Riversnail | MC | | S2 | G2 |
| VERTEBRATES - Amphibians | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>CRYPTOBRANCHUS ALLEGANIENSIS</i> | Hellbender | MC | D | S3 | G3G4 |
| <i>DESMOGNATHUS WELTERI</i> | Black Mountain Dusky Salamander | | D | S3 | G4 |
| <i>HEMIDACTYLUM SCUTATUM</i> | Four-toed Salamander | | D | S3 | G5 |
| <i>PLETHODON WEHRLEI</i> | Wehrle's Salamander | | D | S1 | G5 |
| VERTEBRATES - Birds | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>ACCIPITER STRIATUS</i> | Sharp-shinned Hawk | (PS) | D | S3B | G5 |
| <i>DENDROICA CERULEA</i> | Cerulean Warbler | MC | D | S3B | G4 |

| <i>FALCO PEREGRINUS</i> | Peregrine Falcon | (PS: | E | S1N | G4 |
|-----------------------------------|---|----------------|--------------|------------|-------------|
| <i>LIMNOTHLYPIS SWAINSONII</i> | Swainson's Warbler | MC | D | S3 | G4 |
| <i>THRYOMANES BEWICKII</i> | Bewick's Wren | MC | E | S1 | G5 |
| <i>VERMIVORA CHRYSOPTERA</i> | Golden-winged Warbler | MC | D | S3B | G4 |
| VERTEBRATES - Fishes | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>ETHEOSTOMA BAILEYI</i> | Emerald Darter | | D | S2 | G4G5 |
| <i>ETHEOSTOMA CINEREUM</i> | Ashy Darter | MC | T | S2S3 | G2G3 |
| <i>ETHEOSTOMA SAGITTA</i> | Arrow Darter | | D | S2 | G3G4 |
| <i>ETHEOSTOMA SUSANAE</i> | Cumberland Johnny Darter | C | E | S1 | G2 |
| <i>NOTROPIS ALBIZONATUS</i> | Palezone Shiner (s. Fk. Cumberland Dr.) | LE | E | SH | G2 |
| <i>NOTROPIS BUCCATUS</i> | Silverjaw Minnow | | T | S1 | G5 |
| <i>NOTROPIS RUBELLUS RUBELLUS</i> | Rosyface (=roseface) Shiner | | D | S2 | G5T? |
| <i>PHOXINUS CUMBERLANDENSIS</i> | Blackside Dace | LT | T | S2 | G2 |
| VERTEBRATES - Mammals | | | | | |
| Scientific Name | Common Name | Federal Status | State Status | State Rank | Global Rank |
| <i>CORYNORHINUS RAFINESQUII</i> | Eastern Big-eared Bat | MC | D | S3 | G3G4 |
| <i>MYOTIS GRISESCENS</i> | Gray Bat | LE | E | S2 | G3 |
| <i>MYOTIS LEIBII</i> | Eastern Small-footed Bat | MC | D | S2S3 | G3 |
| <i>MYOTIS SODALIS</i> | Indiana Bat | LE | E | S1 | G2 |
| <i>NAPAEUZAPUS INSIGNIS</i> | Woodland Jumping Mouse | | D | S4 | G5 |
| <i>NEOTOMA MAGISTER</i> | Eastern Woodrat | MC | D | S3 | G3G4 |
| <i>PARASCALOPS BREWERI</i> | Hairy-tailed Mole | | D | S3 | G5 |
| <i>SOREX CINEREUS</i> | Common Shrew | | D | S4 | G5 |
| <i>SOREX FUMEUS</i> | Smoky Shrew | | D | S4 | G5 |
| <i>SOREX LONGIROSTRIS</i> | Southeastern Shrew | | D | S4 | G5 |
| <i>SYNAPTOMYS COOPERI</i> | Southern Bog Lemming | | D | S4 | G5 |

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) proposes to abandon 14.04 miles of rail line between milepost TE-27.96 at Nick's Creek and milepost TE-42.00 at Devonia, in Campbell and Anderson Counties, Tennessee. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- 1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Tennessee Historical Commission.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 50 feet on each side of the main track centerline. The line passes through forest (80%), pasture (10%), residential (5%) and commercial (5%) areas.
- (3) **Photographs** -- Photographs were furnished to the Tennessee Historical Commission.
- (4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- The Notice of Exemption to the Surface Transportation Board (STB) to abandon a line of railroad of Tennessee Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, that is related

to this report, and this report itself, concern an approximately 14.04-mile railroad line between Milepost TE-27.96 at Nick's Creek, Tennessee and Milepost TE-42.0 at Devonia, Tennessee (the "Line"). The Line was part of the approximately 44.65-mile railroad line between Oneida, Tennessee and Fork Mountain, Tennessee that was built between 1904 and 1908 by a predecessor, also named Tennessee Railway Company. The subject segment of the Line is in Campbell and Anderson Counties, Tennessee. There have been no shipments along this segment of the Line for several years. The current Tennessee Railway Company, a successor to the company that built the Line, has been a wholly-owned subsidiary of Norfolk Southern Railway Company and its predecessor, Southern Railway Company, since 1973.

The original Tennessee Railway Company was chartered April 19, 1904 according to company records. The company was incorporated May 17, 1904, under the general laws of the State of Tennessee according to the Interstate Commerce Commission (ICC) valuation report, which was dated as of June 30, 1918. The Tennessee Railway Company established its headquarters at Oneida, TN. The Tennessee Railway Company was chartered to operate an approximately 45.0-mile line of railroad between Oneida, TN and Fork Mountain, TN.

The Tennessee Railway Company line was constructed mainly to serve coal mines in the vicinity of the New River. The Tennessee Railway also served several sawmills along its line during its early years of operation.

The Tennessee Railway was operated by its own organization until it entered receivership on July 1, 1913. Bird M. Robinson was the receiver.

Tennessee Railway Company initially acquired 8.51 miles of private railroad line from Bird M. Robinson on July 13, 1904. A secondary source identifies this private railroad line as

the line of the Paint Rock Coal and Coke Company. This railroad line consisted of a 6-mile segment between Oneida, TN and Jakes Branch, TN and 2.51 miles of branches and spurs. The exact dates of construction of these private railroad line segments have not been determined and were not reported to the ICC in connection with the valuation of the company's property, but are assumed to be between 1897 and 1904.

The Tennessee Railway Company extended the line approximately 23 miles from Oneida, TN to Smokey, TN by 1907 and another 12 miles to Straight Fork, TN by 1908. By 1912, the Tennessee Railway Company line reached the vicinity of Fork Mountain, TN. Its highest total track mileage, including spurs and yard tracks, was between 63 and 65 miles at its completion in 1918.

In addition to the line acquired from Mr. Robinson, Tennessee Railway Company constructed 56.67 miles of railroad line as follows:

- 4.00 miles between Jakes Branch, TN and River Junction, TN, 1904-1905;
- 20.00 miles between River Junction, TN and Beech Fork, TN, 1905-1910;
- 14.23 miles of branches and spurs, 1905-1910;
- 2.5 miles of main line extensions, 1910-1913;
- 2.5 miles of branches and spurs;
- 8.22 miles of main line extensions, 1913-1918;
- 5.22 miles of branches and spurs, 1913-1918;

Tennessee Railway Company abandoned 8.73 miles of line prior to June 30, 1918.

Despite the rugged terrain where the Line is located, in 1918, the ICC identified only one metal bridge on the entire Tennessee Railway Company line, a 150-foot through-truss span on two concrete piers over the New River. The bridge is not further identified. We assume the bridge was a predecessor of the bridge over the New River that is located at Milepost TE-40.46. The current bridge at that location, which is shown in NSR's bridge list as two sets of spans totaling 254.48 feet in length, was rebuilt in 1981. The other structures on

the line evidently were wooden trestles or bridges that were subsequently replaced. NSR records indicate the early structures on the line have been replaced over the years with metal or more modern materials. The Line was lightly graded and mostly full earth surfaced. Only the first mile was ballasted with cinders. A full timbering and re-surfacing was performed in 1989 but revenue levels have not justified re-investment in the Line other than routine maintenance work since that year. The Line was constructed with 75, 70 and 60 pound per yard re-lay rail, which was improved to 70 to 112 pound rail by the time of Tennessee Railway Company's acquisition by Southern Railway Company in 1973.

The only connection of the Tennessee Railway Company to the national rail system at the time it was built was, and its only connection subsequently has been, with the line of Southern Railway Company's Cincinnati, New Orleans and Texas Pacific Railway Company subsidiary (lessor of the Cincinnati Southern Railway line), at Oneida, TN.

The records available to the ICC in 1918 showed that the Tennessee Railway Company received no aids, gifts, grants or donations in connection with the construction of its railroad line.

Tennessee Railway Company's property was sold at foreclosure on February 14, 1918 and was surrendered on February 15, 1918 to J. N. Baker, trustee for the purchasers. The purchasers reorganized the company as Tennessee Railroad Company on June 28, 1918.

On June 30, 1918, Tennessee Railroad Company, Tennessee Railway Company's successor, operated a 41.222-mile line between Oneida, TN and a point about 3 miles beyond Rosedale, TN, with a 4.987-mile branch line between Smoky Junction, TN and Newland, TN that subsequently has been abandoned. It also owned 14.329 miles of yard track and sidings on June 30, 1918. The Tennessee Railway Company line was

subsequently extended approximately 3.43 miles to Fork Mountain, TN later in 1918. At some point not disclosed by company records or other research, a segment of the Line between Milepost 42.0 at Devonia, TN and Milepost 44.65 at Fork Mountain, TN was abandoned.

The papers of Samuel Spencer, first president of Southern Railway Company, in the Manuscripts Department, Library of the University of North Carolina at Chapel Hill Southern Historical Collection #3477 contain materials from 1915-1919, of his son, Henry B. Spencer, relating to the Tennessee Railway Company.

A receiver for the Tennessee Railroad Company was appointed on January 22, 1921 but the company was able to work out its financial problems and the proceeding subsequently was dismissed.

An iron furnace at LaFollette in Campbell County closed in 1926.

Tennessee Railroad Company entered into receivership on July 1, 1959 and operated under receivership until it was acquired by Southern Railway Company. The company was re-incorporated in Tennessee as Tennessee Railway Company on January 15, 1973 in anticipation of its reorganization by Southern Railway Company. Southern Railway Company had agreed to acquire the Tennessee Railway Company, subject to ICC approval, in September 1972.

Tennessee Railway Company was acquired by Southern Railway Company out of receivership on August 1, 1973 for 20,000 shares of Southern Railway Company common stock, pursuant to ICC approval in ICC Finance Docket No. 27315. The former Tennessee Railway Company line commonly has been known as the Oneida Branch since its acquisition by Southern Railway Company.

All common stock of Tennessee Railway Company (100 shares of no par common voting stock) is currently held by Norfolk Southern Railway Company. As of the preparation date of this report, Tennessee Railway Company owned 42 miles of railroad line between Oneida, TN and Devonia, TN.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway, 3,940 miles of which were owned and 492 miles of which were leased.

Norfolk and Western Railway Company was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad

Company (that had been sold first to the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (that had been sold first to the Norfolk, Roanoke and Southern Railroad Company). The two companies in parentheses were organized on the dates of purchase for the sole purpose of acquiring and transferring the property of the named companies to Norfolk and Western Railway Company.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. At the time of the Norfolk Southern consolidation, Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of offices in Atlanta, Georgia.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern

Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

As of August 30, 1996, NSR's wholly-owned subsidiary, The Cincinnati, New Orleans and Texas Pacific Railway Company, renewed its lease of the line of railroad of the Cincinnati Southern Railway under an agreement with the City of Cincinnati expiring in 2026, with the option to extend 25 years to December 31, 2051 (which must be exercised on or before January 1, 2022).

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-

owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and were operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the

1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

Anderson County was established by an act of the General Assembly of Tennessee passed on November 6, 1801. Its 2000 population was 71,330. Many of the residents live and work at Oak Ridge, TN, or the County seat of Clinton, TN, neither of which are located on the subject railroad line. Campbell County is located in Northeast Tennessee on the Kentucky-Tennessee border. It was formed in 1806 from parts of Anderson and Claiborne Counties. The 2000 federal census showed a population of 39,854 for Campbell County. Today more than forty small and medium industries employ more than 25 percent of the county's work force, providing 2,294 jobs, according to a web site about the county. The web site also indicated that tourism and the service industry employ more than half of the county's workers. The Tennessee State Library and Archives has compiled a large Bibliography of Tennessee Local History Sources with many books and publications about these counties, lists of which can be found on its web site.

Abandonment of the Line, and subsequent salvage of railroad materials from the Line, will have no adverse effect on pre-historic, or historic archeological sites if there are any along the Line. If any such sites existed immediately below the surface of the Line, those sites would have been disrupted during construction of the Line. Salvage operations, which take place on the surface of the land and involve picking up salvageable material, would not disturb any archaeological sites that might exist in the area.

The change contemplated in the operation of the Tennessee Railway Company railroad line between Nick's Creek, TN and Devonia, TN is for the Tennessee Railway Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, to abandon the subject unused and unprofitable line of railroad, to salvage the track and material from the Line and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) **Summary of Documents In Carriers' Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structures on the line.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – It is carriers' opinions that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. Carriers have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** – Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

(9) **Follow-Up Information** -- Additional information will be provided as appropriate.



Norfolk Southern Railway Company
Law Department
Three Commercial Place
Norfolk, Virginia 23510-2191

James R. Paschall
General Attorney

(757) 629-2752

December 2, 2004

Tennessee Historical Commission
2941 Lebanon Road
Nashville, TN 37214

VIA DHL EXPRESS DELIVERY

Re: Docket No. AB-290 (Sub-No. 259X), Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) – Abandonment – Nick's Creek to Devonia, in Anderson and Campbell Counties, Tennessee

Dear Sir or Madam:

On or about December 30, 2004, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority for NSR to abandon 14.04 miles of rail line located between railroad milepost TE-27.96 at Nick's Creek and railroad milepost TE-42.00 at Devonia, Tennessee. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

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. If you believe any of the information is misleading or 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, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read "J. R. Paschall".

James R. Paschall

JRP:kch
Enclosures

To: NORFOLK SOUTHERN CORP.

Advertising) NOTICE OF INTENT TO ABANDON RAIL SERVICE
Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) GIVES NOTICE THAT ON OR ABOUT December 30, 2004, it intends to file with the Surface Transportation Board (STB),

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) gives notice that on or about December 30, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., and 49 U.S.C. 1152 Subpart F - Exempt Abandonments, permitting NSR's abandonment of a 14.04-mile line of railroad between milepost TE-27.96 at Nick's Creek and milepost TE-42.00 at Devonia, which traverses through United States Postal Service ZIP Code 37710 in Anderson and Campbell Counties, Tennessee. The proceeding will be docketed as No. AB-290 (Sub No. 259X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-365-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001. (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative. (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-327-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

PUBLISHER'S AFFIDAVIT

State of Tennessee)
County of Knox) s.s.

Before me, the undersigned, a Notary Public in and for said county, this day personally came Paige Sellers, who, being first duly sworn, according to law, says that she is a duly authorized representative of The Knoxville News-Sentinel, a Daily newspaper published at Knoxville, in said county and state, and that the advertisement of

(THE ABOVE-REFERENCED),

of which the annexed is a copy, was published in said paper on the following date(s):

12/10/04

and that the statement of account herewith is correct to the best of her knowledge, information, and belief.

Paige Sellers (handwritten signature)

Subscribed and sworn to before me this 10th day of December 2004.

Lois Rosanne Pittrell (handwritten signature)
Notary Public

My commission expires July 27, 2005 20

To: NORFOLK SOUTHERN CORP.



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PUBLISHER'S AFFIDAVIT

State of Tennessee }
County of Knox } s.s.

Before me, the undersigned, a Notary Public in and for said county, this day personally came Paige Sellers, who, being first duly sworn, according to law, says that she is a duly authorized representative of The Knoxville News-Sentinel, a Daily newspaper published at Knoxville, in said county and state, and that the advertisement of

(THE ABOVE-REFERENCED),

of which the annexed is a copy, was published in said paper on the following date(s):

12/10/04

and that the statement of account herewith is correct to the best of her knowledge, information, and belief.

Paige Sellers

Subscribed and sworn to before me this 10th day of December, 2004.

Lois Rosanna Pittrell
Notary Public

My commission expires July 27, 2005 20



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2759

December 16, 2004

Mr. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Mr. Tom Ross
Chief of National Recreation and Trails
U. S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, N.W.
Washington, DC 20240

United States Department of Defense
(MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

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

Re: STB Docket No. AB-290 (Sub. No. 259X), Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company – Abandonment – Nick's Creek to Devonia, Campbell and Anderson Counties, Tennessee

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Tennessee Railway Company, a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) hereby gives notice that on or about December 30, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 14.04-mile line of railroad lying between milepost TE-27.96 at Nick's Creek and milepost TE-42.00 at Devonia, Campbell and Anderson Counties, Tennessee (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Attachment