

Office of County Mayor

E1-1753

Dwight E. Murphy  
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Huntsville, TN 37756

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April 20, 2005

Troy Brady  
Surface Transportation Board  
Section of Environmental Analysis  
125 K Street, NW  
Washington, DC 20006

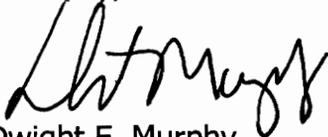
Dear Mr. Brady:

Scott County Government is opposed to any attempt of Norfolk Southern to abandon any portion of the railroad line from Oneida to Devonia. The Board of Commissioners have voted unanimously on seven (7) different occasions in the past five (5) years to oppose abandonment of this railroad line.

The closure of this railroad line causes hazardous situations on our narrow county roads where coal trucks are forced to haul the coal that was once transported by rail. The County does not have the financial means to take care of the roads destroyed by the coal hauling. This railroad is essential to transport the vast coal and timber reserves out of this mountainous area. It is also a long-term goal of Scott County, Anderson, and Campbell Counties to open this rail for tourism.

In closing, I have enclosed certified copies of the resolutions of opposition passed by the Board of Commissioners. We are unanimous in our opposition to abandonment of the railroad line from Oneida to Devonia. If you have further questions, please call me at 423-663-2000.

Sincerely,



Dwight E. Murphy  
Scott County Mayor

Enclosures

RESOLUTION # 46

RESOLUTION NO. 46

WHEREAS, Norfolk Southern Railway has stated their intent to abandon the Oneida/Devonia Line that serves U.S. Coal; and

WHEREAS, U.S. Coal has been a long term steady employer in Scott County; and

WHEREAS, over 80 employees are presently employed at U.S. Coal, and are on a paid wage scale above average of the area; and

WHEREAS, an additional ten (10) trucks are contracted to haul coal from the mines to the rail head; and

WHEREAS, U.S. Coal ships over 40,000 ton of coal monthly to TVA; and

WHEREAS, trucking of this coal from the Smokey Junction Area of Scott County to TVA plants would be almost an impossibility; and

WHEREAS, U.S. Coal is the major contributor to Scott County in severance taxes that go the roads and schools in Scott County; and

WHEREAS, the closure of this Oneida/Devonia rail line would greatly jeopardize the operations of U.S. Coal and could cost the jobs and tax revenue to Scott County;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners and County Executive go on record in opposition to the closure of the Oneida/Devonia Line;

FURTHER, that the Board of County Commissioners and County Executive petition the Norfolk Southern Railway, Tennessee Valley Authority, the Federal Surface Transportation Board, Vice-President Gore, Senator Fred Thompson, Senator Bill Frist, Congressman Van Hilleary, and Congressman Zach Wamp to prevent abandonment of the Oneida/Devonia Line.

Signed this 19th day of June, 2000.

Dwight E. Murphy, Scott County Executive

ATTEST:

Patricia A. Phillips, Scott County Clerk

STATE OF TENNESSEE SCOTT COUNTY

I, Patricia A. Phillips, County Clerk do hereby certify that the foregoing copy is a full, true and perfect copy of the original

as same appears of record now on file in my office.

Witness my hand and official seal at Huntsville, Tenn. this the 19th day of April 2005

Patricia A. Phillips, County Clerk

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Motion by Ernest Phillips, second by Russ, to approve the above Resolution as presented.

Voting AYE: Bertram, Bridges, Burke, Cross, Ellis, Keeton, Ernest Phillips, Hertis Phillips, Russ, Slaven, Watson.

Voting NAY: NONE

ABSENT: Blevins, Sexton, Silcox.

Motion Carried.

RESOLUTION # 12

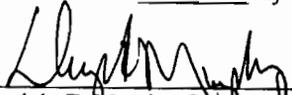
Resolution 12

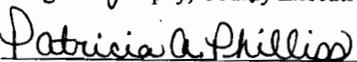
Whereas, the Norfolk Southern Railroad has indicated its intent to close the Oneida/Devonia line, and  
 Whereas, the Intergovernmental Committee feels that this would have a negative economic impact on Scott County.

Now Therefore Be It Resolved, that the County Commission reaffirm its original position and goes on record in opposition to this closing.

Further, that Representative Winningham, Senator Davis, Commissioners Saltsman, Senator Thompson, Senator Frist, and Representative Van Hilleary be notified of this resolution.

Passed this the 21st day of May, 2001.

  
 \_\_\_\_\_  
 Dwight E. Murphy, County Executive

  
 \_\_\_\_\_  
 Patricia A. Phillips, County Court Clerk

Motion by Blevins, second by Sexton, to approve the above Resolution as presented.

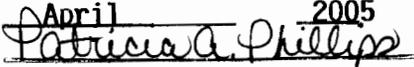
Voting AYE: Bertram, Blevins, Bridges, Burke, Cross, Keeton, Ernest Phillips, Hertis Phillips, Russ, Sexton, Slaven, Watson.

Voting NAY: NONE

ABSENT: Ellis, Silcox.

Motion Carried.

STATE OF TENNESSEE  
SCOTT COUNTY

I, Patricia A. Phillips, County Clerk do hereby certify that the foregoing copy is a full, true and perfect copy of the original as same appears of record now on file in my office.  
 Witness my hand and official seal, at office in Huntsville, Tenn. this the 19th day of April 2005  
  
 \_\_\_\_\_  
 County Clerk

RESOLUTION # 19

RESOLUTION NO. 19

Whereas, Norfolk Southern railway has stated their intent to abandon the Oneida/Devonia Line that serves U.S. Coal; and

Whereas, U. S. Coal has been a long term steady employer in Scott County; and

Whereas, over 80 employees are presently employed at U. S. Coal, and are on a paid wage scale above average of the area; and

Whereas, an additional ten (10) trucks are contracted to haul coal from the mines to the rail head; and

Whereas, U. S. Coal ships over 40,000 ton of coal monthly to TVA; and

Whereas, trucking of this coal from the Smokey Junction Area of Scott County to TVA plants would be almost an impossibility; and

Whereas, U. S. Coal is the major contributor to Scott County in severance taxes that go to the roads and schools in Scott County; and

Whereas, the closure of this Oneida/Devonia rail line would greatly jeopardize the operations of U. S. Coal and could cost the jobs and tax revenue to Scott County;

Now therefore, be it resolved that the Board of County Commissioners and County Mayor go on record in opposition to the closure of the Oneida/Devonia Line;

Further, that the Board of County Commissioners and County Mayor petition the Norfolk Southern Railway, Tennessee Valley Authority, the Surface Transportation Board, Senator Bill Frist, Senator Lamar Alexander, Congressman Lincoln Davis, to prevent abandonment of the Oneida/Devonia Line.

Approved on the 19<sup>th</sup> day of January 2004.

*Dwight E. Murphy*  
Dwight E. Murphy, Scott County Mayor

ATTEST:

*Patricia A. Phillips*  
Patricia A. Phillips, Scott County Clerk

Motion by Cross, second by Watson, to approve the above Resolution as presented.

ON A VOICE VOTE MOTION CARRIED.

STATE OF TENNESSEE  
SCOTT COUNTY

I, Patricia A. Phillips, County Clerk do hereby certify that the foregoing COPY is a full, true and perfect copy of the original

as same appears of record now on file in my office.

Witness my hand and official seal, at office in Huntsville, Tenn. this the 19th day of April 2005

*Patricia A. Phillips*  
County Clerk

SPEAKING: Dick Sexton, Road Superintendent.

RESOLUTION # 14

**Resolution No. 14**

**Whereas**, Norfolk Southern Railway Company has designated the Oneida to Devonia line for abandonment within the next three years; and

**Whereas**, Scott County Government has always opposed such action because it is detrimental to the economic development of Scott, Anderson and Campbell Counties; and

**Whereas**, abandonment procedures have not been initiated or completed; and

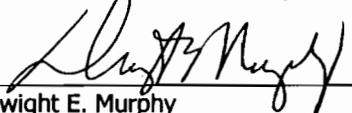
**Whereas**, Norfolk Southern has taken action, however, to close the rail line from Oneida to Devonia by temporary measures of dumping gravel to render the tracks impassible.

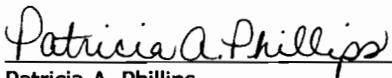
**Now therefore, be it resolved** that Scott County notify Norfolk Southern of opposition to this temporary closure methods.

**Further**, that the Board of Commissioners ask Norfolk Southern not to abandon the rail prior to receiving all necessary approvals.

**Further**, that Senator Bill Frist, Senator Lamar Alexander, and Congressman Lincoln Davis be advised of this recent action.

Dated this the 19<sup>th</sup> day of April 2004.

  
\_\_\_\_\_  
Dwight E. Murphy  
Scott County Mayor

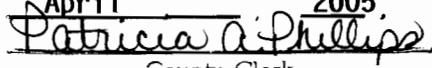
  
\_\_\_\_\_  
Patricia A. Phillips  
Scott County Clerk

STATE OF TENNESSEE  
SCOTT COUNTY

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as same appears of record now on file in my office.

Witness my hand and official seal, at office in Huntsville, Tenn. this the 19th day of April 2005.

  
\_\_\_\_\_  
County Clerk

Motion by Blevins, second by Sexton, to approve the above Resolution as presented.

ON A VOICE VOTE MOTION CARRIED.

ABSENT: Bertram, Byrd, Ernest Phillips.

RESOLUTION # 17

RESOLUTION NO. 17

WHEREAS, the Norfolk Southern Railway has filed for abandonment of the segment of rail from MPNR 0:0 to MPNR 11:3 a distance of 11.3 miles from New River to Sterling; and

WHEREAS, this portion of rail has been of great economic advantage to the citizens of Scott County, Tennessee, in providing a means to move coal and other resources; and

WHEREAS, in past years this portion of railroad has provided many jobs, both directly and indirectly to the people of Scott County; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Scott County appeals to the officials of Norfolk Southern to turn the property rights over on the section of railroad over to Scott County Government; and

FURTHER, that the Mayor Dwight Murphy be authorized to accept said right of way on behalf of Scott County, Tennessee if Norfolk Southern Railway grant such rights.

FURTHER, that if Norfolk Southern agrees to the transfer said property that County Mayor Dwight Murphy seeks funding from the "Rails to Trails Program" to develop this area for the use of tourism and economic development.

FURTHER, that a copy of the resolution be forward to Senator Bill Frist, Senator Lamar Alexander, Representative Lincoln Davis, Governor Phil Bredesen, Senator Tommy Kilby and Representative Les Winningham to solicit their assistance on this matter.

Approved on this 23rd day of August 2004.

[Signature of Dwight E. Murphy]
Dwight E. Murphy
Scott County Mayor

ATTEST:

[Signature of Patricia A. Phillips]
Patricia A. Phillips
Scott County Clerk

Motion by Cross, second by Russ, to approve the above Resolution as presented.

ON A VOICE VOTE MOTION CARRIED.

STATE OF TENNESSEE
SCOTT COUNTY

I, Patricia A. Phillips, County Clerk do hereby certify that the foregoing COPY is a full, true and perfect copy of the original as same appears of record now on file in my office. Witness my hand and official seal, at office in Huntsville, Tenn. this the 19th day of April 2005 Patricia A. Phillips County Clerk

RESOLUTION # 26

RESOLUTION No. 26

WHEREAS, the segment of rail between Milepost TE. 95 and Milepost TE 27.96 from Oneida to Nicks Creek in Scott County, Tennessee is of vital economic importance to Scott, Campbell and Anderson Counties; and

WHEREAS, it is the desire of the Board of Commissioners and County Mayor Dwight Murphy that this section of rail be kept open to rail traffic to serve the mining areas of Scott, Campbell, and Anderson Counties; and

WHEREAS, should Norfolk Southern be successful in their abandonment efforts, Scott County Government request that this portion of line be turned over to Scott County to develop for the economic good of the area.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners and County Mayor Dwight Murphy goes on record in opposing the abandonment of the said line.

FURTHER BE IT RESOLVED, that the Board of Commissioners and County Mayor Dwight Murphy request the said line to be donated to Scott County, Tennessee to be used for the economic development of Scott, Campbell and Anderson Counties.

FURTHER, that a copy of this resolution be forwarded to Senator Bill Frist, Senator Lamar Alexander, Governor Phil Bredesen, Congressman Lincoln Davis, State Senator Tommy Kilby, and State Representative Les Winningham.

Adopted this the 27th day of December 2004.

Dwight E. Murphy
Scott County Mayor

ATTEST:

Patricia A. Phillips
Patricia A. Phillips
Scott County Clerk

STATE OF TENNESSEE
SCOTT COUNTY

I, Patricia A. Phillips, County Clerk do hereby certify that the foregoing copy is a full, true and perfect copy of the original

as same appears of record now on file in my office.

Witness my hand and official seal, at Huntsville, Tenn. this the 19th day of April 2005

Patricia A. Phillips
County Clerk

Motion by Russ, second by Sexton, to approve the above Resolution as presented.

Voting AYE: Burke, Byrd, Chambers, Cross, Keeton, Murley, Ernest Phillips, Hertis Phillips, Russ, Sexton, Slaven, Watson.

Voting NAY: NONE

ABSENT: Bertram, Blevins.

Motion Carried.

**RESOLUTION # 16**

**RESOLUTION No. 16**

**WHEREAS**, the railroad line from Onelda to Devonla is vital to the economic well being of Anderson, Campbell and Scott Counties; and

**WHEREAS**, Norfolk Southern has started procedures to abandon the first section of this line from Nicks Creek to Devonla; and

**WHEREAS**, the other section of tracks from Onelda to Nicks Creek has had a barrier placed on them by Norfolk Southern and that has rendered them unusable; and

**WHEREAS**, National Coal Company, a major employer for Anderson, Campbell and Scott Counties, needs the use of this line in order to maintain and expand their mining operations in this Tri-County Area; and

**WHEREAS**, National Coal will be severely limited on their coal production abilities if they cannot use the rail line from Devonla to Oneida; this will result in a job loss to the area as well as prevent new jobs from being created; and

**WHEREAS**, the jobs at National Coal offer better wages and benefits than most jobs that are available in the three county region; and

**WHEREAS**, this section of line if left open could be used to transport logs out of the major timber reserves in the three counties region; and

**WHEREAS**, the additional trucking necessary to bring the coal and logs out of this area is creating a burden on the narrow, mountainous rural roads in this area, and is becoming a tax burden to the three counties as well as a safety hazard for the residents in the areas; and

**WHEREAS**, this section of railroad line crosses the Cumberland Trail which is fast becoming a major tourist attraction for Tennessee; and

**WHEREAS**, the section of railroad line goes in the area where the first elk release in 150 years was made and has the potential of providing an economic boost to the area; and

**WHEREAS**, this section of rail line could serve both as a major tourist attraction as well as preferred means for freight transportation and provide an opportunity for economic development of the three counties if it is left opened and developed to its potential.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Scott County goes on record in opposing the abandonment of any portion of the railroad line from Onelda to Devonla for the economic protection of the three county region.

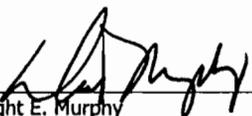
**FURTHER**, that the Board of Commissioners of Scott County join the Board of Commissioners of Anderson and Campbell County in asking the General Assembly of the State of Tennessee to create by legislation a Railroad Authority that would consist of Anderson County, Campbell County and Scott County.

**FURTHER**, that this legislation be patterned after TCA 64-2-100 - 63-2-114, TCA 64-2-301 - 64-2-314 and TCA 64-2-501 - 64-2-514.

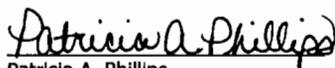
**FURTHER**, be it resolved that the State Legislature be asked to act in this session to create such an authority.

**FURTHER**, that the Board of County Commissioners request that Governor Phil Bredesen, Department of Transportation Gerald Nicely, Senator Tommy Kilby and Representative Les Winningham assist in preserving this line for transportation and for the economic development of Anderson, Campbell and Scott Counties.

Dated this the 28<sup>th</sup> day of February 2005.

  
Dwight E. Murphy  
Scott County Mayor

ATTEST:

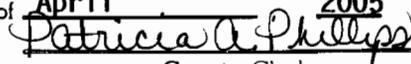
  
Patricia A. Phillips  
Scott County Clerk

STATE OF TENNESSEE  
SCOTT COUNTY

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Witness my hand and official seal, at office in Huntsville, Tenn. this the 19th day of April 2005

  
County Clerk

Motion by Slaven, second by Sexton, to approve the above Resolution as presented.

Voting AYE: Bertram, Blevins, Burke, Byrd, Chambers, Cross, Keeton, Murley, Ernest Phillips, Hertis Phillips, Russ, Sexton, Slaven, Watson.

Voting NAY: NONE

ABSENT: NONE

Motion Carried.