

# BAKER & MILLER PLLC

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ENTERED  
Office of Proceedings  
December 15, 2014  
Part of  
Public Record  
(202) 663-7823 (Direct Dial)  
E-Mail: [wmullins@bakerandmilller.com](mailto:wmullins@bakerandmilller.com)

William A. Mullins

December 15, 2014

**BY HAND DELIVERY**

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

Re: The Alabama Great Southern Railroad Company – Discontinuance of Service Exemption – In St. Tammany Parish, Louisiana, STB Docket No. AB-290 (Sub-No. 371X)

Dear Ms. Brown:

Enclosed please find an original and eleven copies of a Notice of Exemption by The Alabama Great Southern Railroad Company (“AGS”), a wholly owned subsidiary of Norfolk Southern Railway Company, to discontinue rail service over approximately 3.60-miles of connecting rail lines (referred to herein as the “Line”) extending from (1) milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South St. and Route 190 [Gause Blvd. West]) and (2) milepost NN 35.31 (near Route 11 [Front St.]) to milepost NN 36.66 (near Donya Drive). Both connecting line segments that comprise the Line are located in St. Tammany Parish, LA. Please acknowledge receipt and filing of this notice of exemption by date-stamping the enclosed eleventh copy and returning it to the courier to return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice.

Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$3,800.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: [wmullins@bakerandmilller.com](mailto:wmullins@bakerandmilller.com).

Sincerely,

FEE RECEIVED  
December 15, 2014  
SURFACE  
TRANSPORTATION BOARD



William A. Mullins  
Counsel for The Alabama Great Southern Railroad Company

Enclosures

cc: Marc Kirchner, Maquiling Parkerson, LaWada Poarch

FILED  
December 15, 2014  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN ST. TAMMANY PARISH, LOUISIANA**

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**NOTICE OF EXEMPTION**

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**Maquiling B. Parkerson  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
Telephone: (757) 533-4939  
Facsimile: (757) 533-4872**

**William A. Mullins  
Crystal M. Zorbaugh  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
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Washington, DC 20037  
Tel: (202) 663-7820  
Fax: (202) 663-7849**

**Attorneys for The Alabama Great  
Southern Railroad Company**

**December 15, 2014**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN ST. TAMMANY PARISH, LOUISIANA**

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**NOTICE OF EXEMPTION**

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**INTRODUCTION**

The Alabama Great Southern Railroad Company (“AGS”), a wholly owned subsidiary of Norfolk Southern Railway Company, hereby submits a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights), to discontinue service over approximately 3.60-miles of connecting rail lines (referred to herein as the “Line”) extending from (1) milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South St. and Route 190 [Gause Blvd. West]) and (2) milepost NN 35.31 (near Route 11 [Front St.]) to milepost NN 36.66 (near Donya Drive). Both connecting line segments that comprise the Line are located in St. Tammany Parish, LA. In accordance with the Board’s regulations at 49 C.F.R. §§ 1152.50(b) and (d), AGS provides the following information in support of its notice:

**Certification: 49 C.F.R. § 1152.50(b)**

The Line satisfies the criteria for a discontinuance of service notice of exemption, under the provisions located at 49 C.F.R. part 1152, subpart F. See Certification of P.T. Whitehead, Assistant General Manager Western Region, for Norfolk Southern Railway Company, parent company of The Alabama Great Southern Railroad Company, attached hereto and made part hereof as Exhibit A.

**Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)**

The subject discontinuance will be consummated on or after February 3, 2015 (50 days after filing the notice of exemption).

**Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):**

The Alabama Great Southern Railroad Company,

**Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):**

AGS is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

**Relief sought (49 C.F.R. § 1152.22(a)(3)):**

AGS has invoked the Board's two-year-out-of-service class exemption procedures to discontinue service over approximately 3.60-miles of connecting rail lines, in St. Tammany Parish, LA, extending from (1) milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South St. and Route 190 [Gause Blvd. West]) and (2) milepost NN 35.31 (near Route 11 [Front St.]) to milepost NN 36.66 (near Donya Drive).

**Map (49 C.F.R. § 1152.22(a)(4)):**

A detailed map showing the location of the Line is attached hereto as Exhibit B.

**Applicant's representatives (49 C.F.R. § 1152.22(a)(7)):**

AGS's representatives to whom correspondence regarding this discontinuance should be sent is as follows:

William A. Mullins  
Crystal M. Zorbaugh  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7820  
Fax: (202) 663-7849

**USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):**

The Line lies within the following U.S. Postal Service ZIP Code territory: 70460.

**Rural and Community Impact (49 C.F.R. § 1152.22(e)(4)):**

The Line has been dormant for over two years due to a lack of shipper demand, so AGS anticipates no rural or community impact from the discontinuance of its common carrier obligation. Because the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and no diversion of traffic to other transportation systems or modes would result from AGS's action.

The informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only in cases where the railroad proposes to *abandon* rail property.<sup>1</sup> In this proceeding, AGS is filing a notice of exemption to *discontinue service* over the Line, not abandon it, and for this reason AGS has no opinion on whether or not the subject rail property might be appropriate for use for other public purposes. Although the following is of questionable relevance here (because the proposed action does not entail abandonment of a rail line), based on the information in its possession, AGS is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes.

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<sup>1</sup> See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (“CAGY-Greenwood”) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (“NS-Mahoning”) (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (“CBRA-Livingston”) (STB served Feb 23, 2007) (same).

## **Labor Protection**

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line Railroad —Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

## **Certifications**

Attached hereto as Exhibit C are the Certificates of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1105.12 and 1152.50(d)(1). For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is not applicable here.

## **Environmental and Historic Report**

The Board does not normally require a carrier seeking to discontinue service over a particular rail line to prepare and submit for review a combined environmental and historic report.<sup>2</sup> Here, the discontinuance is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b) because AGS seeks only to discontinue service. AGS does not anticipate engaging in any salvage activities, including the removal of any potentially historic structures (such as bridges) as a result of obtaining discontinuance authority. Further Board approval is required for AGS to abandon service on the

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<sup>2</sup> See, e.g., Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA, STB Docket No. AB-271X slip op. at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment, . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (same); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (STB served Feb 23, 2007) (same).

Line. Accordingly, no environmental or historic report was prepared, and the STB will not prepare an environmental assessment.

Respectfully submitted,

Maquiling B. Parkerson  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
Telephone: (757) 533-4939  
Facsimile: (757) 533-4872



William A. Mullins  
Crystal M. Zorbaugh  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
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Fax: (202) 663-7849

Attorneys for The Alabama Great Southern  
Railroad Company

December 15, 2014

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN ST. TAMMANY PARISH, LOUISIANA**

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**NOTICE OF EXEMPTION**

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**EXHIBIT A**

**CERTIFICATION PURSUANT TO  
49 C.F.R. § 1152.50(b)**

**CERTIFICATION**

STATE OF GEORGIA:

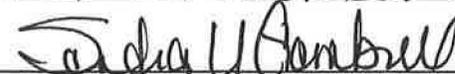
ss:

CITY OF ATLANTA:

P. T. Whitehead makes oath and says that he is Assistant General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Mileposts 36.00 NA and 38.25 NA and between Mileposts NN 35.31 and NN 36.66, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

  
P. T. Whitehead

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of October, 2014.

  
Notary Public

My commission expires:

4/20/15

SANDRA Y. GAMBRELL  
NOTARY PUBLIC  
COBB COUNTY, GEORGIA  
MY COMMISSION EXPIRES APRIL 20, 2015

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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IN ST. TAMMANY PARISH, LOUISIANA**

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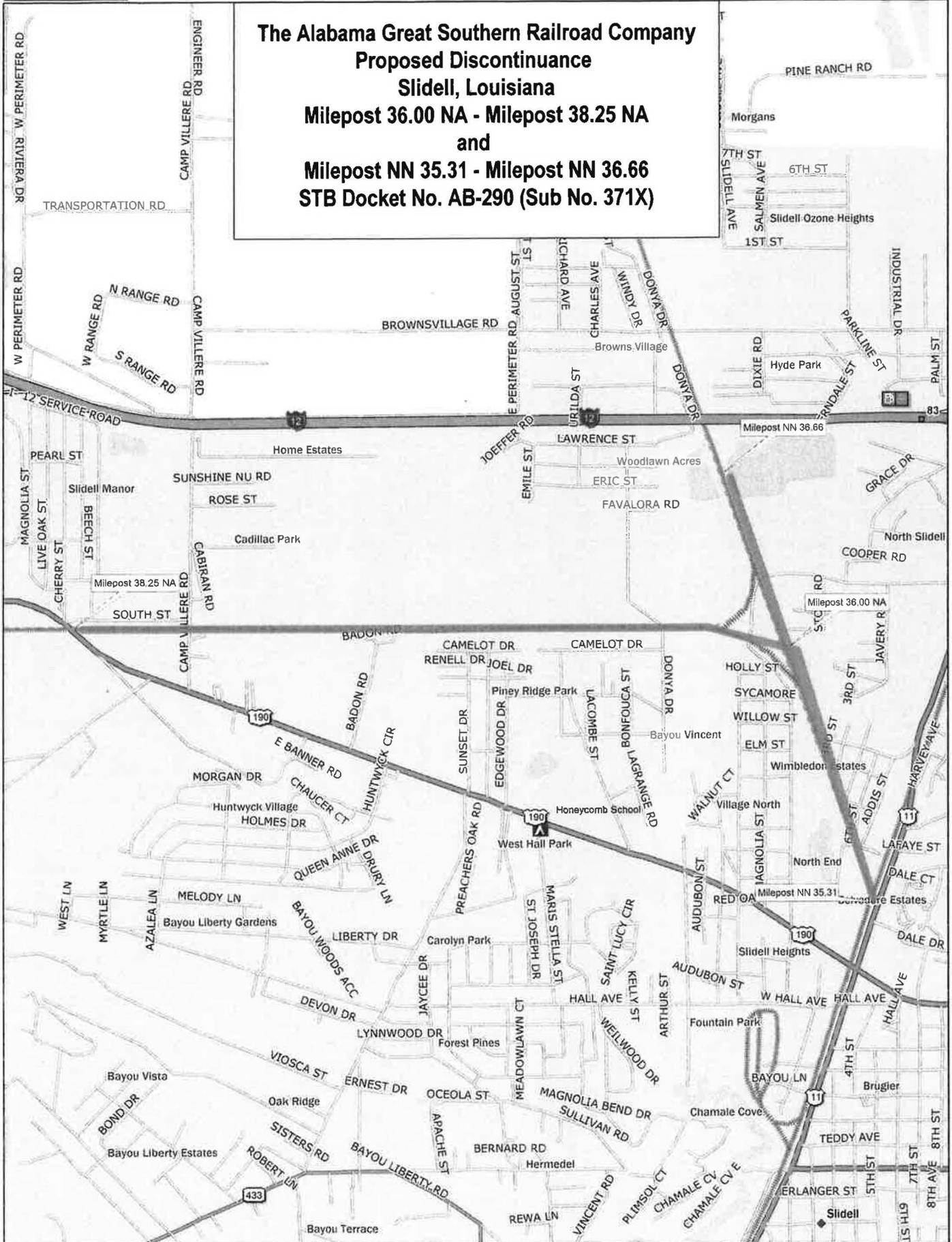
**NOTICE OF EXEMPTION**

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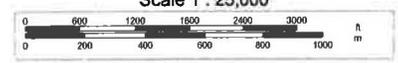
**EXHIBIT B**

**MAP**

**The Alabama Great Southern Railroad Company  
 Proposed Discontinuance  
 Slidell, Louisiana  
 Milepost 36.00 NA - Milepost 38.25 NA  
 and  
 Milepost NN 35.31 - Milepost NN 36.66  
 STB Docket No. AB-290 (Sub No. 371X)**



Scale 1 : 25,000



1" = 2,083.3 ft Data Zoom 13-0

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN ST. TAMMANY PARISH, LOUISIANA**

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**NOTICE OF EXEMPTION**

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**EXHIBIT C**

**CERTIFICATIONS OF  
SERVICE/PUBLICATION**

**Certificate of Service**

**49 C.F.R. § 1152.50(d)(1) – Notice**

I certify that, on November 24, 2014, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of The Alabama Great Southern Railroad Company to invoke the Board’s notice of exemption procedures to discontinue approximately 3.60-miles of connecting rail lines in St. Tammany Parish, LA.

Louisiana Public Service Commission  
Galvez Building, 12th Floor  
602 North Fifth Street  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Charlie Stockman  
Rivers, Trails and Conservation Assistance  
Program  
National Park Service  
RTCA Program  
1201 Eye St., NW, 9th Floor (Org Code 2240)  
Washington, DC 20005

Louisiana Department of Transportation  
Headquarters  
1201 Capitol Access Road  
Baton Rouge, LA, 70802

Thomas Tidwell, Chief  
U.S. Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250-0003

Dave Dorfman  
SDDC TEA  
Attn: MTT-SA  
709 Ward Drive  
Scott Air force Base, IL 62225

December 15, 2014



William A. Mullins  
Attorney for The Alabama Great Southern Railroad  
Company

**Certificate of Publication**

**49 C.F.R. § 1105.12 – Newspaper Notice**

I certify that a “Notice of Intent to Discontinue Rail Service” for The Alabama Great Southern Railroad Company (“AGS”) was published in the form prescribed by the Surface Transportation Board for a notice of exemption to discontinue rail service. The notice was published one time on December 1, 2014 in The Slidell Independent, a newspaper of general circulation in St. Tammany Parish, LA., where the Line is located. As of December 15, 2014, AGS has confirmed publication in the newspaper, but has not yet received the standard affidavit of publication that customarily follows.

December 15, 2014



William A. Mullins  
Attorney for The Alabama Great Southern Railroad  
Company

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
IN ST. TAMMANY PARISH, LOUISIANA**

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**NOTICE OF EXEMPTION**

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**DRAFT FEDERAL REGISTER  
NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-290 (Sub-No. 371X)]

The Alabama Great Southern Railroad Company – Discontinuance of Service Exemption—in St. Tammany Parish, LA.

The Alabama Great Southern Railroad Company (“AGS”) filed on December 15, 2014, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue service over approximately 3.60-miles of connecting rail lines (referred to herein as the “Line”) extending from (1) milepost 36.00 NA (near Holly Street) to milepost 38.25 NA (near South St. and Route 190 [Gause Blvd. West]) and (2) milepost NN 35.31 (near Route 11 [Front St.]) to milepost NN 36.66 (near Donya Drive). Both connecting line segments that comprise the Line are located in St. Tammany Parish, LA. The Line traverses through United States Postal Service Zip Code territory 70460.

AGS has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) that no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the applicable requirements at 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January \_\_\_\_, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by \_\_\_\_\_.<sup>1</sup> Petitions to reopen must be filed by \_\_\_\_, 2015, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to AGS's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: \_\_\_\_, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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<sup>1</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25). Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**STB DOCKET NO. AB-290 (Sub-No. 371X)**

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**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY  
- DISCONTINUANCE OF SERVICE EXEMPTION -  
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**NOTICE OF EXEMPTION**

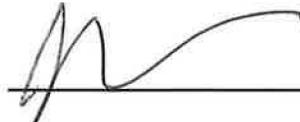
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**VERIFICATION**

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company, parent company of The Alabama Great Southern Railroad Company ("AGS"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing discontinuance of service notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of AGS in connection with this proceeding before the Surface Transportation Board.

Executed this tenth day of September 2014



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John H. Friedmann  
Vice President