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January 9, 2015

237437

BY HAND DELIVERY

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

ENTERED
Office of Proceedings
January 9, 2015
Part of
Public Record

Re: Central of Georgia Railroad Company – Discontinuance of Service Exemption – In Spalding County, GA, STB Docket No. AB-290 (Sub-No. 374X)

Dear Ms. Brown:

Enclosed please find an original and eleven copies of a Notice of Exemption by Central of Georgia Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company, to discontinue rail service over an approximately 4.50-mile rail line extending from milepost C 252.9 to milepost C 257.4 in Spalding County, GA. Please acknowledge receipt and filing of this notice of exemption by date-stamping the enclosed eleventh copy and returning it to the courier for 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@bakerandmiller.com.

Sincerely,



William A. Mullins
Counsel for Central of Georgia Railroad Company

Enclosures

cc: Marc Kirchner, Maquiling Parkerson, LaWada Poarch

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

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

**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
Suite 300
Washington, DC 20037
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Fax: (202) 663-7849**

**Attorneys for Central of Georgia Railroad
Company**

January 9, 2015

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

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

INTRODUCTION

Central of Georgia Railroad Company (“CGR”), 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 an approximately 4.50-mile rail line (referred to herein as the “Line”) extending from milepost C 252.9 to milepost C 257.4. The entire Line is located in Spalding County, GA. In accordance with the Board’s regulations at 49 C.F.R. §§ 1152.50(b) and (d), CGR provides the following information in support of its notice:

Certification: 49 C.F.R. § 1152.50(b)

Under the provisions located at 49 C.F.R. part 1152, subpart F, the Line satisfies the criteria for a discontinuance of service notice of exemption. See Certification of T.L. Reynolds, General Manager Western Region for Central of Georgia 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 March 2, 2015 (more than 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)):

Central of Georgia Railroad Company

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

CGR is a Class II 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)):

CGR has invoked the Board's two-year-out-of-service class exemption procedures to discontinue service over an approximately 4.50-mile rail line extending from milepost C 252.9 to milepost C 257.4 in Spalding County, GA.

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)):

CGR'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 territories 30223 and 30224.

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. As such, CGR 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 there will be no diversion of traffic to other transportation systems or modes.

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.¹ In this proceeding, CGR is filing a notice of exemption to discontinue service over the Line, not abandon it, and for this reason CGR 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, CGR 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.

¹ 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 set forth 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.² 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 CGR seeks only to discontinue service. CGR does not anticipate engaging in any salvage activities and does not intend to remove any potentially historic structures (such as bridges) as a result of obtaining discontinuance authority. Further Board approval is required for CGR to abandon service on the

² 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 need 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
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Fax: (202) 663-7849

Attorneys for Central of Georgia Railroad
Company

January 9, 2015

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

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

EXHIBIT A

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

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Central of Georgia Railroad Company; that the rail line between Milepost C 252.9 and Milepost C 257.4, 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.



T. L. Reynolds

Subscribed and sworn to before me
this 22 day of December, 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**

STB DOCKET NO. AB-290 (Sub-No. 374X)

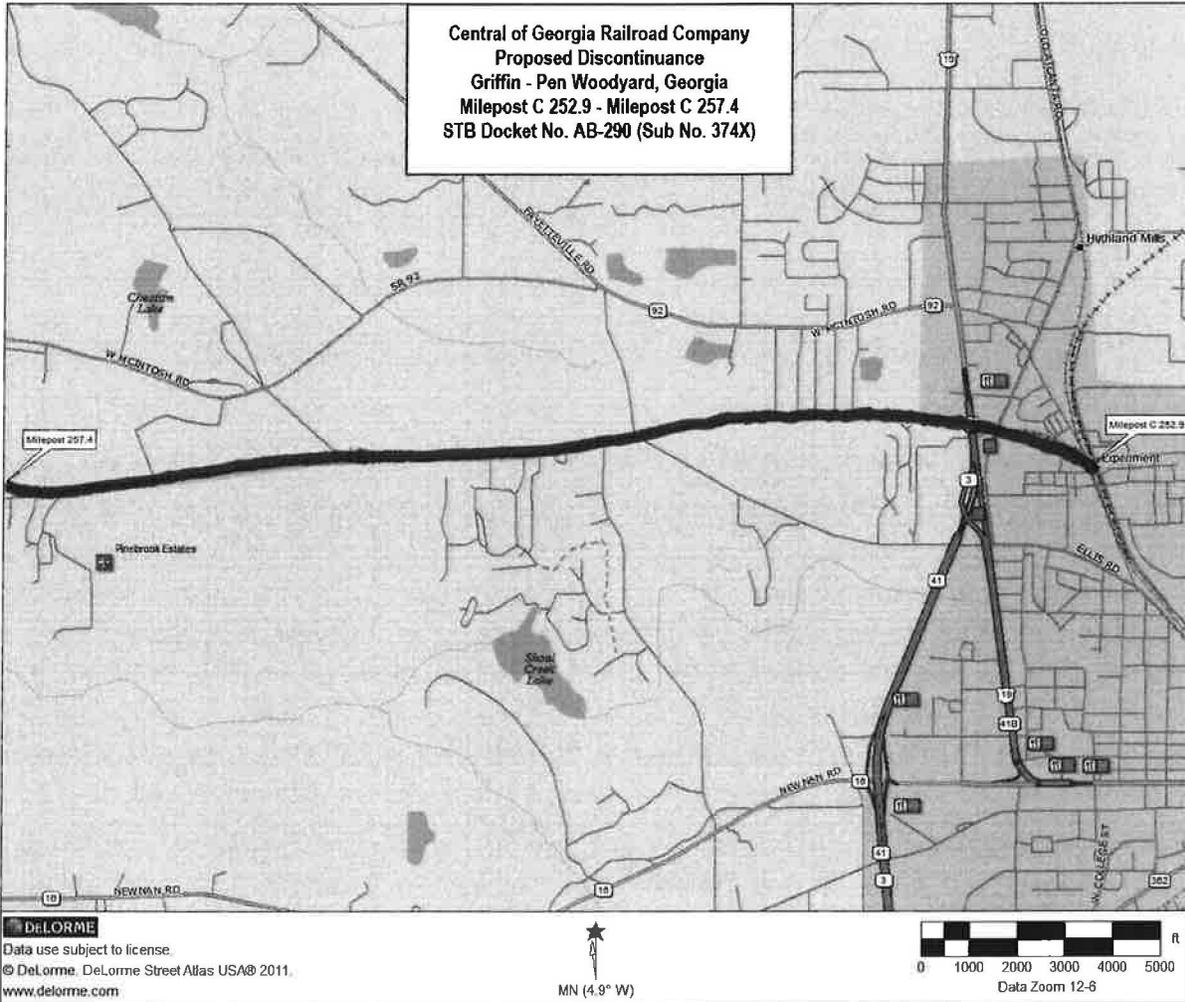
**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

EXHIBIT B

MAP

Central of Georgia Railroad Company
Proposed Discontinuance
Griffin - Pen Woodyard, Georgia
Milepost C 252.9 - Milepost C 257.4
STB Docket No. AB-290 (Sub No. 374X)



DE LORME
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MN (4.9° W)

0 1000 2000 3000 4000 5000 ft
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**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on December 22, 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 Central of Georgia Railroad Company to invoke the Board's notice of exemption procedures to discontinue an approximately 4.50-mile rail line in Spalding County, GA.

Georgia Public Service Commission
244 Washington Street, SW
Atlanta GA, 30334-9052

Matthew Cline, Director
Administration Division/General Counsel
Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, Georgia 30308

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

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

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

January 9, 2015



William A. Mullins
Attorney for Central of Georgia 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 Central of Georgia Railroad Company (“CGR”) was published in a newspaper of general circulation in each county in which the Line is located and 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 26, 2014 in The Griffin Daily News. A copy of the Affidavit of Publication is attached.

January 9, 2015



William A. Mullins
Attorney for Central of Georgia Railroad Company

AFFP

14-1150 Pen Woodyard Notice

Affidavit of Publication

STATE OF GEORGIA }
COUNTY OF SPALDING } SS

David Clevenger, being duly sworn, says:

That he is the Publisher of the The Griffin Daily News, a daily newspaper of general circulation, printed and published in Griffin, Spalding County, Georgia; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 26, 2014

Publisher's Fee: \$ 50.00

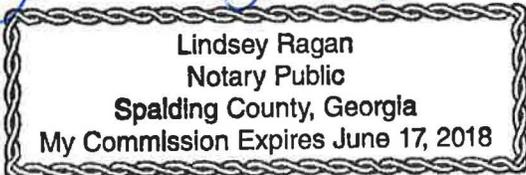
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 26th day of December 2014.


Notary Public, Spalding County, Georgia



40070215 40197046

14-1150L
NOTICE OF INTENT TO
DISCONTINUE RAIL SERVICE
STB DOCKET NO. AB-290 (Sub-No. 374X)
Central of Georgia Railroad Company ("CG"), a wholly owned subsidiary of Norfolk Southern Railway Company, gives notice that on or about January 6, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. Part 1152 Subpart F — Exempt Abandonments and Discontinuances of Service and Trackage Rights permitting CG to discontinue service over an approximately 4.50-mile rail line (referred to herein as the "Line") extending from milepost C 252.9 to milepost C 257.4. The entire line is located in Spalding County, GA. The Line traverses through United States Postal Service Zip Code territories 30223 and 30224. The proceeding will be docketed as STB Docket No. AB-290 (Sub-No. 374X).
The proposed action entails the discontinuance of rail service over the Line for which further Board approval would be required for CG to abandon service on the line. Accordingly, this proceeding is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49C.F.R. § 1105.8(b), and the STB will not prepare an environmental assessment. Appropriate offers of financial assistance to continue rail service under a subsidy can be filed with the Board. Because the proposed action is for the discontinuance of service over, but not the abandonment of the Line, requests for public use conditions and rail banking/trails will not be accepted. An original and 10 copies of any pleading in response to the proposed discontinuance of service (such as offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on CG's representative [See 49 CFR § 1104.12(a)]. Questions regarding offers of financial assistance or other such matters may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on CG's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.
December 26, 2014

BAKER & MILLER PLLC
2401 PENNSYLVANIA AVE N.W STE 300
DC, WA 20037

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

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

DRAFT FEDERAL REGISTER NOTICE

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-290 (Sub-No. 374X)]

Central of Georgia Railroad Company – Discontinuance of Service Exemption—in Spalding County, GA.

Central of Georgia Railroad Company (“CGR”) filed on January 9, 2015, 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 an approximately 4.50-mile rail line extending from milepost C 252.9 to milepost C 257.4 in Spalding County, GA. The Line traverses through United States Postal Service Zip Code territories 30223 and 30224.

CGR 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 February ___, 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 _____.¹ 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 CGR'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.

¹ 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**

STB DOCKET NO. AB-290 (Sub-No. 374X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN SPALDING COUNTY, GA**

NOTICE OF EXEMPTION

VERIFICATION

Verification

I, John Friedmann, Vice President for Central of Georgia Railroad Company ("CGA"), 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 NSR in connection with this proceeding before the Surface Transportation Board.

Executed this seventh day of November 2014



John H. Friedmann
Vice President