

224101



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

James R. Paschall
Senior General Attorney

ENTERED
Office of Proceedings
DEC 3 - 2008
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Public Record

(757) 629-2759
VIA DHL EXPRESS

December 2, 2008



Anne K. Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20024

Re: STB Docket No. AB-290 (Sub. No. 210X), Norfolk Southern Railway
Company – Abandonment - In Atlanta, Fulton County, Georgia –
Notice of Exemption

Dear Ms. Quinlan:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption and Petition for Exemption from Conditions Governing Offers of Financial Assistance and Public Use. Also enclosed are checks in the amounts of \$3,700 00 and \$6,300.00 to cover the filing fees.

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

Yours very truly,

James R. Paschall

JRP/kch
Enclosures

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**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 210X)

NORFOLK SOUTHERN RAILWAY COMPANY

— ABANDONMENT—



IN ATLANTA, FULTON COUNTY, GEORGIA

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**SURFACE
TRANSPORTATION BOARD**

VERIFIED NOTICE OF EXEMPTION

COMES NOW 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 49 CFR § 1152.50, for abandonment of a 4.30-mile line of railroad lying between mileposts DF 633 10 and DF 637 40, in Atlanta, Fulton County, Georgia.

Pursuant to the Board's regulations codified at 49 CFR § 1152 50, the Railroad states as follows:

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

As the attached certificate of General Manager M. J. Wheeler confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S District Court or has been decided in

favor of a complainant concerning cessation of service over this line within the two-year period

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between mileposts DF 633 10 and DF 637.40, in Atlanta, Fulton County, Georgia, will be January 22, 2009

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

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is

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

Description of the Line and the Relief Sought - § 1152 22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 4.30 miles of track between mileposts DF 633.10 and DF 637.40, in Atlanta, Fulton County, Georgia. 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 Codes 30303, 30306, 30307, 30308, 30309, 30312, 30324, 30337, 30340 and 30354

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

NSR does not have fee title to the right of way underlying the line proposed for abandonment; therefore, NSR does not have a corridor available for public use.

The property underlying the line proposed for abandonment between milepost DF 633 10 and the crossing at grade of DeKalb Avenue/Decatur Street at approximate milepost DF 636.56 was conveyed to a local developer in 2004. This developer subsequently conveyed the property to NE Corridor Partners, LLC, which intends to develop the property as part of the Atlanta BeltLine project. NSR has retained an operating easement and complete operating authority over this property pending its receipt of abandonment authority or exemption from the Board.

The proposed Atlanta BeltLine project ('BeltLine') is a comprehensive economic development effort and is currently one of the most wide-ranging urban redevelopment projects underway in the U.S. The BeltLine will combine transit, green space, trails and new development along 22 miles of historic rail segments that encircle the urban core of Atlanta. The abandonment authority Norfolk Southern seeks will permit development of the BeltLine in its various dimensions on the subject formerly active freight rail corridor.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR 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 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 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 indicates, NSR certifies that it has complied with the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice).

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

Respectfully submitted,



John H. Friedmann, Vice President
Norfolk Southern Railway Company

Of Counsel:

**James R. Paschall
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759**

Attorney for Norfolk Southern Railway Company

Dated. December 2, 2008

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS.
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 210X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief



John H. Friedmann

Subscribed and sworn to before me
this 25th day of November, 2008.

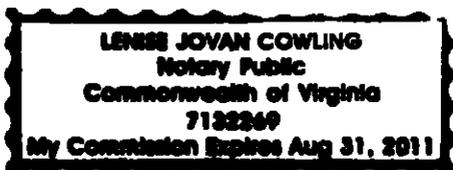


Notary Public

My commission expires:

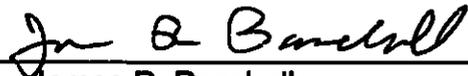
Aug. 31, 2011

[SEAL]



CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in *The Atlanta Journal Constitution*, Atlanta, Georgia, on November 20, 2008 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: December 2, 2008

CERTIFICATION

STATE OF GEORGIA:

SS:

CITY OF ATLANTA:

M. J. Wheeler makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between milepost DF 633.10 and milepost DF 637 40 in Fulton County, Georgia, which is to be abandoned, 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.



M. J. Wheeler

Subscribed and sworn to before me
this 23RD day of OCTOBER, 2008.



Notary Public

My commission expires
WILLIAM L. LINDSEY, JR.
NOTARY PUBLIC, HENRY COUNTY, GA
MY COMMISSION EXPIRES SEPT 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon the following parties, by first class mail, postage prepaid, on December 2, 2008.

Mr. Chuck Eaton, Chairman
Georgia Public Service Commission
244 Washington Street, S W
Atlanta, Georgia 30334

Mr. Harvey Kepler, Administrator
Office of Intermodal Programs
Georgia Department of Transportation
2 Capitol Square, S.W.
Atlanta, Georgia 30334

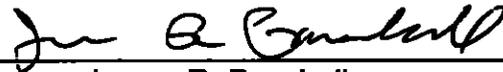
U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave , SW
Washington, DC 20250-0003

Regional Director
National Park Service-Southeast Region
100 Alabama Avenue, S.W.
Atlanta, GA 30303

Ms. Jan Matthews, Associate Director
U S Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N W
Washington, DC 20240

U. S. Dept of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Mr Drew Galloway
AVP State and Commuter Partnerships-
Eastern Region
AMTRAK
30th Street Station, Box 20
Philadelphia, Pennsylvania 19104



James R. Paschall



Norfolk Southern Railway Company
Proposed Abandonment
Milepost DF 633.10 - Milepost DF 637.40
Atlanta, Fulton County, GA

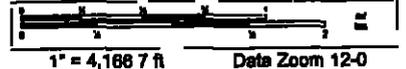


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 210X)
PROPOSED RAIL LINE ABANDONMENT**

**BETWEEN MP DF 633.10 and MP DF 637.40
IN ATLANTA, FULTON COUNTY, GEORGIA**

ENVIRONMENTAL REPORT

**August 1, 2008
Revised November 17, 2008**



**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510-9207**

**NORFOLK SOUTHERN RAILWAY COMPANY
STB DOCKET NO. AB-290 (Sub-No. 210X)**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon 4.30 miles of rail line between railroad milepost DF 633.10 and railroad milepost DF 637.40 in Atlanta, Fulton County, Georgia. The line proposed for abandonment, known as the Decatur Street Belt, has been out of service since the year 2000.

The property underlying the line proposed for abandonment between milepost DF 633.10 and the crossing at grade of DeKalb Avenue/Decatur Street at approximate milepost DF 636.56 was conveyed to a local developer in 2004. This developer subsequently conveyed the property to NE Corridor Partners, LLC, which intends to develop the property as part of the Atlanta BeltLine project. NSR has retained an operating easement and complete operating authority over this property pending its receipt of abandonment authority or exemption from the Board.

The proposed Atlanta BeltLine project ("BeltLine") is a comprehensive economic development effort and is currently one of the most wide-ranging urban redevelopment

projects underway in the U.S. The BeltLine will combine transit, green space, trails and new development along 22 miles of historic rail segments that encircle the urban core of Atlanta. The abandonment authority Norfolk Southern seeks will permit development of the BeltLine in its various dimensions on the subject formerly active freight rail corridor.

The goal of the BeltLine is to organize some of the Atlanta region's future growth around parks, transit, and trails, and to refocus the existing pattern of regional sprawl in the coming decades into a coordinated, efficient framework for development.

The BeltLine proposes to add 22 miles of light rail transit that will connect with the existing transit system and with the proposed streetcar along the Peachtree Street corridor, Atlanta's commercial thoroughfare. New multi-use trails will follow the 22-mile transit loop, and 11 miles of additional trails will extend into surrounding neighborhoods to increase access to the BeltLine. The BeltLine will also improve the City's transportation infrastructure by connecting neighborhoods via sidewalks, streetscapes, and road/intersection improvements leading to a more cohesive urban street grid. In addition to the various modes of transit the BeltLine is intended to promote, land use planning for the BeltLine includes over 1,200 acres of new green space, the development of affordable workforce housing, brownfields remediation, economic development and historic preservation.

The segment of the line between the crossing at grade of DeKalb Avenue/Decatur Street at approximate milepost DF 636.60 and the end of the line at approximate milepost DF 637.40, where it formerly connected with lines of CSX

Transportation, Inc. (CSXT) in the Decatur Street yard was retired and the track materials were removed in the 1980's. The removal of this connecting track segment did not affect any shippers, and NSR continued to maintain connections with CSXT at other locations within the Atlanta area. As abandonment authority or exemption was not obtained at the time over this 0.8 mile-segment because it was connecting track and is located in the Decatur Street yard, it is being included with this abandonment filing because the segment had mileposts and it was connected with the end of the subject line. No further salvage or other disturbance of the right-of-way will be required on this segment of right-of-way within the yard.

Four crossings at grade on the line to be abandoned have been removed or paved over during the period of the line's dormancy. The crossing at Monroe Avenue (milepost DF 634.14) has been completely removed, and curbing and sidewalks have been extended across the right-of-way on both sides of the street. The crossings at Lake Street/Irvin Avenue (milepost DF 636.15) and Airline Avenue (milepost DF 636.49) have been paved over. The crossing at DeKalb Avenue/Decatur Street (milepost DF 636.56) was recently removed by the City of Atlanta. Sections of track have been removed at various places along the line during its long period of inactivity, and encroachments have occurred at several locations along the line. Much of the right-of-way is now covered by dense vegetation. Nonetheless, NSR could have restored the line over the crossings and cleared the vegetation if there had been a reasonable demand for rail service to which NSR would have had to respond.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained. Moreover, the retention of the line by NSR would impede or prevent the completion of the BeltLine project or other public uses of the right-of-way.

A map delineating the line proposed for abandonment and discontinuance of service is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment, and there has been none for over 8 years. The August 2006 Rail Freight Analysis Report on the Atlanta Inner Core Beltline proposes future passenger uses for the corridor, such as by intercity or commuter trains, to access the proposed Multimodal Passenger Terminal. NSR notes that the BeltLine project contemplates possible future use of the right-of-way for light rail commuter transit operations. Preservation of the right and obligation to

provide freight service on this line would not be consistent with that aspect of the BeltLine project.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: The proposed abandonment involves 4.30 miles of rail line located in Atlanta, in Fulton County, Georgia. NSR believes impacts to land use by the proposed rail line abandonment will be negligible at worst, but is expected to be quite positive if one or more uses of the right-of-way are made in connection with the BeltLine project. The City of Atlanta, Department of Planning and Community Development, advised that the proposed abandonment is consistent with the existing land use plans of the City to develop this corridor with transit, multi-use trails and greenspace. A copy of the City's response is attached in **Appendix C**. The Fulton County Board of Commissioners also has been invited to comment on the consistency of the proposed abandonment with existing land use plans.

In a letter dated August 21, 2008, a copy of which is attached in **Appendix C**, the Atlanta Regional Commission states: "ARC staff has reviewed the abandonment proposal and has concluded that this action will serve the best interests of the Atlanta region with regard to transit expansion and transportation enhancements."

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

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service (NRCS). NRCS advises there is no prime or important statewide farm land in the area of the proposed rail line abandonment. A copy of this response is attached in **Appendix C**.

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

RESPONSE: Consultation was requested from the Georgia Department of Natural Resources, Coastal Resources Division.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: NSR does not have fee title to the right of way underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. However, the property owner intends to develop the property as part of the Atlanta BeltLine project, described in more detail in the introduction.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment as no freight or passenger traffic is moving over the line.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

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

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in many years.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Fulton County, Georgia, is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants, except for 1-Hr Ozone, 8-Hr Ozone and particulate matter, according to the U.S. Environmental Protection Agency.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Any effect that does occur will be beneficial because of permanent elimination of at-grade crossings, of which there are six on the segment to be abandoned, as listed in **Appendix D**.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

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

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: The line is in a highly urbanized area, which is not likely to be the habitat for any endangered species, and thus NSR does not believe that any federally

listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species.

In their response, a copy of which is attached in **Appendix C**, the U.S. Fish and Wildlife Service states that the proposed action is not expected to significantly impact fish and wildlife resources.

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

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. However, the right-of-way is adjacent to the City of Atlanta's Piedmont Park. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Norfolk Southern does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The rail line proposed for abandonment crosses two waterways. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation

has been requested from the Georgia Department of Natural Resources and the United States Environmental Protection Agency, Region 4.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The rail line proposed for abandonment crosses two waterways. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers and a copy of their response is attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Georgia Department of Natural Resources and the United States Environmental Protection Agency, Region 4.

49 CFR 1105.7(e)(10) Proposed Mitigation.

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

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. NSR will conduct or contract for only minimal physical activity on the right-of-way, such as removal of rail, ties, and other railroad appurtenances. NSR 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
Proposed Abandonment
Milepost DF 633.10 - Milepost DF 637.40
Atlanta, Fulton County, GA**

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP DF 633.10 and MP DF 637.40, a distance of 4.30 miles, located in Atlanta, Fulton County, Georgia.

Georgia Planning Research
and Evaluation Division
8th Floor
270 Washington Street, S.W.
Atlanta, GA 30334

Shirley Franklin, Mayor
City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

John H. Eaves, Chairman
Fulton County Board of Commissioners
141 Pryor Street, S.W.
Suite 10044
Atlanta, GA 30303

United States Army Corps of Engineers
Savannah District
Attention SASOP-F
P O. Box 889
Savannah, GA 31402-0889

US Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
Federal Building, Box 13
355 East Hancock Avenue
Athens, GA 30601

US Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Georgia Department of Natural Resources
2 Martin Luther King, Jr. Dr , S.E.
Suite 1252, East Tower
Atlanta, GA 30334

Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, GA 31520

National Park Service
Southeast Region
100 Alabama St., S.W
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

August 1, 2008

RE: Docket No. AB-290 (Sub-No 210X), Norfolk Southern Railway Company
Abandonment – in Atlanta, Fulton County, Georgia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DF 633.10 and Milepost DF 637 40, a distance of 4 30 miles, located in Atlanta, Fulton County, Georgia

Enclosed is an Environmental Report which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

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) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,
395 E Street, S.W
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason 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 with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to.

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,



Marcellus C Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



**SHIRLEY FRANKLIN
MAYOR**

CITY OF ATLANTA

**STEVEN R COVER
COMMISSIONER**

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S W SUITE 1450 – ATLANTA, GEORGIA 30303
404-330-6070 – FAX 404-658-7638
<http://www.atlantaga.gov/Government/Planning.aspx>**

April 25, 2008

Ms Kathy Headrick
Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
2 Commercial Place
Norfolk, VA 23510

RE Docket No AB-290 (Sub-No 210X) Norfolk Southern Railway Company – Abandonment in Atlanta, Fulton County, Georgia

Dear Ms Headrick

The City of Atlanta staff is in receipt of the letter from Marcellus Kirchner dated March 12, 2008 regarding the abandonment of 4.30 miles of rail line between Milepost DF 633 10 and Milepost DF 637 4 in Atlanta, Fulton County, Georgia.

This portion of the Norfolk Southern Corporation (NF) rail line is part of the right-of-way (ROW) of the proposed BeltLine. This ROW is an essential component of implementing the BeltLine, a major initiative of the City of Atlanta. The Beltline Redevelopment Plan, part of the City's Comprehensive Development Plan, calls for parks, trails, transit and new development to be located around 22 miles of rail segments that encircle the center of the City of Atlanta. One of the Comprehensive Development Plan policies to promote this goal is to preserve a continuous corridor along the BeltLine route of sufficient dimension for the implementation of transit, multi-use trails and greenspace.

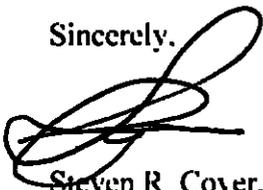
In addition to this policy, the ROW of the proposed BeltLine is designated as Transportation Communications and Utilities (TCU) in the City's Land Use Map (see attached map). The TCU land use category includes uses such as utility easements, transportation corridors and transit facilities such as the BeltLine. The segment proposed for abandonment by NF is designated as TCU in the Land Use Map. The proposed abandonment of the rail line by NF is consistent with the existing land use plans of the City to develop this corridor with transit, multi-use trails and greenspace.

Ms Kathy Headrick
April 25, 2008
Page Two

TCU in the Land Use Map. The proposed abandonment of the rail line by NF is consistent with the existing land use plans of the City to develop this corridor with transit, multi-use trails and greenspace.

If you have additional comments or questions regarding the proposed abandonment and the City of Atlanta's plans for this corridor, please let me know

Sincerely,

A handwritten signature in black ink, appearing to read "Steven R. Cover". The signature is stylized with loops and a long horizontal stroke at the end.

Steven R. Cover, AICP
Commissioner
Department of Planning and Community Development

SRC:JL



August 21, 2008

Ms. Kathy Headrick
Coordinator – Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

**RE: Docket No. AB-290 (Sub-No. 21 OX), Norfolk Southern Railway Company
Abandonment in Atlanta, Fulton County, Georgia**

Dear Ms. Headrick:

The staff of the Atlanta Regional Commission (ARC) in is receipt of the letter from Marcellus Kirchner, by way of the Federal Railroad Administration, dated August 1, 2008 and concerning the proposed abandonment of a 4.3-mile segment of rail line in Atlanta, known as the Decatur Street Belt, by the Norfolk Southern Railway Company (NSR). ARC staff has reviewed the abandonment proposal and has concluded that this action will serve the best interests of the Atlanta region with regard to transit expansion and transportation enhancements. Furthermore, ARC would like to use this opportunity to raise several additional issues concerning the corridor in question and the future of rail service in the Atlanta urban core.

As the federally-designated metropolitan planning organization for the 18-county Atlanta region, ARC is responsible for maintaining the long-range Regional Transportation Plan (RTP) and short-range Transportation Improvement Program (TIP). The region's current adopted RTP/TIP, known as Envision6, contains two projects planned for the Decatur Street Belt corridor, both of which are components of the larger Atlanta BeltLine project:

- **AR-450: Belt Line Transportation Corridor - Multi-Use Path Linking Lindbergh Center to Inman Park to West End to Howell Station to Lindbergh Center**
- **AR-451A: Belt Line Transportation Corridor – Transit Service in the Northeast Quadrant**

Given the significant right-of-way constraints along this corridor, the proposed abandonment of the Decatur Street Belt will be critical to the implementation of both the transit and trail projects in the northeast quadrant of the Beltline.

With regard to the specific extents of the proposed abandonment, ARC would also call attention to the importance of connectivity with existing transportation facilities, the MARTA rail system in particular. While the segment's southern endpoint (MP DF 637.40) allows for a seamless connection to the DeKalb Avenue / MARTA East Line corridor, by contrast the northern endpoint (MP DF 633.10) stops nearly one mile short of the Armour Yard area, the point of convergence for the northeast and northwest quadrants of the BeltLine as well as the MARTA North Line. Retaining active rail service on this northernmost section could present challenges to completing the transit and trail connection to the north, particularly given the very limited width of the corridor as it crosses under Interstate 85. As work on the northeast quadrant progresses, ARC encourages the BeltLine project team to work with NSR to ensure that adequate accommodations are provided allowing both the transit and trail components to negotiate the crossing of Interstate 85 and complete the connection to the MARTA North Line and the northwest quadrant of the BeltLine.

ARC is also an active participant in regional discussions concerning additional transit proposals beyond the scope of the current RTP, and is aware of ongoing discussion regarding the possibility of the Decatur Street Belt serving as a downtown approach for commuter or intercity rail. While the issues of downtown access and rail network congestion are legitimate concerns, in this case ARC staff does not believe that they present a sufficient justification for preventing the abandonment of the segment in question. In addition to greatly complicating and possibly precluding implementation of the programmed BeltLine capital projects on this corridor, restoration of FRA-compliant rail activity to the Decatur Street Belt is likely to be a highly contentious issue in the adjacent neighborhoods. Furthermore, ARC staff believes that adequate accommodations for extensive commuter and intercity rail can be provided without utilization of this segment for such purposes.

Regarding passenger rail access to the central city, recent planning efforts have focused on the combined Norfolk Southern / CSX trunk line on the west side of the city, which also serves important regional destinations such as Atlantic Station and Georgia Tech, as the primary northside access route for passenger service into downtown Atlanta. These planning initiatives include the Transit Planning Board's long-range transit vision, Concept 3, which ARC staff fully supports. While this segment is an active rail corridor that is already heavily utilized by freight traffic, several strategies for managing congestion on this segment are of considerable potential and worthy of further study. Such strategies include the creation of regional freight rail bypasses to minimize unnecessary freight routing through the urban core, and the possibility of accommodating trains whose routing need not pass through downtown (such as the existing Amtrak *Crescent*) through the establishment of a secondary multimodal center on the north side of the urban core. (TPB Concept 3 incorporates a recommendation from MARTA for such a facility in the Armour Yard area, and the Lenox and Norcross areas have also been identified as potential locations for intercity rail stations.)

In summary, ARC staff has concluded that abandonment of the full Decatur Street Belt is in the best interest of the region's long-term transportation objectives, and that the outstanding questions regarding future passenger rail routing can be addressed through means other than the resumed use of this segment by national rail operators. If you have further questions or need additional information, please contact David Emory, principal planner for transit planning at ARC, at (404) 463-3283.

Sincerely,



Thomas L. Weyandt, Jr.
Director, Comprehensive Planning

TLW:dde

cc: Jane Hayse, ARC
Heather Alhadef, City of Atlanta
Nathan Conable, Atlanta BeltLine Inc.
Cheryl King, Transit Planning Board
Donald Williams, MARTA
Steve Yost, Georgia DOT



Natural Resources Conservation Service
355 East Hancock Avenue
Athens, GA 30601

April 8, 2008

Ms. Kathy Headrick
Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re Docket No AB-290 (Sub-No 210X), Norfolk Southern Railway Company -
Abandonment – in Atlanta, Fulton County, Georgia

Dear Ms. Headrick:

This reply is to the request for the possible effects on important (prime or statewide) agriculture land in area of the proposed rail line abandonment for the above location.

There is no prime or important statewide farm land in the area of the proposed rail line abandonment

If you need additional information, please contact Edward Ealy, State Soil Scientist at (706) 546-2278.

Sincerely,

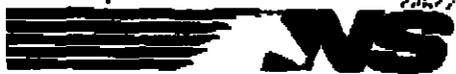
A handwritten signature in black ink, appearing to read "James E. Tillman, Sr.", written over a white background.

JAMES E TILLMAN, SR
State Conservationist

Acting for

cc: Michael Watson, Assistant State Conservationist (FO), NRCS, Griffin, GA
Valerie Pickard, District Conservationist, NRCS, Marietta, GA
Edward P Ealy, State Soil Scientist, NRCS, Athens, GA





Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2181

RECEIVED MAR 18 2008
RECEIVED

Marcellus C. Kirchner
Director Strategic Planning
(757) 620-2670

MAR 19 2008

FL. BENNING, GA
USFWS



U. S. Fish and Wildlife Service
105 West Park Drive, Suite D, Athens, Georgia 30606
Phone: 706-613-9493 Fax 706-613-6059

FWS Log No. 2008-FA-0713

March 12, 2008

U. S. Fish and Wildlife Service – Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

Based on the information provided the proposed action is not expected to significantly impact fish and wildlife resources under the U.S. Fish and Wildlife Service jurisdiction

John D. Dineen
Sandra S. Tucker, Field Supervisor

3/20/2008
Date

RE: Docket No AB-290 (Sub-No. 210X), Norfolk Southern Railway Company - Abandonment - in Atlanta, Fulton County, Georgia

Dear Sir/Madam:

Norfolk Southern Railway Company is considering the abandonment of 4.30 miles of rail line between Milepost DF 633.10 and Milepost DF 637.40 in Atlanta, Fulton County, Georgia. A map is included delineating the area under consideration.

During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There are five bridges on the line segment, two of which cross waterways. During the removal of track and materials the bridges may be removed; however, any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) "State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects."



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

August 21, 2008

Regulatory Division
200800447

Norfolk Southern Corporation
Attention: Marcellus C. Kirchner
Three Commercial Place
Norfolk, Virginia 23510-2191

Dear Mr. Kirchner:

I refer to your submittal dated April 7, 2008, for Department of the Army authorization to abandon 4.3 miles of rail line corridor (Milepost DF 633.10 and Milepost DF 637.40). The rail line project corridor runs in a north-south direction. The project begins south of Montgomery Ferry Drive Northeast and ends south of DeKalb Avenue Northeast, and is located within Atlanta, Fulton County, Georgia. This file has been assigned project number 200800447. Please refer to this number in any future correspondence concerning this matter.

After reviewing the information made available to us, the waters of the US located within the project corridor are within the jurisdiction of Section 404 of the Clean Water Act (33 USC 1344). However, the work at the project site will not impact any areas of jurisdictional streams and/or wetlands as a result of removing the track material and/or bridges. The debris will be removed from the area and will not be placed or left along right-of-ways or within areas of jurisdictional wetlands and/or streams. As a result of the proposed activity, I have determined that no Department of the Army Permit will be required under Section 404 of the Clean Water Act.

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property or invasion of rights, or any infringement of federal, state, local laws or regulations. It does not obviate the requirement to obtain state or local assent required by law for the activity described herein. It does not affect your liability for damages that may be caused by the work, nor does it authorize any interference with any existing or proposed federal project.

If this information you have submitted, and on which the US Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

Revisions to your proposal may invalidate this determination. Should your plans change, please contact this office so that we may determine if Department of the Army Authorization is required.

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our website at www.sas.usace.army.mil/permit.htm (See General Information 6) and completing the survey on-line. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office. If you have any questions, please call Joe Rivera, Regulatory Specialist, at (678) 422-6571.

Sincerely,



Alan J. Miller
Chief, Permits Section
Piedmont Branch

Enclosures

Copies Furnished:

Norfolk Southern Corporation
Strategic Planning, 12th Floor
Attention: Kathy Headrick
3 Commercial Place
Norfolk, Virginia 23510

APPENDIX D

At-Grade Crossings

Milepost	Location
DF 633.39	Westminster Drive
DF 634.14	Monroe Avenue
DF 634.60	Greenwood Avenue
DF 636.15	Lake Street
DF 636.49	Airline Avenue
DF 636.60	DeKalb Avenue/Decatur Street

**Environmental Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-290 (Sub-No. 210X) was mailed via first class mail on August 1, 2008, to the following parties:

Georgia Planning Research
and Evaluation Division
8th Floor
270 Washington Street, S.W.
Atlanta, GA 30334

Shirley Franklin, Mayor
City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

John H Eaves, Chairman
Fulton County Board of Commissioners
141 Pryor Street, S W
Suite 10044
Atlanta, GA 30303

United States Army Corps of Engineers
Savannah District
Attention SASOP-F
P. O. Box 889
Savannah, GA 31402-0889

US Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
Federal Building, Box 13
355 East Hancock Avenue
Athens, GA 30601

US Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Georgia Department of Natural
Resources
2 Martin Luther King, Jr Dr., S.E.
Suite 1252, East Tower
Atlanta, GA 30334

Georgia Department of Natural
Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, GA 31520

National Park Service
Southeast Region
100 Alabama St., S W
Atlanta, GA 30303

National Geodetic Survey
1315 East West Highway
Silver Spring, MD 10910



Marcellus C Kirchner

August 1, 2008

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 4.30 miles of rail line between railroad milepost DF 633.10 and railroad milepost DF 637.40 in Atlanta, Fulton County, Georgia. The line proposed for abandonment, known as the Decatur Street Belt, has been out of service since the year 2000.

The property underlying the line proposed for abandonment between milepost DF 633.10 and the crossing at grade of DeKalb Avenue/Decatur Street at approximate milepost DF 636.56 was conveyed to a local developer in 2004. This developer subsequently conveyed the property to NE Corridor Partners, LLC, which intends to develop the property as part of the Atlanta BeltLine project. NSR has retained an operating easement and complete operating authority over this property pending its receipt of abandonment authority or exemption from the Board.

The proposed Atlanta BeltLine project ("BeltLine") is a comprehensive economic development effort and is currently one of the most wide-ranging urban redevelopment projects underway in the U.S. The BeltLine will combine transit, green space, trails and new development along 22 miles of historic rail segments that encircle the urban core of Atlanta. The abandonment authority Norfolk Southern seeks will permit development of the BeltLine in its various dimensions on the subject formerly active freight rail corridor.

The goal of the BeltLine is to organize some of the Atlanta region's future growth around parks, transit, and trails, and to refocus the existing pattern of regional sprawl in the coming decades into a coordinated, efficient framework for development.

The BeltLine proposes to add 22 miles of light rail transit that will connect with the existing transit system and with the proposed streetcar along the Peachtree Street corridor, Atlanta's commercial thoroughfare. New multi-use trails will follow the 22-mile transit loop, and 11 miles of additional trails will extend into surrounding neighborhoods to increase access to the BeltLine. The BeltLine will also improve the City's transportation infrastructure by connecting neighborhoods via sidewalks, streetscapes, and road/intersection improvements leading to a more cohesive urban street grid. In addition to the various modes of transit the BeltLine is intended to promote land use planning for the BeltLine includes over 1,200 acres of new green space, the development of affordable workforce housing, brownfields remediation, economic development and historic preservation.

The segment of the line between the crossing at grade of DeKalb Avenue/Decatur Street at approximate milepost DF 636.60 and the end of the line at approximate milepost DF 637.40, where it formerly connected with lines of CSX Transportation, Inc. (CSXT) in the Decatur Street yard was retired and the track materials were removed in the 1980's. The removal of this connecting track segment did not affect any shippers, and NSR continued to maintain connections with CSXT at other locations within the Atlanta area. As abandonment authority or exemption was not obtained at the time over this 0.8 mile segment because it was connecting track and is located in the Decatur Street Yard, it is being included with this abandonment filing because the segment had mileposts and it was connected with the end of the subject line. No further salvage or other disturbance of the right-of-way will be required on this segment of right-of-way within the yard.

Four crossings at grade on the line to be abandoned have been removed or paved

over during the period of the line's dormancy. The crossing at Monroe Avenue (milepost DF 634.14) has been completely removed, and curbing and sidewalks have been extended across the right-of-way on both sides of the street. The crossings at Lake Street/Irvin Avenue (milepost DF 636.15) and Airline Avenue (milepost DF 636.49) have been paved over. The crossing at DeKalb Avenue/Decatur Street (milepost DF 636.56) was recently removed by the City of Atlanta. Sections of track have been removed at various places along the line during its long period of inactivity, and encroachments have occurred at several locations along the line. Much of the right-of-way is now covered by dense vegetation. Nonetheless, NSR could have restored the line over the crossings and cleared the vegetation if there had been a reasonable demand for rail service to which NSR would have had to respond.

The alternatives to abandonment of the entire line are to not abandon the line or to discontinue service over the line and retain the track in place. These alternatives are not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained. Moreover, the retention of the line by NSR would impede or prevent the completion of the BeltLine project or other public uses of the right-of-way.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Georgia Historic Preservation Division, Department of Natural Resources.

(2) **Written Description of Right of Way** -- The right of way width varies but is generally 100 – 200 feet on each side of the main track centerline. There is one small segment that is 68 feet wide. The line passes through urban areas

(3) **Photographs** – Photographs of the bridges were furnished to the Georgia Historic Preservation Division, Department of Natural Resources

(4) **Date of Construction of Structures** – See the Bridge List attached to this report. None of the structures is original to the line

(5) **History of Operations and Changes Contemplated** – In the related notice of exemption to the Surface Transportation Board (STB) for abandonment of a railroad line Norfolk Southern Railway Company (NSR) gives notice of an exemption under the STB's class exemption for abandonment of out-of-service rail lines for the abandonment of a 4.30-mile line of railroad between Milepost DF 633 10 and Milepost DF 637 40 in Atlanta, Fulton County, Georgia

On June 29, 1870, the Atlanta and Richmond Air-Line Railway Company consolidated with the Georgia Air Line Railway Company and the Air Line Railroad Company of South Carolina. It was controlled by the Richmond and Danville Railroad, predecessor of the Southern Railway Company. The line from Charlotte, North Carolina to Atlanta, Georgia, which included the subject segment, was completed in September, 1873.

The Atlanta and Richmond Air-Line Railway Company entered into receivership in November, 1874 and was sold under foreclosure in December, 1876. It was reorganized as the Atlanta and Charlotte Air-Line Railway Company in February, 1877. The Atlanta and Charlotte Air Line Railway Company was incorporated by consolidation agreement of April 4, 1877, filed May 17, 1877 in Georgia and May 21, 1877 in South Carolina and North Carolina.

The subject segment of the Line became part of the Atlanta and Charlotte Air-Line Railway Company.

The Atlanta and Charlotte Air-Line Railway Company operated together with the Richmond and Danville Railroad and the North Carolina Railroad under the name Piedmont Air Lines. In 1881 the Richmond and Danville Railroad took possession of the Atlanta and Charlotte Air-Line Railway Company and all of its operating branches from Charlotte Junction to the City of Atlanta. The Richmond and Danville Railroad Company began operating the property, together with the lines controlled by The Atlanta and Charlotte Air Line Railway Company, namely, the Elberton Air Line Railroad Company, the Roswell Railroad Company, and the Lawrenceville Branch Railroad Company, under a lease dated March 28, 1881. Southern Railway Company acquired the leasehold on July 1, 1894.

Southern Railway Company succeeded to the interest of the Richmond and Danville Railroad Company in the Atlanta and Charlotte Air Line Railway in 1894 through purchase in foreclosure of the Consolidated Mortgage of 1886, specifically assuming the benefits and burdens of the lease of March 26, 1881, in the Special Master's deed of the Richmond and Danville Railroad properties dated June 18, 1894. On July 1, 1894, Southern Railway Company assumed control and operation of The Atlanta and Charlotte Air Line Railway Company. Southern Railway Company's control and operation of the Atlanta and Charlotte Air Line Railway Company continued until the consolidation of the Norfolk and Western Railway Company and the Southern Railway Company as subsidiaries of Norfolk Southern Corporation in 1982.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization,

dated July 31, 1980, was the basis for Norfolk Southern Corporation's control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia. and of their subsidiaries and affiliates. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries and affiliates on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are, E. F. Pat Striplir *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, N C 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

The Atlanta and Charlotte Air Line Railway Company was merged into Norfolk Southern Railway Company on August 1, 1996

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.

The Archives at the Southern Museum of Civil War and Locomotive History, 2829 Cherokee Street, Kennesaw, Georgia 30144, houses a significant collection of company records, engineering drawings, blueprints, glass plate negatives, photographs and correspondence from various American businesses representing the railroad industry in the South after the Civil War. The Archives also contain a growing collection of Civil War letters, diaries, and official records. Those collections include: Southern Railway Historical Association Collection: President's Files, Samuel Spencer, W. W. Finley and Fairfax Harrison, 1871 – 1920. Southern Railway Company Annual Reports to Stockholders, 1899 – 1985. Southern Railway Historical Association Collection: Historic Structure Drawings, Related Correspondence, and Other Historic Preservation Initiatives. Southern Railway Company Annual Reports to the Interstate Commerce Commission. Collection of Southern Railway Company Valuation Section Reports to Interstate Commerce Commission. Division of Valuation for Southern District, State of Georgia and Southern Railway Historical Association Photograph Collection.

Fulton County, Georgia was formed in 1853 from DeKalb County. In 1932, during the Great Depression, the counties of Milton and Campbell merged with Fulton, apparently in part to save the expense of running a county government. Land from Cherokee, Cobb, and Gwinnett was incorporated into the deal to create a connected county. It is probably named after Robert Fulton, the inventor who built the first commercially successful steamboat, the *Clermont*, in 1807. The publication *Roadside Georgia* as well as the Internet site *Wikipedia* report that recent research tends to indicate that the county was actually named for an early railroad official, Hamilton Fulton, who acted as surveyor for the Western and Atlantic Railroad. Nonetheless, the County itself claims to be named after Robert Fulton. As of the census of

2000, there were 816,006 people, 321,242 households, and 185,677 families residing in the county

Atlanta was founded in 1837 as the end of the Western and Atlantic Railroad line. It was first named Marthasville in honor of Martha Wilson Lumpkin, the daughter of Wilson Lumpkin, the governor of Georgia. The town was nicknamed Terminus for its rail location. In 1847 the town changed its name to Atlanta, the feminine of Atlantic, as in the railroad, apparently at the suggestion of J. Edgar Thomson, Chief Engineer of the Georgia Railroad. The residents approved of the change, and the town was incorporated as "Atlanta" on December 29, 1847. The Atlanta History Center states on its web site: "Ironically, Martha Lumpkin's nickname was "Atalanta," the Greek goddess of the hunt. Due to the similarity to Martha Lumpkin's nickname, many continued to believe the town was named for her." Atlanta was a major railroad hub even before the outbreak of the Civil War, which made it a natural target for military action during the war. The subject line, however, was not built until several years after the war ended in 1865. Atlanta has been the State capital of Georgia since 1868.

Atlanta is the county seat of Fulton County, although a small portion of the city extends into DeKalb County. As of July 2006, the city of Atlanta had a population of 486,411 and a metropolitan area population of 5,138,223. The metropolitan area has more land area than the State of Massachusetts. Atlanta ranks third in the number of Fortune 500 companies headquartered within city boundaries. Over 75% of the Fortune 1000 companies have a presence in the Atlanta area, and the region hosts offices of about 1,250 multinational corporations.

Histories of or pertaining to Atlanta are too numerous to list. One book with numerous photographs that might be mentioned is *Atlanta: An Illustrated History* by Andy Ambrose,

deputy director of the Atlanta History Center, Hill Street Press; Second edition (August 2003). The Atlanta History Center's Kenan Research Center, 130 West Paces Ferry Road, NW, Atlanta, GA 30306-1366, collects primary and secondary source materials in all formats relating to the history of Atlanta and the culture of the American South. Printed books are searchable in Terminus, the Center's on-line catalog. Descriptions for the catalogued manuscript and graphic collections are also available. This catalog currently has 266 entries for "railroad" and 128 entries for "railway" but these latter entries may overlap. The archives and special libraries are open to all researchers. The Atlanta History Center was known as the Atlanta Historical Society between 1926 and 1990.

Atlanta began as a railroad town and it still serves as a major rail junction. The subject line, however, no longer is used or needed for freight railroad purposes and the property can be put to better use in the further development of the City.

The change contemplated in the operation of this segment is for NSR to abandon the subject Line of railroad. There has been no rail service and no demand for rail freight service over the Line for at least eight years. The Line can no longer be profitably maintained or held dormant by NSR. As a result of the abandonment action, NSR's common carrier obligation to provide freight service over this Line will be terminated.

(6) Summary of Documents In Carriers' Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – While plans may be available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – NSR's opinion is that neither the structures on the line to be abandoned nor the

line itself meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. They 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
Abandonment – Atlanta, Fulton County, Georgia**

Bridge List

Milepost	Spans	Name of Crossing	Bridge Type	Year Constructed	Length in Feet
DF 633.10	10	Clear Creel	Timber Trestle	1925	130.00
DF 633.30	1	Clear Creel	Open Deck Plate	1928	39.30
DF 634.90	1	Ponce de Leon Ave	Open Thru Plate	1908	91.50
DF 635.10	2	North Avenue	Steel Beam	1965	80.40
DF 635.40	1	Ralph McGill Blvd	Open Deck Plate	1926	161.00



**Norfolk Southern Railway Company
 Proposed Abandonment
 Milepost DF 633.10 - Milepost DF 637.40
 Atlanta, Fulton County, GA**

Data use subject to license:

Scale 1:50,000



1" = 4 166.7 ft Data Zoom 12-0



Norfolk Southern Corporation
 Three Commercial Place
 Norfolk, Virginia 23510-2197

Marcellus C. Kirchner
 Director Strategic Planning
 (757) 629-2679
 (757) 823-5807 FAX

August 1, 2008

Mr. Ray Luce, Director and
 Deputy State Historic Preservation Officer
 Georgia Historic Preservation Division
 Department of Natural Resources
 34 Peachtree Street, Suite 1600
 Atlanta, GA 30303-2316

RE: STB Docket No. AB-290 (Sub-No. 210X), Norfolk Southern Railway
 Company - Abandonment - in Atlanta, Fulton County, Georgia

Dear Mr. Luce:

Norfolk Southern Railway Company soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 4.30 miles of rail line between railroad mileposts DF 633 10 and DF 637 40 in Atlanta, Fulton County, Georgia. Enclosed is a Historic Report describing the proposed action and any expected historic effects, photographs and 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, 395 E Street, S.W., Washington, D. C. 20423-0001, Telephone (202) 245-0295, 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 us) would be appreciated as soon as possible. Please refer your comments to me by mail at the above address or by email at marc.kirchner@nscorp.com.

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 do not hesitate to contact me.

Sincerely,

Marcellus C. Kirchner

Enclosures
 cc. James R. Paschall, Esq.

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R § 1105 8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 210X) was mailed via first class mail on August 1, 2008 to:

Mr. Ray Luce, Director and
Deputy State Historic Preservation Officer
Georgia Historic Preservation Division
Department of Natural Resources
34 Peachtree Street, Suite 1600
Atlanta, GA 30303-2316



Marcellus C. Kirchner

August 1, 2008

Georgia Department of Natural Resources

Noel Holcomb Commissioner

Historic Preservation Division

W Ray Luce, Division Director and Deputy State Historic Preservation Officer
34 Peachtree Street, NW, Suite 1600, Atlanta, Georgia 30303-2316
Telephone (404) 656-2840 Fax (404) 657-1040 <http://www.gashpo.org>

September 3, 2008

Marcellus C Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

**RE: Abandon 4.3 Miles of Railroad, Between Mileposts 633.1 & 637.4, Atlanta; Part of Atlanta Beltline
Fulton County, Georgia
HP-080804-007; Reference HP-080729-001**

Dear Mr. Kirchner

The Historic Preservation Division (HPD) has reviewed the information submitted concerning the above referenced undertaking. Our comments are offered to assist the Surface Transportation Board (STB) and its applicants in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA)

Based on the submitted information, HPD does not concur with the finding that the subject portion of the Atlanta Beltline Railroad is not eligible for the National Register of Historic Places (NRHP). HPD has determined that the entire 22-mile Atlanta Beltline rail corridor, including associated historic bridges and structures, is eligible for the NRHP under Criteria A and C for its significant association with the developmental history of Atlanta and for its significance in the area of railroad engineering and construction. Please provide HPD with more detailed information as to what the subject undertaking constitutes, including any physical alterations that may incur along the rail corridor.

Please refer to project number **HP-080804-007** in any future correspondence regarding this undertaking. If we may be of further assistance, please do not hesitate to contact Elizabeth Shirk, Environmental Review Coordinator, at (404) 651-6624, or Jackie Horlbeck, Environmental Review Historian, at (404) 651-6777.

Sincerely,



Karen Anderson-Cordova
Manager, Planning and Local Assistance Unit

KAC: jph

cc: Le'Var Rice, ARC
Doug Young, AADC

The Atlanta Journal-Constitution

ajc.com

PUBLISHER'S AFFIDAVIT

ACCOUNT NAME NORFOLK SOUTHERN CORPORATION

ACCOUNT NO. #094940510

STATE OF GEORGIA
COUNTY OF FULTON

MICHAEL THOMPSON, personally appeared before me, the undersigned Notary Public, who states he is an ACCOUNT EXECUTIVE for THE ATLANTA JOURNAL AND CONSTITUTION newspaper, a newspaper of general circulation published in the City of Atlanta, Georgia, and who further states under oath that the Advertisement attached hereto and made part of this affidavit appeared in The Atlanta Journal-Constitution on the following date(s): NOVEMBER 20, 2008.

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 1ST DAY OF DECEMBER 2008



(NOTARY SIGNATURE)

MY COMMISSION EXPIRES MAY 19, 2009

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about December 3, 2008, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of abandonment under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of a 4.70-mile line of railroad between milepost UJ 6.31 10 and milepost OP 87.40 in Atlanta, which traverses through United States Postal Service ZIP Codes 30307, 30308, 30309, 30312, 30324, 30327, 30334, and 30334, in Fulton County, Georgia. The proceeding will be docketed as No. RA 400 (Sub No. 2100).

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 abandonment. Comments on environmental and energy matters should be filed no later than 18 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, 399 E Street, S.W., Washington, DC 20423-0001 or by calling their office at 202-465-0229.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. However, NSR also will file a petition seeking an exemption from the offer of financial assistance (OFA) requirements of 49 U.S.C. 10905. Requests for environmental conditions, public use, conditions, or rail banking/track 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 track use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 399 E Street, S.W., Washington, DC 20423-0001. See 49 CFR 1104.1(a) and 1104.2(a), and use copy must be served on applicant's representative (see 49 CFR 1104.1222). Questions regarding offers of financial assistance, public use or track use may be directed to the STB's Office of Congressional and Public Service at 202-248-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Counsel, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-0241 (757) 626-2739.



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

James R. Paschall
Senior General Attorney

(757) 629-2759

November 17, 2008

Mr. Chuck Eaton, Chairman
Georgia Public Service Commission
244 Washington Street, S W.
Atlanta, Georgia 30334

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior
National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

Mr. Harvey Kepler, Administrator
Office of Intermodal Programs
Georgia Department of Transportation
2 Capitol Square, S.W
Atlanta, Georgia 30334

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

Mr. Drew Galloway
AVP State and Commuter Partnerships-
Eastern Region
AMTRAK
30th Street Station, Box 20
Philadelphia, Pennsylvania 19104

U. S. Dept. of Defense (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive
Bldg. 1990, Room 2E264
Scott AFB, IL 62225

Regional Director
National Park Service-Southeast Region
100 Alabama Avenue, S W.
Atlanta, GA 30303

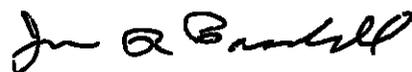
Re: STB Docket No AB-290 (Sub-No 210X), Norfolk Southern Railway Company –
Abandonment, in Atlanta, Fulton County, Georgia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152 50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about December 3, 2008, 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 4.30-mile line of railroad lying between milepost DF 633.10 and milepost DF 637.40 in Atlanta, Fulton County, Georgia (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. NSR also will file a petition for exemption from the offer of financial assistance provisions of 49 U.S.C. 10904 and the public use provisions of 49 U.S.C. 10905. The right-of-way's underlying real estate is

owned by NE Corridor Partners, LLC, an entity formed by the City of Atlanta to develop the corridor for public purposes as part of the Atlanta BeltLine project.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim R. Paschall". The signature is fluid and cursive.

James R. Paschall

JRP:kch

Enclosure