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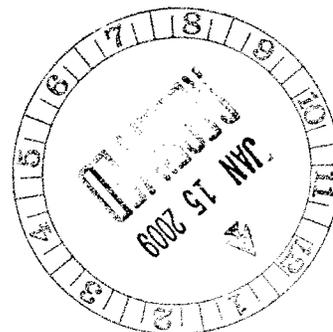
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January 15, 2009

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BY HAND

The Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001



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

Dear Secretary Quinlan:

Enclosed for filing in the above-referenced proceeding are an original and ten copies of National Railroad Passenger Corporation's Petition to Intervene in Support of Stay Sought by Georgia Department of Transportation.

If you have any questions or I can be of any assistance, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to be "G. Mayo".

George W. Mayo, Jr.

cc: All Parties of Record

Enclosures

ENTERED
Office of Proceedings

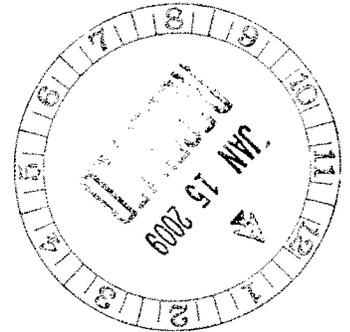
JAN 15 2009

**Part of
Public Record**

224353

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 210X)
NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT –
IN ATLANTA, FULTON COUNTY, GEORGIA



**NATIONAL RAILROAD PASSENGER CORPORATION'S
PETITION TO INTERVENE IN SUPPORT OF STAY
SOUGHT BY GEORGIA DEPARTMENT OF TRANSPORTATION**

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Dated: January 15, 2009

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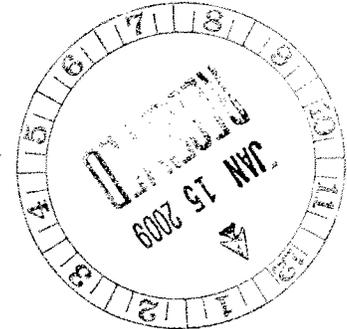
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BEFORE THE
SURFACE TRANSPORTATION BOARD

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

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT –
IN ATLANTA, FULTON COUNTY, GEORGIA



**NATIONAL RAILROAD PASSENGER CORPORATION'S
PETITION TO INTERVENE IN SUPPORT OF STAY
SOUGHT BY GEORGIA DEPARTMENT OF TRANSPORTATION**

The National Railroad Passenger Corporation (“Amtrak”) respectfully requests that it be permitted to intervene in this proceeding in support of the petition of the Georgia Department of Transportation (“GDOT”) for a stay of the Notice of Exemption filed by Norfolk Southern Railway Company (“NS”) on December 3, 2008 (“NS Notice”). Unless the Board grants GDOT’s motion for stay, the notice of exemption authorizing abandonment of the rail line at issue, a four-mile segment of an NS-owned line known as the Atlanta BeltLine (“the BeltLine Segment”), will automatically become effective on January 22.

In their joint filing in opposition to GDOT’s motion for stay, the Atlanta Development Authority and Atlanta BeltLine Inc., which own and wish to redevelop the real estate underlying the rail line at issue, urged the Board to deny GDOT’s motion because “Amtrak [has not] come forward to protect that putative interest described by GDOT.” Amtrak believes that it is important that the record reflect Amtrak’s strong support for the preservation of this critical rail line, and for the issuance of a stay that would facilitate accomplishment of that objective, either

through a negotiated agreement or pursuant to the provisions of the Rail Passenger Service Act (“RPSA”).

Amtrak’s Interest in This Proceeding

The BeltLine Segment is a short (approximately 4 mile) segment of currently unused track in the City of Atlanta. It is part of a 22-mile rail corridor known as the Atlanta BeltLine, that encircles the city.

As indicated in NS’s Notice of Exemption (NS Notice, p. 4), the BeltLine Segment that NS seeks to abandon is a critical link in the rail route that would be used by Amtrak trains (including Amtrak’s New York-Atlanta-New Orleans *Crescent*) and future high speed rail passenger trains to access the proposed Multimodal Passenger Terminal in Atlanta. There are no viable alternate routes. The August 21 letter from the Atlanta Regional Commission included in the NS Notice (pp. 36-37) correctly states that, if the BeltLine Segment were abandoned, passenger train service into downtown Atlanta would have to operate via an alternate route (the “Trunk Line Route”) over “the combined Norfolk Southern/CSX trunk line on the west side of the city . . . an active rail corridor that is already heavily utilized by freight traffic.”

As the Commission’s letter indicates, even if it were feasible to operate passenger trains over the Trunk Line Route in lieu of via the BeltLine Segment, the Trunk Line would not (because of its circuitry and alignment) be a practical alternative for intercity passenger trains operating through Atlanta via NS over the route of Amtrak’s *Crescent*. *Id.* That is of particular significance because the *Crescent*’s route is also the route the U.S. Department of Transportation has selected for the federally-designated Southeast High Speed Rail Corridor.

Amtrak's Position

As evidenced by the filings submitted by NS and GDOT, abandonment of the BeltLine Segment would permanently eliminate a critical link in the only viable route through downtown Atlanta for intercity and future high speed rail passenger trains. It would also preclude Amtrak from rerouting its existing passenger rail service through Atlanta to the planned Multimodal Passenger Terminal.

Ironically, abandonment of the Belt Line Segment would thwart the development of intercity corridor and high speed rail service through Atlanta at the very moment when Congress has decided that expanding such services is a national priority. The recently enacted Passenger Rail Investment and Improvement Act of 2008 ("PRIIA"), Pub. Law No. 110-432, authorizes \$1.9 billion in grants to states for the development of intercity passenger rail services, including specifically grants for the acquisition and improvement of rail lines and rights-of-way and for projects that encourage intermodal connectivity such as the Multimodal Passenger Terminal. PRIIA also authorizes an additional \$1.5 billion for expenditures on the 11 federally designated high speed rail corridors, including the Southeast High Speed Rail Corridor that would operate via the Belt Line Segment.

Issuance of the stay requested by GDOT would allow Amtrak and/or GDOT to seek to acquire the easement for passenger and freight railroad purposes, or the passenger portion of that easement, that NS retained when it sold the BeltLine Segment in 2004. If the stay is granted, Amtrak stands ready to enter into discussions with NS regarding the conveyance of that easement to Amtrak, or to GDOT if GDOT wishes to acquire it.

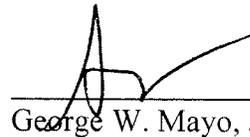
The record suggests that the control over rail operations on the BeltLine Segment that the Redevelopment Authority has already acquired from NS may preclude NS from entering into an

agreement that would preserve that line for future rail service. If that proves to be the case, Amtrak could utilize the RPSA, which authorizes Amtrak to apply to the Board for an order permitting Amtrak to acquire property interests of rail carriers through eminent domain, to acquire all or a portion of NS's easement. See 49 U.S.C. 24311(c).

Conclusion

Amtrak's intervention in this proceeding will neither unduly broaden the issues presented nor contribute to any unnecessary delay in the resolution of those issues. Accordingly, Amtrak's motion to intervene should be granted, as should the stay sought in GDOT's petition for stay.

Respectfully submitted,



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Dated: January 15, 2009

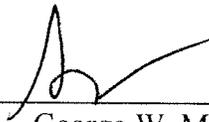
CERTIFICATE OF SERVICE

I hereby certify this 15th day of January, 2009, that I have caused the foregoing National Railroad Passenger Corporation's Petition To Intervene in Support of Stay Sought by Georgia Department of Transportation to be served as indicated below on the following counsel of record for the parties:

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