

January 28, 2009

E-FILING

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
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Washington, DC 20024

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**Re: 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-captioned proceeding is the Georgia Department of Transportation Supplemental Information in Support of Petition For Stay.

Should any questions arise regarding this filing, please feel free to contact me.

Respectfully submitted,


Janie Sheng
Attorney for Georgia Department of
Transportation

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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

**GEORGIA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL INFORMATION IN SUPPORT OF
PETITION FOR STAY**

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**ATTORNEYS FOR
GEORGIA DEPARTMENT OF
TRANSPORTATION**

Dated: January 28, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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

**GEORGIA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL INFORMATION IN SUPPORT OF
PETITION FOR STAY**

In accordance with the decision served by the Surface Transportation Board (the “Board”) on January 21, 2009 (the “Decision”) in the above-captioned matter, Georgia Department of Transportation (“GDOT”) hereby submits the following supplemental information in support of its Petition For Stay filed January 2, 2009.

Overview of Georgia Rail Passenger Program

The 4.30-mile railroad line between mileposts DF 633.10 and DF 637.40, in Atlanta, Fulton County, Georgia (the “Subject Line”), currently subject to an abandonment proceeding, is a segment of what is commonly referred to as the Decatur Belt. The Subject Line is a rail segment critical to GDOT’s development of high-speed rail and its proposed Multi-Modal Passenger Terminal (“MMPT”) in Atlanta. On November 18, 1999, GDOT adopted the Intermodal Program for Passenger Service in Georgia. Generally known as the Georgia Rail Passenger Program (“GRPP”), it presented a description of rail passenger service in Georgia and an action plan for developing that service.

Beginning in 2000, GDOT concentrated its efforts on establishing commuter rail service and establishing the Atlanta MMPT Station as the central hub of its passenger rail system. The first phase of commuter rail service from Lovejoy/Griffin to Atlanta is planned to start in 2012. Plans for construction of a portion of the MMPT to serve this first phase of commuter rail service are in effect, and subsequent portions of the MMPT are planned as additional passenger service is implemented.

The Atlanta Multi-Modal Passenger Terminal (“MMPT”)

In 1992, GDOT, together with several interested organizations, including Metropolitan Atlanta Rapid Transit Authority (“MARTA”), commissioned a study to determine the feasibility of a MMPT in Atlanta (“MMPT study”).¹ The MMPT study examined the possibility of combining terminal locations for commuter rail, Amtrak and intercity buses in one location. Based on the MMPT study, it was determined that a MMPT in the vicinity of MARTA’s Five Points rapid rail station (a site between Spring Street and Forsyth Street) was the best location. The MMPT study identified engineering tasks related to the construction of the MMPT. Number one among the identified tasks was the need to upgrade the Decatur Belt and re-establish its connection to CSXT’s main east-west line.

Since the MMPT study, Environmental Assessments were completed and the Federal Transit Administration made a Finding of No Significant Impact in 1995 (reaffirmed in 2000). In February 2002, the Georgia Rail Passenger Program (“GRPP”)

¹ Relevant pages of the Atlanta Multi-Modal Passenger Terminal Feasibility Study are appended hereto as Exhibit 1.

Management Team² adopted “Concept 6” as the official design of the MMPT project. Under Concept 6, the proposed location of the MMPT was again downtown Atlanta on the site immediately west of the MARTA rapid rail Five Points Station. Concept 6 requires, among other things, reconstruction of the Decatur Belt with signal improvements. Concept 6 allows for phased construction of the MMPT station based on the various passenger rail service components it will serve (*i.e.*, commuter, intercity, high-speed).

As discussed in detail in Amtrak’s Response to Board Directive To Submit Supplemental Information Pertaining To Stay filed today and its Notice of Intent to File Application Under 49 U.S.C. § 24311(c) to Condemn Certain Rail Carrier Property,³ the Subject Line is of particular importance to Amtrak in accessing the Atlanta MMPT for its New York-Atlanta-New Orleans Crescent service and for future high-speed rail passenger trains.

The Southeast High-Speed Rail Corridor

Subsequent to the adoption of the GRPP in 1999, the rail line between Washington, D.C. and Jacksonville, Florida, through Atlanta, was federally-designated as the Southeast High-Speed Rail Corridor (“SEHSR”). GDOT commissioned two studies⁴ of the SEHSR. In the first study, the Macon-Charlotte Southeast High-Speed

² The GRPP Management Team Management Team consists of two board members from each of the three state agencies – GDOT, Georgia Regional Transportation Authority (“GRTA”), and Georgia Rail Passenger Authority (“GRPA”).

³ National Railroad Passenger Corporation -- Application Under 49 U.S.C. § 24311(C) to Condemn Certain Rail Carrier Property in Atlanta, Fulton County, GA – Norfolk Southern Ry. Co., STB Fin. Docket No. 35215 (filed Jan. 21, 2009).

⁴ Georgia Rail Consultants, Macon-Charlotte Southeast High Speed Rail Corridor Plan, (available at www.sehsr.org/reports/MACCLTrept2004.pdf); Volpe Transportation

Rail Corridor Plan, a solution to add capacity to existing rail lines to access city centers and to construct new high speed line segments outside of city centers was suggested. It was noted that such action could result in significant time and cost savings.

According to the study, the identified route into and through Atlanta is via the Decatur Belt. High-speed trains coming in from the north and approaching downtown Atlanta would leave NSR's mainline at Armour Yard and follow a "reactivated" Decatur Belt to the CSXT main line (in East Atlanta, near the intersection of Decatur Street and Boulevard). Trains would then connect to and use the CSXT line to arrive into the planned MMPT located adjacent to the MARTA Five Points Station. When departing from the MMPT towards Macon, trains would continue westward, take the Circle Wye track to NSR's S-Line, and continue south.

In August of 2008, a second study conducted by the Volpe Transportation Institute responded to the previous study's recommendation to study new alignments outside city centers and establish potentially feasible routes between the city centers. This study concluded that the Decatur Belt was the preferred routing for approaching the proposed MMPT station because: (i) it provides a continuous movement through the MMPT (without maneuverings that could cause delays); (ii) the corridor can be exclusively dedicated to passenger traffic; and (iii) although the corridor will require new track, the Decatur Belt right-of-way will allow for the construction of two tracks and the existing railroad and highway bridges provide grade-separation of nearly every street crossing in the corridor.

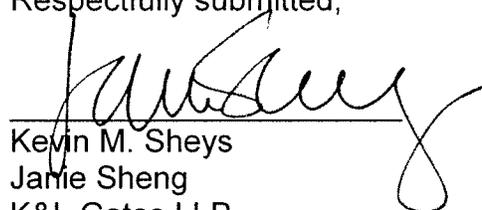
Institute, Evaluation of High-Speed Rail Options in the Macon-Atlanta-Greenville-Charlotte Rail Corridor (available at http://www.sehsr.org/reports/hsr/eval_hsr_options.pdf).

Most recently, GDOT received a letter from the U.S. House of Representatives Committee on Transportation and Infrastructure highlighting the passage of the Passenger Rail Investment and Improvement Act of 2008.⁵ In response to this letter, GDOT (on behalf of the partnership of the Departments of Transportation for the states of Georgia, South Carolina and North Carolina for the development of high-speed rail) intends to submit a letter of interest to the Federal Railroad Administration expressing its interest in implementing high-speed intercity passenger rail service in the SEHSR corridor.

CONCLUSION

For the foregoing reasons, the stay imposed on this proceeding should be continued until the Amtrak condemnation proceeding is concluded.

Respectfully submitted,



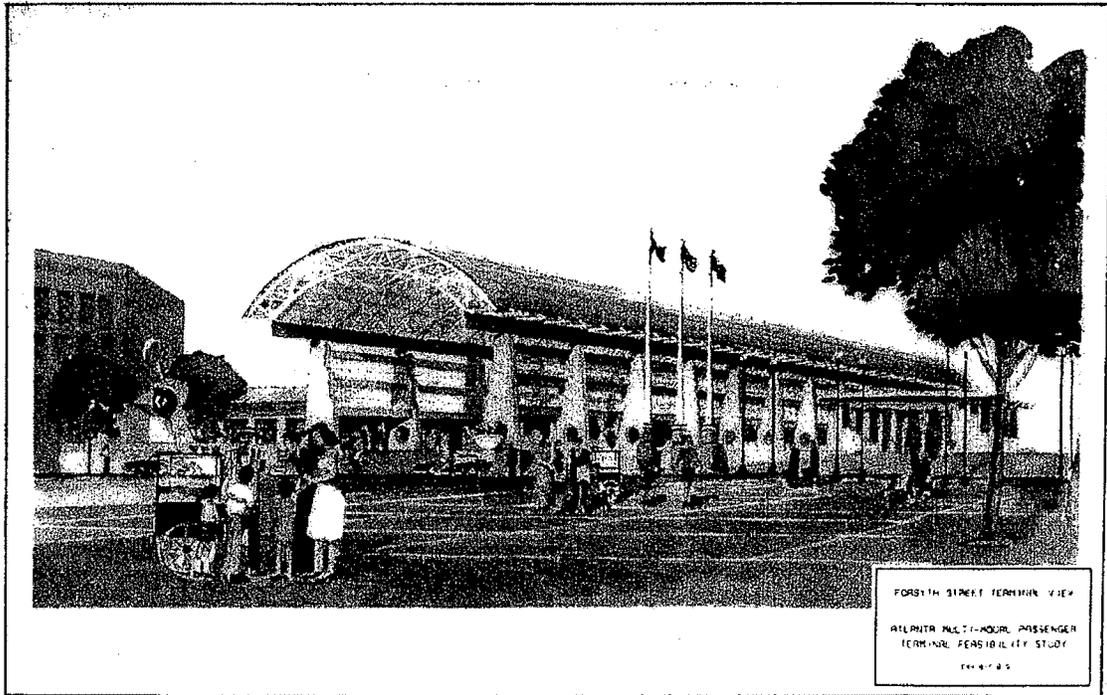
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**ATTORNEYS FOR
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TRANSPORTATION**

Dated: January 28, 2009

⁵ Pub. L. No. 110-432.

EXHIBIT 1



FORSYTH STREET TERMINAL VIEW
ATLANTA MULTI-MODAL PASSENGER
TERMINAL FEASIBILITY STUDY
1992-07-85

ATLANTA
MULTI - MODAL
PASSENGER TERMINAL
FEASIBILITY STUDY
April 1992

Potential Terminal Locations

Three possible locations were considered for the development of a multi-modal terminal in the City of Atlanta: Brookwood, the location of Amtrak's current Peachtree Station; the vicinity of MARTA's Lindbergh rail station; and Downtown Atlanta in the vicinity of Five Points. The Project Team determined that the best location for the proposed multi-modal terminal was Downtown Atlanta, in the vicinity of MARTA's Five Points rail station, the hub of MARTA's rail system. Within the downtown area, a site between Spring and Forsyth streets, immediately west of MARTA's Five Points rail station, was selected as the best location for this facility.

Conceptual Design

Following selection of a location for the terminal building, the Project Work Team began conceptual design and engineering tasks for the terminal building, the overall project site, improvements to the railroad system in the site vicinity and railroad system improvements off-site but nonetheless critical to the operation of the terminal.

Because of the elevation difference between existing tracks and viaducts in the site vicinity (30 - 40 feet), the physical design on the terminal facility proceeded on several levels. At track level (elev. 1,030') sufficient rail and platforms were located and designed to serve existing and planned Amtrak service as well as commuter rail service from the east, west, and north of the Region. Additional intrastate rail passenger service, as well as special event or excursion trains, could utilize these platforms. The Amtrak platforms were linked to the main terminal via a subgrade concourse, (elev. 1,010') which would also provide baggage transfer facilities. The platforms serving commuter operation were linked to the terminal building, terminal plaza, or the MARTA Five Points rail station through various concourses, escalators, and elevators.

The terminal facility serves as the centerpiece for additional development and redevelopment plans in the southern Central Business District of Atlanta. Directly adjacent to the terminal is the site of a proposed Oceanarium; immediately to the south is the building formerly occupied by Rich's Department Store, which is now under consideration for use by the General Services Administration; to the east is the MARTA Five Points rapid rail station, Woodruff Park, and Underground Atlanta (Downtown Atlanta's shopping/entertainment complex); and north of the station area is the Fairlie-Poplar District, the subject of current redevelopment activity by the City and Georgia State University. To the west lies the Region's convention and sports complexes: the Georgia World Congress Center, the Omni arena, and the new Georgia Dome. Working with the Project Work Team, the City of Atlanta prepared a plan linking the new terminal to all these locations in the downtown area, with particular emphasis on facilitating walking trips between the various activity centers.

Outside of the immediate terminal area, necessary improvements to the railroad system were identified to allow the movement of passenger and freight trains with minimum interference or conflict. Among the major improvements identified were: (1) Upgrading the Decatur Belt and

5.2.2 Description of Concepts

In dealing with all the above-described interests, many concepts for terminal location were developed but ultimately reduced to three broad alternatives, as shown in Exhibit 5-1 (at the end of this chapter) and described below:

- An **Underground Concept**, so called because it generally is confined in the gulch area where the railroad currently operates between 2 Peachtree (formerly First Atlanta) and the MARTA Five Points Station. This concept reflects a linear layout, between the Five Points and Georgia State MARTA Stations. The terminal could be located between Peachtree Street and Pryor Street.
- A **Spring/Forsyth Concept** indicates the terminal, and much of the commuter platforms, would be located between these two streets. This concept reflects an area layout with a concourse extending west of the terminal building with direct access to the MARTA Five Points Station.
- A **Decks Concept**, so named as the terminal would be located in the CNN/Omni Deck area with most track and platforms below. This concept reflects a point focus, with the terminal at the facility's center, but not directly adjacent to a MARTA station.

5.3 TRAIN OPERATIONAL CONSIDERATIONS

Amtrak presently operates its New York-New Orleans "Crescent" over Norfolk Southern tracks through Gainesville and Atlanta. There is a southbound morning train and an northbound evening train stopping at the Peachtree Station. Additionally, Amtrak has examined potential routing of a new Chicago-Miami service and favors use of Norfolk Southern track through Rome, Atlanta, and Macon.

Routing of Amtrak trains is an important consideration in the terminal studies. To use a new terminal in the Five Points/Omni area, the southbound Crescent would be routed over Norfolk Southern's Decatur Belt from the Armour Yard south to connect with CSX track at the CSX Hulsey Yard. The Crescent would proceed west on CSX mainline to the proposed terminal, then north through the proposed Marietta Street connection to Norfolk Southern westbound main track. The evening train from New Orleans would use the same move but in the reverse direction. Exhibit 5-2 shows this routing.

The Chicago-Miami service has two operating choices as indicated in Exhibit 5-3. A southbound train through Rome could stop at a new platform under the Decks, as proposed in the Spring/Forsyth and Decks concepts or, alternatively, could be routed over the Decatur Belt as would be necessary with the Underground concept. Some of the earlier studies considered a backing move in the terminal area, but both Amtrak and the railroads found backing moves to be undesirable.

Railroad network modifications are crucial to all three location concepts. These modifications relate to routing trains through the Decatur Belt. To use the Decatur Belt for passenger service, the general nature of these improvements are: upgrade the Armour Wye connection to add power switches; upgrade the Decatur Belt to passenger standards to include addition of power switches, signal system, and installing grade crossing protection; reconnecting the Decatur Belt at Decatur Street to the CSX at Hulsey Yard; and upgrade of the CSX east/west main through the downtown Atlanta area known as the "gulch". Exhibit 6-1 shows the location of these modifications.

The implementation of commuter service would affect railroad operations in all corridors. Service from the east, for example, plus Amtrak service may impact CSX Hulsey Yard intermodal freight movements and this issue, like many others, needs more study. These issues and their remedies were not considered critical to terminal site election.

5.4 OTHER CONSIDERATIONS

5.4.1 New Georgia Railroad Services

During the course of this study, representatives of the New Georgia Railroad (NGR) indicated their belief that NGR's interests are served best by continuing to offer daytime excursion service and evening dinner train from their Depot at Central Avenue. The Underground concept provides a platform and track for this purpose.

For the Spring/Forsyth and Decks concepts a two-phase program is proposed. Phase I, see Exhibit 6-1, would add a third track (house track) north of the existing tracks between I-85 and Courtland Street, tying into the existing main track just west of Courtland. To accomplish this, the Butler Street and Piedmont Avenue railroad bridges would be widened and a retaining wall constructed between these bridges. The New Georgia Railroad train would be stored and serviced on this house track. Operationally, the train would back west on to the main track to pick up passengers at its present platform, thus temporarily sharing mainline track with CSX.

Phase II would extend the third track to Pryor Street where it would again tie into the freight main track. Phase II could take place when the Central Avenue overpass is rebuilt. For this construction new bridge piers would be constructed to allow clearance for three tracks and a platform. It would also be necessary to re-support the circular ramps at the State's Central Avenue Garage. Columns supporting the parking deck between Courtland Avenue and Pryor Street would interfere with three-tracking, and these columns would have to be moved.

5.4.2 Georgia State University

Georgia State University (GSU) commented that the concept for the "Underground" location of the terminal would result in difficult consequences for GSU. Their concerns related to the perceived

CERTIFICATE OF SERVICE

I hereby certify 28th day of January, 2009, that I have caused the foregoing **Georgia Department Of Transportation Supplemental Information In Support Of Petition For Stay** to be served as indicated below on the following counsel of record for the parties:

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