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Law Department
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Norfolk, Virginia 23510-9242

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James R. Paschall
General Attorney

September 23, 2003

DID # 0102246001

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

208976

Re: Docket No. AB-290 (Sub-No. 239X), The Alabama Great Southern
Railroad Company - Abandonment - at New Orleans, Orleans
Parish, Louisiana -- Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an
original and ten copies of the Notice of Exemption. Also, enclosed is a check in
the amount of \$2700 to cover the filing fee.

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

Yours very truly,

FILED

James R. Paschall

James R. Paschall

JRP/sg
Enclosures

SEP 24 2003

TRANSPORTATION BOARD

ENTERED
Office of Proceedings

SEP 24 2003

Part of
Public Record

1

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 239X)



THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
-- ABANDONMENT --
AT NEW ORLEANS,
IN ORLEANS PARISH, LOUISIANA

NOTICE OF EXEMPTION

COMES NOW The Alabama Great Southern Railroad Company ("AGS"), a wholly owned subsidiary of Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Mileposts 1.22-NT and 2.50-NT in New Orleans, Louisiana.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, AGS states as follows:

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

As the attached certificate of General Manager G. R. Comstock 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 1.22-NT and 2.50-NT at New Orleans, Louisiana, will be November 13, 2003.

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

The party filing this notice is The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company, and 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
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 authority for abandonment of the line. The line for which the abandonment authority is sought consists of 1.28 miles of track between Mileposts 1.22-NT and 2.50-NT in New Orleans, Louisiana. 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 Code 70112.

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

AGS has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. AGS is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, AGS has not yet fully researched the matter. To the extent of its title, AGS will deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation and quitclaim at least part of that interest under an agreement with the New Orleans Regional Transit Authority for public purposes in constructing the Canal Street streetcar project, using a portion of the AGS crossing at North Carrollton Avenue.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, AGS 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, AGS 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. AGS certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

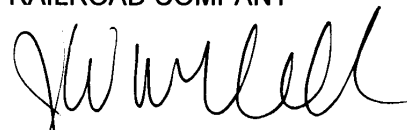
Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, AGS certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, AGS believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted,

THE ALABAMA GREAT SOUTHERN
RAILROAD COMPANY



J. W. McClellan
Senior Vice President-Strategic Planning

Of Counsel:

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

Dated: September 23, 2003

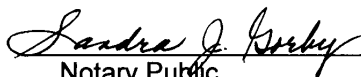
VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

J. W. McClellan, being duly sworn, deposes and says that he is Senior Vice President Strategic Planning of The Alabama Great Southern Railroad 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. 239X) on behalf of The Alabama Great Southern Railroad 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.


J. W. McClellan

Subscribed and sworn to before me
this 22 day of September, 2003.


Notary Public

My commission expires:

3-31-06

[SEAL]

CERTIFICATION

STATE OF GEORGIA :
SS:
CITY OF ATLANTA :

G. R. Comstock makes oath and says that he is General Manager Western Region for The Alabama Great Southern Railroad Company; that the line between Mileposts 1.22-NT and 2.5-NT at New Orleans, Louisiana, over which operations are 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.

HR Const

G. R. Comstock

Subscribed and sworn to before me
this 28th day of July, 2003.

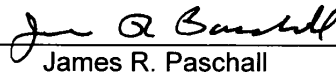
Mary K. Kishen
Notary Public

My commission expires:

NOTARY PUBLIC, FULTON COUNTY, GEORGIA
My Commission Expires June 13, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Don Owen, Chairman, Louisiana Public Service Commission; Mr. Eddie L. Morris, Rail Program Manager, Louisiana Department of Transportation and Development; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on September 23, 2003, by first class mail, postage prepaid.


James R. Paschall

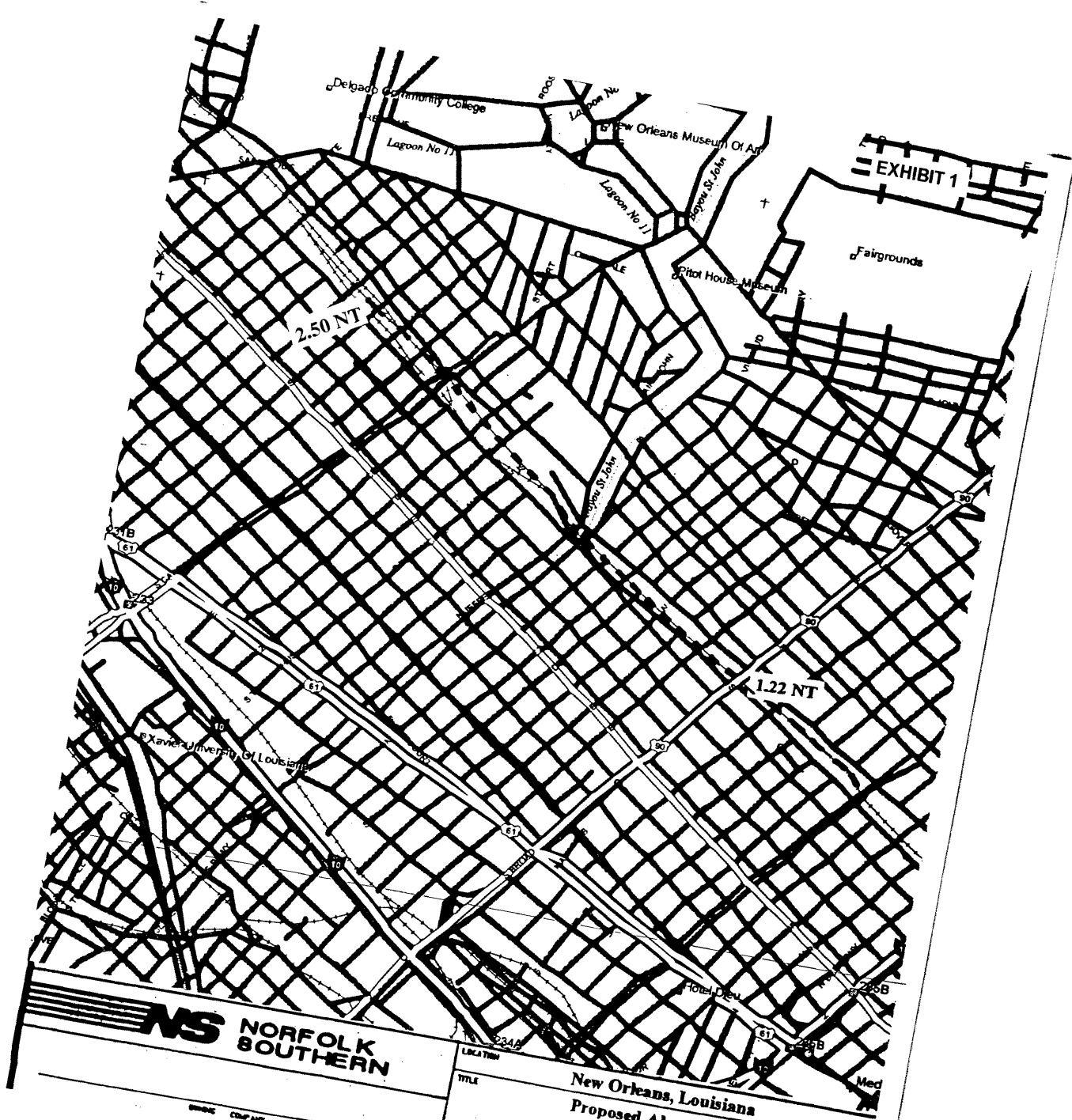


EXHIBIT 1

NS NORFOLK SOUTHERN

LOCATION			
New Orleans, Louisiana			
Proposed Abandonment			
1.22 NT 2.50 NT			
NO	VAL	SEC	MAP
11			
FILE			FILE POST
			BRANDS PLANNED

EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
(BETWEEN MP 1.22-NT AND MP 2.50-NT
"NT" LINE NEW ORLEANS, LOUISIANA)**

.....
**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

**1-9-15-04
8-01-03**

(BAECER.doc)

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**Abandonment of: 1.28 miles of track between MP 1.22-NT and MP 2.50-NT
On the "NT" Line in New Orleans, Louisiana**

1. PROPOSED ACTION AND ALTERNATIVES

The Alabama Great Southern Railroad Company (hereinafter called AGS) proposes to abandon 1.28 miles of rail line on the "NT" Line in New Orleans in Louisiana. A Map delineating the line proposed for abandonment is attached as **Appendix A.**

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

Were the line not handled in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and cross-ties. However, this would eliminate the long-term environmental and social benefits.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves 1.28 miles of rail line on the "NT" Line in New Orleans, Louisiana. The land use along the rail line proposed for abandonment of service is 55% industrial, 30% residential and 15% undeveloped. Where AGS owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where AGS does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, AGS believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

- (ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

- (iii) Coastal Zone

This line is located within the Louisiana Coastal Zone. Therefore, AGS contacted the Louisiana Coastal Management Division to determine

whether or not a permit would be required. They stated an abandonment within the city would not require a permit.

(iv) Alternative Public Use

AGS does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, AGS will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads AGS to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use. However, The New Orleans Regional Transit Authority for the construction of the Canal Street streetcar project will use the portion of the crossing at North Carrollton Avenue.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the

past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither the State of Louisiana nor Orleans Parish nor the City of New Orleans has established analysis thresholds for air emissions; however, the state of Louisiana does have regulations regarding the emission of fugitive dust to ambient air. These regulations are published in Title 13, Part III, Chapter 13 of the Louisiana Environmental Regulatory Code and are provided in **Appendix B**. United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants

(including ozone) as found in 40 CFR Part 50; however, AGS does not anticipate any adverse effect on Louisiana's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

The City of New Orleans and Orleans Parish, LA, are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Orleans Parish, LA, is in attainment for ozone. AGS does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither The City of New Orleans nor Orleans Parish nor the State of Louisiana has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. At grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

AGS has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the Louisiana Department of Natural Resources has indicated one threatened or endangered species, that is known to exist in the Orleans Parish. It is listed in the Table below and in detail in **Appendix C**.

TABLE
ENDANGERED FEDERALLY AND/OR STATE SPECIES
Orleans Parish, Louisiana

Scientific Name	Common Name	Federal Status	State Status
<i>Pelicanus occidentalis</i>	Pelican, Brown	E	E

E –Endangered
T - Threatened

AGS is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, AGS does not believe that any endangered species that might be present would be adversely affected. AGS is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any national/state parks, national/state forests, or wildlife sanctuaries. The State of Louisiana Department of Wildlife and Fisheries indicates that Bayou St. John, a natural and scenic stream, is located within the project area. No adverse effects on any wildlife sanctuary, National Park, or State Park are anticipated.

9. WATER

(i) Water Quality Standards

AGS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, AGS considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses no waterways, but passes through 100-year flood plains and wetlands associated with Bayou St. John. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or wetlands are expected in connection with the proposed abandonment. Consequently, AGS does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

Inasmuch as AGS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. AGS does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, crossties, and other railroad appurtenances will be produced by the proposed action. AGS will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A

Site Map

APPENDIX B

Fugitive Dust Regulation

E. Traffic Hazards Prohibited. The emission of smoke, suspended particulate matter or uncombined water or any air contaminants or combinations thereof which passes onto or across a public road and creates a traffic hazard by impairment of visibility, as defined in LAC 33:III.111, or intensifies an existing traffic hazard condition is prohibited.

F. Exclusion from Application of this Section. Outdoor burning pursuant to and in compliance with the terms of a variance granted by the administrative authority is excluded from the application of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1081 (October 1995), LR 24:652 (April 1998).

§1111. Exclusion

Any person claiming exclusion from the application of this Section under this provision shall apply to the administrative authority for exclusion in accordance with R.S. 30:2056 of the act. The applicant shall furnish such information as the administrative authority may reasonably require to enable it to make a determination. The administrative authority may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the administrative authority with plans satisfactory to the administrative authority for implementing any reasonable control measures which may be developed or which otherwise become available.

A. Variance. Emissions of smoke pursuant to and in compliance with the terms of a variance granted by the administrative authority.

B. Unpopulated Areas. Emissions of smoke from an activity when the following conditions are met:

1. The source of the emissions is in a relatively unpopulated area of the state.

2. The administrative authority determines it is not technically practicable nor economically reasonable to eliminate the emissions.

C. Water Vapor. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of LAC 33:III.1101.B of this regulation, LAC 33:III.1101.B will not apply. In addition, emissions already less than that allowed by LAC 33:III.1313.C of these regulations shall be considered by the administrative authority for exemption from the above stated opacity limitation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987).

Chapter 13. Emission Standards for Particulate Matter (Including Standards for Some Specific Facilities)

Subchapter A. General

§1301. Emission Standards for Particulate Matter

A. Purpose. The purpose of this Section shall be to limit the quantity of particulate matter emitted.

B. Scope. This Section applies to any operation, process, or activity from which particulate matter is emitted except the wood pulping industry, the primary aluminum industry (horizontal stud Soderberg and prebake processes), and the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988).

§1303. Provisions Governing Specific Activities

A. Toxic Substances. Substances which are by nature toxic to human or animal life or vegetation may be controlled to more restrictive levels than is required for particulate matter in general.

B. Impairment of Visibility. The emissions which pass onto or across a public road and create a traffic hazard by impairment of visibility or intensify an existing traffic hazard condition are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1081 (October 1995).

§1305. Control of Fugitive Emissions

A. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. These precautions shall include but shall not be limited to the following:

1. use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

3. installation and use of dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. open-bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion;

5. conducting agricultural practices such as tilling of land, application of fertilizers and insecticides in such a manner as to prevent dust from becoming airborne;

6. paving roadways and maintaining the roadways in a clean condition;

7. the prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or other means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988).

§1307. Degradation of Existing Quality Restricted

A. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Table 3 and LAC 33:III.1311.B shall be maintained at the higher quality unless it can be affirmatively demonstrated to the department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987).

§1309. Measurement of Concentrations

A. Method. The methods listed in Table 4 (Chapter 15) or such equivalent methods as may be approved by the department shall be utilized to determine particulate concentrations in stack gases.

B. Calibration Required. Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987).

§1311. Emission Limits

A. The process weight rate per hour referred to in this Section shall be based upon the normal operation maximum capacity of the equipment and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable emissions.

B. No person shall cause, suffer, allow, or permit the emission of particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in Table 3 for the process weight rate allocated to such

source. The rate of emission shall be the total of all emission points from the source.

C. The emission of particulate matter from any source other than sources covered under Subsection D of this Section shall be controlled so that the shade or appearance of the emission is not denser than 20 percent average opacity (see Table 4, Chapter 15); except the emissions may have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes.

D. Fluid Catalytic Cracking Units. No owner or operator shall discharge or cause the discharge into the atmosphere from any new or existing fluid catalytic cracking unit catalyst regenerator gases exhibiting greater than 30 percent opacity, except for one six-minute average opacity reading in any one-hour period.

E. Emissions already less than that allowed by the process weight rate limitation (Table 3) will be considered by the administrative authority for exemption from the above state opacity limitation.

F. When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Section, this Section will not apply.

G. Variances. Where upon written application of the responsible person or persons the administrative authority finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the administrative authority may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the act. No variance may permit or authorize the maintenance of a nuisance or a danger to public health or safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:720 (June 1997).

Subchapter C. Fuel Burning Equipment

§1313. Emissions from Fuel Burning Equipment

A. Purpose. The purpose of this Subchapter shall be to limit the quantity of particulate matter emitted from fuel burning equipment.

B. Scope. This Subchapter applies to fuel burning installations utilized for the primary purpose of producing steam, hot water, hot air or other indirect heating of liquids, gases, or solids where the products of combustion do not have direct contact with process materials. Fuel includes coal, coke, lignite, coke breeze, fuel oil, wood, or other fuels. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction

APPENDIX C

Federal and State Endangered Species

Threatened and Endangered Species System (TESS)

U.S. Fish & Wildlife Service

Threatened and Endangered Species System (TESS)

Listings by State and Territory as of 07/10/2003

Louisiana

Notes:

- Displays one record per species or population.
- Includes experimental populations and similarity of appearance listings.
- The range of a listed population does not extend beyond the states in which that population is defined.
- Includes non-nesting sea turtles and whales in State/Territory coastal waters.
- Includes species or populations under the sole jurisdiction of the National Marine Fisheries Service.

Go to the [Threatened and Endangered Wildlife and Plants Page](#)
Go to the [TESS Home Page](#)

Back to [Table of Contents](#)

- Click on the highlighted scientific names below to view a *Species Profile* for each listing.

Louisiana -- 26 listings

Animals -- 23

Status Listing

T(S/A)	Alligator, American (Alligator mississippiensis)
T(S/A)	Bear, American black (County range of LA b.bear) (Ursus americanus)
T	Bear, Louisiana black (Ursus americanus luteolus)
T	Eagle, bald (lower 48 States) (Haliaeetus leucocephalus)
T	Heelsplitter, Alabama (=inflated) (Potamilus inflatus)
E	Mucket, pink (pearlymussel) (Lampsilis abrupta)
T	Pearlshell, Louisiana (Margaritifera hembeli)
E	Pelican, brown (except U.S. Atlantic coast, FL, AL) (Pelecanus occidentalis)
T	Plover, piping (except Great Lakes watershed) (Charadrius melodus)
T	Sea turtle, green (except where endangered) (Chelonia mydas)
E	Sea turtle, hawksbill (Eretmochelys imbricata)
E	Sea turtle, Kemp's ridley (Lepidochelys kempi)
E	Sea turtle, leatherback (Dermochelys coriacea)
T	Sea turtle, loggerhead (Caretta caretta)
T	Sturgeon, gulf (Acipenser oxyrinchus desotoi)
E	Sturgeon, pallid (Scaphirhynchus albus)

- E Tern, least (interior pop.) (*Sterna antillarum*)
- T Tortoise, gopher (W of of Mobile/Tombigbee Rs.) (*Gopherus polyphemus*)
- T Turtle, ringed map (*Graptemys oculifera*)
- E Vireo, black-capped (*Vireo atricapillus*)
- E Whale, finback (*Balaenoptera physalus*)
- E Whale, humpback (*Megaptera novaeangliae*)
- E Woodpecker, red-cockaded (*Picoides borealis*)

Plants -- 3**Status Listing**

- T *Geocarpon minimum* (No common name)
 - E Quillwort, Louisiana (*Isoetes louisianensis*)
 - E Chaffseed, American (*Schwalbea americana*)
-
-

ATTACHMENT 1

CONSULTATIONS

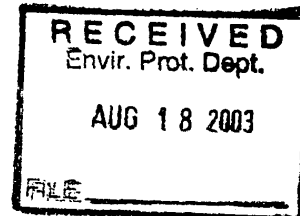
LGW



Natural Resources Conservation Service
3737 Government Street
Alexandria, Louisiana 71302

August 11, 2003

Mr. K. R. Miller
Director Environmental Operations
Norfolk Southern Corporation
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013



Dear Mr. Miller:

Please be advised that we have reviewed your environmental report to abandon 1.28 miles of rail line in New Orleans, Louisiana. We have no comments to offer.

Thank you for allowing us the opportunity to have input.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Gohmert".

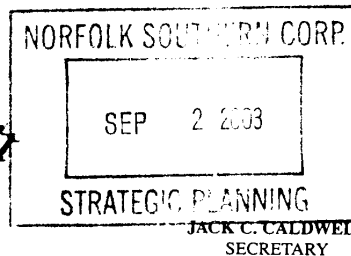
Acting For

Donald W. Gohmert
State Conservationist

cc: Humberto Hernandez, RC, SCRO, Ft. Worth, TX

M.J. "MIKE" FOSTER, JR.
GOVERNOR

State of Louisiana



DEPARTMENT OF NATURAL RESOURCES

Date: 8/12/03

CUP# P20031189

RE: Rail Line Abandonment

Milepost 1.22 NT to 2.50-NT
New Orleans

Dear Applicant:

After careful review of the referenced coastal use permit application, it has been determined that the use is of local concern. This means that the permit application will be processed by the local **Orleans Parish Coastal Management Program**, not by the state's coastal management program. Therefore, we have forwarded your application to the appropriate local program authority.

If you have any questions, please telephone **Victoria Caridas** of Orleans Parish at (504) 565-7000, or write to her at the address below.

Sincerely,

Sheila Starling
JPN Coordinator

Victoria Caridas
Planning Administrator
city Hall, Suite 9 W 06
1300 Perdido Street
New Orleans, LA 70112
victoric@new-orleans.la.us

RECEIVED

AUG 18 2003

Environmental



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

State / Local Concern Determination

Application # P20031189 Parish Orleans

Louisiana Revised Statute 49:214 Types of Uses

A. Uses of the coastal zone subject to the coastal use permitting. program shall be of two types.

 (1) Uses of State Concern

- (a) Any dredge or fill activities which intersects with more than one water body
- (b) Projects involving use of state owned lands or water bottoms
- (c) State publicly funded projects
- (d) National interest projects
- (e) Projects occurring in more than one parish
- (f) All mineral activities
- (g) All pipelines involved in mineral activities
- (h) Energy facilities siting and development
- (i) Uses of local concern which may significantly affect interests of regional, state, or national development

X (2) Uses of Local Concern

- X (a) Privately funded projects which are not uses of state concern
- (b) Publicly funded projects which are not uses of state concern
- X (c) Maintenance of uses of local concern
- (d) Jetties or breakwaters
- (e) Dredge or fill projects not intersecting more than one water body
- (f) Bulkheads
- (g) Piers
- (h) Camps and cattlewalks
- (i) Maintenance dredging
- (j) Private water control structures of less than \$ 15,000 in cost
- (k) Uses on Cheniers, salt domes, or similar land forms

Comments: _____

Base on the above considerations, this Coastal Use Permit application has been determined to be a

 State Concern

X Local Concern (If appropriate mitigation is
(obtained, otherwise it becomes a State Concern.)

B07
Initial

8-11-2003
Date

Terry Howey



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

	
U.S. Environmental Protection Agency Region 6 Office of Planning & Coordination (EN-XP) 1445 Ross Avenue Dallas, Texas 75202-2733	
EPA has reviewed this document and has no comments.	
Reviewer: <i>[Signature]</i>	Date: <i>08/14/2003</i>

August 1, 2003
1-9-5-4

Mr. Richard Greene
Regional Administrator
United States Environmental Protection Agency-Region 6
1455 Ross Avenue Suite 1200
Dallas, TX 75202

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Greene:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as 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 STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or 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), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1522 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, 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 our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps

RECEIVED
AUG 18 2003
FILE

RECEIVED
Envir. Prot. Dept.
AUG 18 2003
FILE _____

35

Operating Subsidiary: Norfolk Southern Railway Company



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

SEP 2 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Norfolk Southern Railway Company for 8.74 miles of rail line between Milepost WP 2.20 and Milepost WP 10.94 between Toler to Peg, Pike County, Kentucky, STB Docket No. - Not Available, has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 8 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

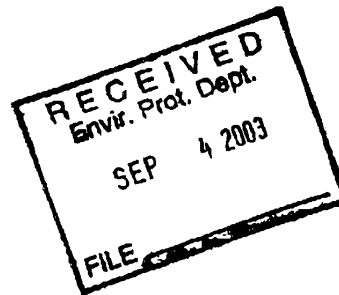
If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - J. Ross Mackay
L.G. Western, Norfolk Southern Railway Co.



Printed on Recycled Paper



NORFOLK SOUTHERN RAILWAY COMPANY

TOLER TO PEG, PIKE COUNTY, KENTUCKY

STB DOCKET NO. - NOT AVAILABLE

8 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
GY0508	TT 93 TWC	N373334	W0821532
GY0506	TT 782	N373517	W0821612
GY0505	U 255	N373522	W0821605
GY0183	F 319	N373634	W0821609
GY3114	F 319 RESET 1976	N373634	W0821609
GY0184	W 82	N373646	W0821617
GY0186	X 82	N373734	W0821558
GY0187	H.319	N373809	W0821520

**Environmental Report on Proposed Rail Line Abandonment
“NT” Line New Orleans
Milepost (MP 1.22-NT to MP 2.50-NT)**

Report Recipients

Sir	First Name	Last Name	Primary Address	City	State	Zip	Date Sent
NA							
Ms.	Barbara	Romanowsky	Louisiana Department of Environmental Quality 602 North Fifth Street	Baton Rouge	LA	70802	08/01/03
Mr.	Bill	Pittman	Louisiana Coastal Management Division P. O. Box 44487	Baton Rouge	LA	70804	08/01/03
Mr.	C. Ray	Nagins	City Hall 1300 Perdido St.	New Orleans	LA	70112	08/01/03
Mr.	Richard	Greene	Regional Administrator United States Environmental Protection Agency-Region 6 1455 Ross Avenue Suite 1200	Dallas	TX	75202	08/01/03
Ms.	Maricela	Constantino	United States Fish and Wildlife Service 177 Admiral Cochrane Drive	Annapolis	MD	21401	08/01/03
Mr.	Christopher	Brown	Army Environmental Analysis Branch P.O. Box 60267	New Orleans	LA	70160-0267	08/01/03
Mr.	Jacob	Hoogland	National Park Service-Environmental Review 1849 C-Street NW (2310)	Washington	DC	20240	08/01/03
Mr.	Humberto	Hernandez	Natural Resource Conservation Service Regional Conservationist P.O. Box 6567	Fort Worth	TX	76115	08/01/03
Mr.	Richard	Snay	Chief of Spatial Reference System Division National Geodetic Survey 1315 East/West Highway-Room 8813	Silverspring	MD	20910	08/01/03
Mr.	L. G.	Western	Norfolk Southern Railway Corporation	Roanoke	VA	24042	08/01/03
Mr.	J. R.	Paschall	Norfolk Southern Railway Corporation	Norfolk	VA	23510	08/01/03
Ms.	J. M.	Lipps	Norfolk Southern Railway Corporation	Norfolk	VA	23510	08/01/03



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Bill Pittman
Louisiana Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Pittman:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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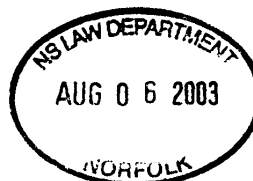
Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', with a stylized flourish at the end.

K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps





Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Christopher Brown
US Army Corps of Engineers
Army Environmental Analysis Branch
P.O. Box 60267
New Orleans, LA 70160-0267

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Brown:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Ms. Barbara Romanowsky
Louisiana Department of Environmental Quality
602 North Street
Baton Rouge, LA 70802

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Ms. Romanowsky:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,

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K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. C. Ray Nagins
City Hall-City of New Orleans
1300 Perdido Street
New Orleans, LA 70112

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Nagins:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Director Environmental Operations

Attachment

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Richard Greene
Regional Administrator
United States Environmental Protection Agency-Region 6
1455 Ross Avenue Suite 1200
Dallas, TX 75202

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Greene:

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K. R. Miller
Director Environmental Operations

Attachment

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Ms. Maricela Constantino
United States Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Ms. Constantino:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Jacob Hoogland
National Park Service-Environmental Review
1849 C-Street NW (2310)
Washington, D.C. 20240

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Hoogland:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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K. R. Miller
Director Environmental Operations

Attachment

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Humberto Hernandez
Natural Resource Conservation Service
Regional Conservationist
P.O. Box 6567
Fort Worth, TX 76115

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Lang:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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K. R. Miller
Director Environmental Operations

Attachment

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

August 1, 2003
1-9-5-4

Mr. Richard Snay
Chief of Spatial Reference System Division
National Geodetic Survey
1315 East/West Highway-Room 8813
Silverspring, MD 20910

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 1.28 Miles of Rail Line Located between Milepost 1.22-NT to Milepost 2.50-NT "NT" Line New Orleans

Dear Mr. Snay:

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K. R. Miller
Director Environmental Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps

ATTACHMENT #2

HISTORIC REPORT



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2752

August 22, 2003

Mr. Robert B. DeBlieux, Assistant Secretary
Office of Cultural Development
P. O. Box 44247
Baton Rouge, LA 70804

Re: Docket No. AB-290 (Sub-No. 239X), The Alabama Great Southern Railroad
Company -- Abandonment -- at New Orleans, Louisiana

Dear Mr. DeBlieux:

On or about September 23, 2003, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 1.28 miles of rail line located between railroad mileposts 1.22-NT and 2.5-NT at New Orleans, Louisiana. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as 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, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, 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 me) would be appreciated within 3 weeks.

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 contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'J R Paschall'.

James R. Paschall

JRP/sg

HISTORIC REPORT

PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

The Alabama Great Southern Railroad Company (AGS) proposes to abandon 1.28 miles of rail line between Mileposts 1.22-NT and 2.5-NT at New Orleans, Louisiana. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for AGS.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Louisiana Office of Cultural Development.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 30-38 feet on each side of the main track centerline. The line passes through industrial (55%), residential (30%) and undeveloped (15%) areas.
- (3) **Photographs** -- Not applicable. There are no structures on the line that are 50 years old and older.
- (4) **Date of Construction of Structures** -- Not applicable
- (5) **History of Operations and Changes Contemplated** -- Although the track and structures have been maintained, rehabilitated and modernized over the years, the Alabama Great Southern Railroad Company (AGS) line segment that will be abandoned pursuant to the exemption sought in this proceeding between Milepost

1.22-NT and Milepost 2.5-NT at New Orleans, Louisiana, was originally constructed by the New Orleans Belt and Terminal Company, predecessor of the New Orleans Terminal Company, in 1903-1904. The New Orleans Terminal Company was merged into Alabama Great Southern Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR), on August 1, 1993. Alabama Great Southern plans to quitclaim at least a portion of this line segment to the New Orleans Regional Transit Authority for public purposes in constructing the Canal Street streetcar project, which has been planned to use a portion of the AGS crossing at North Carrollton Avenue in New Orleans.

The New Orleans and Western Railroad Company was incorporated under the general laws of Louisiana on January 17, 1895. The New Orleans and Western Railroad Company constructed 13.63 miles of railroad line between Shrewsbury, LA and Port Chalmette, LA in 1895-1896. After a receivership that began on January 10, 1898, the New Orleans and Western Railroad Company was sold at foreclosure on March 9, 1901 and was reorganized as the New Orleans Belt and Terminal Company on April 9, 1901. The New Orleans Belt and Terminal Company was incorporated under the general laws of Louisiana on that date, April 9, 1901. The New Orleans Belt and Terminal Company was sold to the New Orleans Terminal Company on December 26, 1903.

The New Orleans Terminal Company was incorporated under the general laws of Louisiana on December 31, 1902 as the New Orleans and San Francisco Railroad Company. The Council of the City of New Orleans granted to the New Orleans and San Francisco Railroad Company the right to enter the City and to

construct, maintain and operate a steam or electric railway along, across and over the streets, highways and public places of the city on February 10, 1903. The right was granted from some convenient point on The New Orleans Belt and Terminal right-of-way with a proper curve into St. Louis Avenue and down St. Louis Avenue to St. Louis Street across the square bounded by St. Louis, Conti, Bernadotte and St. Patrick continuing on Conti Street to Hagan Avenue along the west side of the Carondelet Canal to the Basin. Construction began shortly thereafter and the line was operating within a year's time. The subject line segment is a portion of the line constructed by the New Orleans and San Francisco Railroad Company and New Orleans Terminal Company in 1903-1904.

The name of the New Orleans and San Francisco Railroad Company was changed to the New Orleans Terminal Company at a stockholders meeting on June 30, 1903. At the same meeting, the stockholders approved a motion granting a joint lease or operating contract to Southern Railway Company.

The New Orleans Terminal Company constructed approximately 4.78 miles of rail line in or near the City of New Orleans, LA in 1903-1904.

At a stockholders meeting on June 30, 1904, the stockholders approved the sale of the capital stock of New Orleans Terminal Company entirely and equally to the Southern Railway Company and the St. Louis and San Francisco Railway Company.

St. Louis and San Francisco Railway Company entered receivership in May 1913, and failed to pay its half of the interest on the New Orleans Terminal

Company bonds for each semi-annual period beginning with June 1913. Thus, the half interest of the St. Louis and San Francisco Railroad Company in the New Orleans Terminal Company was forfeited to Southern Railway Company, which acquired the entire outstanding capital stock of the New Orleans Terminal Company on November 27, 1916. The receivers of the St. Louis and San Francisco Railroad Company had filed suit to prevent the transfer of the New Orleans Terminal Company stock to the Southern Railway Company, but after the suit was decided against the St. Louis and San Francisco, that company released and surrendered to the New Orleans Terminal Company all of their interest under the July 1, 1903 Voting Trust Agreement and 99-year lease.

As a result of the settlement of the court case brought by the St. Louis and San Francisco Railroad Company, Southern Railway Company received a cash payment of \$311,000 and clean and clear title to the entire New Orleans Terminal Company and the remaining term of the 99-year lease of its property from 1903. The New Orleans Terminal Company then became the terminal facility at New Orleans for the Southern Railway Company lines, including the Cincinnati New Orleans and Texas Pacific Railway Company, the Alabama Great Southern Railroad Company and the New Orleans and Northeastern Railroad Company.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894 as the successor to several bankrupt railroads. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad

Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. The principal additional railroad company properties acquired or merged into Southern Railway Company in 1894 were: Piedmont Railroad Company; North Western North Carolina Railroad Company; Atlantic, Tennessee and Ohio Railroad Company; Oxford and Clarksville Railroad Company; Oxford and Henderson Railroad Company; Clarksville and North Carolina Railroad Company; Atlanta and Florida Railway Company; Northeastern Railroad of Georgia; Knoxville Belt Railroad Company and certain subordinate lines to those companies. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway, 3,940 miles of which were owned and 492 miles of which were leased.

In order to avoid the heavy penalties imposed on any foreign corporation that might seek to operate a railroad in Kentucky, under an Act approved July 12, 1893, the purchasers of the Louisville Southern Railroad Company reorganized it as a

Kentucky corporation under the general law of Kentucky. They accomplished the reorganization by executing articles of incorporation, dated August 17, 1894, under the name of Southern Railway Company in Kentucky. The Louisville Southern Railroad Company property was conveyed to Southern Railway Company in Kentucky by deed of August 20, 1894 and was confirmed by a further deed dated January 13, 1896.

On April 2, 1877, John Swann took possession of the Alabama and Chattanooga Railroad Company under an order of the Court (Stanton case) and the property thereafter was operated in the English interest which he represented. Alabama and Chattanooga Railroad Company had been formed November 18, 1868 by the consolidation of North East and South West Alabama Railroad Company into Wills Valley Railroad Company, which changed its name to Alabama and Chattanooga Railroad Company.

The Alabama Great Southern Railroad Company was incorporated under the general laws of Alabama, December 28, 1877. The Alabama Great Southern Railroad Company was formed to acquire the Alabama and Chattanooga Railroad Company, which had been sold at foreclosure June 20, 1877, on November 30, 1877. The reorganization of the Alabama and Chattanooga Railroad Company was undertaken in March, 1877 by Messrs. Emile Erlanger & Co., August B. Abraham and others registered in London articles of association dated September 29, 1877, under the British Companies Act of 1862, and were chartered as a corporation under the style of Alabama Great Southern Railway Company, Ltd. The Alabama Great Southern Railroad Company issued its stock of the same character and

equivalent amount as the British company. The entire issue was immediately vested in the Alabama Great Southern Railway Company, Ltd.

In 1881, Messrs. Emile Erlanger & Co., having become interested in the Southeastern Railroad situation through their purchase of the Alabama and Chattanooga Railroad Company, acquired controlling interest in the New Orleans and Northeastern Railroad Company, the Vicksburg, Shreveport and Pacific Railroad Company, and the Vicksburg and Meridian Railroad Company, and vested these interests in a new British corporation known as The Alabama, New Orleans, Texas and Pacific Junction Railways Company, Limited, which also acquired soon afterwards a controlling interest in the capital stock of the Cincinnati, New Orleans and Texas Pacific Railway Company, the lessee of the Cincinnati Southern Railway. As this resulted in the substantial consolidation of a system of lines connecting on the north and south with the Alabama Great Southern Railroad Company, the management of that property, with that of the others mentioned, was transferred to Cincinnati and carried on by the same officers under the style of "The Associated Railways," and the trade name of *The Queen and Crescent Route*.

On April 30, 1890, the Richmond Terminal Company, being then in control of the Richmond and Danville and East Tennessee, Virginia and Georgia railroad companies acquired in their names a controlling interest in the stock of the Alabama Great Southern Railway Company, Ltd. This acquisition carried with it control of the Alabama corporation and management of the Alabama Great Southern Railroad Company was thereafter operated in close connection with the East Tennessee system, with whose lines it connected at Chattanooga.

East Tennessee, Virginia and Georgia Railroad Company and Richmond and Danville Railroad Company pledged their 112,301 shares of Alabama Great Southern Railway Company, Limited stock under the Cincinnati Extension Mortgage dated February 1, 1890, together with enough shares of CNOTP to control the lease of the Cincinnati Southern Railway in connection with the Alabama Great Southern Railroad. Southern Railway Company, predecessor of Norfolk Southern Railway Company, subsequently acquired control of the bulk of the Cincinnati Extension bonds and on July 2, 1895, at the sale of the collateral in foreclosure of the Cincinnati Extension mortgage, purchased the Alabama Great Southern Railway Company, Limited shares, which made part thereof and further increased their holdings to gain control of the English company and consequently, management of the American property. Southern Railway Company acquired the remaining interest of the English company in the Alabama Great Southern Railroad Company when the English company was liquidated in 1906 and 1907.

Thus, Southern Railway Company controlled 56.47 percent of The Alabama Great Southern Railroad Company on the date of the Interstate Commerce Commission's valuation of the company, June 18, 1918 and subsequently acquired the entire remaining interest in the company by purchases of the stock in open market from time to time until 1969.

Southern Railway Company acquired The Baltimore and Ohio Railroad Company's interest in Southwestern Construction Company, a holding company, in December 1954, for \$15 million, and merged it with The Cincinnati, New Orleans and Texas Pacific Railway Company December 15, 1954, thereby gaining complete

control of the CNOTP which it had partially controlled since 1895 and operated since 1899.

In August 1960, the ICC approved Southern Railway Company's purchase of a 71% interest in Central of Georgia Railway Company from St. Louis-San Francisco Railway Company.

Pursuant to ICC approval, Southern Railway Company acquired nearly full control of Central of Georgia Railway Company and subsidiaries in 1963, but a small percentage of the Central of Georgia Railway Company shares were acquired by Southern Railway Company as late as May 31, 1971, when Southern Railway Company finally obtained 100% control of Central of Georgia Railway Company.

New AGS Co. and New Orleans and Northeastern Railroad Company were merged into the Alabama Great Southern Railroad Company on January 31, 1969, pursuant to the approval of the ICC in ICC Finance Docket 25205.

In 1971, the ICC approved the merger of Wrightsville and Tennille Railway Company, Georgia and Florida Railway Company and Savannah and Atlanta Railway Company into Central of Georgia Railway Company. The consolidated company then became known under the changed name of Central of Georgia Railroad Company.

On January 1, 1974, Southern Railway Company acquired and merged old Norfolk Southern Railway Company (and Durham & South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation) into Carolina and Northwestern Railway Company, a Southern Railway Company subsidiary. The name of the surviving company was Norfolk Southern Railway Company. After

the Norfolk Southern consolidation in 1982, the Norfolk Southern Railway Company name was changed to Carolina and Northwestern Railway Company.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. At the time of the Norfolk Southern consolidation, Norfolk and Western Railway Company was headquartered in Roanoke, Virginia. Southern Railway Company was headquartered in Washington, DC with a substantial number of offices in Atlanta, Georgia.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

In the ICC's 1982 decision approving the Norfolk Southern consolidation application, the ICC described the size of the Norfolk and Western Railway Company and Southern Railway Company systems, and the principal commodities hauled by those companies in 1979, at pages 14-16 of the slip opinion as follows:

NW operates a system comprised of 7,454 miles of railroad n12 in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Virginia and West Virginia, and in the Province of Ontario, Canada. NW also operates in Kansas pursuant to trackage rights.

n12 NW operates 5,575 miles of mainline track and 1,879 miles of branch line.

The principal lines of NW extend from the eastern points of Norfolk, VA, Hagerstown, MD, and Buffalo, NY, westward to Kansas City, KS, and Omaha, NE and serve Detroit, MI, Cleveland, Toledo, Akron, Columbus, and Cincinnati, OH, Fort Wayne, Muncie, and Indianapolis, IN, Chicago and Decatur, IL, St. Louis, MO, and Pittsburgh, PA. NW also provides north-south service between Chicago and St. Louis, and between the upper Midwest and western Virginia through the Shenandoah Valley of Virginia.

The principal commodity transported by NW is coal. This single commodity accounted for over 43 percent of NW's revenue in 1979. The next four most important NW commodities, ranked by contribution to 1979 revenue, were transportation equipment (13.95 percent), food products (6.88 percent), chemicals (5.62 percent), and farm products (5.07 percent).

Southern operates a system comprised of 10,215 miles of railroad n13 in Alabama, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

n13 This excludes 373 miles of jointly used track. It includes 5,523 miles of mainline track, and 3,059 miles of track which is operated but not owned by Southern.

Southern's principal lines extend from Alexandria, VA through Atlanta, GA, and Birmingham, AL, to New Orleans, LA, and from Cincinnati, OH, and East St. Louis, IL, through Chattanooga, TN, and Atlanta to Jacksonville, FL. Southern serves numerous points in the Southeast including Norfolk, VA;

Charlotte, NC; Columbia and Charleston, SC; Savannah and Macon, GA; Mobile, AL; and Memphis, TN.

The principal commodities transported by Southern, again in order of contribution to 1979 revenues, are coal (13.8 percent), chemicals (13.0 percent), paper, pulp and related products (10.1 percent), stone, clay, or glass products (9.3 percent) and food products (7.9 percent).

In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia. Norfolk Southern Corporation and its subsidiaries continue to maintain a small office staff in Washington, DC, a substantial number of staff offices in Roanoke, Virginia and Atlanta, Georgia and, since 1999, Norfolk Southern has maintained a significant number of offices in Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *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, NC: University of North Carolina Press, 1985).

On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

The Wabash Railroad Company was merged into the Norfolk and Western

Railway Company on November 12, 1991. Norfolk and Western Railway Company had controlled and leased the property of the Wabash Railroad Company since 1964, pursuant to Interstate Commerce Commission authorization.

New Orleans Terminal Company was merged into Alabama Great Southern Railroad Company on August 1, 1993. Also merged into the Alabama Great Southern Railroad Company in 1993 were the Louisiana Southern Railway Company on August 1, 1993, the Chattanooga Station Company merged on September 1, 1993 and the Chattanooga Terminal Railway Company on September 1, 1993.

Norfolk Southern Railway Company merged its wholly-owned subsidiary, Southern Railway Company-Carolina Division, into NSR on July 1, 1996, pursuant to an Surface Transportation Board (STB) decision served May 22, 1996. At the time of the merger, the Southern Railway Company-Carolina Division property, which had been leased to Southern Railway Company in 1902, consisted of 409 miles of railroad line in North Carolina and South Carolina.

Norfolk Southern Railway Company merged its wholly-owned subsidiary, The Atlanta and Charlotte Airline Railway Company, into NSR on August 1, 1996. Southern Railway Company had leased and operated The Atlanta and Charlotte Airline Railway Company property consisting of 255 miles of road between Charlotte, NC and Armour (Atlanta), GA in Georgia, South Carolina and North Carolina since 1894. Prior to that time, a Southern Railway Company predecessor, The Richmond and Danville Railroad Company, had leased and operated the property of The Atlanta and Charlotte Airline Railway Company under an agreement

dated March 28, 1881.

Norfolk Southern Railway Company's wholly-owned subsidiary, The Cincinnati, New Orleans and Texas Pacific Railway Company, renewed its lease of the line of railroad of the Cincinnati Southern Railway, under an agreement with the City of Cincinnati expiring in 2026, with the option to extend 25 years to December 31, 2051 (which must be exercised on or before January 1, 2022), as of August 30, 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 into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail*

Corporation. The transaction was closed and became effective June 1, 1999.

At page 20 of the July 23, 1998 slip opinion in Finance Docket No. 33388, the STB described the NS and Conrail systems as follows:

NS operates approximately 14,282 route miles and 25,236 track miles of railroad in 20 states, primarily in the South and the Midwest, and in Ontario, Canada. Of that total, approximately 1,520 miles are operated under trackage rights while the remaining mileage is either owned by NS or operated by NS under contract or lease. NS has routes to, and serves, virtually every major market in an area that stretches from Kansas City, MO, in the Midwest to Norfolk, VA, in the East, to Chicago, IL, and Buffalo, NY, in the North, and to New Orleans, LA, and Jacksonville, FL, in the South. These markets include Memphis, Chattanooga and Knoxville, TN; St. Louis, MO; Fort Wayne, IN; Detroit, MI; Toledo, Cincinnati, Columbus, and Cleveland, OH; Louisville and Lexington, KY; Bluefield, WV; Alexandria, Roanoke, Lynchburg, and Richmond, VA; Winston-Salem, Raleigh, Durham, Charlotte, and Morehead City, NC; Greenville, Spartanburg, Columbia, and Charleston, SC; Atlanta, Macon, Valdosta, and Savannah, GA; Bessemer, Birmingham, Montgomery, and Mobile, AL; Des Moines, IA; and Peoria, Springfield, and Decatur, IL. NS interchanges traffic with other railroads at virtually all of these locations and at numerous other locations on its railroad system.

Conrail operates approximately 10,500 miles of railroad in the Northeast and Midwest, and its primary network forms an "X" connecting Chicago (via the Chicago Line) and East St. Louis (via the St. Louis and Indianapolis Lines) in the West, with Boston, MA, New York, NY, and Northern New Jersey (via the Chicago Line and other main lines), and with Pittsburgh, Harrisburg, PA, Philadelphia, Baltimore, and Washington, DC (via the Pittsburgh Line and other main lines) in the East. The "hub" of the "X" is located in, and about, Cleveland, OH. Conrail's principal interchange points are in: Chicago, East St. Louis, and Streator, IL; Salem, IL, via Union Pacific Railroad Company (UPRR) trackage rights between Salem and St. Elmo, IL, on the St. Louis Line; Cincinnati; Hagerstown, MD; and Washington, DC. Other important interchange points include Effingham, IL; Fort Wayne, IN; Toledo and Columbus, OH; Buffalo and Niagara Falls, NY; Montreal, Quebec; Rotterdam Junction, NY; and Worcester (including Barbers), MA.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in

turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike. The Norfolk Southern system created by the STB's July 23 order was a 21,600-mile rail system serving 22 states in the East, as well as the District of Columbia and the Province of Ontario, Canada.

In STB Finance Docket No. 33788, *Norfolk Southern Railway Company--Trackage Rights Exemption--Over North Carolina Railroad Company*, served August 27, 1999, the Surface Transportation Board approved North Carolina Railroad Company's (NCRR) agreement to grant to NSR exclusive local and overhead freight trackage rights over its entire line of railroad between Charlotte and Morehead City, NC. NSR or its predecessors had leased and operated the NCRR property since 1871 when the NCRR line between Goldsboro, NC and Charlotte, NC was leased to The Richmond and Danville Railroad Company.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership

and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR). CSXT and NSR have been managing and operating the allocated assets of NYC and PRR, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision cited above. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership.

The change contemplated in the operation of the subject railroad line at New Orleans, LA is for Alabama Great Southern Railroad Company, a wholly-owned subsidiary of Norfolk Southern Railway Company, to abandon the subject unused and unneeded segment of railroad line. To the extent of its title, AGS will deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation and quitclaim at least part of that interest under an agreement with the New Orleans Regional Transit Authority for public purposes in constructing the Canal Street streetcar project, using a portion of the AGS crossing at North Carrollton Avenue.

- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- There are no structures on the line to be abandoned. The line runs through mostly industrial and residential with some undeveloped areas. Carrier has

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.

The Times-Picayune

3800 HOWARD AVE. NEW ORLEANS, LA 70125-1429 TELEPHONE (504) 826-3206

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The Alabama Great Southern Railroad Company gives notice that on or about September 23, 2003, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Super F - Exempt Abandonments, permitting the abandonment of a 1.28-mile line of railroad between mileposts 1.22-NT and 2.50-NT near New Orleans, which traverses through United States Postal Service ZIP Code 70112 in Orleans Parish, Louisiana. The proceeding will be docketed as No. AB-290 (Sub-No. 239X).

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 exemption. Comments on environmental and energy matters should be filed no later than 15 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, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails 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 trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

LEGAL NOTICE

RE:NOTICE OF INTENT TO ABANDON RAIL SERVICE THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY GIVES NOTICE THE ON OR ABOUT SEPTEMBER 23, 2003, IT INTENDS TO FILE WITH THE SURFACE TRANSPORTATION BOARD, WASHINGTON, DC. 20423 Advertisement of NORFOLK SOUTHERN CORPORATION

THREE COMMERCIAL PLACE

NORFOLK, VA. 23510-2191

Was published in THE TIMES PICAYUNE

on the following dates AUGUST 30, 2003

Robert Chiasson

Sworn to and subscribed before me this

2ND day of AUGUST, 2003

[Signature]
Notary Public

My commission expires at my death.



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759

September 11, 2003

Mr. Don Owen, Chairman
Louisiana Public Service Commission
One American Place, Suite 1630
Baton Rouge, LA 70825

Mr. Eddie L. Morris, Rail Program Manager
Department of Transportation & Development
P. O. Box 94245, Capitol Station
Baton Rouge, LA 70804-9245

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

National Park Service
Land Resources Division
900 Ohio Drive, SW
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 239X), The Alabama Great Southern Railroad Company
– Abandonment at New Orleans, Louisiana

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company, hereby gives notice that on or about September 23, 2003, 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 AGS' abandonment of a 1.28-mile line of railroad lying between Mileposts 1.22-NT and 2.50-NT at New Orleans, Orleans Parish, Louisiana (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 railroad's possession will be made available promptly to those requesting it.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'James R. Paschall'.

James R. Paschall