

242862

BAKER & MILLER PLLC

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WILLIAM A. MULLINS

ENTERED
Office of Proceedings
March 27, 2017
Part of
Public Record

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

March 27, 2017

BY HAND DELIVERY

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

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Atlanta Georgia, AB-290 (Sub-No. 388X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption (“Notice”) by Norfolk Southern Railway Company to abandon rail service over approximately 0.68 miles of rail line extending from milepost DF 632.42 to milepost DF 633.10 in Atlanta, Georgia (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 30324 and 30309. There are no customers served on the Line, which has been out of service for over two years.

Please acknowledge receipt and filing of this Notice by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of \$4,000.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@bakerandmiller.com or Crystal Zorbaugh, who can be reached at (202) 663-7831 or by e-mail at czorbaugh@bakerandmiller.com.

FILED
March 27, 2017
SURFACE
TRANSPORTATION BOARD

Sincerely,



William A. Mullins

Attorney for Norfolk Southern Railway Company

Enclosures

cc: Greg E. Summy, Laura Hoag, LaWada Poarch

FEE RECEIVED
March 27, 2017
SURFACE
TRANSPORTATION BOARD

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for Norfolk Southern
Railway Company**

March 27, 2017

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company (“NSR”) hereby submits a verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon approximately 0.68 miles of rail line extending from milepost DF 632.42 to milepost DF 633.10 in Atlanta, Georgia (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 30324 and 30309. There are no customers served on the Line, which has been out of service for over two years.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NSR certifies that the Line satisfies the criteria for abandonment. See Certification of P.T. Whitehead, General Manager Southern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead common carrier service over the Line, nor has NSR received any requests for common carrier service during that period. Furthermore, no

formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after May 16, 2017 (50 days after filing the Notice).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

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

NSR is a Class I common carrier by railroad subject to the Board’s jurisdiction under 49 U.S.C. Subtitle IV, chapter 105.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR hereby invokes the Board’s two-year-out-of-service class exemption procedures to abandon approximately 0.68 miles of rail line extending from milepost DF 632.42 to milepost DF 633.10 in Atlanta, Georgia. The Line traverses United States Postal Zip Code territories 30324 and 30309. There are no customers served on the Line, which has been out of service for over two years.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

NSR's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in United States Postal Zip Code territories: 30324 and 30309.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR may not have fee simple title interest to the right-of-way underlying the Line proposed for abandonment. Thus, NSR may not have a corridor available for redeployment for alternative public use(s). However, the Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it. NSR plans to convey the easement and wye right-of-way to Atlanta BeltLine, Inc. for urban development and to improve the City's infrastructure upon receipt and consummation of abandonment authority.¹

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR employees who may be adversely affected by the proposed abandonment will be adequately

¹ The Line includes the portion of the NSR right-of-way that the Board found not to have been abandoned in The Atlanta Development Authority D/B/A Invest Atlanta And Atlanta Beltline, Inc. – Verified Petition For A Declaratory Order, FD 35991, slip op. at 9 (STB served Dec. 15, 2016).

protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined E&HR in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).²

Respectfully submitted,



Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

March 27, 2017

Attorneys for Norfolk Southern Railway Company

² The original E&HR contained an incorrect milepost (DF 632.5). The correct milepost is milepost DF 632.42. The correction of the milepost does not change the environmental analysis contained within the previously circulated E&HR. The newspaper notice that was published for the transaction, the 10-Day Advance Consultation Letters that were distributed, and the attached E&HR contain the corrected milepost.

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

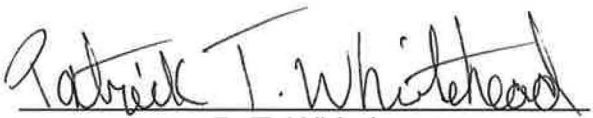
CERTIFICATION

STATE OF GEORGIA:

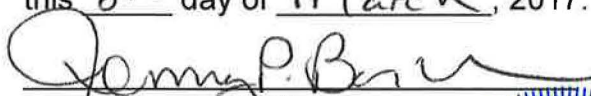
SS:

CITY OF ATLANTA:

P. T. Whitehead makes oath and says that he is General Manager Southern Region for Norfolk Southern Railway Company; that the rail line between Mileposts DF 632.42 and DF 633.1, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


P. T. Whitehead

Subscribed and sworn to before me
this 8th day of March, 2017.


Notary Public

My commission expires:

2/17/2020



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

AB-290 (Sub-No. 388X)

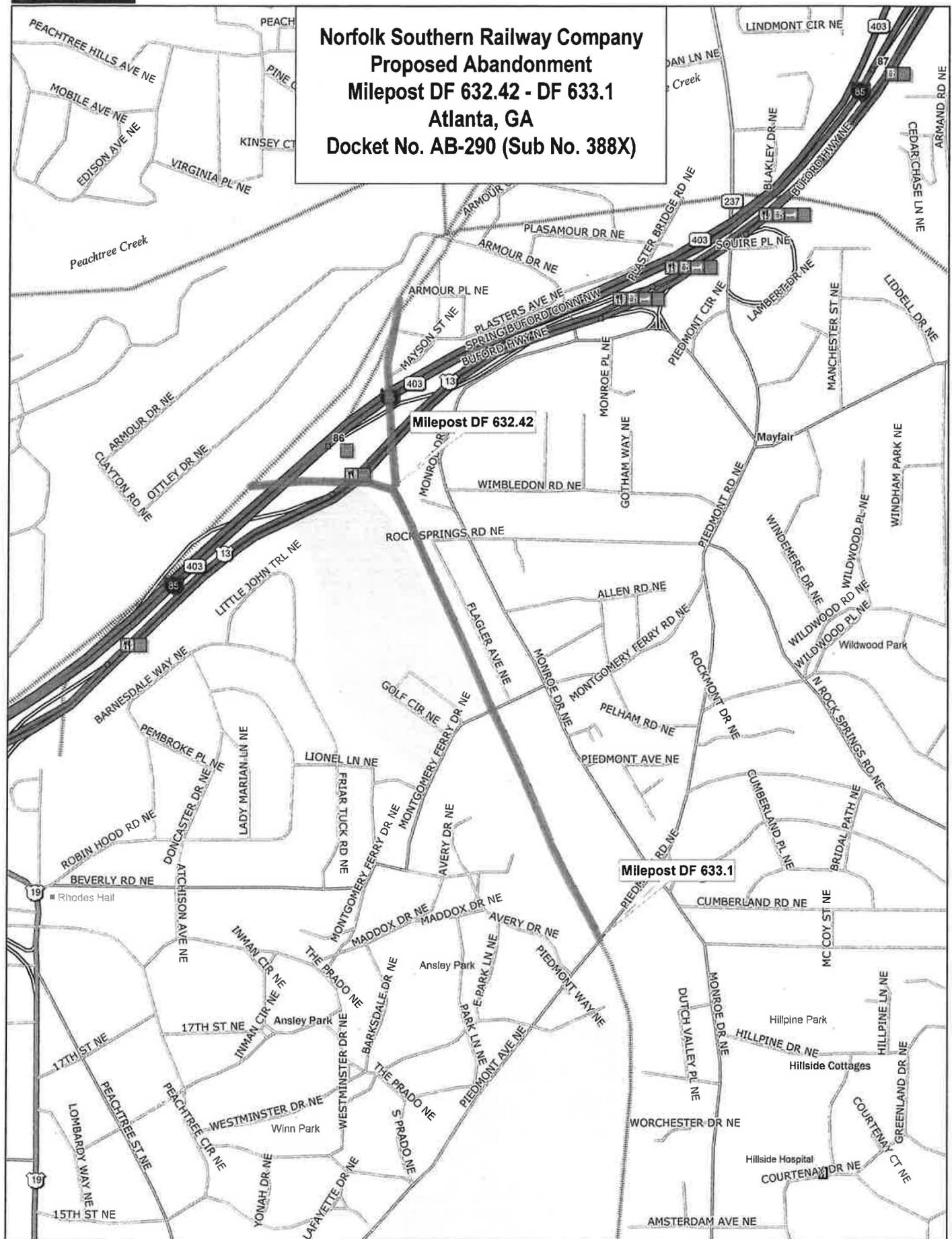
**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

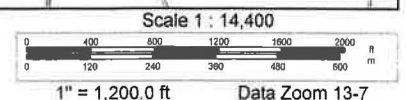
**Norfolk Southern Railway Company
Proposed Abandonment
Milepost DF 632.42 - DF 633.1
Atlanta, GA
Docket No. AB-290 (Sub No. 388X)**



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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on March 15, 2017, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon approximately 0.68 miles of rail line in Atlanta, Georgia. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Stan Wise
PSC Chairman
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA, 30334

Carol Comer
Director of Intermodal
Georgia Department of Transportation
600 West Peachtree Street NW
Atlanta, GA 30308

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

March 27, 2017



William A. Mullins
Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in a newspaper of general circulation in the city/county in which the rail line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on March 23, 2017, in Atlanta Daily World, a newspaper of general circulation in Atlanta, Georgia. Attached is an Affidavit of Publication and Tear Sheet from Atlanta Daily World.

March 27, 2017



William A. Mullins

Attorney for Norfolk Southern Railway Company

Powered by Real Times Media
ATLANTA DAILY WORLD

Affidavit of Record

100 Hartsfield Center Parkway, Suite 500
Atlanta, GA 30354
Website: www.atlantadailyworld.com

Phone: 678.515.2053
Fax: 678.515.2054

STATE OF GEORGIA
COUNTY OF FULTON

I, Lorraine Cochran-Johnson, of the Atlanta Daily World, a weekly newspaper, printed, published, and circulated in Atlanta, Fulton County, Georgia being duly sworn, say that an ad has been published in the Atlanta Daily World newspaper.

For: Baker & Miller PLLC content below:

NOTICE OF INTENT TO ABANDON RAIL SERVICE

AB-290 (Sub-No. 388X)

Norfolk Southern Railway Company ("NSR") gives notice that on or about March 27, 2017, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F – Exempt Abandonments, permitting NSR to abandon approximately 0.68 miles of rail line extending from Milepost DF 632.42 to Milepost DF 633.10 in Atlanta, Georgia (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territories 30324 and 30309. There are no customers served on the Line, which has been out of service for over two years. The proceeding has been docketed as AB-290 (Sub-No. 388X).

The proposed action entails the abandonment of rail service over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment 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. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFA, public use or trail use may be directed to the Board's Office of

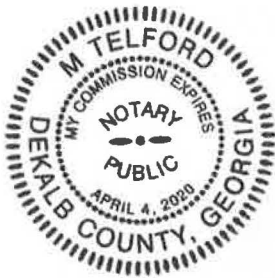
Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

Date(s) of Publication: March 23, 2017

Signed: Jerraine Cochran-Johnson

Sworn before me, and subscribed in my presence on

This 27 day of March, 2017



M. Telford
Notary Public

4-4-2020
Commission Expires

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 388X) was mailed via first class mail on November 17, 2016 to the following parties:

Mayor Kasim Reed
Office of Communications
55 Trinity Avenue, Suite 2500
Atlanta, GA 30303

Commissioner Tim Keane
Planning & Community Development
55 Trinity Avenue, SW, Suite 1450
Atlanta, GA 30303

Mr. John H. Eaves, Chairman, District 7, At-Large
Fulton County Commissioner
141 Pryor Street
Atlanta, GA 30303

United States Army Corps of Engineers
South Atlantic Division
60 Forsyth Street, SW, Room 9M15
Atlanta, GA 30303

U.S. Fish and Wildlife Service
Southeast Region 4
105 Westpark Drive
Westpark Center, Suite D
Athens, GA 30606

State Conservationist Terrance Rudolph
USDA-Natural Resources Conservation Service
355 East Hancock Avenue
Stop Number 200
Athens, GA 30601

Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King, Jr. Drive, SE
Suite 1456 – East Tower
Atlanta, GA 30334

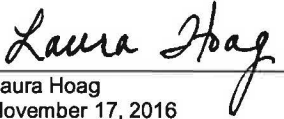
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way
Suite 300
Brunswick, GA 31520

Georgia Department of Natural Resources
Historic Preservation Division
Jewett Center for Historic Preservation
2610 GA Hwy 155, SW
Stockbridge, GA 30281

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th Floor
Washington, DC 20005

National Geodetic Survey
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Mail Code 1101-A
Washington, DC 20460


Laura Hoag
November 17, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 388X)

NORFOLK SOUTHERN RAILWAY COMPANY

PROPOSED ABANDONMENT

BETWEEN MILEPOST DF 632.42 AND MILEPOST DF 633.1

IN ATLANTA, GEORGIA

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with its proposed abandonment of 0.68 mile of rail line between Milepost DF 632.42 and Milepost DF 633.1 in Atlanta, Georgia.

November 11, 2016

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

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

RESPONSE: NSR proposes to abandon 0.68 mile of rail line between Mileposts DF 632.42 and DF 633.1 (the “Line”) in Atlanta, Georgia. There are no customers served on the Line to be abandoned. NSR will convey the remaining easement and wye right-of-way to Atlanta BeltLine, Incorporated for urban development and to improve the City of Atlanta’s (“City”) infrastructure.

Following abandonment, the Line’s rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the Line and retain the track in

place. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

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

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

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line .

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

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

RESPONSE: An outline of future land use plans has been requested from the City and Fulton County, which were asked to comment on the consistency of the proposed abandonment with existing land use plans. The City has indicated the proposed abandonment does not affect the City's long-range land use plans and complies with future land use. A copy of the City's response letter is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service (“USDA NRCS”). The USDA NRCS has determined no further action is needed. A copy of the USDA NRCS response letter is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from the Georgia Department of Natural Resources Coastal Resources Division. NSR has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan as the Line is not within a coastal zone. Fulton County is outside Georgia’s coastal area and this abandonment will not have foreseeable impacts to coastal uses or resources. A copy of the Coastal Management Program response letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad has fee simple interest title to the right-of-way underlying the wye of the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). However, NSR is planning to convey the remaining easement and wye right-of-way to Atlanta BeltLine, Incorporated for urban development and to improve the City’s infrastructure.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be

affected by the abandonment.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There is no rail freight or passenger traffic originating or terminating on the Line .

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

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

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

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

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

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air

Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded.

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

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

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

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) An increase to a noise level of 65 decibels Ldn or greater.

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

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

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

accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

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

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

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

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

RESPONSE: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species.

USFWS stated the proposed action is not expected to have significant impact on fish and wildlife resources. A copy of the USFWS response letter is attached as part of

Appendix C.

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

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

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

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the Georgia Department of Natural Resources Environmental Protection Division. The USDA NRCS' State Conservationist determined that no watershed dams are in the downstream and no easements in the vicinity of the proposed project would be affected by activities. A copy of the USDA NRCS' State Conservationist letter is attached as part of **Appendix C**.

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

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers and permit is required. A copy of its letter is attached as part of **Appendix C**.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from Georgia Department of Natural Resources Environmental Protection Division.

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

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

RESPONSE: Abandonment of the involved Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company ("NSR") proposes to abandon 0.68 mile of Line between Mileposts DF 632.42 and DF 633.1 in Atlanta, Georgia (the "Line"). There are no customers served on the Line to be abandoned. NSR will convey the remaining easement and the wye right-of-way to Atlanta BeltLine, Incorporated for urban development and to improve the City of Atlanta's ("City") infrastructure.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Map was furnished to the Georgia Historic Preservation Division, Department of Natural Resources.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.
- (3) **Photographs** – There are no structures on the Line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – The Line extends from Milepost DF 632.42 to Milepost DF 633.1 in Atlanta, Georgia, and is known as the "Decatur Street Belt".

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

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

1877 in South Carolina and North Carolina. The line became part of the Atlanta and Charlotte Air Line Railway Company.

The Atlanta and Charlotte Air Line Railway Company operated together with the Richmond and Danville Railroad and the North Carolina Railroad under the name Piedmont Air Lines. In 1881, the Richmond and Danville Railroad took possession of the Atlanta and Charlotte Air Line Railway Company and all of its operating branches from Charlotte Junction to the City.

On July 1, 1894, Southern Railway Company assumed control and operation of The Atlanta and Charlotte Air Line Railway Company. Southern Railway Company's control and operation of the Atlanta and Charlotte Air Line Railway Company continued until the consolidation of the Norfolk and Western Railway Company and the Southern Railway Company as subsidiaries of Norfolk Southern Corporation in 1982.

(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 or within the APE for this undertaking.

The railroad 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

The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction

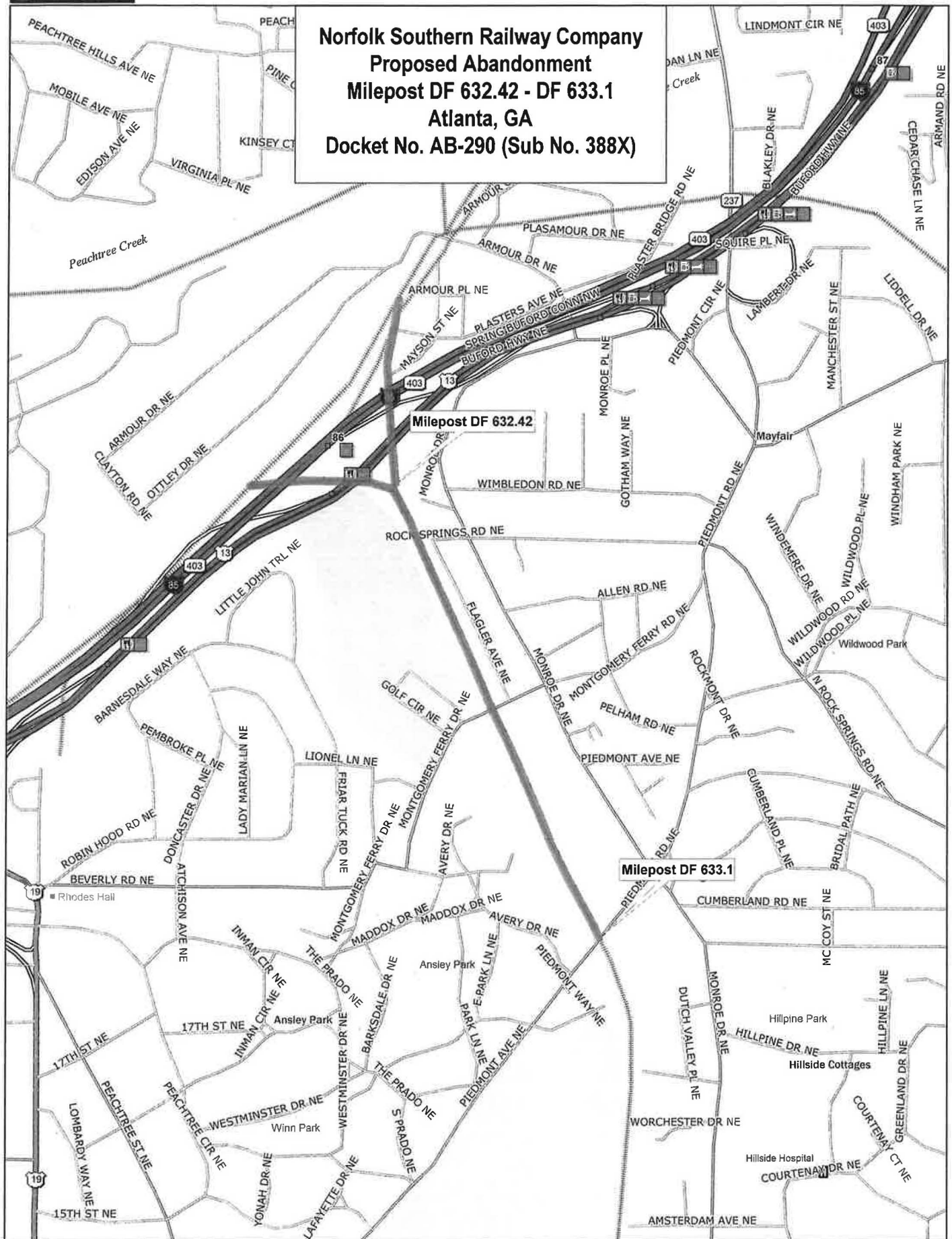
of the Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

APPENDIX A

Site Map

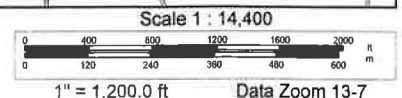
**Norfolk Southern Railway Company
Proposed Abandonment
Milepost DF 632.42 - DF 633.1
Atlanta, GA
Docket No. AB-290 (Sub No. 388X)**



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APPENDIX B

Agency Letter



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

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

November 17, 2016

RE: Docket No. AB-290 (Sub-No. 388X), Norfolk Southern Railway Company
Abandonment – in Atlanta, Georgia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost DF 632.5 and Milepost DF 633.1, a distance of 0.6 miles located in Atlanta, GA.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

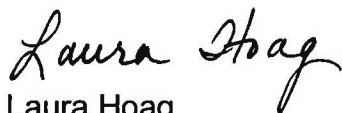
Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,

A handwritten signature in black ink that reads "Laura Hoag". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C

Agency Responses

Poarch, Lawada G.

From: Kilpatrick, Cora <ckilpatrick@atlantaga.gov>
Sent: Wednesday, August 31, 2016 1:44 PM
To: Poarch, Lawada G.
Cc: Milton, Rodney; lharrop@atlbeltline.org
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 388X), Norfolk Southern Railway Company - Abandonment - in Atlanta
Attachments: NS Abandonment BeltLine Ansley Mall.pdf

Good afternoon Ms. Poarch: Commissioner Tim Keane is in receipt of your letter dated July 18, 2016 regarding the above subject. We have researched and confirmed there is no impact. Future land use map complies and shows the ROW as "Transportation Communications & Utilities".

Thank you.

CORA E. KILPATRICK | Executive Assistant to Commissioner Tim Keane | City of Atlanta
Department of Planning and Community Development | 55 Trinity Avenue Ste 1450 | Atlanta, GA 30303
tel: (404) 330-6037 fax: (404) 658-7638
Email: ckilpatrick@atlantaga.gov | www.atlantaga.gov

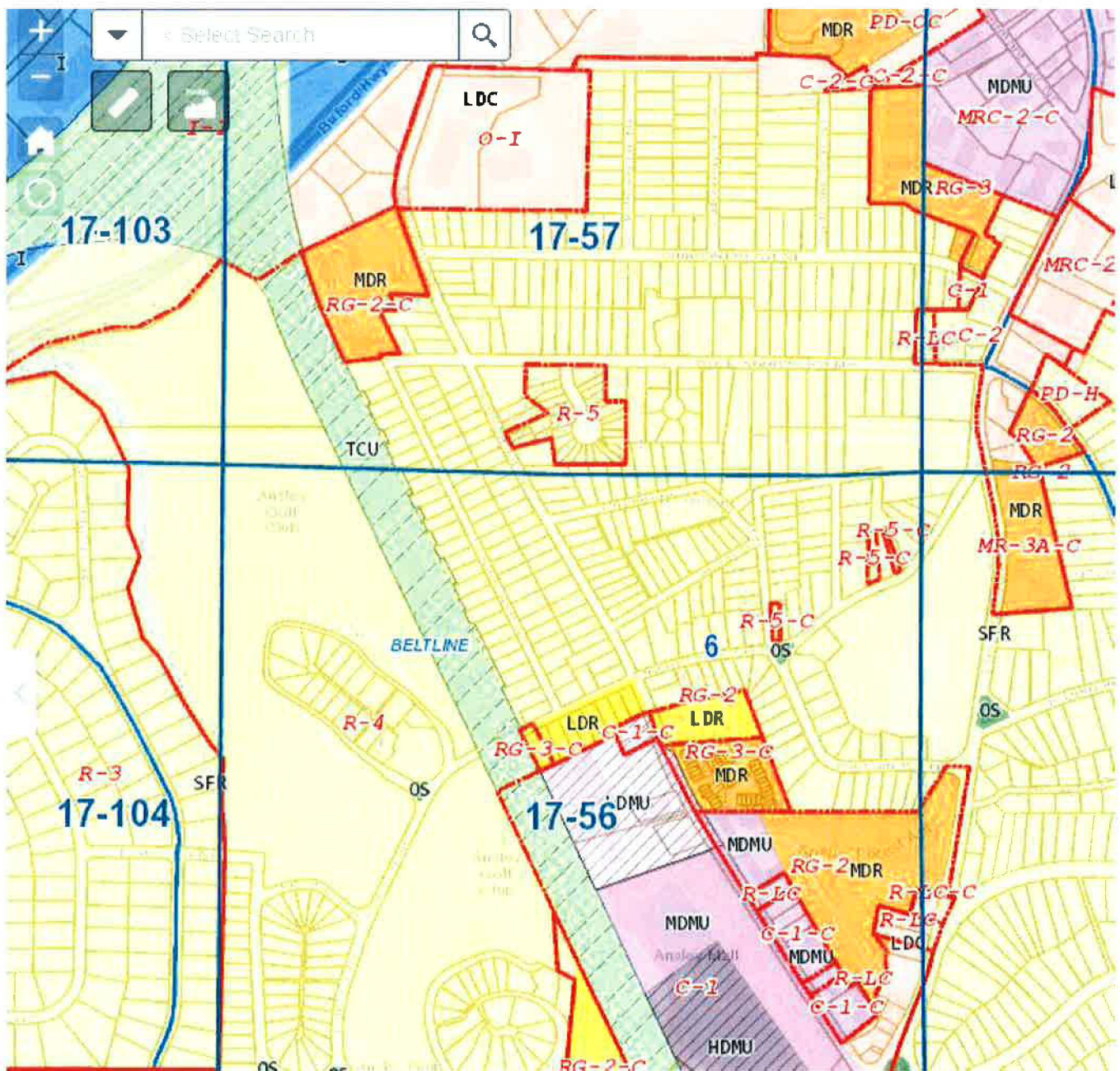


"The Department of Planning & Community Development...because customer service is important to us."

From: Alhadeff, Heather
Sent: Wednesday, August 31, 2016 1:02 PM
To: Kilpatrick, Cora
Subject: NS abandonment

Heather Alhadeff, AICP, LEED GA
Program Management Officer, Special Projects & Initiatives
City of Atlanta | Dept. of Planning & Community Development
55 Trinity Ave. SW, Suite 1459 | Atlanta, GA 30303
Direct: 404-330-6439 | Cell: 404-640-8117 | halhadeff@atlantaga.gov

The City's future land use map identifies the right-of-way as a TCU (Transportation-Commiuncations-Utilities) land use. Therefore, this abandonment does not affect our long range plans. A copy of the future land use map is below.



The original letter of request can be found on the following pages.



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

JUL 25 REC'D

Per

Laura Hoag
Director, Strategic Planning
(757) 823-5267

Heather,
Please handle.
Cora

July 18, 2016

Commissioner Tim Keane
Planning & Community Development
55 Trinity Avenue, SW, Suite 1450
Atlanta, GA 30303

RE: Docket AB-290 (Sub-No. 388X), Norfolk Southern Railway Company -
Abandonment – in Atlanta, GA

Dear Mr. Keane:

Norfolk Southern Railway Company is considering the abandonment of 0.6 miles of rail line between Milepost DF 632.5 and Milepost DF 633.1 in Atlanta, GA. A map is included depicting the area under consideration.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations.

During the removal of rail and track materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

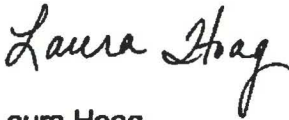
Should Norfolk Southern abandon the rail segment, the authorization of the Surface Transportation Board is required. In addition, Federal Regulation 49 C.F.R. 1105.7 (3i) requires Norfolk Southern to address the following statement:

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

Your consideration of our proposed action in conjunction with Atlanta's long range plans would be appreciated. Please provide comments on how an abandonment of this particular rail segment would interact with such plans, and if possible provide a planning map. Your response and questions can be directed to LaWada Poarch by phone, email, or regular mail:

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2803
Lawada.poarch@nscorp.com

Best regards,



Laura Hoag

Attachment



August 3, 2016

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Early Coordination Request for Docket AB-290 (Sub-No. 388X), Norfolk Southern Railway Company – Abandonment – in Atlanta, GA

Dear Ms. Poarch:

This letter is in reference to your request for information on the possible impacts the proposed railway abandonment project may have on land use, conservation, water quality and other general environmental concerns that may be of interest to our agency. The following outlines our concerns with the proposed project with regards to farmland protection, and Natural Resources Conservation Service (NRCS) watershed dams and project easements.

Farmland Protection

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes areas located within soil mapunits rated as prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land uses, but not water or urban built-up land. It should be noted that the FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners.

NRCS uses a Land Evaluation and Site Assessment (LESA) system to establish a farmland conversion impact rating score on proposed sites of federally funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. It is our understanding that the proposed project involves federal funds or assistance, and thus could be subject to this assessment. However, this project is completely contained within a US Census Bureau urban area (Atlanta, GA 03817), and is thus exempt from this assessment. You need take no further action for FPPA purposes.

Natural Resources Conservation Service

Georgia State Office
355 East Hancock Avenue - Athens, GA - 30601-2775
Voice: 706-546-2272 Fax: 855-417-8490

NRCS Watershed Dams

More than 50 years ago, the U.S. Department of Agriculture was authorized by Congress to help local communities with flood control and watershed protection through the Watershed Program (PL-534 Flood Control Act of 1944 and PL-566 Watershed Protection and Flood Prevention Act). As a result, local communities, with NRCS assistance, have constructed over 11,000 dams in 47 states since 1948. These dams were originally constructed for protection of farmlands from flooding impacts. In 2000, PL-566 was amended to provide NRCS authorization to assist communities with rehabilitation of their aging dams. The legislation authorizes NRCS to work with local communities and watershed project sponsors to address public health and safety concerns and potential environmental impacts of aging dams.

We have reviewed our records and have determined that there are no such structures in the vicinity or downstream of the proposed project that would be affected by these activities.

NRCS Easements

NRCS easements relate to our Wetland Reserve Program and the Farm and Ranchland Protection Program. We have reviewed our records and have determined that there are no such easements in the vicinity or downstream of the proposed project that would be affected by these activities.

NRCS appreciates this opportunity to comment. If you have questions or need any additional information, please contact Dan Wallace of my staff at (706) 546-2244 or dan.wallace@ga.usda.gov.

Sincerely,



TERRANCE O. RUDOLPH
State Conservationist

cc: Michael Watson, Assistant State Conservationist (FO), NRCS, Griffin, GA
Valerie Pickard, District Conservationist, NRCS, Marietta, GA
Greg Clark, Resource Soil Scientist, NRCS, Griffin, GA
Dan Wallace, State Resource Inventory Coordinator, NRCS, Athens, GA
Jim Lathem, State Soil Scientist, NRCS, Athens, GA



MARK WILLIAMS
COMMISSIONER

A.G. "SPUD" WOODWARD
DIRECTOR

July 26, 2016

Ms. LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

RE: Proposed Abandonment, Docket No. AB-290 (Sub No. 388 X), Atlanta, Fulton County

Dear Ms. Poarch:

Staff of the Georgia Coastal Management Program has reviewed your July 18, 2016 letter and attachments for the above referenced action to abandon 0.6 miles of rail line from Railroad Milepost DF 632.5 to Milepost DF 633.1 in Atlanta, Fulton County, Georgia.

Fulton County is outside Georgia's coastal area and this abandonment action will not have reasonably foreseeable impacts to coastal uses or resources. The project site is not located in a Coastal Barrier Resource Act area. Please feel free to contact Kelie Moore or me if we can be of further assistance.

Sincerely,

A.G. "Spud" Woodward
Director

SW/km



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

RECEIVED

JUL 22 2016

ATHENS, GA

Laura Hoag
Director, Strategic Planning
(757) 629-2884

July 18, 2016



U. S. Fish and Wildlife Service
105 Westpark Drive, Suite D
Athens, GA 30606
706-613-9493 Fax 706-613-6059

FWS Log No.

NG-16-208-FULT

U.S. Fish and Wildlife Service
Southeast Region 4
105 Westpark Drive
Westpark Center, Suite D
Athens, GA 30606

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

Donald W. Imm, Ph.D., Field Supervisor

Date

7/26/16

RE: Docket AB-290 (Sub-No. 388X), Norfolk Southern Railway Company –
Abandonment – in Atlanta, GA

Dear Sir or Madam:

Norfolk Southern Railway Company is considering the abandonment of 0.6 miles of rail line between Milepost DF 632.5 and Milepost DF 633.1 in Atlanta, GA. A map is included depicting the area under consideration.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations.

During the removal of rail and track materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

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

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

Norfolk Southern believes that our actions will not adversely impact any endangered or threatened species and their habitats or wildlife sanctuaries and parks; however we would appreciate your review and input. Please direct your response and questions to LaWada Poarch at LaWada.Poarch by phone, email, or regular mail:

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2803
Lawada.poarch@nscorp.com

Best regards,



Laura Hoag

Attachment

Poarch, Lawada G.

From: Shannin, Philip SAS <Philip.A.Shannin2@usace.army.mil>
Sent: Wednesday, September 21, 2016 2:33 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Docket AB-290 (Sub-No. 388X)

Based on your project description in your July 18, 2016 letter to the South Atlantic Division, the abandonment of the rail line and track material salvage would not require a permit from my agency. Please note that my office is the correct office for further questions, not the South Atlantic Division. I may be reach at the e-mail above or at 678-422-2729.

Philip Shannin
Piedmont Permits Section Chief
Savannah District, USACE

 GEORGIA
DEPARTMENT OF NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION

MARK WILLIAMS
COMMISSIONER

DR. DAVID CRASS
DIVISION DIRECTOR

December 1, 2016

Laura Hoag
Director, Strategic Planning
Norfolk Southern Railway Company
Three Commerce Place
Norfolk, Virginia 23510-9207
Attn: LaWada Poarch, Abandonments Coordinator

**RE: Norfolk: Abandon/Sell .6 Miles of Rail Line to Atlanta Beltline, Inc.,
MP DF 632.5 to MP DF 633.1, Atlanta
Fulton County, Georgia
HP-161121-002**

Dear Ms. Hoag:

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

The subject project consists of the abandonment and sale of a former rail line in Atlanta, with subsequent salvage of track material and leveling of the railbed. Based on the information submitted, it is HPD's opinion that the Atlanta and Richmond Air-Line Railway is eligible for listing in the National Register of Historic Places (NRHP) at a state level of significance under criteria A and C for its contributions to the transportation and engineering history of the State of Georgia. Therefore, HPD finds that the proposed project constitutes an **adverse effect** to historic properties located within the subject project's area of potential effect (APE), as defined in 36 CFR Part 800.5(a)(2).

When an adverse effect to a historic property is found, the federal agency must notify the Advisory Council on Historic Preservation and consult with the State Historic Preservation Officer on ways to avoid or reduce adverse effects to historic properties. HPD would like to make it clear that this determination of an adverse effect is not the end of the consultation process. HPD should be given the opportunity to review and comment on alternate approaches, as they become available, prior to proceeding with the work, as part of a selection process to choose an appropriate plan that will conform to a more favorable effects assessment. We would like to work with STB and its applicants in finding ways to avoid, minimize or mitigate this adverse effect. We look forward to discussing these options with you and working with you as this project progresses.

Please refer to project number **HP-161121-002** in any future correspondence regarding this project. If we may be of further assistance, please do not hesitate to contact Jennifer Dixon, Environmental Review Program Manager, at (770) 389-7855 or Jennifer.dixon@dnr.ga.gov.

V/r,



Dr. David Crass
Division Director
Deputy State Historic Preservation Officer

DCC/jad

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 388X)]

Norfolk Southern Railway Company – Abandonment Exemption – In Atlanta, Georgia

On March 27, 2017, Norfolk Southern Railway Company (“NSR”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon approximately 0.68 miles of rail line extending from milepost DF 632.42 to milepost DF 633.10 in Atlanta, Georgia (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 30324 and 30309. There are no customers served on the Line, which has been out of service for over two years. The entirety of the Line is located in Atlanta, Georgia.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) that no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board ("Board") or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To

address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance ("OFA") has been received, this exemption will be effective on May __, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2017. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2017, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2017. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,700. See 49 C.F.R. § 1002.2(f)(25).

through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2017, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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

AB-290 (Sub-No. 388X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ATLANTA, GEORGIA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this third day of March, 2017



John H. Friedmann
Vice President