



KAPLAN KIRSCH ROCKWELL

EI-20292NR
Troy

May 1, 2013

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

Re: *Georgia Department of Transportation – Abandonment Exemption – in Fulton County, Georgia, STB Docket No. AB-1096X*

Dear Ms. Brown:

This letter serves to clarify and confirm compliance by the Georgia Department of Transportation (“GDOT”) with certain conditions placed on it by the Board in its decision granting the abandonment authority requested in the above-captioned matter. One of the Board’s conditions was to consult with the Georgia Environmental Protection Division (“GEPD”) of the Georgia Department of Natural Resources regarding hazardous materials within the area of the abandonment prior to consummation. As described in GDOT’s letter to the Board filed on January 16, 2013, Atlanta BeltLine, Inc. (“ABI”), the project proponent of the Atlanta BeltLine Project, of which this abandonment was a prerequisite component, consulted extensively with GEPD regarding hazardous materials within the area subject to this abandonment during that project’s environmental review process. GEPD’s extensive participation in the environmental review of the Atlanta BeltLine Project is fully documented in the environmental materials that have previously been provided to this Board, and is confirmed in the Record of Decision issued with respect to the Atlanta BeltLine project that was issued on August 28, 2012 (the “ROD”)¹. Because GEPD’s participation in that process included review of the right-of-way affected by this abandonment, GDOT hereby confirms that the required consultation with GEPD has occurred and that the Board’s condition has been satisfied.

The Board also conditioned its grant of abandonment authority on GDOT’s consulting with the National Geodetic Survey at least 90 days prior to commencing salvage activities that would disturb or destroy any geodetic station markers. GDOT confirms that it will not conduct any salvage activities in connection with the proposed abandonment. Accordingly, no actions by GDOT would disturb or destroy any geodetic station markers.

Sincerely,

Charles A. Spitulnik
Counsel for Georgia Department of Transportation

cc: All Parties of Record

¹ The ROD can be found at <http://beltline.org/progress/planning/transit-planning/final-environmental-impact-statement/>.