



# KAPLAN KIRSCH ROCKWELL

February 3, 2009

**E-Filing**

Hon. Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: *Norfolk Southern Railway Company – Abandonment – In Atlanta, Fulton County, Georgia – Notice of Exemption; Docket No. AB-290 (Sub-No. 210X)*

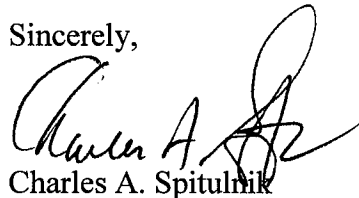
*National Railroad Passenger Corporation – Application Under 49 U.S.C. §24311(c) to Condemn Certain Rail Carrier Property in Atlanta, Fulton County, Georgia – Norfolk Southern Railway Company; Finance Docket No. 35215*

Dear Ms. Quinlan:

I am enclosing the Joint Motion of the Atlanta Development Authority, Atlanta BeltLine, Inc., Norfolk Southern Railway Company, Georgia Department of Transportation and National Railroad Passenger Corporation to Hold Proceedings in Abeyance in the above-referenced proceedings.

Thank you for your attention to this matter.

Sincerely,



Charles A. Spitulnik

Enclosure

208164

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-290 (Sub-No. 210X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
– ABANDONMENT –  
IN ATLANTA, FULTON COUNTY, GEORGIA  
– NOTICE OF EXEMPTION**

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**Finance Docket No. 35215  
NATIONAL RAILROAD PASSENGER CORPORATION - -  
APPLICATION UNDER 49 U.S.C. §24311(c) TO CONDEMN  
CERTAIN RAIL CARRIER PROPERTY IN ATLANTA, FULTON COUNTY, GEORGIA - -  
NORFOLK SOUTHERN RAILWAY COMPANY**

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**JOINT MOTION OF  
THE ATLANTA DEVELOPMENT AUTHORITY, ATLANTA BELTLINE, INC.,  
NORFOLK SOUTHERN RAILWAY COMPANY, GEORGIA DEPARTMENT OF  
TRANSPORTATION AND NATIONAL RAILROAD PASSENGER CORPORATION TO HOLD  
PROCEEDINGS IN ABEYANCE**

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Communications with respect to this document should be addressed to:

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**Docket No. AB-290 (Sub-No. 210X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
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APPLICATION UNDER 49 U.S.C. §24311(c) TO CONDEMN  
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**JOINT MOTION OF  
THE ATLANTA DEVELOPMENT AUTHORITY, ATLANTA BELTLINE, INC.,  
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The Atlanta Development Authority (“ADA”), Atlanta BeltLine, Inc. (“ABI”), Norfolk Southern Railway Company (“NSR”), Georgia Department of Transportation (“GDOT”) and National Railroad Passenger Corporation (“Amtrak”) (collectively, “Movants”) hereby move this Board for an order holding all aspects of both of these proceedings in abeyance through and including March 6, 2009. The Movants are engaged in discussions towards a common solution that will accommodate the BeltLine vision, intercity and high speed rail in the region and have agreed to ask this Board to hold all matters relating to these proceedings in abeyance to permit the careful investigation of all alternatives.

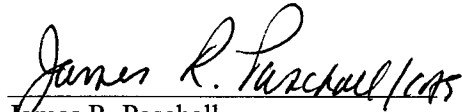
Specifically, the Movants request the Board to issue an order:

1. Holding these proceedings in abeyance through and including March 6, 2009;
2. Requiring them to file, either individually or jointly as they may decide at the time, a status report with respect to their discussions by no later than March 6, 2009;
3. Extending the schedule for filing responses in Docket No. AB-290 (Sub-No. 210X) such that the responses of ADA, ABI and NSR described in this Board’s order dated January 21, 2009 in that

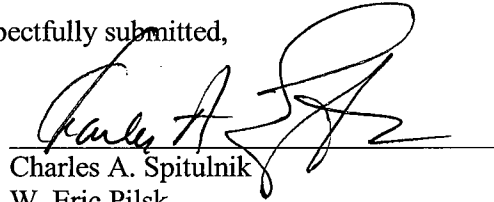
proceeding will be due on March 11, 2009,<sup>1</sup> pending the conclusion of the above-mentioned discussions among the Movants.

WHEREFORE, ADA, ABI, NSR, GDOT and Amtrak respectfully request the Board to issue the order described herein.

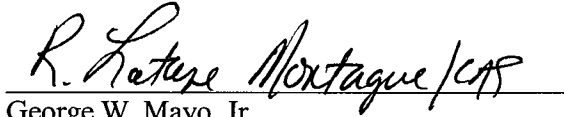
Respectfully submitted,



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Counsel for National Railroad Passenger Corporation

Dated: February 3, 2009

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<sup>1</sup> To that end, all of the Movants specifically acknowledge that the filing of this Motion does not represent a waiver by any of them of any positions or arguments that any of them may assert in either or both of these proceedings.

### **Certificate of Service**

I certify that I have on this 3<sup>rd</sup> day of February 2009, served a copy of the foregoing  
JOINT MOTION OF THE ATLANTA DEVELOPMENT AUTHORITY, ATLANTA  
BELTLINE, INC., NORFOLK SOUTHERN RAILWAY COMPANY, GEORGIA  
DEPARTMENT OF TRANSPORTATION AND NATIONAL RAILROAD PASSENGER  
CORPORATION TO HOLD PROCEEDINGS IN ABEYANCE on the following persons, in  
addition to the parties of record who are joint signatories to this Motion:

David Emory  
Atlanta Regional Commission  
40 Courtland Street, N.E.  
Atlanta, GA 30303

  
\_\_\_\_\_  
Charles A. Spitulnik

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