



KAPLAN KIRSCH ROCKWELL

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January 13, 2017

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January 13, 2017
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Public Record

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

Re: *The Atlanta Development Authority D/B/A Invest Atlanta and Atlanta BeltLine, Inc. –
Verified Petition for a Declaratory Order*, Finance Docket No. 35991

Dear Ms. Brown:

I am enclosing for filing in the above-captioned proceeding the joint request of The Atlanta Development Authority, Atlanta BeltLine, Inc. and Norfolk Southern Railway Company to extend time to file documents as directed by the Board in the above-captioned proceeding.

Please do not hesitate to contact me if you have any questions. Thank you very much for your assistance in this matter.

Sincerely,

Allison I. Fultz

Counsel for The Atlanta Development Authority and Atlanta BeltLine, Inc.

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35991

**THE ATLANTA DEVELOPMENT AUTHORITY
D/B/A INVEST ATLANTA and
ATLANTA BELTLINE, INC.**

**JOINT REQUEST OF THE ATLANTA DEVELOPMENT AUTHORITY, D/B/A INVEST
ATLANTA, ATLANTA BELTLINE, INC., AND NORFOLK SOUTHERN RAILWAY
COMPANY FOR EXTENSION OF TIME TO RESPOND TO BOARD DIRECTIVE**

Communications with respect to this document should be addressed to:

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Authority d/b/a Invest Atlanta
and Atlanta BeltLine, Inc.

Dated: January 13, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35991

**THE ATLANTA DEVELOPMENT AUTHORITY
D/B/A INVEST ATLANTA and
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ATLANTA, ATLANTA BELTLINE, INC., AND NORFOLK SOUTHERN RAILWAY
COMPANY FOR EXTENSION OF TIME TO RESPOND TO BOARD DIRECTIVE**

The Atlanta Development Authority, d/b/a Invest Atlanta (“The Authority”), Atlanta BeltLine, Inc. (“ABI”) and Norfolk Southern Railway Company (“NSR”), jointly submit this Request for Extension of Time to address issues raised in the Board’s decision of December 15, 2016, in the above-captioned proceeding. Because the relief requested will not prejudice the interests of any party or any participant in this proceeding, The Authority, ABI and NSR respectfully request the Board to extend the time for filing the documents required in the December 15 Decision, by thirty days, to February 16, 2017.

In order to remove limitations on NSR’s latitude to exercise its common carrier freight obligations on an approximately 1,375-foot long portion of the subject rail segment, from milepost 632.84 to milepost 633.10, that had been imposed prior to The Authority’s and ABI’s acquisition of the line, the Board instructed The Authority and ABI to either: (a) seek retroactive authority for acquisition of control of common carrier operations on the line; or (b) amend the relevant transaction documents in order to remove limitations on NSR’s ability to determine when to seek abandonment. In the latter instance, the Board’s order further required The

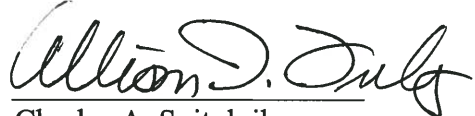
Authority and ABI to file copies of the documents at the Board within 30 days of the Board's decision. *The Atlanta Development Authority d/b/a Invest Atlanta and Atlanta BeltLine, Inc. – Verified Petition for a Declaratory Order*, STB Docket No. FD 35991 (Service Date Dec. 15, 2016), slip op. at 9. A copy of such corrective documentation would accordingly be due at the Board no later than January 17, 2017.¹

The Authority, ABI and NSR have mutually agreed to prepare a deed to remove language limiting NSR's ability to provide common carrier service, and have been coordinating in good faith to draft, execute, and record a deed to effect the required revision. However, because of the absence of persons necessary to this effort at times during the year-end holidays, The Authority, ABI and NSR have not been able until now to finalize and record the amended deed.

Accordingly, The Authority, ABI and NSR respectfully request this Board to extend the time to file the deed at the Board by thirty (30) days, to February 16, 2017.


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Counsel for The Atlanta Development
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and Atlanta BeltLine, Inc.

Dated: January 13, 2017

¹ Thirty days following the Board's decision is Saturday, January 14, 2017. Because Monday, January 16 is a federal holiday, the movants here believe that the due date for submission of the required documentation is Tuesday, January 17, 2017.

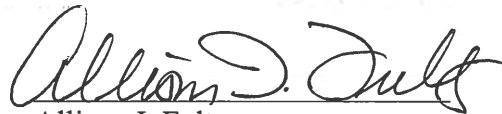
**Before the
Surface Transportation Board
Washington, D.C.**

Finance Docket No. 35991

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January 2017, I have caused a copy of the foregoing Request of The Atlanta Development Authority, Atlanta Beltline, Inc. and Norfolk Southern Railway Company to Extend Time to be served upon the following individuals via first class mail, postage prepaid:

R. Kyle Williams
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