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February 19, 2021

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

Submitted via e-filing

Re: STB Finance Docket No. 36485, *City of Atlanta, Georgia—Petition for Preliminary Injunction and Petition for Declaratory Order—Norfolk Southern Corporation*

Dear Ms. Brown:

I have attached the City of Atlanta, Georgia's Reply to the Motion to Dismiss filed by Norfolk Southern Corporation in the above-captioned proceeding.

Thank you very much for your attention to this matter.

Yours very truly,



Charles A. Spitulnik
Counsel for the City of Atlanta, Georgia

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36485

**CITY OF ATLANTA, GEORGIA—
PETITION FOR PRELIMINARY INJUNCTION AND PETITION FOR
DECLARATORY ORDER—
NORFOLK SOUTHERN CORPORATION**

REPLY TO MOTION TO DIMISS

*Communications with respect to this
document should be directed to:*

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Dated: February 19, 2021

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36485

**CITY OF ATLANTA, GEORGIA—
PETITION FOR PRELIMINARY INJUNCTION AND PETITION FOR
DECLARATORY ORDER—
NORFOLK SOUTHERN CORPORATION**

REPLY TO MOTION TO DISMISS

The City of Atlanta (City) hereby files this reply to Norfolk Southern Corporation's (NS) Motion to Dismiss the Petition for Preliminary Injunction and Petition for Declaratory Order proceeding that the City initiated on February 12, 2021. NS's filing indicates that it has terminated its plans to construct a rail transfer facility at 3195 Brick Plant Road, Atlanta, Georgia the site also known as "Chattahoochee Brick." NS Motion to Dismiss, 1. Accordingly, the proceeding is moot. The City of Atlanta respectfully requests that the Board grant NS's Motion to Dismiss without prejudice.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February 2021, I have caused a copy of the foregoing Reply to Motion to Dismiss of the City of Atlanta to be served upon the following individuals via e-mail and first-class U.S. mail.

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Dated: February 19, 2021