

246001
246003

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
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ENTERED
Office of Proceedings
June 26, 2018
Part of
Public Record

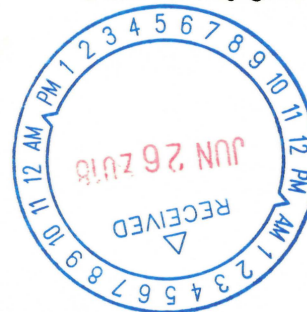
CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

June 26, 2018

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: Tennessee, Alabama & Georgia Railway Company – Discontinuance of Service Exemption – In Walker County, GA, AB-290 (Sub-No. 401X); Chattooga & Chickamauga Railway Company – Discontinuance of Lease and Trackage Rights Operations Over Lines – In Walker County, GA and Hamilton County, TN, AB-1058X

Dear Ms. Brown:

Enclosed are an original and eleven copies of a jointly-filed verified notice of exemption ("Notice") pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, to permit Tennessee, Alabama & Georgia Railway Company ("TAG") to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hedges, GA) in Walker County, GA; and, Chattooga & Chickamauga Railway Company ("CCKY") to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and the Alabama Great Southern Railroad Company ("AGS") extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hedges, GA) in Hamilton County, TN and Walker County, GA; and, to discontinue overhead trackage rights held by CCKY over the following connecting lines: (1) AGS's line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp Yard in Chattanooga, TN, a distance of 1.6 miles; (2) Central of Georgia Railroad Company's ("COG") line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, over TAG between MP TA 3.94 (at the north end of the Hedges Line) and MP TA 3.39 (at TAG's connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN (collectively, the "Line") located in Hamilton County, TN. The Line traverses United States Postal Zip Code territories 30725, 30707, 37407, 37408, 37409 and 37410. There have been no customers on the Line proposed for discontinuance 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

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June 26, 2018
SURFACE
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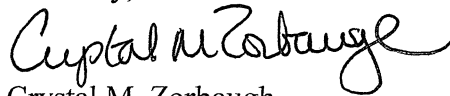
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June 26, 2018
SURFACE
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BAKER & MILLER PLLC

Cynthia T. Brown, Chief
June 26, 2018
Page 2 of 2

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 two filing fee checks totaling \$8,200.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com or William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



Crystal M. Zorbaugh

Attorney for Tennessee, Alabama & Georgia Railway
Company and Chattooga & Chickamauga Railway Company

Enclosures

cc: Greg E. Summy
Laura Hoag
Scott Plum
Eric Hocky

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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRACKAGE RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

**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**

June 26, 2018

***This Filing Contains Color**

**Attorneys for Tennessee, Alabama & Georgia
Railway Company and Chattooga &
Chickamauga Railway Company**

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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRUCKAGE RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

Tennessee, Alabama & Georgia Railway Company ("TAG), a wholly owned subsidiary of Norfolk Southern Railway Company and Chattooga & Chickamauga Railway Company ("CCKY")¹ hereby jointly submit 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 (1) TAG to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hedges, GA) in Walker County, GA; (2) CCKY to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and the Alabama Great Southern Railroad Company ("AGS") extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hedges, GA) in Hamilton County, TN and Walker County, GA; and (3) for CCKY to discontinue overhead trackage rights it holds over the following connecting lines: (a) AGS's line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp

¹ TAG and CCKY are referred to collectively as "Railroads."

Yard in Chattanooga, TN, a distance of 1.6 miles; (b) Central of Georgia Railroad Company's ("COG") line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, (c) TAG's rail line between MP TA 3.94 (at the north end of the Hedges Line) and MP TA 3.39 (at TAG's connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN (collectively, the "Line") located in Hamilton County, TN.

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

Certification: 49 C.F.R. § 1152.50(b)

TAG certifies that the Line satisfies the criteria for discontinuance under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of Robert Lewis, General Manager of Southern Region for Norfolk Southern Railway Company ("NS") (attached hereto as part of Exhibit A). Similarly, CCKY certifies that, with respect to its operations, the Line satisfies the criteria for its discontinuance of service under the class exemption procedures at 49 C.F.R. part 1152, subpart F. See Certification of James Irvin, President of CCKY (also attached hereto as part of Exhibit A). During the past two years, neither TAG nor CCKY has provided local or overhead common carrier service over the Line, nor have the Railroads received any requests for common carrier service over it. 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 discontinuances will be consummated on or after August 15, 2018 (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 applicants (49 C.F.R. § 1152.22(a)(1)):

Tennessee, Alabama & Georgia Railway Company and Chattooga & Chickamauga Railway Company

Whether applicants are common carriers by railroad (49 C.F.R. § 1152.22(a)(2)):

Railroads are common carriers by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

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

Pursuant to this joint notice of exemption, (1) TAG seeks to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hedges, GA) in Walker County, GA; (2) CCKY seeks to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and AGS extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hedges, GA) in Hamilton County, TN and Walker County, GA; and (3) CCKY seeks to discontinue overhead trackage rights it holds over the following connecting lines: (a) AGS's line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp Yard in Chattanooga, TN, a distance of 1.6 miles; (b) COG line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, (c) TAG's rail line between MP TA 3.94 (at the north end of the Hedges Line) and MP TA 3.39 (at TAG's connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN, located in Hamilton County, TN.

Map (49 C.F.R. § 1152.22(a)(4)):

Detailed maps showing the location of the Line are attached hereto as Exhibit B.²

Applicants' representatives (49 C.F.R. § 1152.22(a)(7)):

The representatives of the Railroads to whom correspondence regarding these proceedings 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 traverses portions of the following United States Postal Zip Codes: 30725, 30707, 37407, 37408, 37409 and 37410.

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

The informational requirement of section 1152.22(e)(4) (alternative public uses of rail property) appears to be pertinent only where the railroad proposes to **abandon** rail property.³ Here, the Railroads seek to **discontinue service** over the Line, and TAG, the owner of the involved rail

² The overhead trackage rights that CCKY seeks to discontinue are denoted in yellow on Exhibit B, Map 3. CCKY also holds overhead trackage rights over a COG line extending from MP C-445.4 (at the north end of the Lyerly Line) to MP C-447.2, which CCKY uses in connection with a lease it holds over the COG Line. CCKY is not discontinuing these overhead trackage rights, which are denoted in green on Exhibit B, Map 3.

³ See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – in Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X), slip op. at 2 n.2 (STB served July 3, 2007) (“CAGY-Greenwood”) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company—Discontinuance Exemption—in Mahoning County, OH, STB Docket No. AB-290 (Sub-No. 292X), slip op. at 2 n.2 (“NS-Mahoning”) (STB served March 15, 2007) (same); Chillicothe-Brunswick Rail Maintenance Authority—Discontinuance Exemption—in Livingston, Linn, and Chariton Counties, MO, STB Docket No. AB-1001X, slip op at 2 n.3 (“CBRA-Livingston”) (STB served Feb 23, 2007) (same).

line has no current plans to abandon any portion of the Line. If TAG decides to abandon any portion of the Line at a future date, it will seek appropriate authority from the Board at that time and fully respond as to whether there are alternative public uses of rail property. For this reason TAG, as owner of the Line, has no opinion on whether or not the subject rail property might be appropriate for use for other public purposes.

Although of questionable relevance here (because the proposed action does not entail abandonment of a rail line), TAG nevertheless states as follows: based upon the information in its possession, TAG is unaware of any condition that would affect the transfer of title to or the use of the railroad right-of-way for other than rail purposes. As appropriate, TAG is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

The interests of any railroad employees who may be adversely affected by the proposed discontinuances of service will be adequately protected by the labor protective conditions 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. For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is inapplicable here.

Environmental and Historic Report

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad that has been out of service for more than two years does not require the preparation or submission of an Environmental and/or Historic Report.⁴

Respectfully submitted,



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

June 26, 2018

Attorneys for Tennessee, Alabama & Georgia
Railway Company and Chattooga & Chickamauga
Railway Company

⁴ See, e.g., Everett Railroad Company – Discontinuance of Service Exemption – in Blair County, PA, STB Docket No. AB-721X slip op. at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment, . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); CAGY-Greenwood at 2 n.2 (same); NS-Mahoning at 2 n.2 (same); CBRA-Livingston at 2 n.3 (same).

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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRackage RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

EXHIBIT A

**TAG CERTIFICATION AND CCKY
VERIFICATION & CERTIFICATION**

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

R. A. Lewis makes oath and says that he is General Manager Southern Region for Norfolk Southern Railway Company (NSR), parent company of Tennessee, Alabama and Georgia Railway Company; that the rail line between Mileposts TA 6.3 and TA 23.1, over which service is to be discontinued, 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.

Robert A. Lewis

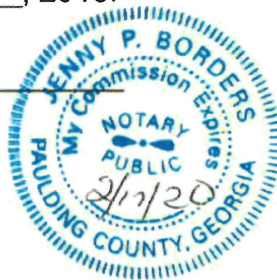
R. A. Lewis

Subscribed and sworn to before me
this 2nd day of May, 2018.

Jenny P. Borders
Notary Public

My commission expires:

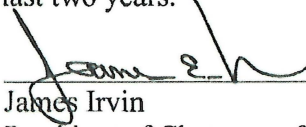
2/17/2020



STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

Additionally, I hereby make oath that certain connecting overhead trackage rights, including: trackage rights over the Alabama Great Southern Railroad Company (“AGS”) between milepost G-2.66 at a connection with Tennessee, Alabama & Georgia Railway Company (“TAG”) and milepost G-1.02 at the north end of Shipp Yard in Chattanooga, TN; over the Central of

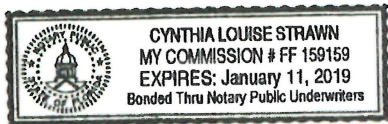
Georgia Railroad Company between milepost C-445.4 and its connection with TAG at milepost TA 3.94; and over TAG between milepost TA 3.94, at the north end of the Hedges Line and milepost TA 3.39, at TAG's connection with AGS (collectively, "CCKY Trackage Rights") which CCKY seeks to discontinue, is subject to my supervision and direction; that no local traffic is permitted or has moved pursuant to the CCKY Trackage Rights for at least two years, any CCKY overhead traffic formerly handled pursuant to the CCKY Trackage Rights can be and has been rerouted over other lines; and no formal complaint filed by a user of CCKY Trackage Rights (or a state or local government entity acting on behalf of such user) regarding cessation of service over the CCKY Trackage Rights either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years.


James Irvin
President of Chattooga & Chickamauga
Railway Company

SUBSCRIBED AND SWORN TO before me this 11th day of June, 2018.


Cynthia L. Strawn
Notary Public

My Commission Expires: January 11, 2019



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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRACKAGE RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

EXHIBIT B

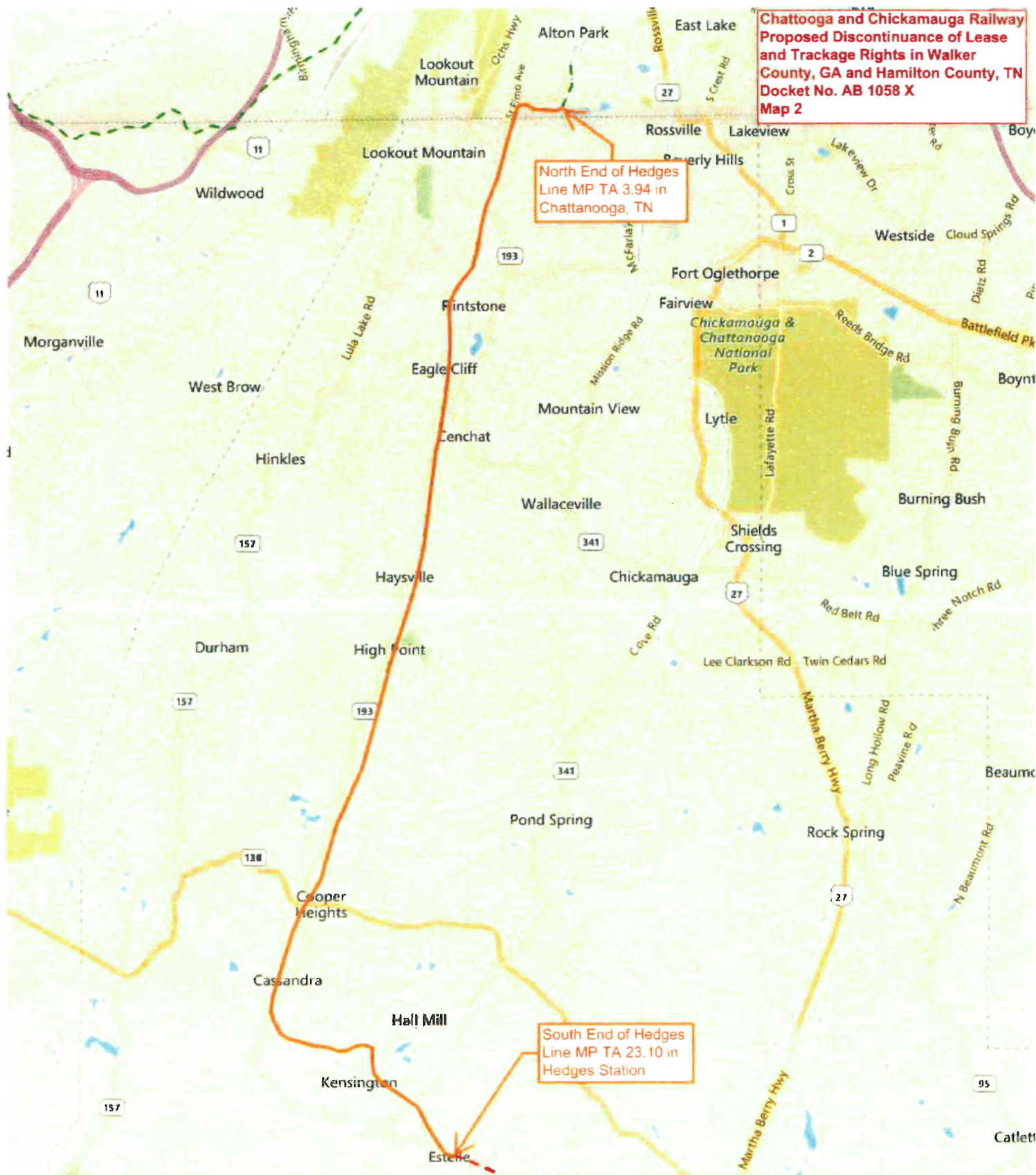
MAPS

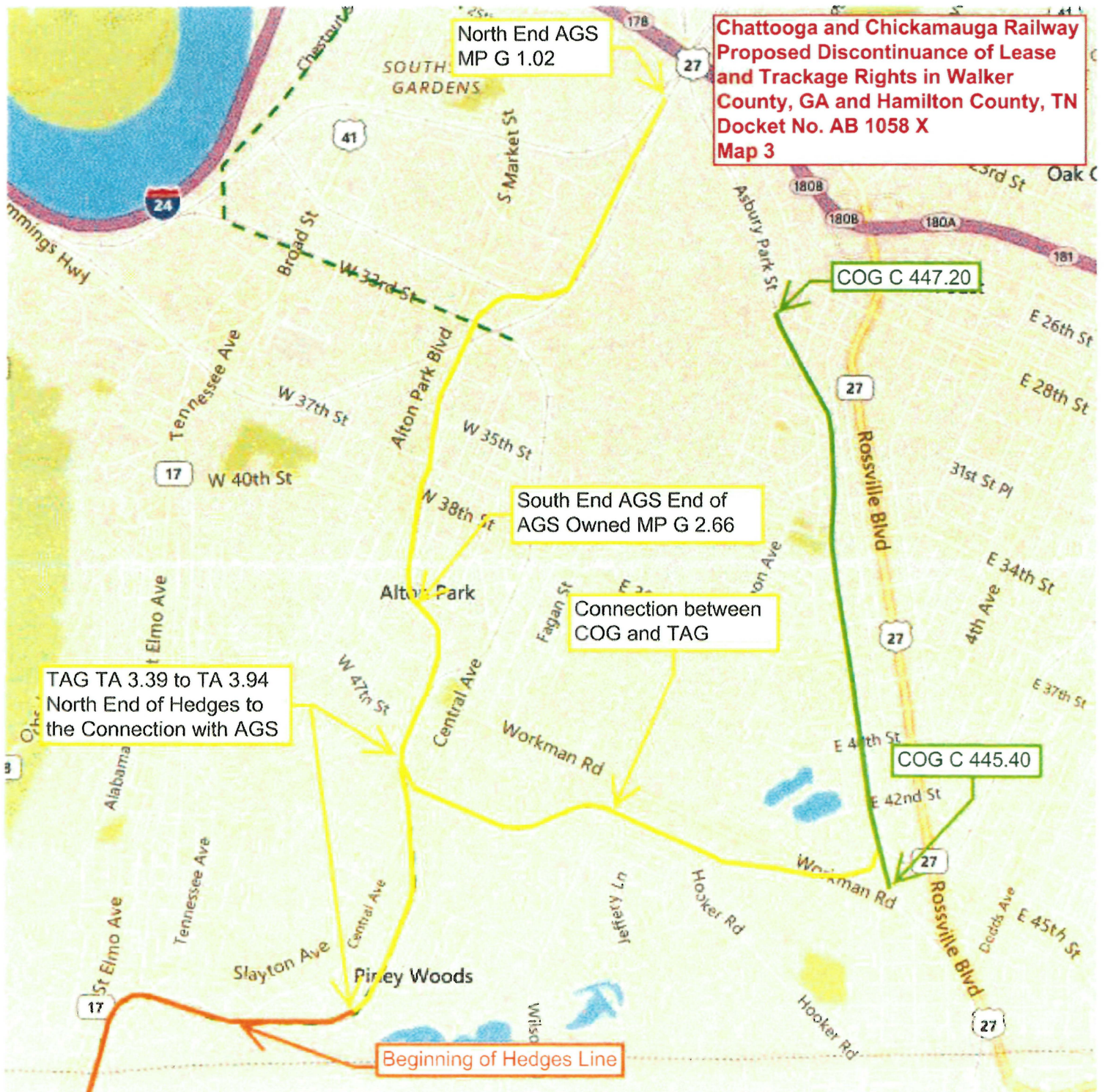


North End of Discontinuance
Flintstone, GA
MP TA 6.3

**Tennessee, Alabama & Georgia
Railway Company
Discontinuance of Service Exemption
Docket No. AB-290 (Sub-No. 401X)
Map 1**

South End of Discontinuance
Hedges, GA
MP TA 23.1





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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRACKAGE RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

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 June 1, 2018, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of TAG and CCKY to invoke the Board's notice of exemption procedures for (1) TAG to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hedges, GA) in Walker County, GA; (2) CCKY to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and the AGS extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hedges, GA) in Hamilton County, TN and Walker County, GA; and (3) CCKY to discontinue overhead trackage rights it holds over the following connecting lines: (a) AGS's line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp Yard in Chattanooga, TN, a distance of 1.6 miles; (b) COG line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, (c) TAG's rail line between MP TA 3.94 (at the north end of the Hedges Line) and MP TA 3.39 (at TAG's connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN, located in Hamilton County, TN. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission(s)

Tennessee Department of Transportation
Attn: Rick Beals, Rail Inspection Manager
James K. Polk Bldg. Suite 700
505 Deaderick Street,
Nashville, TN 37243

Georgia Department of Transportation
One Georgia Center
600 West Peachtree NW
Atlanta, Georgia 30308

Tennessee Public Utility Commission
502 Deaderick Street 4th Floor,
Nashville, TN 37243

Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

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

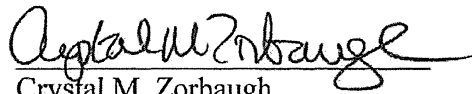
The National Park Service, Recreation Resources Assistance Division

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

National Forest System Staff
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

June 26, 2018

A handwritten signature in black ink, appearing to read "Crystal M. Zorbaugh", written over a horizontal line.

Crystal M. Zorbaugh

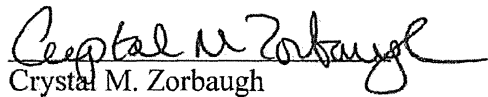
Attorney for Tennessee, Alabama & Georgia Railway Company
and Chattooga & Chickamauga Railway Company

Certificate of Newspaper Publication

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

I certify that a “Joint Notice of Intent to Discontinue Rail Service” was published in the form prescribed by the Board for discontinuance notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on June 6, 2018, in the Chattanooga Times Free Press, a newspaper of general circulation in Hamilton County, TN and Walker County, GA. Attached is an affidavit of publication and tear sheet from the Chattanooga Times Free Press.

June 26, 2018



Crystal M. Zorbaugh
Attorney for Tennessee, Alabama & Georgia Railway Company
and Chattooga & Chickamauga Railway Company



Account #: 25399
Company: BAKER & MILLER PLLC
Client:
Ad number: 104620
PO#:
Note:

AFFIDAVIT • STATE OF TENNESSEE • HAMILTON COUNTY

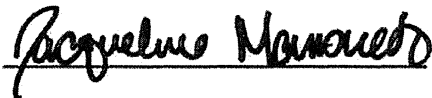
Before me personally appeared Jim Stevens, who being duly sworn that he is the Legal Sales Representative of the CHATTANOOGA TIMES FREE PRESS, and that the Legal Ad of which the attached is a true copy, has been published in the above named newspaper and on the corresponding newspaper website on the following dates, to-wit:

Chattanooga Times Free Press: 06/06/18; TimesFreePress.com: 06/06/18.

And that there is due or has been paid the CHATTANOOGA TIMES FREE PRESS for publication the sum of \$320.70. (Includes \$10.00 Affidavit Charge).



Sworn to and subscribed before me this date: 06/11/2018



My Commission Expires 03/07/2021



— Chattanooga —
Times Free Press

400 EAST 11TH ST
CHATTANOOGA, TN 37403

**NOTICE OF INTENT TO
DISCONTINUE RAIL SERVICE**
STB Docket Nos. AB-290 (Sub-No.
401X) and AB-1058X

Tennessee, Alabama & Georgia Railway Company ("TAG"), a wholly owned subsidiary of Norfolk Southern Railway Company and Chattooga & Chickamauga Railway Company ("CCKY") hereby give notice that on or about June 11, 2018, they intend to jointly file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to 49 C.F.R. Part 1152 Subpart F — Exempt Abandonments and Discontinuances of Service and Trackage Rights, permitting (1) TAG to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hodges, GA) in Walker County, GA; (2) CCKY to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and the Alabama Great Southern Railroad Company ("AGS") extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hodges, GA) in Hamilton County, TN and Walker County, GA; and, (3) CCKY to discontinue overhead trackage rights held by CCKY over the following connecting lines: (a) AGS's line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp Yard in Chattanooga, TN, a distance of 1.6 miles; (b) Central of Georgia Railroad Company's line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, (c) over TAG between MP TA 3.94 (at the north end of the Hodges Line) and MP TA 3.39 (at TAG's connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN located in Hamilton County, TN (collectively, the "Line"). The Line traverses United States Postal Zip Code territories 30725, 30707, 37407, 37408, 37409 and 37410. There have been no customers on the Line proposed for discontinuance for over two years. The interrelated proceedings will be docketed as AB-290 (Sub-No. 401X) for TAG and AB-1058X for CCKY.

The proposed action entails the discontinuance of rail service over the Line for which further Board approval would be required to abandon service on the Line. Accordingly, this proceeding is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b), and the Board will not prepare an environmental assessment.

Appropriate offers of financial assistance ("OFA") to continue rail service under a subsidy can be filed with the Board. Because the proposed action is for the discontinuance of service over, but not the abandonment of the Line, requests for public use conditions and rail banking/trails will not be accepted. An original and 10 copies of any pleading in response to the proposed discontinuance of service (such as offers of financial assistance) 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 TAG and CCKY's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding OFA or other such matters 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 TAG and CCKY's representative: Crystal M. Zorbaugh, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WALKER COUNTY, GEORGIA**

AB-1058X

**CHATTOOGA & CHICKAMAUGA RAILWAY COMPANY
– DISCONTINUANCE OF LEASE AND TRACKAGE RIGHTS OPERATIONS
OVER LINES – IN WALKER COUNTY, GA AND HAMILTON COUNTY, TN**

JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

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

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 401X)]

[AB-1058X]

Tennessee, Alabama & Georgia Railway Company – Discontinuance of Service Exemption – In Walker County, GA;

Chattooga & Chickamauga Railway Company – Discontinuance of Lease and Trackage Rights Operations Over Lines – In Walker County, GA and Hamilton County, TN,

On June 26, 2018, Tennessee, Alabama & Georgia Railway Company (“TAG”) and Chattooga & Chickamauga Railway Company (“CCKY”) (collectively, “Railroads”) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments for (1) TAG to discontinue service over approximately 16.8 miles of rail line extending from MP TA 6.3 (at or near Flintstone, GA) to MP TA 23.1 (at or near Hedges, GA) in Walker County, GA; (2) CCKY to discontinue its lease of approximately 19.20 miles of rail line owned by TAG and the Alabama Great Southern Railroad Company (“AGS”) extending from MP TA 3.94 (at Chattanooga, TN) to MP TA 23.1 (at Hedges, GA) in Hamilton County, TN and Walker County, GA; and (3) CCKY to discontinue overhead trackage rights it holds over the following connecting lines: (a) AGS’s line between MP G-2.66 at a connection with TAG and MP G-1.02 at the north end of Shipp Yard in Chattanooga, TN, a distance of 1.6 miles; (b) Central of Georgia Railroad Company’s (“COG”) line between MP C-445.4 and its connection with TAG at MP TA 3.94, a distance of approximately 1.5 miles, all in Chattanooga, TN; and, (c) TAG’s rail line between MP TA 3.94 (at the north end of the Hedges Line) and MP TA 3.39 (at TAG’s connection with AGS), a distance of approximately 0.55 miles, all in Chattanooga, TN located in

Hamilton County, TN (collectively, the "Line"). The Line is located in in Hamilton County, TN and Walker County, GA. The Line traverses United States Postal Zip Code territories 30725, 30707, 37407, 37408, 37409 and 37410.

Railroads have 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 applicable requirements at 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 discontinuances 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) to continue rail service under a subsidy has been received, this exemption will be effective on August __, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service

under 49 C.F.R. § 1152.27(c)(2) must be filed by _____.⁵ Petitions to reopen must be filed by _____, 2018, 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 Railroads' representative: Crystal M. Zorbaugh, 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.

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

Decided: _____, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings

⁵ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25). Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

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

AB-290 (Sub-No. 401X)

**TENNESSEE, ALABAMA & GEORGIA RAILWAY COMPANY
– DISCONTINUANCE OF SERVICE EXEMPTION –
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AB-1058X

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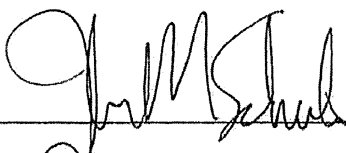
JOINT VERIFIED NOTICE OF EXEMPT DISCONTINUANCE

VERIFICATION

Verification

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

Executed this 5th day of May, 2018



John M. Scheib
Vice President