



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
Senior General Attorney

Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

April 21, 2009



Ms. Karen Anderson-Cordova
Georgia Department of Natural Resources
Historic Preservation Division
34 Peachtree Street, NW
Suite 1600
Atlanta, GA 30303-2316

Re: HP-080804-007; Reference HP-080729-001
STB Docket No. AB-290 (Sub. No. 210X), Norfolk Southern Railway
Company – Abandonment Exemption - In Fulton County, Georgia

Dear Ms. Anderson-Cordova:

In a decision served January 21, 2009, the Surface Transportation Board ("STB") ordered that the exemption of the abandonment of Norfolk Southern Railway Company's ("NSR's") 4.30-mile line of railroad between milepost DF 633.10 and milepost DF 637.40, in Atlanta, Fulton County, GA be subject to the condition "that NSR retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA has been completed, report back to SEA regarding any consultations with the SHPO and the public, and not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition."

In a separate decision served on the same date, the STB stayed the effective date of the exemption pending disposition of certain motions and proceedings filed by the Georgia Department of Transportation and Amtrak. Upon settlement of the issues raised by Georgia DOT and Amtrak among the various governmental parties interested in the matter, the STB vacated the stay in a decision served April 10, 2009.

As noted by the STB in the April 10, 2009 decision, the Atlanta Development Authority ("Authority") is the record owner of the property underlying the right-of-way. The Authority is also the redevelopment agent for the BeltLine Tax Allocation District of the City of Atlanta, which is the primary local funding source for the BeltLine project. The BeltLine project is a proposed comprehensive economic development project that combines transit, green space, trails, and new commercial, residential, and public facility development along a 22-mile ring of former and current rail lines that encircle Atlanta's core. The Atlanta BeltLine, Inc. ("ABI") was created by the Authority to be the implementation agent for the BeltLine project. The property initially was acquired for the Authority by Northeast Corridor Partners, LLC, a subsidiary of ABI, and subsequently transferred to the Authority. ABI is now managing the process of developing the Atlanta BeltLine project.

In your letters to NSR's Marcellus Kirchner and to the STB, dated September 3, 2008, you acknowledged that the subject railroad right-of-way is intended to be used as part of the Atlanta BeltLine project, the proposed comprehensive economic development project noted above.

In a letter dated April 14, 2009, on behalf of the Authority, ABI confirmed to you that following the approval of the abandonment, NSR has no right to make and will make alterations to the right-of-way corridor and will take no action that will in any way disturbs the corridor or any historic structures that may be located on or adjacent to it. ABI further confirmed that, as part of the environmental and historic review of the proposed development of the BeltLine it is working closely with the Historic Preservation Division ("HPD") to address any questions or issues that HPD might have as a result of the plans for development of that project. ABI committed to you that it would take no steps to alter the historic integrity of any historic properties including sites, buildings, structures and objects within the corridor right-of-way eligible for listing or listed in the National Register of Historic Places without consulting with HPD. The Authority and ABI, the sole entities who would potentially propose any changes to the Corridor, noted that they are already working closely with HPD to address concerns over historic preservation in connection with the development of the BeltLine.

Completion of the pending NSR abandonment is a step that must precede any development planning or activity by the Authority or ABI. NSR must consummate or exercise the abandonment authority to complete this process. NSR can only do this upon removal of the Section 106 historic preservation process condition imposed in the STB's January 21, 2009 decision. The STB's undertaking pursuant to 36 C.F.R. Part 800 would consist solely of the grant of abandonment authority to NSR. Accordingly, the STB's action would not cause any physical alterations to the right-of-way corridor. Any such alterations that might later occur would result from development efforts by the Authority and ABI, and consultation with respect to such activities has already begun.

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As a result, NSR concurs with the Authority's and ABI's belief that the STB's obligation to consult with HPD to ensure that measures for identifying, evaluating and addressing historic properties in the right-of-way Corridor pursuant to Section 106 has been satisfied or will be satisfied through the undertakings made by ABI to you in its letter of April 14, 2009.

Therefore, NSR joins in ABI's request that you advise the STB's Section of Environmental Analysis ("SEA") that the Section 106 condition imposed by the STB's January 21, 2009, may be withdrawn. This will enable ABI to proceed with the BeltLine Project without the impediment of any residual NSR interest (operating rights) in the right-of-way corridor and the continuation of the STB's proceeding.

Thank you very much for your attention to this matter. If you have any questions, please do not hesitate to call on the ABI people as indicated in their April 14, 2009 letter to you or to Mr. Kirchner (757 629-2679), Ms. Kathy Headrick (757 629-2889) or me at NSR.

Very truly yours,


James R. Paschall

cc: Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423-0001

Mr. Dave Navecky
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Mr. Charles A. Spitulnik
Ms. Allison I. Fultz
Kaplan Kirsch & Rockwell, LLP
1001 Connecticut Avenue, NW
Suite 800
Washington, DC 20036

Mr. Paul G. Verspermann
Director of Real Estate
Atlanta Beltline Inc.
86 Pryor St. SW, Suite 200
Atlanta, GA 30303