



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

Writer's Direct Dial Number

Direct Dial Number
(757) 629-2759
fax (757) 533-4872



James R. Paschall
Senior General Attorney

216866

June 27, 2005

Via DHL Express

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006

Re: STB Docket No. AB-290 (Sub-No. 273X), The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company - Discontinuance of Service - Between Poydras Jct. and Toca, Saint Bernard Parish, Louisiana - Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket are an original and ten copies of Norfolk Southern Railway Company's Verified Notice of Exemption. Also, enclosed is a check in the amount of \$3,100 for the filing fee.

Please acknowledge receipt of this filing on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

FILED

JUN 28 2006

Yours very truly,

James R. Paschall

Enclosures

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JUN 28 2006

Part of
Public Record

FEE RECEIVED

JUN 28 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 273X)

THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY

-- DISCONTINUANCE OF SERVICE EXEMPTION --

BETWEEN POYDRAS JCT. AND TOCA,
SAINT BERNARD PARISH, LOUISIANA

VERIFIED NOTICE OF EXEMPTION

James R. Paschall
Senior General Attorney
The Alabama Great Southern Railroad
Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

Attorney for
The Alabama Great Southern Railroad
Company

Dated: June 27, 2006

Before the
Surface Transportation Board

Docket No. AB-290 (Sub-No. 273X)

The Alabama Great Southern Railroad Company

-- Discontinuance of Service Exemption --

Between Poydras Jct. and Toca,
Saint Bernard Parish, Louisiana

Verified Notice of Exemption

COMES NOW The Alabama Great Southern Railroad Company ("AGS"), a wholly owned subsidiary of Norfolk Southern Railway Company ("NSR"), and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for the discontinuance of service over its line of railroad lying between Milepost 0.00 PT at Poydras Jct. and Milepost 4.50 PT at Toca, in Saint Bernard Parish, Louisiana (the "Line").

Pursuant to the Board's regulations codified at 49 CFR §1152.50, NSR states as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

As the attached certificate of NSR General Manager G. R. Comstock confirms,

no traffic has originated, terminated or moved overhead on this line segment for at least two years, and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

Consummation Date - §1152.50(d)(2)

The effective date of the discontinuance of service over the AGS Line between Milepost 0.00 PT at Poydras Jct. and Milepost 4.50 PT at Toca, Saint Bernard Parish, Louisiana, will be August 17, 2006.

General Corporate Information - §1152.22(a)(1-2) and (7)

The full name of the party filing this Notice of Exemption is The Alabama Great Southern Railroad, an Alabama corporation and a wholly owned subsidiary of Norfolk Southern Railway Company, a Virginia corporation. AGS is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. AGS's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

James R. Paschall
Senior General Attorney
The Alabama Great Southern Railroad Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)

The relief sought is an exemption for AGS's discontinuance of service over the Line. The Line for which the discontinuance of service exemption is sought consists of 4.50 miles of track between Milepost 0.00 PT at Poydras Jct. and Milepost 4.50 PT at

Toca, Saint Bernard Parish, Louisiana. A map showing the line over which service is to be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 70085, and includes the stations of Poydras Jct., LA and Toca, LA.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

Because this is a discontinuance of service proceeding and not an abandonment proceeding, there is no need to provide an opportunity for trail use/rail banking or public use condition requests.¹ Thus, this item is not relevant to the exemption sought in this docket.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of AGS, the Line does not contain federally-granted rights-of-way. Any documentation in AGS's possession will be made available promptly to those requesting it.

Labor Protection - §1152.50(d)(2)

Since the Line has been out of service for over two years, AGS believes no employees will be adversely affected by the discontinuance of service over this Line. However, as a condition to the grant of the exemption and exercise of the discontinuance permitted in this matter, AGS will accept the imposition of standard labor

¹Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11

Because this is a discontinuance of service proceeding and not an abandonment proceeding, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 49 CFR 1105.8 and no transmittal letter is required under 49 CFR 1105.11². Further STB approval is required for AGS to abandon the Line.

Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification indicates, AGS certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.

Offers of Financial Assistance

Because this is a discontinuance proceeding and not an abandonment proceeding, the Board need not consider offers of financial assistance (OFAs) to acquire the line for continued rail service.³

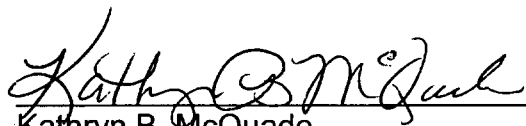
For the foregoing reasons, AGS states that the proposed discontinuance of service over the subject rail Line is exempt from the prior approval requirements of 49

²Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

³See STB Docket No. AB-55 (Sub-No. 641X), *CSX Transportation Inc. -*

U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Kathryn B. McQuade', written over a horizontal line.

Kathryn B. McQuade

Vice President

The Alabama Great Southern Railroad
Company

Of Counsel:

James R. Paschall
Senior General Attorney
The Alabama Great Southern Railroad Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for The Alabama Great Southern Railroad Company

Dated: June 27, 2006

Discontinuance Exemption in Knox County, TN, served January 2, 2004.

CERTIFICATION

STATE OF GEORGIA :

ss:

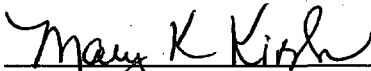
CITY OF ATLANTA :

G. R. Comstock makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the line between milepost 0.00 PT at Poydras Junction, Louisiana, and milepost 4.50 PT at Toca, Louisiana, 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.



G. R. Comstock

Subscribed and sworn to before me
this 6th day of June, 2006.



Notary Public

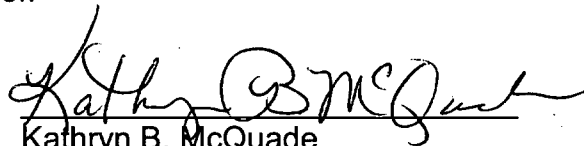
My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires June 9th 2008

VERIFICATION

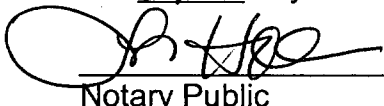
COMMONWEALTH OF VIRGINIA :
SS:
CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Vice President of The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 273X) on behalf of The Alabama Great Southern Railroad Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.



Kathryn B. McQuade
Vice President
The Alabama Great Southern Railroad Company

Subscribed and sworn to before me
this 21st day of June, 2006.



Notary Public

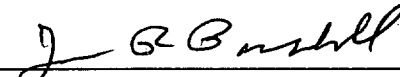
My commission expires:

November 30, 2009

[SEAL]

CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to discontinue rail service was published in *The Times Picayune*, New Orleans, Louisiana, on June 2, 2006, (see Exhibit 2); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 3).

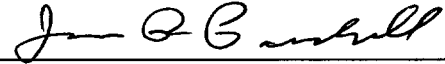


James R. Paschall

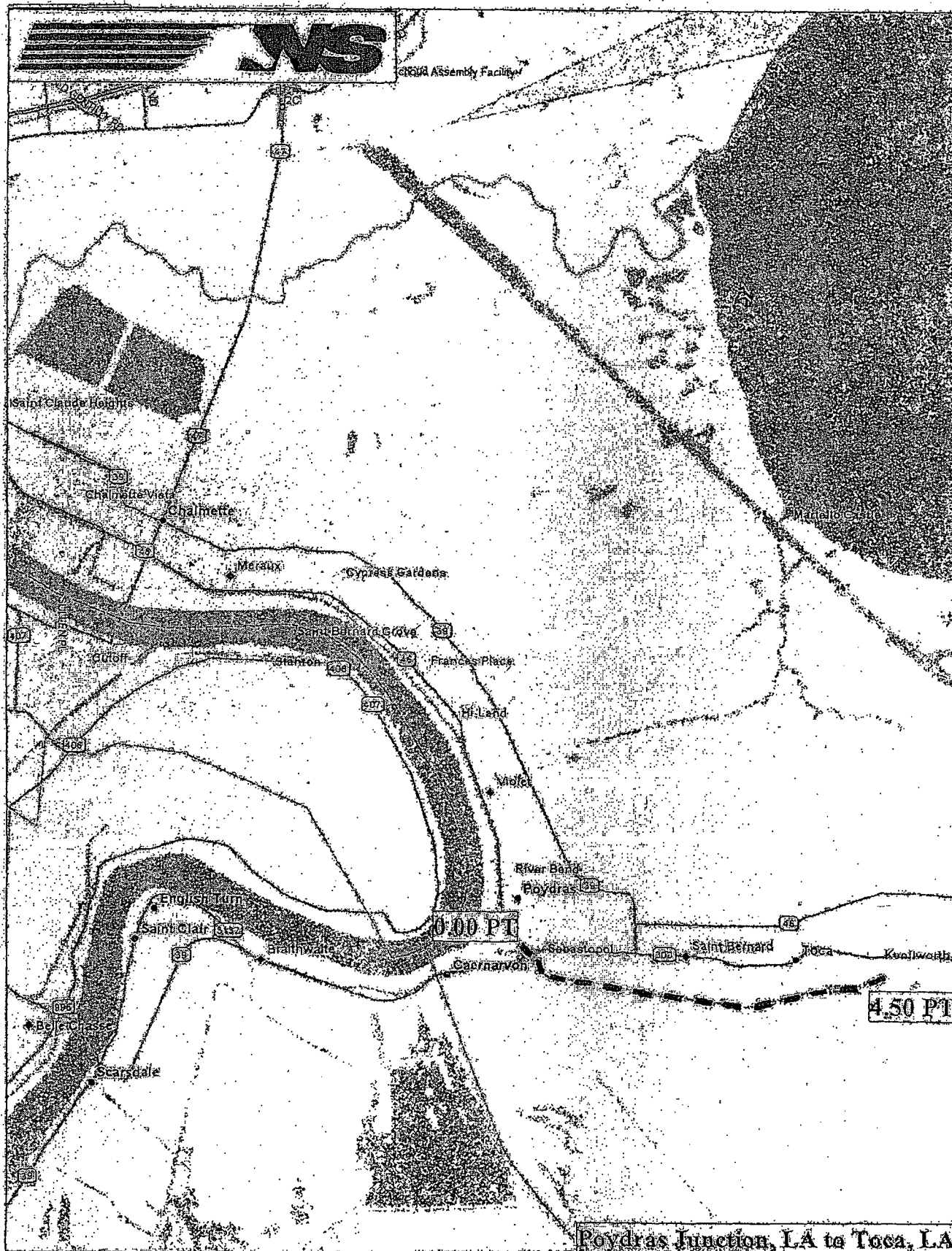
Dated: June 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Chairman, Louisiana Public Service Commission; Johnny B. Bradberry, Secretary, Louisiana Department of Transportation; U. S. Department of Agriculture, Chief of the Forest Service; Regional Director, National Park Service; Jan Matthews, Associate Director, U. S. Department of the Interior-National Park Service; and, the United States Department of Defense (MTMCTEA); on June 27, 2006, by first class mail, postage prepaid.



James R. Paschall



The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE
The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company, gives notice that on or about June 28, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the discontinuance of service over a 4.50-mile line of railroad between milepost 0.00 PT at Poydras Jct., and milepost 4.50 PT at Toca, which traverses through United States Postal Service ZIP Code 70085, and includes the stations of Poydras Jct., LA and Toca, LA, in Saint Bernard Parish, Louisiana. The proceeding will be docketed as No. AB-290 (Sub-No. 273X).
Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. However, because this is a discontinuance of service proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required under 49 CFR 1105.6(c) and 1105.8. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Persons seeking further information concerning discontinuance procedures, offers of financial assistance, public use or trails use may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS), at 1-800-877-8339. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached **LEGAL NOTICE**

Re: Notice of intent to Discontinue Rail Service The Alabama Great Southern Railroad Co. intend to file

Advertisement of Law Dept. Norfolk Southern Corp.

Three Commercial Place 17th Floor
Norfolk, Va. 23510

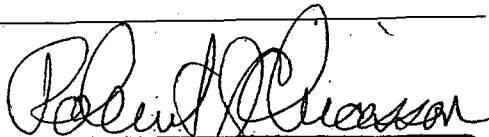
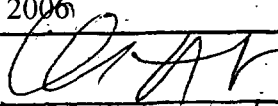
Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates June 2, 22006

14th

Sworn to and subscribed before me this
Day of June, 2006

Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492



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

June 14, 2006

Chairman, Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
P. O. Box 91154
Baton Rouge, LA 70821-9154

Regional Director
National Park Service
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Johnny B. Bradberry, Secretary – Room 3020
Louisiana Department of Transportation
1201 Capitol Access Road
P. O. Box 94245
Baton Rouge, LA 70804-9245

Ms. Jan Matthews, Associate Director
U. S. Department of the Interior-National Park Service
Cultural Resources, Room 3126
1849 C Street, N.W.
Washington, DC 20240

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Ave., SW
Washington, DC 20250-0003

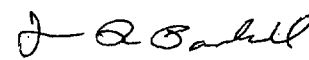
United States Department of Defense
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: STB Docket No. AB-290 (Sub-No. 273X), The Alabama Great Southern Railroad Company,
a wholly owned subsidiary of Norfolk Southern Railway Company –
Discontinuance of Service – Saint Bernard Parish, Louisiana

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), The Alabama Great Southern Railroad Company (AGS), a wholly-owned subsidiary of Norfolk Southern Railway Company (NSR), hereby gives notice that on or about June 28, 2006, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit AGS's discontinuance of service over a 4.5-mile line of railroad lying between milepost 0.00 PT near Poydras Jct. and milepost 4.50 PT near Toca, in Saint Bernard Parish, Louisiana (see attached map). No revenue traffic has originated or terminated or moved overhead on the line for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


James R. Paschall