

# The Decatur Belt

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# The Decatur Belt

## Description of the property

- 4.3 mile line of railroad
- East side of Atlanta (Fulton County)
- Between I-85 (NS) and Decatur St / DeKalb Ave (CSX)

# The Decatur Belt

## Particulars

- Northern “Wye” still active
- Southern connection severed
- Track is inactive
- Joint ownership: NS & City
- NS retained operating easement
- Some sections of track removed
- Distance to MMPT - 1.8 miles



# **GDOT and the Decatur Belt**

## **1992 - Present**

- 1992** MMPT Feasibility Study (ARC)
- 1994** Re-evaluation of the MMPT Feasibility Study
- 1995** MMPT Environmental Assessment (FONSI)
- 2000** Re-evaluation of the MMPT EA (FONSI)
- 2002** Concept 6 Design of MMPT (GDOT/GRPA/GRTA)
- 2004** 1<sup>st</sup> High Speed Rail Study (Macon/Atlanta – Charlotte)
- 2005** Friends of the Belt Line, Ind. (White Paper)
- 2006** GDOT management met with City of Atlanta
- 2008** 2<sup>nd</sup> High Speed Rail Study (Macon/Atlanta – Charlotte)

# Norfolk Southern files for Abandonment

**December 3, 2008**

- **Norfolk Southern filed a notice of exemption to abandon its operations over the Decatur Belt.**
- **Docket No. AB-20 (Sub-No. 210X).**

# **Purpose of NS's Abandonment Filing**

## **To Relinquish a Retained Operating Easement**

- **Norfolk Southern sold the underlying property to a local developer (December of 2004).**
- **The Railroad retained an operating easement over the line.**
- **Local developer sold the property to N.E. Corridor Partners, LLC; a public/private partner of the City of Atlanta.**
- **In accordance with sale documents, N.E. Corridor Partners, LLC, directed the Railroad to seek abandonment.**

# **GDOT's Reasons for Filing against the Abandonment Proceedings**

- **Numerous past studies identified the Decatur Belt as the preferred route into/out of Atlanta.**
- **Abandonment proceedings could result in loss of the use of the Decatur Belt for future passenger rail needs.**
- **If the abandonment is successful, future passenger rail access to the MMPT would be in jeopardy.**
- **Viable options to access the MMPT are limited, especially in regard to current NS and CSX operations.**

# **GDOT's Action**

## **December 15, 2008**

- **Preliminary discussions with AG's Office (and K&L Gates, LLP) to obtain cost estimate for legal representation.**

## **December 23, 2008**

- **Obtained cost proposal from K&L Gates, LLP.**

## **December 24, 2008**

- **Direction provided from Chief Engineer to secured special legal counsel.**

# **GDOT's Action**

## **December 24, 2008**

- **Formal request to employ outside private counsel submitted to Attorney General's Office.**

## **January 2, 2008**

- **GDOT petitions the STB to stop the abandonment process.**
- **GDOT declares the need to develop the line for rail passenger service (commuter, intercity and high-speed rail).**

# Replies to GDOT's Petition to the STB

January 7, 2009

**Atlanta Development Authority & Atlanta BeltLine Inc.**

- **Jointly file a reply to the STB.**
- **Request to intervene and reply to GDOT's petition to stay.**

**Norfolk Southern Railroad**

- **Files a reply to the STB.**
- **Clarification of it's position and to provide additional information.**

# **GDOT Meeting with Atlanta BeltLine, Inc.**

**January 9, 2009**

- **Meeting of GDOT management and ABI.**
- **In attendance was Terri Montague, Commissioner Evans, Dana Lemon, Emory McClinton, and Erik Steavens.**

## **Matters Discussed**

- **GDOT's need for the Decatur Belt (passenger rail and access to MMPT ).**
- **GDOT's desire to co-exist with BeltLine activities.**
- **GDOT's reasons for filing petition with STB (protect its interests).**
- **Agreement to work towards some solutions**

# **Amtrak Petitions the STB**

**January 15, 2009**

- **Amtrak files with the STB to intervene and in support of GDOT's petition to stop the abandonment.**
- **Amtrak indicates abandonment would permanently eliminate critical link / access to planned MMPT.**
- **Amtrak notes the abandonment would thwart the development of intercity corridor and high-speed rail service through Atlanta.**

# **NS / Atlanta Development Authority and Atlanta Beltline, Inc. Reply to Amtrak's Filing**

**January 16, 2009**

- **Norfolk Southern replies to Amtrak's petition to intervene in support of GDOT's request**
- **Atlanta Development Authority and Atlanta BeltLine, Inc. reply to Amtrak's petition to intervene**
- **Both recommend STB reject Amtrak's arguments and deny GDOT's request to stop the abandonment**

# **Amtrak's Second Filing with STB**

**January 21, 2009**

- **Amtrak files notice of intent to file an application under 49 U.S. C. § 24311 (c) to condemn certain rail carrier property and requests STB to establish a procedural schedule.**
- **Filing constitutes Amtrak's intent to condemn the rail passenger easement to secure future rail access to the MMPT.**

# **STB Decision**

**January 21, 2009**

- **Grants temporary stay to the abandonment proceedings.**
- **Requests additional information from Amtrak.**
- **Provides GDOT with the opportunity to supplement its original filing with additional information.**
- **Response date for Amtrak and GDOT – Jan. 28, 2009.**

# **Amtrak and GDOT file with STB**

**January 28, 2009**

- **Amtrak (as directed) files additional information with the STB**
- **GDOT files supplemental information to the STB**

# **Special meeting called by GDOT**

**February 2, 2009**

- **GDOT convenes special meeting with various agencies including the City of Atlanta, Atlanta BeltLine Inc., Atlanta Development Authority, MARTA, TIB, ARC, Amtrak, and others.**
- **Open discussion/agreement to work towards a common resolution.**
- **Agree to jointly a request to the STB for a 30-day stay (to work things out).**

# **Joint Filing with the STB**

**February 3, 2009**

- **GDOT, ADA, ABI, NS, and Amtrak - jointly file request.**
- **Filing indicates agencies are engaged in discussions and are working towards a common solution.**
- **Request 30-day stay.**

# **STB Replies to Joint Request**

**February 5, 2009**

- **Grants joint request.**
- **Indicates that it has longstanding policy favoring private resolution.**
- **Requires report on progress by March 6, 2009.**
- **Previous deadline for City and NS to respond to GDOT's and Amtrak's filings reassigned for March 11, 2009.**

# **Two Committees Established**

## **Technical Committee**

- **Investigate options for Amtrak service, Commuter Rail, the MMPT, and High Speed Rail.**
- **Report back to Executive Committee their findings.**

## **Executive Committee**

- **Communicate with one another and work together towards a solution that will benefit all parties.**

# Technical Committee

**February 6, 2009 and February 12, 2009**

- **Two meetings held to date.**
- **Developed and understanding of Amtrak operations and needs.**
- **Developed options for new Amtrak stations.**
- **Begun evaluation process for the station locations.**
- **Scheduled subsequent meetings to examine passenger service options.**

# **Executive Committee**

**February 10, 2009 and February 17, 2009**

- **Two meetings held to date.**
- **Provided charge to technical participants.**
- **Updated on progress of the Technical Group.**