





**Norfolk Southern Corporation**  
Real Estate Department  
1200 Peachtree Street, N.E.; 12th Floor  
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**Solomon P. Jackson**  
Director Real Estate

August 18, 2020

**VIA EMAIL:** [elizabeth.a.seavoy@usace.army.mil](mailto:elizabeth.a.seavoy@usace.army.mil)

Elizabeth Hamilton  
**United States Army Corps of Engineers**  
P.O. Box 2288  
Mobile, Alabama, 36628-0001

Dear Ms. Hamilton,

I am writing on behalf of Norfolk Southern Railway Company ("NS"). On or about July 27, 2020, NS received a Public Notice, **No. SAM-2019-00914-ES** (the "Public Notice") from the United States Army Corps of Engineers ("USACE") and State of Alabama Department of Environmental Management with respect to project proposed by NextEra Energy Pipeline Holdings (Lowman) Inc. ("NextEra") to construct, operate, and maintain a proposed 16-inch natural gas line (the "Proposed Facilities") under and across certain property owned or operated by NS. The notification included a specification exhibit that showed the location of the Proposed Facilities.

The Public Notice reflected that NextEra had sought a permit from USACE pursuant to Section 404 of the Clean Water Act (33 USC §1344) in order to construct the Proposed Facilities. The Public Notice allows for potentially impacted landowners to comment to USACE within 30 days of the date of the Public Notice.

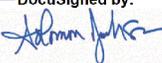
This correspondence is to inform you that NS has reviewed the Public Notice, and notes that the Proposed Facilities cross an active NS railroad right of way at or near latitude/ Longitude: 31.493803/ -87.909542. However, NS has not received any communication or request from the applicant for the Proposed Facilities to cross its right of way. As you can imagine, work under or through active operating railroad rights of way has inherent safety concerns that must be addressed, and railroads have significant federal safety and operational regulations with which they must comply. Without receipt and approval of engineering designs for the proposed pipeline crossing of NS's railroad right of way, NS must oppose the project based upon the detrimental impacts that this project may have to the environment, the pipeline facilities, and the railroad if the crossing does not meet NS engineering design standards and construction does not adhere to all NS safety and notification requirements outlined in an appropriate NS pipeline license agreement.

Although the burden is on the applicant to contact NS for access rights, because the Public Notice advised of NextEra's potential future encroachment, NS attempted to contact the pipeline company but has received no response. As such, we request that USACE reject NextEra's permit unless and until such time as NextEra obtains appropriate access rights to use NS property for the Proposed Facilities. NS long ago established an online process to facilitate these types of access requests, which can be accessed through [https:// ns.railprosp permitting.com](https://ns.railprosp permitting.com). Once NextEra submits a complete application and supporting information via this website and enters into an

appropriate license agreement for the pipeline occupancy on railroad land, NS's objections will be lifted.

Lastly, NS hereby makes a reservation of rights to state further objections that may become known to it, after investigation, review, and evaluation of the Proposed Facilities.

Sincerely,

DocuSigned by:  
  
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Solomon Jackson  
Director Real Estate

Cc: Alabama Department of Environmental Management, Mobile Branch/Coastal Section  
via email: [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov)