

RICHARD H. STREETER

ATTORNEY AT LAW
5255 Partridge Lane, N.W.
Washington, D.C. 20016
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rhstreeter@gmail.com

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ENTERED
Office of Proceedings
April 5, 2019
Part of
Public Record

April 5, 2019



Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
385 E Street, S.W., Room 1034
Washington, DC 20424

Re: Docket No. AB-1274X, The Athens Line, LLC – Discontinuance of
Service Exemption – Oconee and Athens Counties, GA

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceed are an original and ten
copies of the **Verified Notice of Exemption of The Athens Line, LLC**
Pursuant to 49 C.F.R. § 1152.50, dated April 5, 2019. A check in the amount
of \$4,200, representing the appropriate fee for this filing is attached.

Should you have any questions or need additional information regarding
this proposed discontinuance, please feel free to contract me at 202-363-2011.

Yours truly,

A handwritten signature in blue ink, appearing to read "Richard H. Streeter".

Richard H. Streeter
Attorney for The Athens Line, LLC

RHS:rs

Enclosures

FEE RECEIVED

April 5, 2019
SURFACE

TRANSPORTATION BOARD

FILED
April 5, 2019
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-1274X



THE ATHENS LINE, LLC – DISCONTINUANCE OF SERVICE
EXEMPTION – IN OCONEE AND CLARKE COUNTIES, GA

VERIFIED NOTICE OF EXEMPTION

Richard H. Streeter, Esq.
Law office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011
rhstreeter@gmail.com

Dated: April 5, 2019

Before the
SURFACE TRANSPORTATION BOARD



Docket No. AB-1274X

THE ATHENS LINE, LLC – DISCONTINUANCE OF SERVICE
EXEMPTION – IN OCONEE AND CLARKE COUNTIES, GA

VERIFIED NOTICE OF EXEMPTION

The Athens Line, LLC (“Athens Line”) hereby submits its Verified Notice of Exemption pursuant to 49 C.F.R. part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) to discontinue service over an approximately 13.8-mile rail line from milepost F-91.5 (at Bishop, GA) to milepost 105.3 (in Athens, GA) (hereinafter, the “Line”). No local traffic has moved over the Line during the past two years. Because the subject line has not been a “through line” since 1988, when the Interstate Commerce Commission, in Docket No. AB 290 (Sub-No. 37X), authorized Central of Georgia Railroad Company to discontinue operations between milepost 75-5 near Madison, GA and milepost F-91.5 at Bishop, no overhead traffic has moved on the line during the past two years.

Based on information in the possession of Athens Line, 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.

Proposed consummation date: 49 C.F.R. § 1152.50(d)(2). The subject discontinuance will be consummated on or after May 25, 2019 (50 days after filing the notice of exemption).

Certification required by 49 C.F.R. 1152.50(b). The Line satisfies the criteria for a discontinuance of service exemption under the provisions located at 49 C.F.R. part 1152, subpart F. See Exhibit A.

Additional information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(1) Exact name of applicant (49 C.F.R. § 1152(a)(1): The Athens Line, LLC.

(2) Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2): Athens Line is a Class III common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought (49 C.F.R. § 1152.22(a)(3): Athens Line seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue service over a 13.8-mile rail line between milepost F-91.5 at Bishop, GA and milepost 105.3 in Athens, GA. There are no stations on the Line.

(4) Map (49 C.F.R. § 1152(a)(4): See Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent (49 C.F.R. § 1152.22(a)(7): Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016. (202)-363-2011, rhstreeter@gmail.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses (49 C.F.R. § 1152(a)(8): The Line traverses U.S. Postal ZIP Codes 30601, 30602, 30605, 30606, 30677, 30621.

(e) Rural and Community Impact (49 C.F.R. § 1152(e)(4):

Athens Line is discontinuing service over the Line because no traffic has moved over the Line in more than two years. Because the Line has not been used for local rail shipments for over twenty-four (24) months, there will be no effect on regional or local transportation systems and patterns, and no diversion of traffic to other transportation systems or modes will result from Athens Line's action. There are isolated segments of the right-of-way in Oconee County that are less than fee that may be subject to reversionary interests if the Line were to be abandoned, which is not the case. However, Athens Line 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. Once discontinuance is authorized, Athens Line will leave all infrastructure in place to preserve the rail corridor in case business returns. Because service on the Line is being discontinued and not abandoned and because Athens Line is retaining the Line for future reactivation if demand for rail service resumes, the Line is not available for public use purposes at this time.¹

¹ See *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) (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.”).

Labor Protection. No railroad employees will be adversely affected by the proposed discontinuance of service. Should the interests of any railroad employees be adversely affected by the proposed discontinuance of service, they will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment-Goshen*, 360 I.C.C. 91 (1979).

Certifications. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C. For reasons set forth in the “Environmental/Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is not applicable here.

Environmental and Historic Report. Athens Line does not anticipate engaging in any salvage activities. Hence, track and materials and all bridges and trestles on the Line will remain in place. Because the Line has not been used in several years, there will be no diversion of traffic from rail to truck. Therefore, the discontinuance is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c)(2) and from historic reporting requirements under 49 C.F.R. § 1105.8(b).

Respectfully submitted,



Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011
rhstreeter@gmail.com
Attorney for The Athens Line, LLC

Dated April 5, 2019

EXHIBIT A – VERIFICATION AND CERTIFICATION

VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

STATE OF GEORGIA)
) SS.
COUNTY OF WALTON)

I, Bennie Ray Anderson, state that I am President of The Athens Line, LLC (Athens Line); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local or overhead freight traffic has moved over Athens Line's 13.8-mile rail line between milepost F-91.5 at Bishop, GA and milepost 105.3 in Athens, GA (the Line) during the past two years prior to the date hereof. Further, 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 with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of Athens Line by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Bennie Ray Anderson

SUBSCRIBED AND SWORN TO before me this 5th day of March 2019.

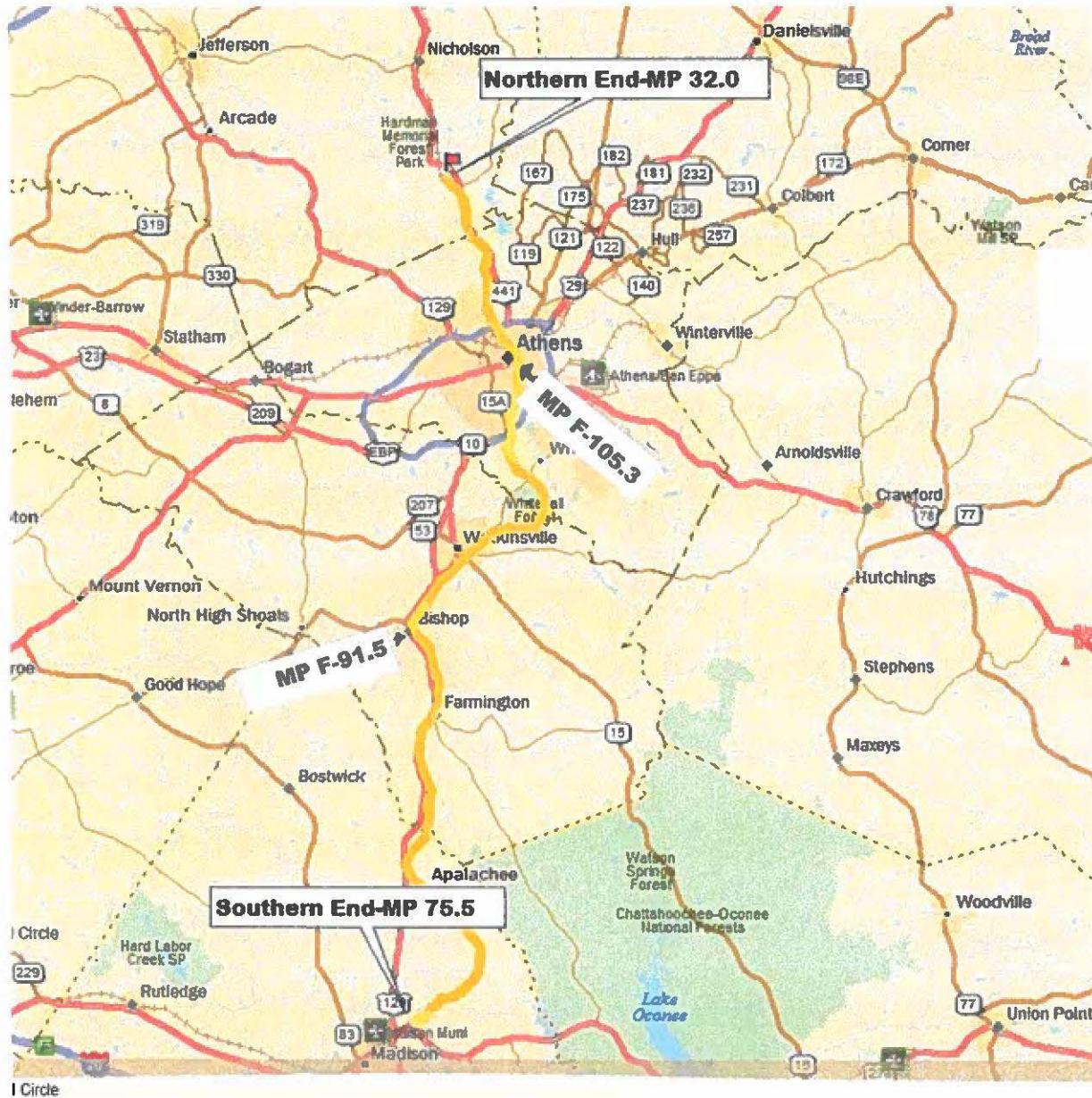
My Commission Expires: 4-27-2020

Carol C. Harrison



EXHIBIT B - MAP

Area Overview



General Comments

The segment to be discontinued extends from near Bishop, GA at MP F-91.5 in Oconee County to Athens, GA at MP F-105.3 in Clarke County. The segment from F-75.5 in Morgan County to MP F-91.5 in Oconee County was discontinued in 1988. Freight operations will continue from MP F-105.3 in Clark County to the end of the line at Center, GA at MP 32.0 in Jackson County, GA.

EXHIBIT C – CERTIFICATIONS OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d)(1), the undersigned hereby certifies that notice of the proposed discontinuance in Docket No. AB-1274X was mailed via first class mail, postage prepaid, on March 22, 2019 to the following parties:

Georgia Department of Transportation
Attn: Carol Comer, Director-Intermodal
600 West Peachtree Street, N.W.
2nd Floor
Atlanta, GA 30334

Mr. Rick Potts
Chief, Conservation and Outdoor Recreation
Rivers, Trails and Conservation Assistance Program
National Park Service
1849 C Street, NW (Org Code 2220)
Washington, D.C. 20240

National Park Service
Recreation Resources Assistance
Division, Southeast Region
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

U.S. Dept. of Agriculture
Chief of the Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250-0003

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
ATTN: SDTE-SA
1 Soldier Way, Building 1900W
Scott Air Force Base, IL 62225-5006

Richard H. Streeter

Certificate of Publication

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

I certify that a “Notice of Intent to Discontinue Rail Service” for Athens Line, LLC was published in the form and manner prescribed by the Surface Transportation Board regulations for a notice of exemption to discontinue rail service. The notice was published one time on March 29, 2019 in the Athens Banner-Herald in Clarke County, GA, and on April 4, 2019 in the Oconee Enterprise in Oconee County, GA where the Line is located. Attached are proofs of publication from the Athens Banner-Herald and the Oconee Enterprise.

April 4, 2018



Attorney for The Athens Line, LLC

Notice of Intent to Discontinue Service

The Athens Line, LLC (“Athens Line”) gives notice that on or about April 2, 2019, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 “Subpart F – Exempt Abandonments and Discontinuances of Services” permitting the discontinuance of service on an approximately 13.8-mile rail line between railroad milepost F-91.5, near Bishop, GA, and milepost F-105.3, in Athens, GA, which passes through United States Postal Zip Codes 30621, 30677, 30606, 30605, 30602 and 30601 in Oconee and Clarke County, GA. The proceeding will be docketed as No. AB 1274X.

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions can also be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, 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)]. Questions regarding offers of financial assistance may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Richard H. Streeter, 5255 Partridge Lane, NW, Washington, D.C. 20016, (202) 363-2011, rhstreeter@gmail.com.

OnlineAthens

ATHENS BANNER-HERALD

Affidavit of Publication

STATE OF GEORGIA
COUNTY OF ATHENS-CLARKE

Account No: 41778
Name: THE LAW OFFICE OF RICHARD STREETER
Address : 5255 PARTRIDGE LN NW, WASHINGTON, DC 20016, USA

I, Tiffany Crowley, as an agent of the Athens Banner-Herald, do hereby subscribe that the Athens Banner-Herald published the attached legal advertising on the following dates:

<u>AdNumber</u>	<u>Publication</u>	<u>Page</u>	<u>Date</u>
0003159734-01	AE Banner-Herald	B7	03/29/2019

Notice of Intent to Discontinue Service

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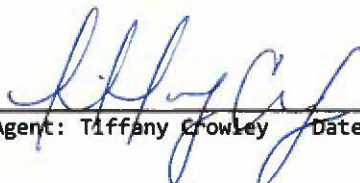
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Richard H. Streeter,
5255 Partridge Lane, NW
Washington, D.C. 20016
(202) 363-2011
RHStreeter@gmail.com



Subscribed and sworn to be me before this date : 03/29/2019


Agent: Tiffany Crowley Date: 03/29/2019


Notary: Windy Harrell Date: 03/29/2019

The Oconee Enterprise

P.O. Box 535 • WATKINSVILLE, GEORGIA 30677 • 706-769-5175

AFFIDAVIT OF PUBLICATION

I, Vinnie Williams, do solemnly swear that I am Publisher of The Oconee Enterprise, the official legal organ for Oconee County, Georgia, and that from my publication the attached legal notice for

Intent to Discontinue Service

was published only in the regular edition of said publication on the following dates:

April 4, 2019

This 4 day of April, 2019

Vinnie Williams

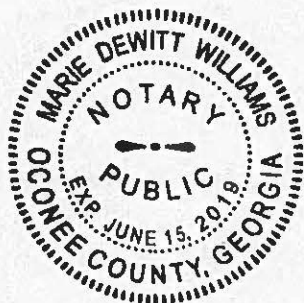
Vinnie Williams
Publisher

Sworn to and subscribed before me

This 4 day of April, 2019
Marie Dewitt Williams

NOTARY PUBLIC

My Commission Expires 6/15/19



*Copy of ad
on reverse
of this page*

92517_g2house

Notice of Intent to Discontinue Service

The Athens Line, LLC ("Athens Line") gives notice that on or about April 2, 2019, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 "Subpart F - Exempt Abandonments and Discontinuances of Services" permitting the discontinuance of service on an approximately 13.9-mile rail line between railroad milepost F-91.5, near Bishop, GA, and milepost F-105.3, in Athens, GA, which passes through United States Postal Zip Codes 30621, 30677, 30606, 30605, 30602 and 30601 in Oconee and Clarke County, GA. The proceeding will be docketed as No. AB 1274X.

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PN: 4/4



**EXHIBIT D -ENVIRONMENTAL REPORT
NONE REQUIRED**

**EXHIBIT E – HISTORIC REPORT
NONE REQUIRED**