

From: pac@harkinscunningham.com
To: [Wood, Diana](#)
Cc: bmc@harkinscunningham.com; ibs@harkinscunningham.com
Subject: RE: STB Docket No. AB 1332_0_X – Athens Transportation Partners, LLC – Abandonment
Date: Thursday, May 2, 2024 12:41:43 PM
Attachments: [LOCAL iQ Affidavit of Publication.pdf](#)
[Fw Environmental Impact.pdf](#)
[xscan1@dnr.ga.gov_20230523_165410.pdf](#)

Ms. Wood,

Attached are what I understand to be the materials you requested.

Regarding the salvage issue, ATP has not yet made plans to salvage any rail materials and will not undertake any such salvage until the abandonment has been authorized and consummated and the right-of-way is no longer under STB jurisdiction.

I am also attaching the Affidavit of Publication of ATP's Notice of Intent to Abandon Rail Service which we received from ATP yesterday.

If more is needed, please let me know.

Best wishes,

pac

Paul A. Cunningham
Harkins Cunningham LLP
1750 K Street, NW
Suite 300
Washington, DC 20006

Mobile: 202-415-4026
pac@harkinscunningham.com

From: "Wood, Diana" <Diana.Wood@stb.gov>
To: "pac@harkinscunningham.com" <pac@harkinscunningham.com>
Date: 05/02/2024 11:00
Subject: RE: STB Docket No. AB 1332_0_X – Athens Transportation Partners, LLC – Abandonment

Thanks much!

From: pac@harkinscunningham.com <pac@harkinscunningham.com>
Sent: Thursday, May 2, 2024 10:53 AM
To: Wood, Diana <Diana.Wood@stb.gov>
Subject: RE: STB Docket No. AB 1332_0_X – Athens Transportation Partners, LLC – Abandonment

Good morning.

Pardon the delay. We were wrapped up in another matter yesterday.

I will respond this afternoon.

Best wishes,

pac

Paul A. Cunningham
Harkins Cunningham LLP
1750 K Street, NW
Suite 300
Washington, DC 20006

Mobile: 202-415-4026
pac@harkinscunningham.com

From: "Wood, Diana" <Diana.Wood@stb.gov>
To: "pac@harkinscunningham.com" <pac@harkinscunningham.com>, "bmc@harkinscunningham.com" <bmc@harkinscunningham.com>
Date: 05/02/2024 10:19
Subject: RE: STB Docket No. AB 1332_0_X – Athens Transportation Partners, LLC – Abandonment

Mr. Cunningham,

In addition to the requested information below, I note that only the part of the email correspondence between the GA Environmental Protection Division and your law firm is visible and that an attachment was not included in the E&H Report. Please send that information, along with the requested information in the email message below on salvage.

I look forward to hearing back from you today.

Thanks,
Diana Wood

From: Wood, Diana <Diana.Wood@stb.gov>
Sent: Wednesday, May 1, 2024 9:52 AM
To: pac@harkinscunningham.com

Subject: STB Docket No. AB 1332_0_X – Athens Transportation Partners, LLC – Abandonment

Good morning,

I'm preparing the environmental assessment in the above referenced abandonment proceeding and need you to specify whether salvage would occur during the abandonment process or after the abandonment has been authorized and consummated and the ROW is no longer under Board jurisdiction. The E&H Report is not clear as it specifies that "there would be no changes to any structure in the right-of-way were ATP to exercise its authority to abandon the Line" but also indicates that "while ATP anticipates that the right-of-way will be transferred to UGA for the development of a multimodal connectivity corridor, no formal agreements or plans for disposition have yet been developed."

If salvage is expected to occur with the abandonment, please specify what this would entail - whether it be removal of rail, ties, switches, bridges, culverts, and other rail appurtenances, grading, etc. the use of BMPs, etc.

Without this information, I can only assume that full salvage of the Line would occur during the abandonment, when the ROW is still under Board jurisdiction, and evaluate the full environmental and historic impacts thereof.

Here's two detailed salvage procedure examples from one of CSXT's recent E&H Reports for an abandonment in Gwinnett County, GA:

CSXT intends to sell the Line to the City of Lawrenceville for trail use through the NITU process. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures.

Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be

affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or

other debris away from the Line and will not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track removal,

appropriate measures will be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways. Based upon this course

of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

Thanks much,

Diana Wood

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423
202-934-0388 **New Phone Number**

From: "Welte, Jennifer" <Jennifer.Welte@dnr.ga.gov>
To: "bmc@harkinscunningham.com" <bmc@harkinscunningham.com>
Date: 05/25/2023 08:50 AM
Subject: RE: FW: Environmental Impact

Thank you for that helpful clarification. We do not have any comments at this time.

From: bmc@harkinscunningham.com <bmc@harkinscunningham.com>
Sent: Thursday, May 25, 2023 10:24 AM
To: Welte, Jennifer <Jennifer.Welte@dnr.ga.gov>
Subject: Re: FW: Environmental Impact

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Welte,

Athens Transportation Partners (ATP) is seeking abandonment authority from the Surface Transportation Board. If granted, ATP will be relieved from any obligation to provide rail service over the line. ATP has not yet determined what, if anything, will be done to the right of way (including the rail line) if abandonment authority is granted.

Please let me know if you have any other questions.

Thank you,

Brett Chapdelaine

Paralegal
Harkins Cunningham LLP

From: "Welte, Jennifer" <Jennifer.Welte@dnr.ga.gov>
To: "bmc@harkinscunningham.com" <bmc@harkinscunningham.com>
Date: 05/24/2023 11:05 AM
Subject: FW: Environmental Impact

Mr. Cunningham,

The attached notice refers to abandoning a rail line segment, and also refers to a “proposed abandonment action.” Just so our agency is clear, is there any specific activities (such as removing rail lines) that are associated with this action? Or will your client just be leaving the rail line in place?

Thanks,
Jennifer

Jennifer H. Welte
Assistant Branch Chief
Georgia Environmental Protection Division

Watershed Protection Branch
2 M.L.K., Jr. Drive S.W., Suite 1152
Atlanta, GA 30334
Work Cell : (470) 384-7450
Please note my new office phone number : (470) 524-0605

From: Truszczyński, Anna <anna.truszczyński@dnr.ga.gov>
Sent: Tuesday, May 23, 2023 4:48 PM
To: Welte, Jennifer <Jennifer.Welte@dnr.ga.gov>
Subject: Fw: Environmental Impact

From: Fischer, Tamara <Tamara.Fischer@dnr.ga.gov>
Sent: Tuesday, May 23, 2023 4:41 PM
To: Mueller, Chuck <Chuck.Mueller@dnr.ga.gov>; Truszczyński, Anna <anna.truszczyński@dnr.ga.gov>; Boylan, James <James.Boylan@dnr.ga.gov>
Cc: Eunice, John <John.Eunice@dnr.ga.gov>
Subject: Environmental Impact

FYI [attachment "[xscan1@dnr.ga.gov_20230523_165410.pdf](#)" deleted by Brett Chapdelaine/Harkins Cunningham/US]

May 19, 2023

Athens-Clarke County Unified Government
c/o The Hon. Kelly Girtz, Mayor
P.O. Box 1868
Athens, GA 30603

US Fish and Wildlife Service
1875 Century Blvd, NE
Atlanta, GA 30345

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282

US Environmental Protection Agency
Region Four
Atlanta Federal Center
100 Alabama Street, SW
Atlanta, GA 30303 3104

Georgia State Historic Preservation Division
60 Executive Park S.
Atlanta, GA 30329

Georgia Department of Natural Resources
543 Elliot Trl
Mansfield, GA 30055

National Park Service
Atlanta Federal Center, 1924 Building
100 Alabama Street, SW
Atlanta, GA 30303

Georgia Department of Transportation
One Georgia Center
600 West Peachtree St., NW
Atlanta, GA 30308

Natural Resources Conservation Service
111 E. Spring Street, Suite D
Monroe, GA 30655

Georgia Environmental Protection Division
4244 International Pkwy, Ste 120
Atlanta, GA 30354

Northeast Georgia Regional Commission
305 Research Drive
Athens, GA 30605-2725

United States Army Corps of Engineers
South Atlantic Division
60 Forsyth St. SW
Atlanta, GA 30303

Re: Proposed Abandonment of the ATP Line in Athens, Clarke County, GA, STB Docket No. AB 1332X

To Whom It May Concern:

Athens Transportation Partners, LLC ("ATP") plans to request authority from the Surface Transportation Board (STB) to abandon a segment of the Macon-Athens Railroad rail line described as an approximately 6.5-mile rail line from the northern end of the Oconee River trestle bridge (at approximate milepost F-MP 98.8) to approximate milepost F-MP 105.3 in the north near East Broad Street in Athens, Clarke County, Georgia. This segment is referred to as the "ATP Line." A map of the proposed abandoned line is attached. Rail service on the line has been formally discontinued since 2019, and the ATP Line has not been a through line since 1988.

Pursuant to the STB's regulations at 49 C.F.R., Part 1152, and the environmental regulations at 40 C.F.R., Part 1105.7, this is to request your assistance in identifying any potential effects of this proposed abandonment action as indicated in the paragraphs below. **We do not anticipate any adverse environmental impacts.** However, if you identify any adverse environmental impacts, describe any actions that you proposed to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed abandonment action is consistent with existing land use plans. Please describe any inconsistencies.

NATURAL RESOURCES CONSERVATION SERVICE. State the effect of the proposed abandonment action on any prime agricultural service.

U.S. FISH AND WILDLIFE SERVICE. State whether the proposed abandonment action is likely to adversely affect endangered or threatened species of areas designated as critical habitat, and if so, describe the effects, and whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed abandonment action is consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed abandonment action and whether any designated wetlands or 100-year flood plains will be affected. Please describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION. Identify any potential effects on the surrounding area. Identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and state whether permits under Section 402 of the Clean Water Act (33 U.S. C. § 1342) are required for the proposed abandonment action.

Thank you for your assistance. Please send your replies to Anna Ingwersen of CHA consulting at 270 Peachtree St. NW Ste 1500, Atlanta, GA 30303, or aingwersen@chacompanies.com with a copy to me (pac@harkinscunningham.com).

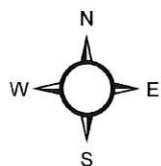
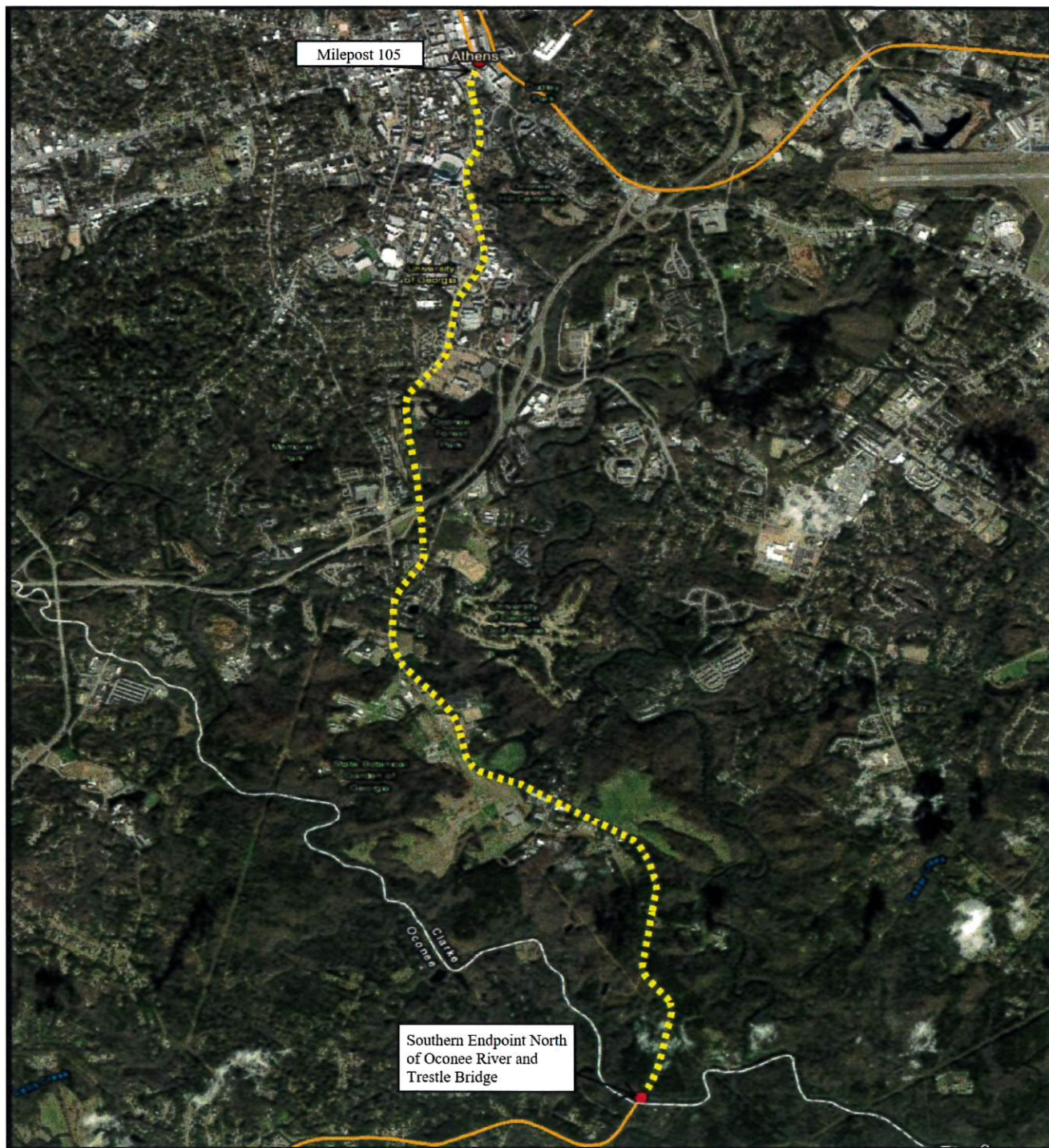
Please do not hesitate to email me or bmc@harkinscunningham.com with any questions about the STB abandonment exemption process.

Sincerely,

/s/ Paul A. Cunningham

Paul A. Cunningham
Attorney for Athens Transportation Partners, LLC

Attachment A – Map of ATP Line



LEGEND

- Macon-Athens Corridor Endpoints
- Macon-Athens RR Corridor
- Other Railroads

0 0.5 1
Miles



ATHENS TRANSPORTATION PARTNERS, LLC
EXEMPT ABANDONMENT, CLARKE COUNTY, GA
MACON-ATHENS RAILROAD ENVIRONMENTAL REPORT

FIGURE 1

LOCALiQ

The Augusta Chronicle
Athens Banner-Herald
Savannah Morning News

PO Box 631697 Cincinnati, OH 45263-1697

AFFIDAVIT OF PUBLICATION

1180 East Broad Street
Athens Transportation Partners
c/o UGA Real Estate Foundation, Inc. 1180 East Bro
Athens GA 30602

STATE OF GEORGIA, COUNTY OF ATHENS-CLARKE

The Athens Banner-Herald, a newspaper that is generally
circulated in the county of Athens-Clarke, State of Georgia, printed
and published and personal knowledge of the facts herein state
and that the notice hereto annexed was Published in said
newspapers in the issues dated on:

04/21/2024

and that the fees charged are legal.
Sworn to and subscribed before on 04/21/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$87.00

Order No: 10054089

Customer No: 1413137

PO #: LGSC0084903

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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

Notice of Intent To Abandon Rail Service

Athens Transportation Partners, LLC, an affiliate of the UGA Real Estate Foundation, which is a supporting organization of the University of Georgia, gives notice that on or about April 22, 2024, it intends to file with the Surface Transportation Board (STB), Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximate 6.5-mile section of The Athens Line railroad between railroad milepost F-105.3 near East Broad Street and railroad milepost F-98.8, north of the Oconee River in Athens-Clarke County, Georgia (the “ATP Line” or “Line”). The ATP Line traverses through United States Postal Service ZIP Codes 30601, 30602, and 30605. The ATP Line has not been a through line since 1988, there have been no customers on the Line for more than nine years, and the STB authorized discontinuance of service over the Athens Line in 2019 (which encompassed the ATP Line). The exemption proceeding will be docketed by the STB as No. AB 1332_0_X.

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 and historical 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 Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board’s Office of Proceedings, Washington, DC [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, public use or trails use 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: Paul A. Cunningham, Esq., Harkins Cunningham, LLP, 1750 K Street NW, Suite 300, Washington, DC 20006, and emailed to pac@harkinscunningham.com and bmc@harkinscunningham.com.

April 21 2024

LGSC0084903