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SERVICE DATE – JUNE 11, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1332X

ATHENS TRANSPORTATION PARTNERS, LLC—ABANDONMENT EXEMPTION—
IN CLARKE COUNTY, GA

Decided: June 11, 2024

Athens Transportation Partners, LLC (ATP), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 6.5-miles of rail line extending between the northern end of the Oconee River trestle bridge in Athens-Clarke County at approximate milepost F-MP 98.8 (33°52'30.49"N, 83°21'28.11"W) to approximate milepost F-MP 105.3 (33°57'30.23"N, 83°22'14.95"W) in the north near East Broad Street in Athens, Clarke County, Ga. (the Line). Notice of the exemption was served and published in the Federal Register on May 13, 2024 (89 Fed. Reg. 41,483). The exemption is scheduled to become effective on June 12, 2024.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on May 17, 2024, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that ATP submitted a combined environmental and historic report and served the report on the Georgia Department of Community Affairs, State Historic Preservation Division (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In a letter dated June 20, 2023, the SHPO stated that the Line is a segment of the Macon-Athens Railway line and is eligible for listing on the National Register of Historic Places (National Register) at a state level of significance under Criteria A and C for its contributions to the transportation and engineering history of the State of Georgia. The letter also stated that the proposed abandonment would have an adverse effect on historic resources pursuant to the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and that preparation of a Memorandum of Agreement in accordance with 36 C.F.R. § 800.5(a)(2) would be needed to resolve the adverse effects. Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process has been completed.

OEA issued its Final Environmental Assessment (Final EA) on June 7, 2024, indicating that one new comment was received. By letter dated May 24, 2024, the Northeast Georgia Regional Commission (NEGRC) commented that the Line, along with the adjacent Oconee Hill cemetery, is recognized as a Regionally Important Resource in the *Northeast Georgia Resource*

Management Plan for Regionally Important Resources (2018) for being regionally significant to the natural environment or as a cultural resource that is worthy of preservation. NEGRRC stated that the Line is also identified in the Northeast Georgia Green Infrastructure Network for its potential to contribute to part of a strategically planned and managed network of parks, greenways, and conservation easements for its potential to improve the health and quality of life for the communities sharing the network. NEGRRC agreed that the University of Georgia's plans to develop the Line as a multi-modal connectivity corridor following abandonment is consistent with its assessment of potential future uses and concludes that the proposed abandonment would not adversely affect identified resources. OEA continues to recommend that the condition recommended in the Draft EA be imposed. Based on OEA's analysis and recommendation, the condition recommended in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The notice served and published in the Federal Register on May 13, 2024, exempting the abandonment of the Line described above is subject to the condition¹ that ATP shall retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. ATP shall report back to OEA regarding any consultations with the SHPO and the public. ATP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition set forth below is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.