

From: [Tabachnick, Alan](#)
To: e106@achp.gov
Cc: [Wood, Diana](#)
Subject: Docket No. AB 1332X, Abandonment in Clarke County, GA
Date: Tuesday, July 9, 2024 3:27:51 PM
Attachments: [e106 Submittal to ACHP 7-9-24.pdf](#)

Attached please find the e106 submittal for the proposed abandonment of a segment of the eligible Macon-Athens Railway line, located in Clarke County, GA. The line was previously determined eligible. The proposed abandonment would include the salvage of all railroad infrastructure within the right-of-way so that it could be converted to a multi-modal connectivity corridor. The SHPO reviewed the materials submitted to them and noted that the railway line was eligible and that the abandonment would be an adverse effect. OEA reviewed all of the project materials, as well as the SHPO's letter, and determined that the proposed abandonment could have an adverse effect on historic properties, and a memorandum of agreement would be needed.

I have included substantial information on the case, the environmental and historic report, and the SHPO's letter (in the documentation package). OEA is formally notifying the ACHP of the agency's finding of adverse effect and inviting the ACHP to participate in the consultation to resolve adverse effects. OEA intends to continue to work with the GA SHPO on a MOA to resolve the adverse effect and does not anticipate any complications

Thanks very much and please reach out to me with any questions.

Alan Tabachnick

Federal Preservation Officer
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

July 9, 2024

Reid Nelson
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

**RE: Docket No. AB 1332X—Athens Transportation Partners, LLC—
Abandonment Exemption—In Clarke County, Ga; Notification of Adverse
Effect and Invitation to Participate in Section 106 Consultation**

Dear Mr. Nelson:

On April 23, 2024, Athens Transportation Partners, LLC (ATP) filed a notice of exemption with the Surface Transportation Board (Board) seeking to abandon a line of railroad located in Clarke County, Georgia. The rail line proposed for abandonment extends approximately 6.5 miles from milepost F-MP 98.8 on the northern side of the Oconee River trestle bridge in Athens-Clarke County north to milepost F-MP 105.3 near East Broad Street in the city of Athens (the Line). If the Board grants abandonment authority, ATP will be able to salvage any track and related material from the rail corridor, dismantle any rail-related structures within the corridor, and dispose of the right-of-way. The Board's approval of this proposed abandonment is considered an undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) and is thus covered under its provisions.

The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act and NHPA. In consultation with the Georgia Department of Community Affairs, Historic Preservation Division (the SHPO), OEA has determined that the Line is a segment of the Macon-Athens Railway and is eligible for listing on the National Register of Historic Places (NRHP).

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process, OEA is notifying you that the proposed abandonment may adversely affect the Macon-Athens Railway due to salvage and removal of all railroad-related infrastructure within the right-of-way, which could impact the integrity of the resource. OEA is also inviting you to participate in the Section 106 consultation process. OEA intends to continue to consult with the SHPO to identify other potential consulting parties and to develop a Memorandum of Agreement (MOA) specifying appropriate measures to resolve the potential adverse effect of the proposed undertaking. Please respond in writing within 15 days if you intend to participate in the Section 106 consultation for this proceeding.

Pursuant to 36 C.F.R § 800.11, the following documents are enclosed for your review: (1) the Environmental and Historic Report submitted to OEA by ATP; and (2) the Environmental Assessment prepared by OEA, which includes an historic review of the Line. If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me or Alan Tabachnick, the Board's Federal Preservation Officer by telephone at (202) 934-8469 or email at Alan.Tabachnick@stb.gov. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

HARKINS CUNNINGHAM LLP

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308223

April 18, 2024

Ms. Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E St. S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
April 18, 2024
Part of
Public Record

Re: Docket No. AB 1332_0_X Athens Transportation Partners, LLC – Abandonment Exemption – In Clarke County, GA

Dear Ms. Gosselin:

On or about April 22, 2024, Athens Transportation Partners, LLC (“ATP”) expects to file with the Surface Transportation Board (“STB”) a Verified Notice of Exemption for the abandonment of an approximately six and one half mile-long rail line that runs from the northern end of the Oconee River trestle bridge in Athens-Clarke County 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.

Enclosed for electronic filing is ATP’s Combined Environmental and Historic Report (“CEHR”) which describes the proposed action and any expected environmental and historic impacts. The CEHR was served on the parties required under 49 CFR § 1105.7(b) and 49 CFR § 1105.8(c) on March 29, 2024.

Please do not hesitate to contact me or bmc@harkinscunningham.com with any questions.

Sincerely,



Paul A. Cunningham

*Counsel for Athens
Transportation Partners,
LLC*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB 1332_0_X

**ATHENS TRANSPORTATION PARTNERS, LLC
– ABANDONMENT EXEMPTION –
IN CLARKE COUNTY, GA**

Combined Environmental and Historic Report

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Counsel for Athens Transportation Partners, LLC

Dated: April 18, 2024

**Combined Environmental
and Historical Report**

**Exempt Abandonment
Athens Transportation Partners,
LLC
Clarke County, GA**

CHA Project Number: 080509.000

*Prepared for:
Harkins Cunningham LLP
1750 K St. NW, Suite 300
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Counsel for Athens Transportation Partners, LLC

Prepared by:



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March 29, 2024

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LIST OF ACRONYMS & ABBREVIATIONS

ATP	Athens Transportation Partners
COG	Central of Georgia Railway
EPD	Georgia Environmental Protection Division
ER	Environmental Report
GDNR	Georgia Department of Natural Resources
MACN	Macon and Northern Railroad
MOA	Memorandum of Agreement
NRHP	National Register of Historic Places
SHPO	Georgia State Historic Preservation Office
STB	Surface Transportation Board
UGA	University of Georgia
UGAREF	UGA Real Estate Foundation

1.0 ENVIRONMENTAL REPORT (49 C.F.R. § 1105.7(e))

1.1 PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawing clearly delineating the project.

The proposed action (pursuant to 49 C.F.R. § 1152.50) is an exemption from 49 U.S.C. § 10903 that would permit the abandonment of a segment of rail line (the “Line” or “ATP Line”) formerly owned by Athens Line, LLC (reporting mark ABR), and now owned by Athens Transportation Partners, LLC (“ATP”). ATP is a limited liability company affiliate of UGA Real Estate Foundation (“UGAREF”). UGAREF is a supporting organization of the University of Georgia (“UGA”).

The Line is approximately six and one-half miles long and runs from 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, Georgia. The Line has not had local or overhead traffic since December 2014 (approximately nine years ago) and has not been a “through line” since 1988. In 2019, ABR filed a Notice of Exemption for Discontinuance of a segment of the Athens Line, from MP 91.5 to MP 105.3, that encompassed the Line. The Notice was entered into public record of the Surface Transportation Board (“STB”) on April 5, 2019. (See Appendix A.) ABR then sold the Line to the current owner, ATP.

There are currently no commodities being transported on the Line. There would be no changes to any structure in the right-of-way were ATP to exercise its authority to abandon the Line. There would be no changes in operations or maintenance practices of the rail line, as service over the Line has been discontinued since 2019, and the Line had not been used for common carrier service for many years prior. No reasonable alternatives for abandonment exist.

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.

A readable, detailed map and drawing clearly delineating the project is attached as Figure 1. Site Location Map.

If ATP were to exercise its abandonment authority, there would be no alternative corridors that would allow UGA or UGAREF to put the Line's right-of-way to a better use. The no-action alternative would leave the discontinued, unused rail line as it currently exists, with no opportunity for bus, bicycle, or pedestrian traffic along the right-of-way.

There are three bridges on the right-of-way from the south to the north: Athens Loop GA 78/441 overpass, River Road @ East Campus Road, and the Oconee Street overpass. The Georgia Department of Transportation owns the Athens Loop and Oconee Street bridges.

According to the Notice of Discontinuance filed with the STB in 2019, in Docket No. AB-1274X, the Line does not contain a federally granted right-of-way and ATP is aware of no such right-of-way.

1.2 TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There have been no transportation systems using the Line for approximately nine years. There is no traffic to be diverted to other transportation systems or modes if ATP exercises its authority to abandon the Line; and there would be no adverse impact on area transportation systems and patterns.

1.3 LAND USE

- (i.) *Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by existing agencies, state whether the proposed action is consistent with existent land use plans. Describe any inconsistencies.*

There would be no anticipated adverse effects on local and existing land use plans if ATP were to abandon the Line. A portion of the Line appears in the Athens-Clarke County Leisure Services Proposed Trail Network Greenway Network Plan, a plan for interconnecting multi-use trails and riparian corridors in Athens-Clarke County. Any use of the right-of-way by UGA following abandonment, as described below, would be consistent with this plan.

- (ii.) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The Line is not designated as prime agricultural land. There would be no anticipated impacts to

prime agricultural land were ATP to abandon the Line. A consultation letter was sent to the Natural Resources Conservation Service on May 19, 2023. No response has been received.

(iii.) If the action affects land or water uses within a coastal zone, include the zone information required by 49 C.F.R. § 1105.9.

Because the Line is not in a state coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.), an abandonment would not affect land or water uses within a coastal zone.

(iv.) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

If the Line is abandoned, the Line's right-of-way is likely to be transferred to UGA, which is developing plans to utilize the right-of-way as a connectivity corridor that would incorporate bus rapid transit, pedestrian, and bike uses that would be open to public use. The right-of-way would not be available for other public use.

1.4 ENERGY

(i.) Describe the effect of the proposed action on transportation of energy resources.

There would be no effects on the transportation of energy resources from any abandonment as the Line has been out-of-service and unused for approximately nine years. The last use of the Line was for transporting coal for steam generation at a UGA coal fired boiler that was decommissioned in 2015.

- (ii.) *Describe the effect of the proposed action on recyclable commodities.*

There would be no effect on recyclable commodities from any abandonment. The Line has been out-of-service for approximately nine years.

- (iii.) *Describe whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

There will be no change in energy consumption from any abandonment of the out-of-service Line.

- (iv.) *If the proposed action will cause diversions from rail to motor carriage of more than 1,000 rail carloads a year, or an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and show the data and methodology used to arrive at the figure given.*

Abandonment of the Line would not cause diversions from rail to motor carriage because the Line has been out-of-service for approximately nine years and provides no rail carriage.

1.5 AIR

- (i.) *Describe if the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross tons miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day*

provision in subsection (5)(i)(A) will apply.

Abandonment of the Line would not cause any of these impacts. The Line has been out-of-service for approximately nine years.

- (ii.) *If the proposed action affects a class 1 nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the approved Air Quality State Implementation Plans (SIPs) approved by the EPA in Georgia.*

Abandonment of the Line would not result in any increase in rail traffic, rail yard activity, or truck traffic. The Line has been out-of-service for approximately nine years.

- (iii.) *If the transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated identify: materials and quantity; the frequency of service; safety practices (including speed restrictions); the applicant's safety record on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

Abandonment of the Line would not involve, impact, or affect the transportation of ozone depleting materials. The Line has been out-of-service for approximately nine years.

1.6 NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (schools, libraries, hospitals, residences, retirement communities or nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Noise thresholds would not be affected by an abandonment of the Line. The Line has been out-of-service for approximately nine years.

1.7 SAFETY

- (i.) *Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).*

Abandonment of the Line is not anticipated to have any adverse effects on public health and safety or on the delay time at railroad crossings. Abandonment could facilitate movement of vehicular traffic that crosses the line at existing at-grade crossings after the rail infrastructure is removed.

- (ii.) *If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents, and hazardous spills; and the likelihood of an accidental release of hazardous materials.*

Hazardous materials are not being transported over the Line, and none would be transported if it were abandoned.

- (iii.) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

1.8 BIOLOGICAL RESOURCES

- (i) *Based on consultation with the U.S. Fish and Wildlife Service, state whether or not the proposed action is likely to adversely affect endangered or threatened species or areas designation as critical habitat, and if so, describe the effects.*

A consultation letter was sent to the U.S. Fish and Wildlife Service on May 19, 2023. On May 24, 2023, the U.S. Fish and Wildlife Service stated by email (attached in Appendix B) it anticipated no adverse impacts of abandonment.

- (ii) *State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

Abandonment would not adversely affect wildlife sanctuaries or refuges, National or State parks, or forests. North of Athens Perimeter Highway (Georgia SR 10 Loop), the Line passes near Oconee Forest Park, an approximately 60-acre woodland area, administered by UGA's Warnell School of Forestry and Natural Resources. Abandonment is not anticipated to have an adverse effect on this resource.

1.9 WATER

- (i) *Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

A consultation letter was sent to the Georgia Department of Natural Resources (“GDNR”) on May 19, 2023. No response was received directly from GDNR, but as elaborated below, the Georgia Environmental Protection Division (“EPD”) (a division of GDNR) responded on May 24, 2023. EPD did not opine as to the proposed action’s consistency with applicable water quality standards. Abandonment is not anticipated to result in changes to water quality and would not involve a direct water or wastewater discharge.

- (ii) *Based on consultation with the 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 action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

A consultation letter was sent to the U.S. Army Corps of Engineers on May 19, 2023. No response was received. ATP does not expect that abandonment would require permits under 33 U.S.C. § 1344. There are no wetlands or 100-year floodplains on the Line or abutting the Line.

- (iii) *State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

A consultation letter was sent to the U.S. EPA and EPD on May 19, 2023. No response was received from the U.S. EPA. EPD’s May 24, 2023 response (attached in Appendix B) only

inquired as to potential actions following the STB's authorization of abandonment. ATP replied and no further response has been received. ATP does not expect that abandonment would require such permits.

2.0 PROPOSED MITIGATION

Describe any actions that are proposed to mitigate any adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There are no known adverse environmental impacts. SHPO identified adverse historical impacts.

Mitigation of historical impacts is discussed below.

3.0 HISTORIC REPORT (49 C.F.R. § 1105.8(d))

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

See Figure 1.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The right-of-way is an approximately 6.5-mile railroad corridor running north from the Oconee River to East Broad Street in downtown Athens, Georgia. The right-of-way is in a generally rural area in the southern portion and in a commercial/residential area in the northern portion near downtown Athens. The right-of-way is approximately 100 feet wide from the Oconee River to

the northern side of River Road near the UGA football stadium. From there, it narrows to around 75 feet and then begins to fluctuate in width as it goes through the urbanized area in downtown Athens.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

There are no structures in the right-of-way that are known to be 50 years old or older.¹

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

See answer to question (3).

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The Line is a segment of a longer line that was originally intended to be a connector between Macon and Covington—but that plan was ultimately scrapped. According to *Georgia's Railroads: Historic Context and Statewide Survey (1833-2015)*, “construction on the Covington & Macon Railroad (C&M line) began in 1886. . . . After the railroad reached Monticello in June 1887, the company decided to build not to Covington but to Athens instead” (Chapter 11, *New Links to the Neighbors: 1889-1892*, pp. 65-66).

¹ As shown in Figure 2, there is a trestle in the right-of-way (the “River Road Trestle”) that ATP believes is under 50 years of age and has no historic significance. Figure 2 contains a drawing dated April 18, 1975 that depicts a plan to construct the River Road Trestle, which replaced an old trestle in the right-of-way.

The line from Macon to Athens was constructed between 1885 and 1888 and had a main line of 102.29 miles. That line changed ownership several times, from Macon and Northern Railroad to Central of Georgia Railway (“COG”) in 1895. COG was eventually consolidated into Southern Railway and Norfolk Southern Railway (*The Right Way Magazine*, Vol. 51, No. 3).

According to *Georgia’s Railroads: Historic Context and Statewide Survey (1833-2015)*, the segment of rail line that included the ATP Line was called the Athens branch (“MACN”) and ran from Macon to Athens, via Gray, Monticello, and Madison (Chapter 11, *New Links to the Neighbors: 1889-1992*, pp. 65-66). At the time of the survey publication, MACN’s Madison-Bishop segment, which is south of the Line, was identified as intact but inactive (because of a 1988 discontinuance of service).

Between Macon and Madison, the branch line is still intact and in service. The Norfolk Southern Railway owns and operates the line from Macon to Machen, and CaterParrott Railnet operates the section from Machen north to Madison.

The Athens Line, LLC, a local short line railroad company, purchased the portion of the MACN line that runs from Madison, north through Bishop and Athens, to Center, Georgia. Prior to the purchase, the Athens Line, LLC leased this segment from the Norfolk Southern Railway in the 1990s (*Georgia’s Railroads, 1833-2015: Historic Context and Statewide Survey: Appendix D, Central of Georgia Railway (COG)*, p. 147). According to the now out-of-date Athens Line, LLC website,² “the Athens Line operate[d] on former Southern Railway tracks between Center, in

² The Athens Line, LLC, <https://www.greatwaltonrailroad.com/athens.html> (last visited Mar. 29, 2024).

Jackson County, and Athens.” On the south side of downtown Athens, the line passed by Sanford Stadium to deliver coal to the University of Georgia’s coal fired boiler (which was decommissioned in 2015). Its former Central of Georgia tracks extended through Bishop to a point just north of Madison.

In 2019, the Athens Line, LLC, discontinued service (see Appendix A) between Bishop and downtown Athens and sold the ATP Line to Athens Transportation Partners, LLC. The segment constituting the Line is currently out-of-service, and the corridor has not been a through line since 1988.

No changes to the operations of any carrier in the area are contemplated as a result of the proposed action.

(6) A brief summary of documents in the carrier’s possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

See answer to question (3).

(7) An opinion (based on readily available information in the railroad’s possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The Line would likely be considered eligible for listing in the National Register of Historic Places (“NRHP”) under Criterion A because of the Line’s former contribution to transportation

and commerce and its association with the Athens branch (“MACN”). The Line would also likely be eligible under Criterion C, as contributing to the significance of the MACN line in the area of engineering and architecture as the MACN line’s cuts, grades, and embankments remain intact as a representative example of late nineteenth-century railroad design and engineering.

ATP sent a consultation letter regarding ATP’s proposal to seek an abandonment exemption to the Georgia State Historic Preservation Office (“SHPO”) pursuant to 49 CFR § 1105.7(c). SHPO responded, opining that the STB’s granting of abandonment authority would constitute an adverse effect to historic properties, as the Line is eligible under Criterion A and C. In response, ATP has been working with SHPO on a Memorandum of Agreement (“MOA”) regarding mitigation of any adverse effects. While discussions are ongoing, ATP’s correspondence with SHPO and its most recently proposed draft of the MOA are included in Appendices B and C respectively.

Based on the desktop surveys and field survey ATP has conducted, and ATP’s consultation with SHPO, there is no reason to believe there are any archeological resources or any other previously unknown historic properties in the right-of-way.

(8) A description (based on readily available information in the railroad’s possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

ATP has no information regarding any prior subsurface ground disturbance or fill and is not aware of any environmental conditions that might affect the archeological recovery of resources.

The terrain surrounding the Line is generally rural near the southern portion of the Line and commercial/residential near the northern portion.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

ATP acknowledges this requirement.

Respectfully submitted,



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Dated: March 29, 2024

*Counsel for Athens Transportation
Partners, LLC*

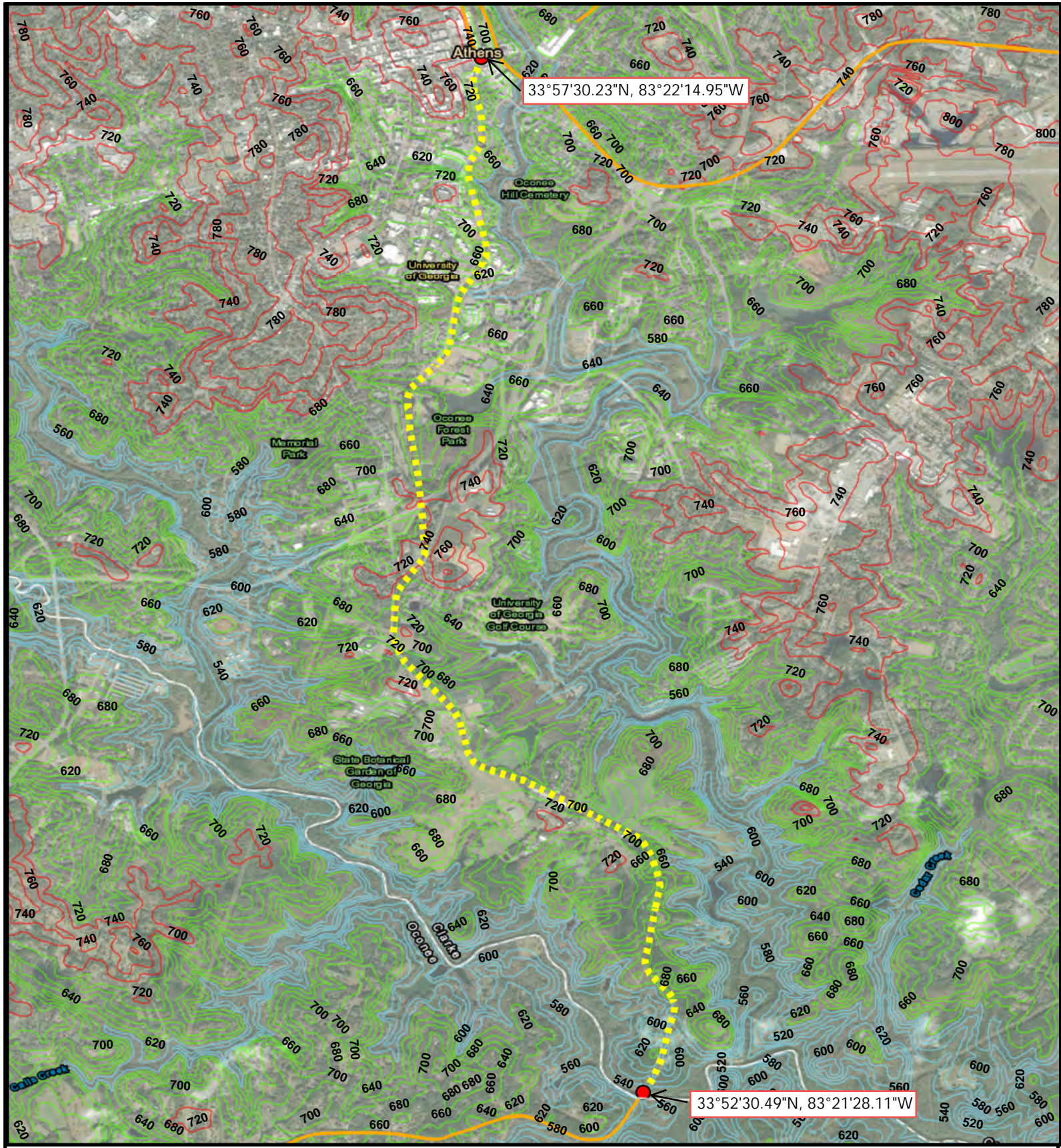
4.0 CERTIFICATE OF SERVICE

I certify that ATP consulted with the parties provided in 49 CFR § 1105.7(b) and 49 CFR § 1105.8(c) in preparing this Combined Environmental and Historic Report (see Appendix B) and that a copy of the report was served via First Class U.S. Mail on all such parties on March 29, 2024, which is at least 20 days before ATP will file its Notice of Exemption.



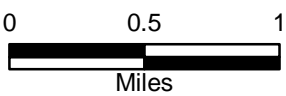
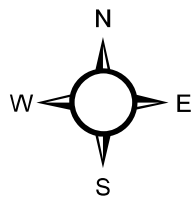
Paul A. Cunningham

Figure 1. Site Location Map



33°57'30.23"N, 83°22'14.95"W

33°52'30.49"N, 83°21'28.11"W



LEGEND

- ATP Line Endpoints
- ATP Line RR Corridor
- Other Railroads

- Topographic Elevation (ft)**
- 500-600
 - 600-700
 - 700-800



ATHENS TRANSPORTATION PARTNERS, LLC
EXEMPT ABANDONMENT, CLARKE COUNTY, GA

FIGURE 1

Figure 2. River Road Trestle

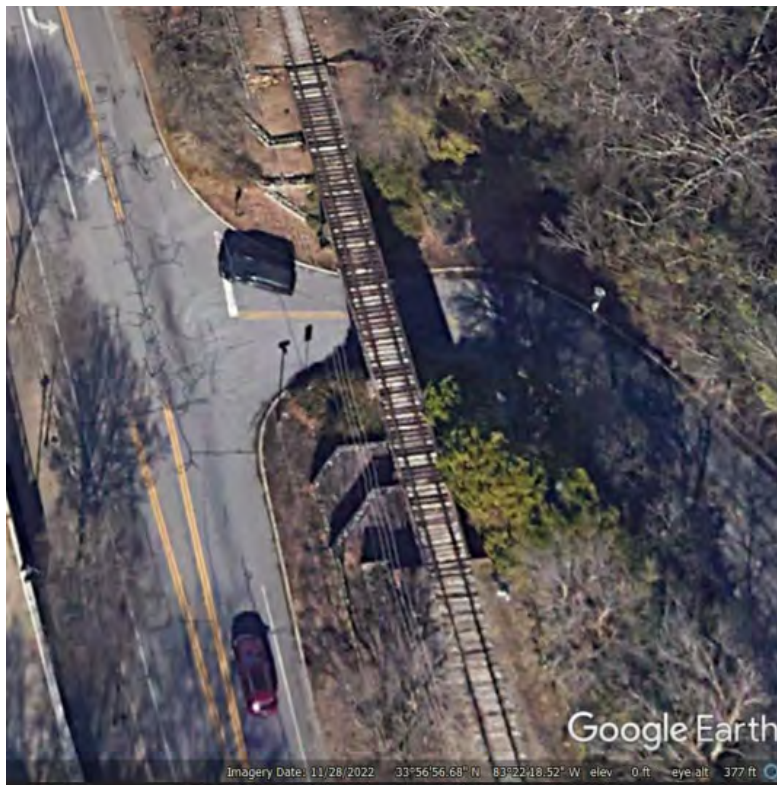
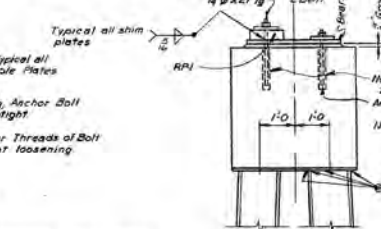
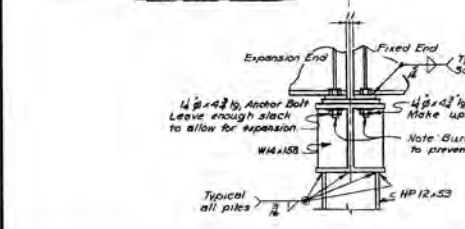
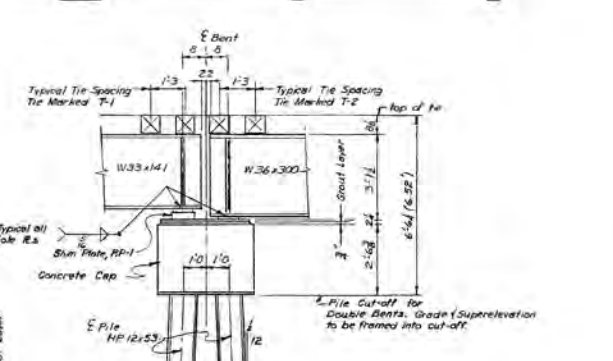
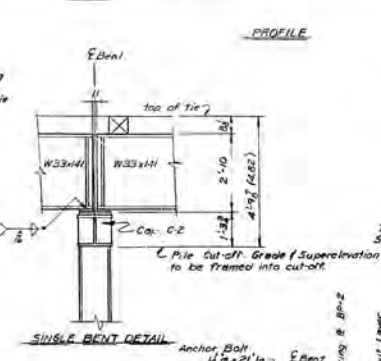
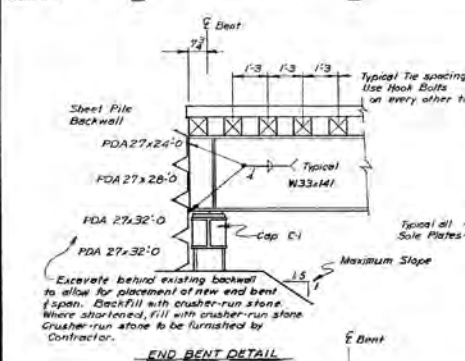
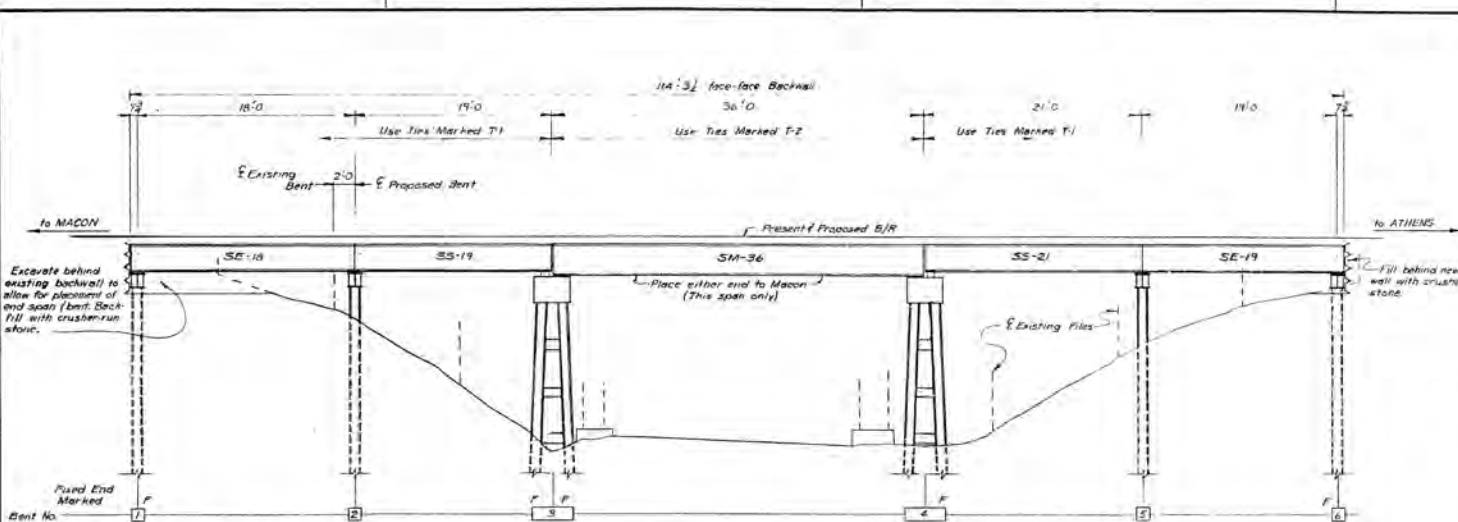


Figure 2. (continued): April 18, 1975 River Road Trestle Construction Drawing



Beam No.	Fix	Exp
SS-21	SP-3	SP-2
SE-19	SP-3	SP-2
SS-19	SP-3	SP-2
SE-18	SP-1	SP-2
SM-36	SP-3	SP-4

No.	Section	Length	Description
All Fabricated Structural Steel Beam Spans, Caps & Plates as detailed & specified on Drawings 75-F-47, 75-F-50			
1	HP12x53	40'-0"	Steel Bearing Pile
2	FDA27	24'-0"	Sheet Pile
3	"	28'-0"	"
4	"	32'-0"	"
5	C9x20	40'-0"	Channel Bracing
6	6 x 8	10'-0"	Coated Timber Ties MA T-1
7	5 x 8	13'-9"	Coated Timber Ties MA T-2
8	5 x 8	10'	Washer Head Bolts
9	3/4"	11'	Hook Bolts w/ nuts & M.L. Washers
10	3/4"	11'	High Strength Bolts w/ nuts & Washers
11	3/4"	11'	Machine Bolts w/ nuts & Washers
12	3/4"	11'	Tie Rods
13	5/8"	12'	Visconrout
14	Concrete	Caps as detailed & specified on Drawing 75-F-50	

GENERAL NOTES:

DESIGN: Current AREA specifications. Live Load: E-80. Insofar as Full Design.

PILE LOADS: All piles to be driven to minimum bearing capacity of 75 tons. Pile load tests will be made by the Contractor as directed by Railway Company's Representative. Design Load: 80 tons.

PILE BENT LOCATION: Shall not vary more than 2' along track from location shown on the plan.

PILE DRIVING LOG: The Contractor will keep an accurate log of all piles which are driven. Log must be signed daily by Railway Representative.

WORKMANSHIP: In accordance with current AREA specifications for Steel Railway Bridges.

MATERIALS: The Railway Company will furnish all materials shown in the Required List on this drawing unless noted or otherwise shown.

PROTECTIVE COATING: The Contractor will coat all exposed areas of Structural Steel with Vacoconrout. Material will be furnished by Railway Company.

LIST OF DRAWINGS:

GENERAL PLAN	75-F-47
BRACING DETAIL	75-F-48
STEEL DETAILS - SHEET 1	75-F-49
STEEL DETAILS - SHEET 2	75-F-50
CONCRETE CAP DETAIL	75-E-12

WELDING: In accordance with current AWS specifications for Welded Highway Railway Bridges.

DATE	BY	DESCRIPTION
REVISIONS		
SOUTHERN RAILWAY SYSTEM		
CENTRAL of GEORGIA		
OFFICE OF CHIEF ENGINEER ATLANTA, GA.		
MP F-104.6		ATHENS, GA.
COLLEGE ROAD U-PASS REPLACE WITH O. D. STEEL TRESTLE GENERAL PLAN		

SCALE: 1/4" = 1'-0"

DATE: 6-18-50

DESIGNER: H. F. DODGE

CHECKER: J. W. WATKINS

SCALE: 1/4" = 1'-0"

DATE: 6-18-50

DESIGNER: H. F. DODGE

CHECKER: J. W. WATKINS

DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

APPENDIX A
Notice of Discontinuance

247422

RICHARD H. STREETER

ATTORNEY AT LAW
5255 Partridge Lane, N.W.
Washington, D.C. 20016
tele: 202-363-2011 fax: 202-363-2012
rhstreeter@gmail.com

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,

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.

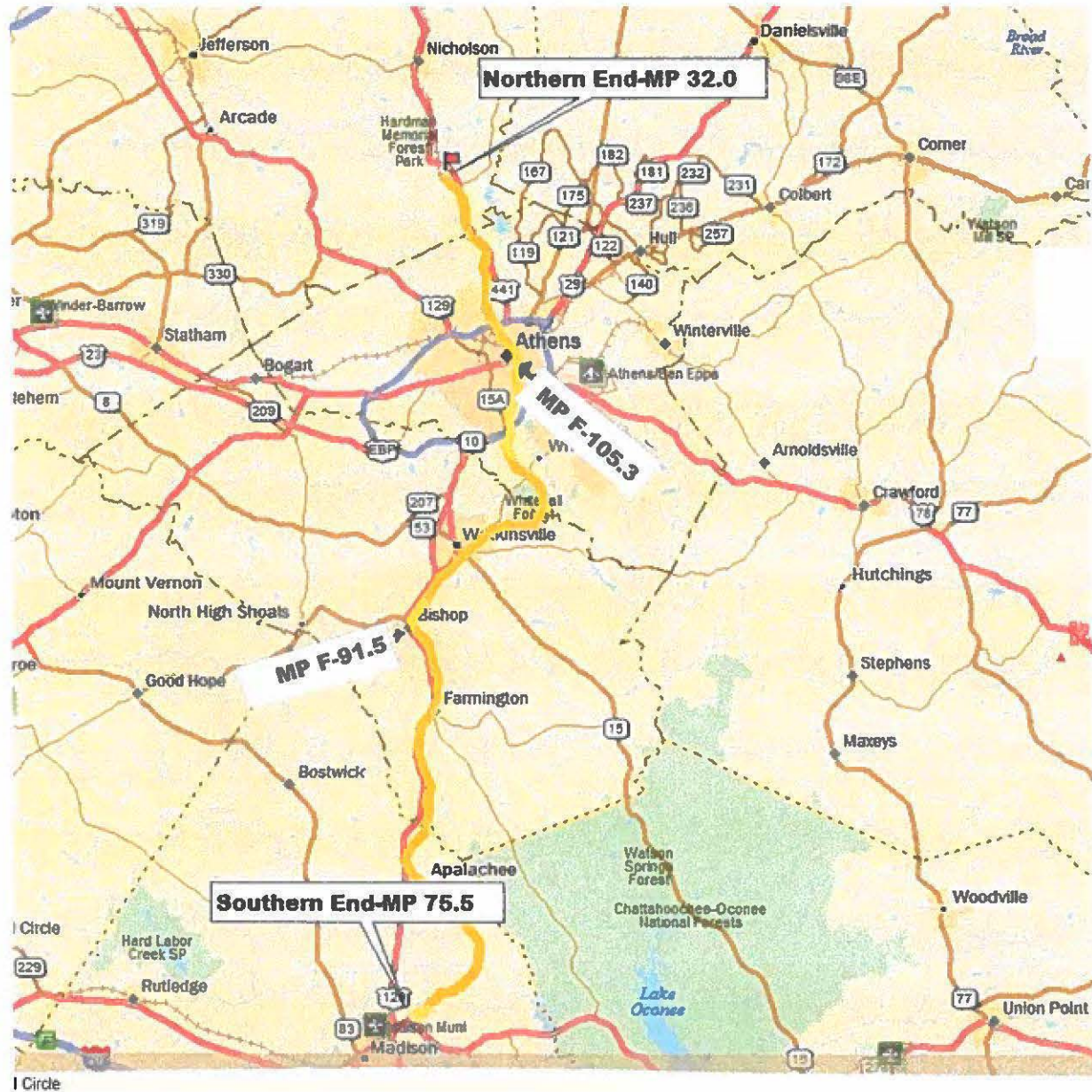
My Commission Expires: 4-27-2020

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

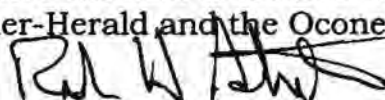
Richard H. Streeter

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

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.

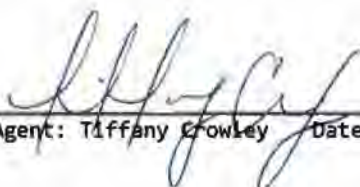
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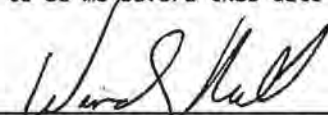
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Richard H. Streeter,
5255 Partridge Lane, NW
Washington, D.C. 20016
(202) 369-2011
RHStreeter@Gmail.com



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

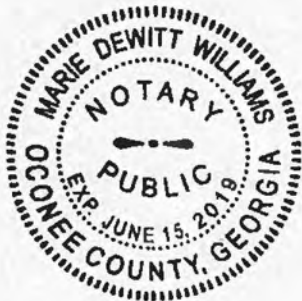
Sworn to and subscribed before me

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 13.8-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.

PN: 4/4



**EXHIBIT D -ENVIRONMENTAL REPORT
NONE REQUIRED**

**EXHIBIT E – HISTORIC REPORT
NONE REQUIRED**

46956

SERVICE DATE – APRIL 25, 2019

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1274X]

The Athens Line, LLC—Discontinuance of Service Exemption—in Oconee and Clarke Counties, Ga.

The Athens Line, LLC (Athens Line), has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service 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.) (the Line). The Line traverses U.S. Postal Service Zip Codes 30601, 30602, 30605, 30606, 30677, and 30621.

Athens Line has certified that: (1) no local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years; (3) 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 before the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of the complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham &

Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)¹ to subsidize continued rail service has been received, this exemption will be effective on May 25, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by May 3, 2019, and formal expressions of intent to file an OFA to subsidize continued rail service under 49 C.F.R. § 1152.27(c)(2)² must be filed by May 6, 2019.³ Petitions for reconsideration must be filed by May 15, 2019, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with Board should be sent to Athens Line's representative, Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, DC 20016.

¹ The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. See Offers of Financial Assistance, EP 729 (STB served June 29, 2017); 82 Fed. Reg. 30,997 (July 5, 2017).

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,800. See 49 C.F.R. § 1002.2(f)(25).

³ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at www.stb.gov.

Decided: April 19, 2019.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.

APPENDIX B
Agency Consultation Letter and Responses

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).

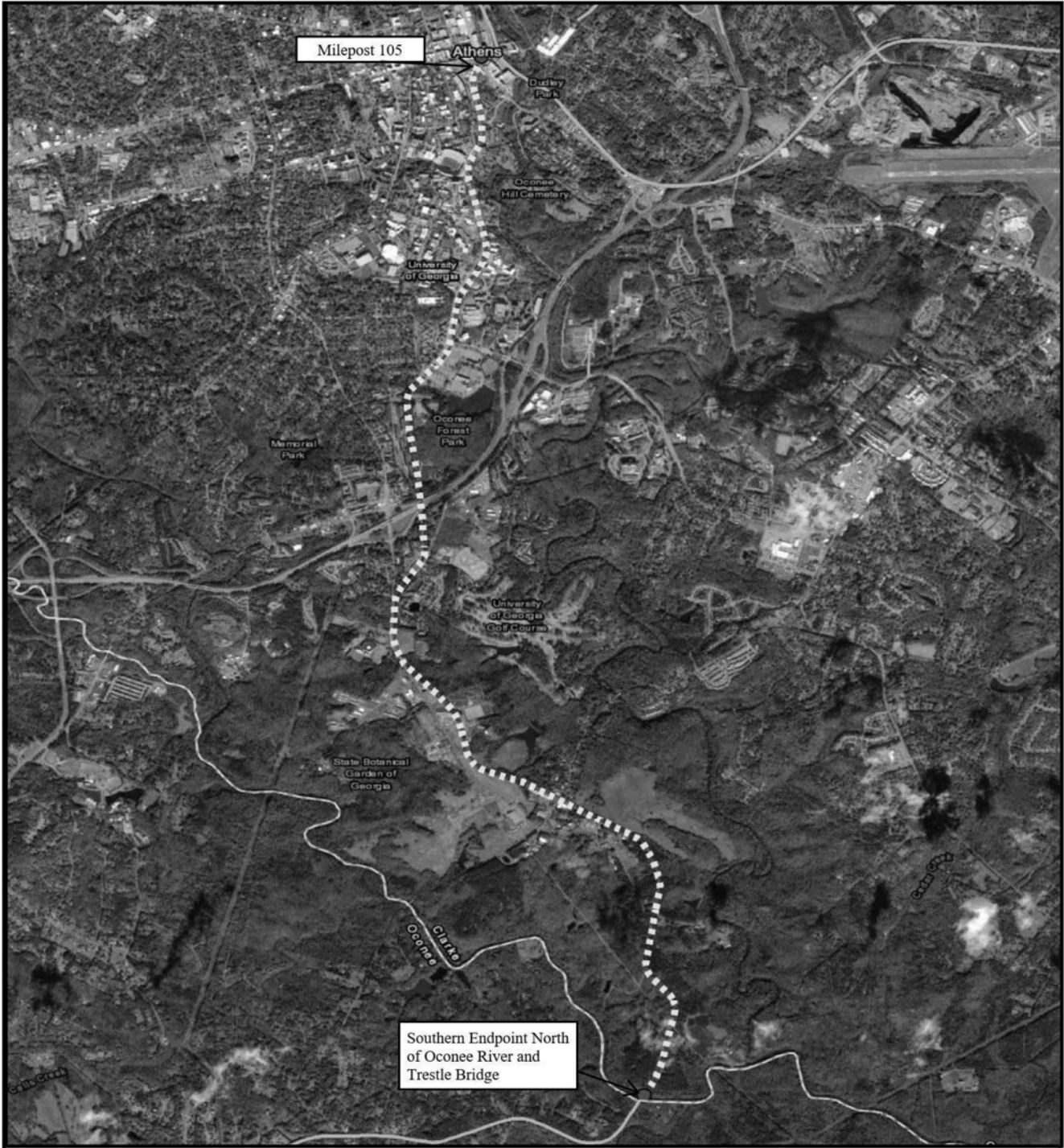
Please do not hesitate to email me or bmc@harkinscunningham.com with any questions about the STB abandonment exemption process.

Sincerely,

/s/ Paul A. Cunningham

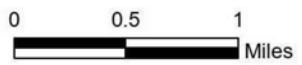
Paul A. Cunningham
Attorney for Athens Transportation Partners, LLC

Attachment A – Map of ATP Line



LEGEND

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



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

FIGURE 1





Re: Rail Abandonment Submission 

Brett Chapdelaine to: Olivia Kendrick

05/22/2023 01:28 PM

Cc: "aingwersen@chacompanies.com", "pac@harkinscunningham.com"

	Olivia Kendrick	Rail Abandonment Submission
	Brett Chapdelaine	<i>Hello Ms. Kendrick, Athens Transportation Partners is seeking abandonme</i>

Hello Ms. Kendrick,

Athens Transportation Partners is seeking abandonment authority from the Surface Transportation Board (STB). Please let me know if you have any more questions.

Thank you,

Brett Chapdelaine

*Paralegal
Harkins Cunningham LLP*

"Olivia Kendrick"

Hello, We received a submission for a Section 1...

05/22/2023 01:08:59 PM

From: "Olivia Kendrick" <Olivia.Kendrick@dca.ga.gov>
To: "aingwersen@chacompanies.com" <aingwersen@chacompanies.com>, "bmc@harkinscunningham.com" <bmc@harkinscunningham.com>
Cc: "pac@harkinscunningham.com" <pac@harkinscunningham.com>
Date: 05/22/2023 01:08 PM
Subject: Rail Abandonment Submission

Hello,

We received a submission for a Section 106 Review regarding the abandonment of a portion of the Macon-Athens rail line. In order to process this submission for review, we need to know what federal agency is this project attached to.

Thanks,
Olivia Kendrick

Olivia Kendrick

Environmental Review
Historian

Georgia Department of Community
Affairs

Direct 404-486-6432

Olivia.Kendrick@dca.ga.gov

v

June 20, 2023

Anna Ingwersen
Project Manager
CHA Consulting
270 Peachtree Street Northwest Suite 1500,
Atlanta, Georgia 30303

**RE: Proposed Rail Abandonment: Macon-Athens Railroad, Oconee River to F-MP
105.3, Athens
Clarke County, Georgia
HP-230522-001**

Dear Ms. Ingwersen:

The Historic Preservation Division (HPD) has received the information submitted concerning the above referenced project. Our comments are offered to assist the Surface Transportation Board (STB) and its applicants in complying with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

The subject project consists of the proposed abandonment of a segment of the Macon-Athens Railway line from the northern end of the Oconee River trestle bridge to approximate milepost F-MP 105.3 near East Broad Street in Athens. Based on the information provided, HPD finds that the Macon-Athens Railway is eligible for listing in the National Register of Historic Places (NRHP) 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. Therefore, it is HPD's opinion that the subject project of abandonment constitutes an **adverse effect** to historic properties that are eligible for or listed in the NRHP, as defined in 36 CFR Part 800.5(a)(2), by definition.

HPD would like to note that this determination of an adverse effect is not the end of the Section 106 consultation process. When an adverse effect to a historic property is found, the federal agency must notify the Advisory Council on Historic Preservation (ACHP) of the determination and draft a Memorandum of Agreement (MOA) in order to resolve the adverse effect. If the federal agency delegates ACHP notification responsibility to the applicant, the applicant should utilize the ACHP's e-notification system available here: <https://www.achp.gov/e106-email-form>. If the federal agency delegates the drafting of a MOA to the applicant, the applicant should visit the ACHP's Guidance on Agreement Documents webpage, found here: <https://www.achp.gov/initiatives/guidance-agreement-documents> and utilize the MOA template found therein.

Please include all avoidance and minimization measures as stipulations in the draft MOA. HPD will review the draft MOA and should be provided the opportunity to review any associated deliverables stipulated therein, within 30 days of receipt. Absent federal agency involvement, HPD is available to provide technical assistance in resolving adverse effects.

Please refer to project number **HP-230522-001** in any future correspondence regarding this project. If we may be of further assistance, please contact Olivia Kendrick, Environmental Review Historian, at Olivia.Kendrick@dca.ga.gov or (404) 448-6425 or Elijah Huszagh, Compliance Review Archaeologist, at Elijah.Huszagh@dca.ga.gov.

Sincerely,



Jennifer Dixon, MHP, LEED Green
Associate
Division Director
Deputy State Historic Preservation Officer




JAD/olk

cc: Lydia Joffray, Northeast Georgia Regional Commission
Beth Evanson, DCA Regional Commission, Region 5
Paul Cunningham, Harkins and Cunningham LLP



Re: FW: Environmental Impact 
Brett Chapdelaine to: Welte, Jennifer

05/25/2023 10:23 AM

	Welte, Jennifer	<i>Mr. Cunningham, The attached notice refers to abandoning a rail line segn</i>
	Brett Chapdelaine	<i>Hello Ms. Welte, Athens Transportation Partners (ATP) is seeking ab</i>
	Welte, Jennifer	<i>Thank you for that helpful clarification. We do not have any cor</i>

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*

"Welte, Jennifer" Mr. Cunningham, The attached notice refers to a... 05/24/2023 11:05:58 AM

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: Truszczynski, Anna <anna.truszczynski@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>; Truszczynski, Anna <anna.truszczynski@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]



Ingwersen, Anna

Anna Ingwersen Project Manager III

1 attachment

Anna Ingwersen
Project Manager III
CHA
Office: (404) 754-0567
aingwersen@chasolutions.com
<http://www.chasolutions.com/>

Please note my email address has changed

Finding a better way.

-----Original Message-----

From: Maholland, Peter D <peter_maholland@fws.gov>
Sent: Wednesday, May 24, 2023 8:46 AM
To: Ingwersen, Anna <AIngwersen@chacompanies.com>
Cc: pac@harkinscunningham.com
Subject: [--EXTERNAL--]: FW: Scanned from a Xerox multifunction device

Hello, Ms. Ingwersen,

We received a request at our Regional Office via FedEx (attached) to identify any potential adverse effects related to the Proposed Abandonment of the ATP Line in Athens, Clarke County, GA. Based on the letter, no adverse effects are anticipated. We do not have any additional comments or concerns related to this action.

In the future, please utilize our the Service's Information for Planning and Consultation (IPaC) system at <https://ipac.ecosphere.fws.gov/>. I have included instructions below.

Beginning April 1, 2023, requests for threatened and endangered species project reviews must be submitted to our office using the process described below. (If you are not emailing us to submit a project for review, your email will be forwarded to the appropriate staff.) This is a three-step process. All steps must be completed to ensure your project is reviewed by a biologist in our office and you receive a timely response. In brief the steps are:

1. Request an official species list for your project area through the Service's Information for Planning and Consultation (IPaC) system at <https://ipac.ecosphere.fws.gov/>;
 - o If logging into IPaC for the first time, you will be asked to first create a Login.gov account if you do not have one. Here are the steps on how to create your Login.gov account.
2. Complete applicable determination keys (dKeys); then if no dKey is applicable or the dKeys do not address all aspects of the project;
3. Send your complete project information to: GAES_Assistance@FWS.gov for review

Detailed instructions for each step are below.

Step 1. Request an official species list for your project through IPaC

- * Log into IPaC: <https://ecos.fws.gov/IPaC/>
 - * Create an account for yourself or log into your existing account.
 - * For a new project, click on "Get Started".
 - * Enter the project location (upload a shapefile or search by lat/long, address, and then draw the project area on the map); click "Continue."
 - * Review the list of Endangered and Threatened species in your project area, then click, "Define Project."
 - * Enter project name (up to 100 characters) in the format: "Consulting firm-Agency-Project Name-Code or permit number"
 - o Example: Green Tree Consulting-FCC -Greenville Tall Tower Project-TTP7G
 - o Example: Army Corps of Engineers-Acme Development-Green Wetland Fill-PN 2022-11111
 - * Enter project description. Describe the actions that are proposed, the current onsite habitat and proposed impacts to habitat. If the project was assigned a TAILS number by USFWS in the past, please include that in the project description.
 - * Click "Save." Your project name and map should now appear.
 - * Click "Start Review."
 - * Review the Step-by-step Consultation Process page, then click "Continue."
 - * Click on "Yes, request a species list."
 - * Enter the information associated with the lead Federal (or state, etc.) agency for the project. Depending on your answers, you will be prompted to answer additional questions and provide your contact information and project type. Click "Submit official species list request."
 - * Your species list will be automatically generated and available on your project's page shortly for viewing and downloading. Download a pdf copy of your species list.
- Step 2. Complete applicable Determination Keys
- * Click on "Next Step: Determination Keys." You may be presented with one or more dKeys that may streamline your consultation process. For each dKey that appears, we recommend clicking "Evaluate." These may streamline the consultation for federally-listed species for your specific project.
 - * We recommend concluding the use of IPaC after evaluating dKeys that are applicable to the project. Next, either move to Step 3 below if further consultation with the USFWS is needed, or present the information generated from IPaC and the dKeys to the lead federal agency for the project.
 - * "Next step: Analyze Project"-This link will take you to the Consultation Package Builder. We do not recommend this step for projects in Georgia at this time.

Step 3. Send your complete project information to: GAES_Assistance@FWS.gov for review if no dKey is applicable or all aspects of the project are not addressed by dKeys, i.e. a species returned by IPaC does not have a dKey to address impacts to it.

* In the email subject line, use the following format to include the Project Code from your IPaC species list and the county in which the project is located (Example: Project Code: 2023-0049730 Gwinnett Co.).

* Include the project location (latitude/longitude), detailed project description, effects determination, conservation measures, and all supporting documentation.

* Attach a copy of your IPaC-generated species list and dKey results to the email.

The Georgia Ecological Services Field Office will send a response email within approximately 30 days of receipt with technical assistance or further recommendations for specific species.

Thank you for reaching out to our office! For additional information on consultation for projects in Georgia, please visit our Project Review webpage at <https://www.fws.gov/office/georgia-ecological-services/project-planning-review> and Conservation Planning Tools webpage at <https://www.fws.gov/story/consultation-tools-georgia>.

Peter Maholland (he/him/his)
Field Supervisor
Georgia Ecological Services
US Fish and Wildlife Service
RG Stephens, Jr. Federal Building
355 East Hancock Avenue, Room 320, Box 7 Athens, GA 30601

Office: 706-208-7512
Cell: 706-352-1160
Email: Peter_Maholland@fws.gov
Website | Facebook

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

-----Original Message-----

From: FWS4_NONREPLY@FWS.GOV <FWS4_NONREPLY@FWS.GOV>
Sent: Wednesday, May 24, 2023 5:47 AM
To: Maholland, Peter D <peter_maholland@fws.gov>
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: 4TH Floor near Marshes Conference Room
Multifunction Printer Name: IFW4RO-PR-4MARSHEs

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

APPENDIX C
SHPO-ATP MOA Discussions

**MEMORANDUM OF AGREEMENT
AMONG
THE U.S. SURFACE TRANSPORTATION BOARD
THE GEORGIA STATE HISTORIC PRESERVATION OFFICER,
AND
ATHENS TRANSPORTATION PARTNERS, LLC,
REGARDING
THE ABANDONMENT OF 6.5 MILES OF THE MACON-ATHENS RAILROAD
FROM THE OCONEE RIVER TRESTLE BRIDGE TO F-MP 105.3 IN ATHENS-
CLARK COUNTY, GEORGIA
HP-230522-001**

WHEREAS, the Athens Transportation Partners, LLC (ATP), a limited liability company affiliate of the UGA Real Estate Foundation (UGAREF), plans to acquire abandonment authority from the Surface Transportation Board (STB) to abandon previously discontinued rail service on a segment of the Macon-Athens Railroad (MACN) line (undertaking), pursuant to 49 C.F.R. § 1152.50; and

WHEREAS, the undertaking will proceed under STB Docket No. AB 1332_0_X; and

WHEREAS, the undertaking consists of the abandonment of an approximate 6.5-mile segment of right-of-way of the MACN line (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 near East Broad Street in Athens; and

WHEREAS, pursuant to its December 10, 2009, letter to State Historic Preservation Officers, Tribal Historic Preservation Officers, and 36 C.F.R. § 800.2(c)(4), the STB has delegated its authority to complete certain steps of the Section 106 review process under the National Historic Preservation Act (NHPA) to railroads in railroad abandonment proceedings; and

WHEREAS, ATP, as the owner of the Line, has been delegated authority to complete certain steps of the Section 106 review process associated with this undertaking by STB and is an invited signatory; and

WHEREAS, the STB, through ATP, and in consultation with the Georgia State Historic Preservation Officer (SHPO), has defined the undertaking's area of potential effect (APE) as the Line and its viewshed; and

WHEREAS, the STB, through ATP, has determined that, absent mitigation, the undertaking will have an adverse effect on the Line, which is eligible for listing in the National Register of Historic Places (NRHP) 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, and has consulted with SHPO, pursuant to 36 C.F.R. § 800.5(a); and

WHEREAS, the STB, through ATP, has consulted with the University of Georgia (UGA) regarding the potential effects of the undertaking on historic properties; and

WHEREAS, the STB has identified the tribes [**STB TO COMPLETE TRIBAL COORDINATION**] which might attach religious and cultural significance to historic properties in the APE, has invited them to be consulting parties, [**and has/has not received a response from any tribe**]; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), STB, through ATP, has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

NOW, THEREFORE, STB, SHPO, and ATP, (each a "Signatory," and, together, the "Signatories") agree in this Memorandum of Agreement (MOA) that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

ATP shall ensure that the following measures are carried out by a professional, meeting the applicable Secretary of the Interior's (SOI) Professional Qualifications Standards:

- I.** ATP will submit proposed project plans for the Line, including but not limited to site and landscape plans and details related to all site appurtenances including lighting, to SHPO for review and comment in advance of any construction activities, to ensure the new construction is compatible with the historic properties in the viewshed. The ATP will respond to SHPO comments regarding construction plans. The ATP will carry out project activities in accordance with agreed-upon plans and specifications.
- II.** Prior to the start of new construction, ATP or its assignee will prepare a Photographic Permanent Archival Record (PAR) pursuant to the *Guidelines for Establishing a Photographic Permanent Archival Record* that will supplement the *Georgia Railroads, 1833-2015: Historic Context and Statewide Survey* published by the Georgia Department of Transportation in November 2018. The PAR will document the historic resources within the historic context of the Line. ATP will prepare the PAR and provide a draft copy to the SHPO for review and comment prior to finalizing. After the draft has been accepted, a final archival copy of the PAR will be provided to SHPO and to the UGA Library.
- III.** ATP will make arrangements for the development and installation of one (1) interpretive sign regarding the MACN to be installed at the northern endpoint of the project. The purpose of the sign is to educate the public and provide historic context regarding the MACN in the areas of transportation and commerce and in the area of engineering and architecture, representative of late nineteenth-century design and engineering. The interpretive sign should include, at a minimum, a narrative and images. The interpretive sign shall be developed utilizing primary and secondary sources and images. The sign will measure 24-inch (in.) by 36-in. and will be installed as a double post cantilevered pedestal. A draft of the content of the interpretive sign, including proposed images and citations, will be submitted to SHPO for review and comment. ATP or its assignee, will respond to SHPO comments regarding the draft

narrative. Once the draft sign has been reviewed, ATP will produce and install the interpretive sign at the above-noted location. Once installed, photographic documentation of the installed sign will be provided to SHPO.

- IV. DURATION.** This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, ATP may consult with the other Signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII. below.
- V. POST REVIEW DISCOVERY:** If the undertaking's scope of work changes after the MOA is executed, if additional properties are discovered that may be historically significant, and/or if unanticipated effects on known historic properties are found, ATP will consult with SHPO and all other applicable parties, including but not limited to Tribes, as appropriate, to determine if additional impacts have or may occur. If the unanticipated discovery of human burials occurs, including burial features with no identifiable human remains, all work and ground disturbing activities within a 100-meter diameter of the burial shall immediately cease and the Contractor shall immediately notify the medical examiner and ATP within the same business day (8-hours). ATP shall notify the Office of the State Archaeologist and SHPO. If the unanticipated discovery is determined to be Native American, ATP, in consultation with SHPO, will notify all concerned Tribal Historic Preservation Officers (THPO) within 48-hours of the discovery. No photography of the human remains, burials or funerary objects is permitted. ATP, in consultation with SHPO, will implement a discovery plan in accordance with applicable state and federal laws (36 C.F.R. Part 800.13; 43 C.F.R. Part 10, Subpart B; Official Code of Georgia (OCGA) 36-72; OCGA 44-12-260, OCGA 31-21-6), if necessary. Undertaking activities shall not resume without written authorization from the State Archeologist and the SHPO.
- VI. MONITORING AND REPORTING:** Each year following the execution of this MOA until it expires or is terminated, ATP shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in ATP's efforts to carry out the terms of this MOA.
- VII. AMENDMENTS.** This MOA may be amended when such amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all Signatories is filed with the ACHP.
- VIII. DISPUTE RESOLUTION.** Should any Signatory to this MOA object at any time to the manner in which ATP performs its obligations under this MOA, ATP shall consult with such party to resolve the objections. If ATP determined that such objection cannot be resolved, ATP will:
 - A. Forward all documentation relevant to the dispute, including ATP's proposed resolution, to the ACHP. The ACHP shall provide ATP with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, ATP shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, Signatories and concurring parties, and provide them with a

- copy of this written response. ATP will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-day time period, ATP may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, ATP shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.
 - C. ATP's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IX. TERMINATION. If any Signatory determines after the effective date that the terms of this MOA will not or cannot be carried out, that Signatory shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation VII. If within thirty (30) days (or another period agreed to by the Signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.

Execution of this MOA by the Signatories, its submission to the ACHP in accordance with 36 CFR 800.6(b)(1)(iv), and implementation of its terms evidence that STB has taken into account the effects of the undertaking on historic properties and agreed on the scope and nature of the mitigation of any adverse effects, under Section 106 of the NHPA (54 U.S.C. § 306108) (Section 106).

SIGNATORIES:

SURFACE TRANSPORTATION BOARD

BY: _____ **DATE:** _____
[Name], [Title]

GEORGIA STATE HISTORIC PRESERVATION OFFICER

BY: _____ **DATE:** _____
Jennifer Dixon, Division Director, Deputy SHPO

INVITED SIGNATORY:

ATHENS TRANSPORTATION PARTNERS, LLC

**BY: UGA REAL ESTATE FOUNDATION, INC
AS SOLE MEMBER AND MANAGER**

BY: _____ **DATE:** _____
Eric Orbock, Executive Director

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1332X

**Athens Transportation Partners, LLC – Abandonment Exemption –
In Clarke County, Ga.**

BACKGROUND

In this proceeding, Athens Transportation Partners, LLC (ATP)¹ filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad located in Clarke County, Georgia. The rail line proposed for abandonment is approximately 6.5 miles in length and extends from milepost F-MP 98.8 on the north side of the Oconee River trestle bridge in Athens-Clarke County north to milepost F-MP 105.3 near East Broad Street in the city of Athens (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, ATP would be able to salvage the track, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line travels through flat to gently rolling terrain past the campus of the University of Georgia (UGA) and several residential communities and is close to the open space areas of the Oconee River, the State Botanic Gardens of Georgia and Oconee Forest Park. According to ATP, there has been no local or overhead traffic on the Line since 2014. ATP states that the Line was last used to transport coal to UGA for use in a coal-fired boiler that was decommissioned in 2015. In 2019, the Board granted ATP's predecessor, Athens Line, LLC, discontinuance authority for the Line as part of discontinuance proceeding in Docket No. AB 1274X.

ATP indicates that there are three bridges on the Line which are located at: the US Route 78/441 overpass (Athens Loop); River Road and East Campus Road; and the Oconee Street overpass (Oconee). The Georgia Department of Transportation owns the Athens Loop and Oconee bridges. If abandonment authority is granted, ATP intends to convey the right-of-way to UGA for development of a multi-modal connectivity corridor for bus rapid transit service and

¹ ATP is a limited liability affiliate of UGA Real Estate Foundation, which is a supporting organization of the University of Georgia.

pedestrian and bicycle uses. ATP indicates that this type of use is consistent with the Athens-Clarke County Leisure Services Proposed Trail Network Greenway Network Plan, which contemplates connecting riparian and wildlife corridors with recreational multi-use trails in Athens-Clarke County.²

The right-of-way is generally 75 feet to 100 feet in width, and the Line traverses United States Zip Codes 30601, 30602, and 30605. Based on available information, ATP states that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

ATP submitted a combined E&H Report that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including abandonment-related salvage activities. ATP provided the E&H Report to a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)] implementing the National Environmental Policy Act (NEPA).³ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to ATP, no local traffic has moved over the Line for at least two years, and there is no need to reroute any overhead traffic. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. If abandonment authority is granted, ATP intends to transfer the right-of-way to UGA for the development of a multimodal connectivity corridor. In an email dated May 2, 2024, ATP indicated that it has not yet made plans to salvage the Line but that any salvage activities would occur after the Line has been authorized for abandonment and the abandonment has been consummated.

² Athens-Clarke County Unified Government Greenway Network Plan at <https://www.accgov.com/7143/Greenway-Network-Master-Plan>, (last visited May 5, 2024).

³ The E&H Report is available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1332" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on April 18, 2024.

By email dated May 25, 2023, the Georgia Department of Natural Resources (DNR) commented that it had no comment on the proposed abandonment. Therefore, no further consultation with DNR is recommended.

ATP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. By email dated May 24, 2023, USFWS commented that no adverse effects are expected to occur on species of concern as a result of the proposed abandonment.⁴ Accordingly, OEA has determined that the proposed abandonment would have no effect on federally listed threatened and endangered species. OEA is providing USFWS' Georgia Ecological Field Office a copy of this Draft EA for review.

ATP submitted the E&H Report to the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (Corps) and requested comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA). OEA has not received responses from either agency but believes that the proposed abandonment would not impact waterways, including wetlands, given that aerial topographic maps show that the Line does not cross any waterbodies or any low-lying areas that could be wetlands. OEA is providing USEPA Region 4 and the Corps South Atlantic Division a copy of this Draft EA for review.

The proposed abandonment is not located within a Coastal Zone. Therefore, no further consultation is required.

OEA believes that there would be no or minimal impact from any air emissions or noise on the area surrounding the proposed abandonment because no salvage or other land disturbing activities would occur.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; and the Georgia Department of Natural Resources for review.

HISTORIC REVIEW

ATP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁵ By letter dated June 20, 2023 (Project #HP-230522-001), the SHPO stated

⁴ U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC) Tool at <https://ipac.ecosphere.fws.gov/> (OEA confirmed May 6, 2024).

⁵ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the NHPA. Applicants

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. Thus, the SHPO stated that the proposed abandonment would have an adverse effect on historic resources pursuant to the National Historic Preservation Act (NHPA) and that preparation of a Memorandum of Agreement (MOA) in accordance with 36 C.F.R. § 800.5(a)(2) would be needed to resolve the adverse effects.

OEA is continuing Section 106 of the National Historic Preservation Act (NHPA) consultation with the SHPO. Because the Section 106 process is ongoing, OEA is recommending a Section 106 condition requiring ATP 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 right-of-way (Area of Potential Effect or APE) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁶ The database indicates that there are four federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The four tribes are: the Alabama-Quassarte Tribal Town; the Cherokee Nation; the Coushatta Tribe of Louisiana; and the Muscogee (Creek) Nation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITION

OEA recommends that the following condition be imposed on any decision granting abandonment authority.⁷

Athens Transportation Partners, LLC (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 project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106

are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at <https://stb.gov/resources/environmental/historic-preservation-overview/>.

⁶ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited May 7, 2024).

⁷ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. ATP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or 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.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the Line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸

TRAILS USE

A request for a NITU is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁹

PUBLIC ASSISTANCE

⁸ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1332" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁹ Id.

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://stb.gov>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1332X. If you have any questions, please contact Diana Wood by email at Diana.Wood@stb.gov or by phone at 202-934-0388.

Date made available to the public: May 17, 2024.

Comment due date: June 3, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

OEA
52129

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 1332X

**Athens Transportation Partners, LLC – Abandonment Exemption –
In Clarke County, Ga.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
 Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

NEW COMMENTS WERE RECEIVED

In this proceeding, Athens Transportation Partners, LLC (ATP)¹ filed a notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad located in Clarke County, Georgia. The rail line proposed for abandonment is approximately 6.5 miles in length and extends from milepost F-MP 98.8 on the north side of the Oconee River trestle bridge in Athens-Clarke County north to milepost F-MP 105.3 near East Broad Street in the city of Athens (the Line). The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on May 17, 2024 for public review and comment. In the Draft EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received one comment after issuance of the Draft EA. 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 (RIR) 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. NEGRC adds 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. NEGRC agrees 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.

¹ ATP is a limited liability affiliate of UGA Real Estate Foundation, which is a supporting organization of the University of Georgia.

Conclusion

The Draft EA comment period has ended. Accordingly, OEA recommends that the following condition previously recommended in the Draft EA should be imposed upon any decision granting abandonment authority:²

Athens Transportation Partners, LLC (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 project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. ATP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Georgia Department of Community Affairs, Historic Preservation Division (State Historic Preservation Office or 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.

If the above condition is imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

² 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 this condition is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.