

CLARK HILL

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Office of Proceedings
February 4, 2019

Part of
Public Record

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December 26, 2018



VIA FEDEX

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: South Carolina Central Railroad Company, LLC - Abandonment Exemption -
In Terrell County, GA
Surface Transportation Board Docket No. AB 312 (Sub-No. 4X)

Georgia Southwestern Railroad, Inc. - Discontinuance Exemption -
In Terrell County, GA
Surface Transportation Board Docket No. AB 1000 (Sub-No. 4X)

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of the Joint Notice of Exemption being filed on behalf of South Carolina Central Railroad Company, LLC and Georgia Southwestern Railroad, Inc. Also enclosed is our check in the amount of \$8,400 representing the total filing fee of \$4,200 for each of the two proceedings.

Please time-stamp the additional copy of the Joint Notice enclosed with this letter and return it to me in the self-addressed stamped envelope provided for your convenience.

FEE RECEIVED
February 4, 2019
SURFACE
TRANSPORTATION BOARD

FILED
February 4, 2019
SURFACE
TRANSPORTATION BOARD

Cynthia T. Brown
December 26, 2018
Page 2

Please let us know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: All persons shown on the certificate of service

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 312 (Sub No. 4X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC
- ABANDONMENT EXEMPTION - IN TERRELL COUNTY, GA

STB Docket No. AB 1000 (Sub-No. 4X)

GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE EXEMPTION - IN TERRELL COUNTY, GA

JOINT NOTICE OF EXEMPTION

(color images included)



Eric M. Hocky
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(215) 640-8500
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Attorneys for South Carolina Central
Railroad Company, LLC and Georgia
Southwestern Railroad, Inc.

Dated: December 26, 2018

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 312 (Sub No. 4X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC
- ABANDONMENT EXEMPTION - IN TERRELL COUNTY, GA

STB Docket No. AB 1000 (Sub-No. 4X)

GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE EXEMPTION - IN TERRELL COUNTY, GA

JOINT NOTICE OF EXEMPTION

South Carolina Central Railroad Company, LLC (“SCRF”), as the owner of a perpetual freight operating easement, and Georgia Southwestern Railroad, Inc. (“GSWR”), as the lessee and operator, are hereby filing this Joint Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, seeking exemption authority for their respective abandonment and discontinuance of the freight operating easement with respect to the segment of the line of railroad extending between Milepost 72.88 and Milepost 72.63 (a total of 1350 feet) in the Town of Sasser, Terrell County, GA (the “Subject Line”). The underlying property is owned by Georgia Department of Transportation (“GaDOT”). A map of the Subject Line is attached as Exhibit A.

There has been no local or overhead freight service on the Subject Line for over two years (in fact, current management believes that there has not been any service on the Subject Line since 1996). Because this is a stub-ended line (the adjacent line segment was authorized for abandonment in 1996, and ultimately transferred for interim trail use and rail banking in 2015), there is no overhead traffic to be rerouted over other lines.

This Joint Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, SCRF and GSWR hereby provide the following information in support of their request for abandonment and discontinuance exemptions:

1. The exact names of the applicants are South Carolina Central Railroad Company, LLC and Georgia Southwestern Railroad, Inc.

2. SCRF and GSWR are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. SCRF originally acquired the line that includes the Subject Line from CSX Transportation, Inc. ("CSXT") in 1989. *South Carolina Central Railroad Company, Inc. – Purchase - CSX Transportation, Inc., Line between Dawson and Albany, Georgia*, ICC Finance Docket No. 31481 (served October 25, 1989). Subsequently, in 2002, SCRF sold the line that includes the Subject Line to GaDOT and retained a permanent freight easement and the common carrier obligation with respect to the Subject Line. *State of Georgia, Department of Transportation - Acquisition Exemption - South Carolina Central Railroad, Inc.*, STB Finance Docket No. 34057 (served April 30, 2002). At the time of the sale of the physical assets to GaDOT, the line had been leased to SCRF's affiliate GSWR, and GSWR continued to lease and operate the line after the sale. *Id.*

3. The relief sought by SCRF is an exemption for the abandonment of the Subject Line, being the freight easement for the segment of the line of railroad extending between Milepost 72.88 and Milepost 72.63 (a total of 1350 feet) in the Town of Sasser, Terrell County, GA. There are no stations on the Subject Line.

The relief sought by GSWR is an exemption for the discontinuance of its service over the Subject Line.

4. A detailed map of the Subject Line is attached hereto as Exhibit A. Additional topographic maps were included in the Environmental and Historic Report filed with the Board on December 6, 2018.

5. The representative of SCRF and GSWR to whom correspondence should be sent is:

Eric M. Hocky, Esquire
Clark Hill, PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

6. The Subject Line traverses through United States Postal Service ZIP Code 39885.

7. As discussed below, SCRF and GSWR believe that the right-of-way may be suitable for trail use or other public purposes. The physical assets comprising the Subject Line, including the underlying property, are owned by GaDOT. Information in the possession of SCRF or GSWR regarding any additional restrictions on title will be made available on reasonable request.

SCRF and GSWR have received an expression of interest from South Georgia Rails To Trails Inc. ("SGRT") regarding the possible acquisition of the right of way for rail banking and interim trail use in order to extend its existing trail property and establish a trail head in Sasser,

Georgia.¹

8. SCRF and GSWR propose to consummate the respective abandonment and discontinuance on or after February 15, 2019.

9. SCRF and GSWR each certify that:

(a) No local or overhead traffic has moved over the Subject Line for more than two years (and believed to be since prior to 1996, a period of more than 22 years). Because the Subject Line is not a “through line,” there is no overhead traffic on the Subject Line.

(b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.

10. Although no employees of the SCRF² or GSWR will be affected by the proposed abandonment, SCRF and GSWR recognize that their respective abandonment and discontinuance of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Subject Line Railroad Co. - Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

¹ SGRT previously has acquired for interim trail use and rail banking the adjacent segments of track that were abandoned by GSWR as successor to SCRF. Although the original NITU was vacated in 2003 (*Georgia Great Southern Division, South Carolina Central Railroad Co., Inc. – Abandonment and Discontinuance Exemption – Between Albany and Dawson, In Terrell, Lee and Dougherty Counties, GA*, STB Docket No. AB 389 (Sub-No. 1X) (served May 16, 2003)), in May 2006, SGRT filed for a new NITU with respect to the portion of the line between Milepost 77.8 and Milepost 86.5. SGRT closed on the acquisition of that portion of the line for interim trail use in 2007. Thereafter, in May 2014, SGRT filed for a new NITU for the remaining segment adjacent to the Subject Line between Milepost 72.88 and Milepost 77.80. SGRT closed on the acquisition of this additional portion of the line for interim trail use in 2015.

² SCRF is a non-operating owner of the Subject Line, and has no employees working on the Subject Line.

11. SCRF and GSWR filed a Joint Environmental / Historic Report (“EHR”) with the Board on December 6, 2018, more than twenty days prior to this filing.³ Since the filing of the EHR, SCRF and GSWR received an additional response and filed a letter supplement to the EHR on December 12, 2018.

12. SCRF and GSWR each certify that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment and discontinuance was published in *The Dawson News* on October 18, 2018. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit B.

13. SCRF and GSWR each certify that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated December 6, 2018, sent to the required governmental agencies is attached hereto as Exhibit C.

³ GSWR is not required to prepare and file an environmental and historic report in connection with its proposed discontinuance of service. See 49 C.F.R. §1105.6(c) and §1105.8(b). See also *Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB 1108X (served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W. Va.*, STB Docket No. AB 55 (Sub-No. 725X) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008). However, since the discontinuance involves the same Subject Line as SCRF’s proposed abandonment, GSWR joined with SCRF in the consultation with agencies and the preparation of the EHR.

For the reasons set forth above, the Board should find that SCRF's proposed abandonment, and GSWR's proposed discontinuance, each satisfy the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notices.

Respectfully submitted,



Eric M. Hocky
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(215) 640-8500
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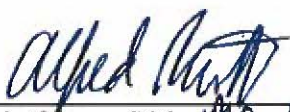
Attorneys for South Carolina Central
Railroad Company, LLC and Georgia
Southwestern Railroad, Inc.

Dated: December 26, 2018

VERIFICATION

I hereby verify on behalf of South Carolina Central Railroad Company, LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on December 26, 2018.


Print Name, Title: Alfred Q. Picot, Secretary

VERIFICATION

I hereby verify on behalf of Georgia Southwestern Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

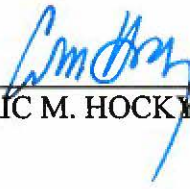
Executed on December 26, 2018.



Print Name, Title: Alfred Q. Rieth, Secretary

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Joint Notice of Exemption was served on the persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: December 26, 2018

Georgia Department of Transportation
Attn: Carol Comer, Director – Intermodal
Division
600 West Peachtree Street N.W.
2nd Floor
Atlanta, GA 30308

Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive
SE Suite 1252 East Tower
Atlanta, GA 30334

Wilbur T. Gamble, III, Chairman
Terrell County Board of Commissioners
955 Forrester Drive, S.E.
Dawson, GA 39842

U.S. Environmental Protection Agency
Region 4
61 Forsyth Street SW
Atlanta, GA 30303

U.S. Fish and Wildlife Service
Southeast Region 4
Office of the Regional Director
1875 Century Boulevard
Atlanta, GA 30345-3319

U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth St. SW
Atlanta, GA 30303-8801

Mayor Jan Jones
Town of Sasser
118 East Main Street
Sasser, GA 39885

National Park Service,
Southeast Region
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

National Park Service
1849 C Street, NW
Washington, DC 20240

Natural Resources Conservation Service
USDA
Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

Natural Resources Conservation Service
USDA
Georgia State Conservationist
355 E. Hancock Ave., Mail Stop 200
Athens, GA 30601

Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

State Historic Preservation Officer
Georgia Historic Preservation Division
Department of Natural Resources
Jewett Center for Historic Preservation
2610 GA Hwy 155, SW
Stockbridge, GA 30281

Georgia Department of Natural Resources,
Coastal Resources Division
One Conservation Way Suite # 300
Brunswick, GA 31520-8687

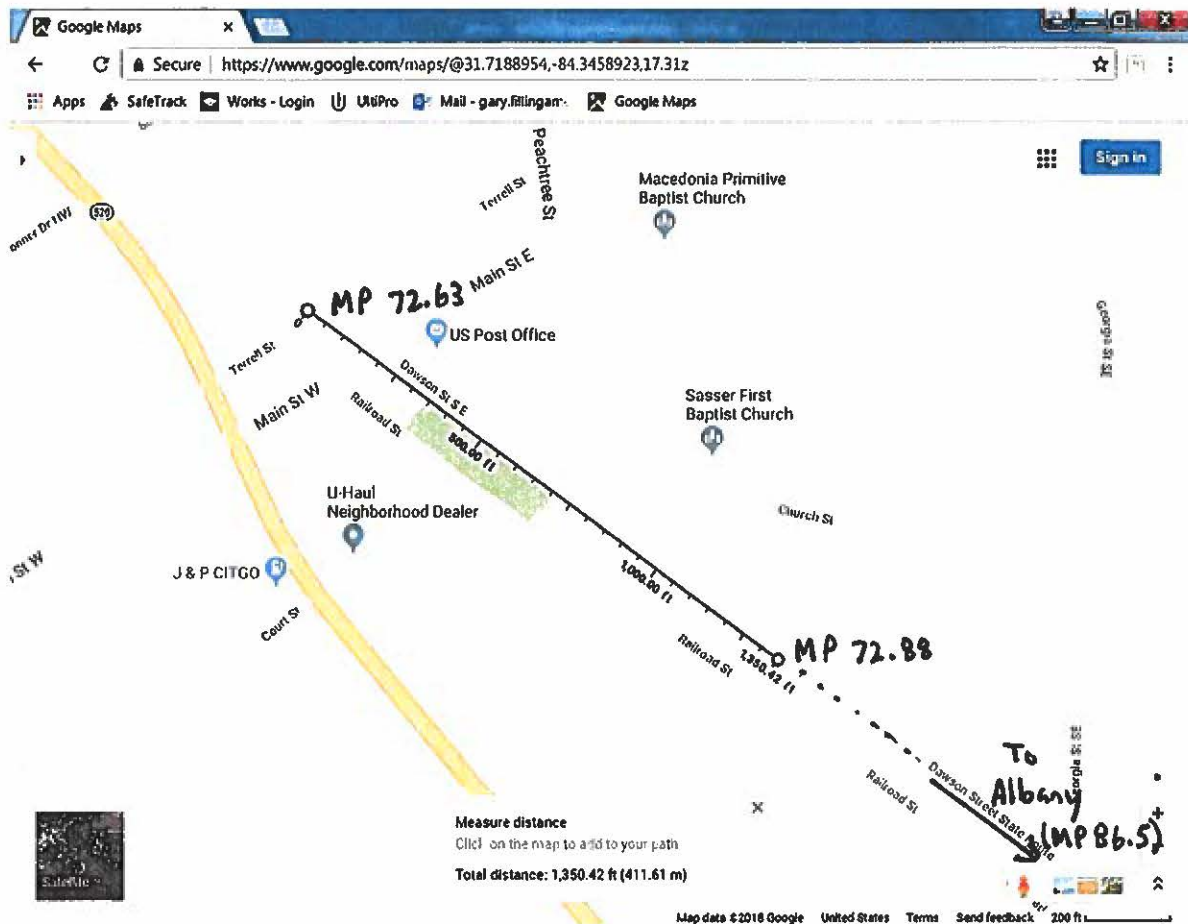
United States Department of the Army
Military Surface Deployment and Distribution
Command

Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National
Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

EXHIBIT A - MAP



[CORRECTED]

EXHIBIT B -- NEWSPAPER NOTICE

STB Docket No. AB 312 (Sub-No. 4X)

STB Docket No. AB 1000 (Sub-No. 4X)

Notice of Intent To Abandon

South Carolina Central Railroad Company, LLC (SCRF), as owner of a perpetual freight operating easement, and Georgia Southwestern Railroad, Inc. (GSWR), as lessee and operator, give notice that on or about November 5, 2018, they intend to file jointly with the Surface Transportation Board (Board), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, permitting the abandonment and discontinuance, respectively, of the segment of the line of railroad extending Milepost 72.88 and Milepost 73.13 (a total of 1350 feet) in the Town of Sasser, Terrell County, GA (Subject Line) that traverses through United States Postal Service ZIP Code 39885. The underlying property is owned by Georgia Department of Transportation. The proceedings will be docketed as No. AB 312 (Sub-No. 4X) for SCRF and AB 1000 (Sub-No. 4X) for GSWR.

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 Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on LVRM's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esq., Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

The Dawson News

P.O. Box 350

Dawson, GA 39842-0350

Phone – 229-995-2175

Fax – 229-995-2176

news@thedawsonnews.com

October 18, 2018

To Whom It May Concern:

Personally appeared before me, the undersigned, Tommy Rountree, who deposes and says that he is the Publisher of The Dawson News, a newspaper of general circulation published at Dawson, Terrell County, Georgia, and that a legal advertisement for

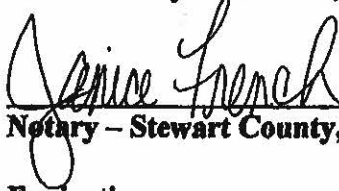
**_____ South Carolina Central Railroad Company LLC
and Georgia Southwestern Railroad Inc. /
Abandonments 39885 _____**

appeared in said newspaper on the following dates

_____ October 18, 2018 _____


**_____
Publisher, The Dawson News**

**Sworn to and subscribed before me
This 18th day of October, 2018.**


**_____
Notary – Stewart County, Georgia**

**Expiration:
August 5, 2019**

Clark Hill PLC

EXHIBIT C – 10 DAY NOTICE

CLARK HILL

Eric M. Hocky
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Email: ehocky@clarkhill.com

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December 6, 2018

ALL AGENCIES SHOWN ON THE ATTACHED SERVICE LIST

Re: South Carolina Central Railroad Company, LLC - Abandonment Exemption -
In Terrell County, GA
Surface Transportation Board Docket No. AB 312 (Sub-No. 4X)

Georgia Southwestern Railroad, Inc. - Discontinuance Exemption -
In Terrell County, GA
Surface Transportation Board Docket No. AB 1000 (Sub-No. 4X)

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that South Carolina Central Railroad Company, LLC ("SCRF"), as owner of a perpetual freight operating easement, and Georgia Southwestern Railroad, Inc. ("GSWR"), as lessee and operator, intend to file, respectively, a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, permitting the abandonment and discontinuance of a freight easement for the line of railroad extending Milepost 72.88 and Milepost 72.63 (a total of 1350 feet) in the Town of Sasser, Terrell County, GA (the "Subject Line"). The underlying property is owned by Georgia Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Code 39885. A map of the Subject Line is attached as Exhibit A.

Based upon information in the possession of SCRF and GSWR, the Subject Line does not contain federally granted rights of way. Any documentation in their possession will be made available promptly to those requesting it. SCRF and GSWR have received an expression of interest from South Georgia Rails To Trails Inc. regarding possible acquisition of the right of way for rail banking and interim trail use. SCRF and GSWR believe that this is a reasonable alternative public purpose for the right of way.

ALL AGENCIES SHOWN ON THE ATTACHED SERVICE
LIST

December 6, 2018

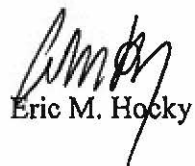
Page 2

At this time, there are no current plans for the salvage of the track and track materials. SCRF and GSWR believe that any future salvage activities would take place within the right of way of the Subject Line.

SCRF and GSWR expect to file their notice of exemption with the Surface Transportation Board on or about December 26, 2018.

Sincerely,

CLARK HILL PLC

A handwritten signature in black ink, appearing to read "Eric M. Hocky", is written over the printed name.

Eric M. Hocky

EMH/dml
Enclosure

Service List for

Docket No. AB 312 (Sub-No. 4X)

Docket No. AB 1000 (Sub-No. 4X)

Georgia Department of Transportation

Attn: Carol Comer, Director-Intermodal Division

600 West Peachtree Street N.W.

2nd Floor

Atlanta, GA 30308

United States Department of the Army

Military Surface Deployment and Distribution Command

Transportation Engineering Agency

ATTN: SDTE-SA (Railroads for National Defense)

709 Ward Drive, Building 1990

Scott AFB, IL 62225-5357

U.S. Department of the Interior -

National Park Service

RTCA Program

1849 C Street, NW

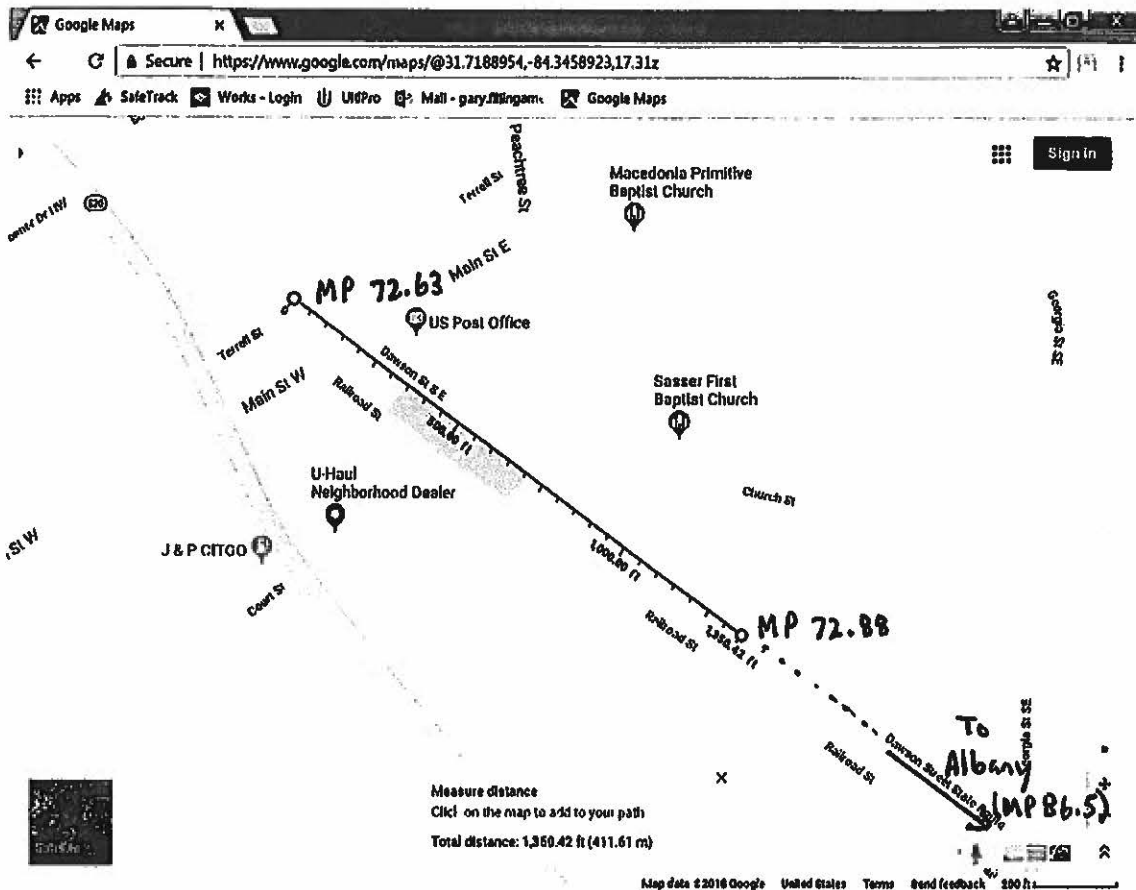
Washington, DC 20240

Office of Chief of Forest Service

U.S. Department of Agriculture

1400 Independence Ave., SW

Washington, DC 20250-1111



[CORRECTED]