

ENTERED
Office of Proceedings
May 31, 2017
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

THE ATHENS LINE, LLC-ACQUISITION AND OPERATION-
RAIL LINE OF NORFOLK SOUTHERN RAILWAY COMPANY
AND CENTRAL OF GEORGIA RAILROAD COMPANY

FINANCE DOCKET NO. 36122

NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.41

Pursuant to 49 C.F.R. § 1150.41(a), The Athens Line, LLC (Athens), a Class III rail carrier, hereby provides notice of its class exemption from 49 U.S.C. § 10902 for its acquisition of adjoining rail lines from Central of Georgia Railroad Company (CGA) and CGA's parent Norfolk Southern Railway Company (NS). The lines extend between CGA milepost F-75.5 at Madison, GA, to CGA milepost F-106.3 at Athens, GA, and from NSR milepost NE-39.1 at Athens to NS milepost NE-32.0 at a point designated as Junior State, GA, a total distance of approximately 38 miles.

BACKGROUND

In *Central of Georgia Railroad Company—Discontinuance Exemption-Operations Between Madison and Bishop, GA*, Docket No. AB-290 (Sub-No. 37X) (ICC served Nov. 3, 1988), CGA received authority to discontinue operations between CGA milepost F-75-5 near Madison and milepost F-91.5 at Bishop. Following acquisition of the lines, Athens intends to rehabilitate the

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line between those mileposts. If required, Athens will seek authority to reactivate service over such tracks.

By decision served December 27, 2001, the Board, in Finance Docket No. 34118, *The Athens Line, LLC-Lease and Operation Exemption-Norfolk Southern Railway Company and Central of Georgia Railroad Company*, authorized Athens to acquire by lease and to operate the lines of railroad that are involved herein through an operating contract with GWRC. Pursuant to the provisions of the leases, NS also agreed to sell the lines to Athens should the State of Georgia decline to exercise a prior right to purchase.

After the State decided not to purchase the lines, an agreement was reached between Athens, NS and CGA whereby Athens will acquire ownership of the lines on July 14, 2017. Following its acquisition of the line, Athens will be solely responsible for all future operations. However, the transaction will not affect any shipper.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.43

(a) The full name and address of the Class III rail carrier applicant:

Applicant is The Athens Line, LLC, 1081 North Cherokee Road, Social Circle, GA 30025.

(b) The name, address, and telephone number of the representatives of the applicant who should receive correspondence:

Applicant's attorney is Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, (202) 363-2011.

(c) A statement that an agreement has been reached or details about when an agreement has been reached:

An Agreement of Purchase and Sale has been reached. Closing is currently scheduled for July 14, 2017.

(d) The operator of the property:

Athens will operate the lines following the consummation of the transaction.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject property to the Class III rail carrier applicant:

The railroads that are transferring ownership of the line are Norfolk Southern Railway Company and Central of Georgia Railroad Company. Their address is Three Commercial Place, Norfolk, Virginia 23510-2191.

(2) The proposed time schedule for consummation of the transaction:

Consummation of the transaction is scheduled for July 14, 2017.

(3) The mileposts of the subject property, including any branch lines:

CGA Milepost F-75.5, at Madison GA, to CGA milepost F-106.3 at Athens, GA, and NSR milepost NE-39.1 at Athens to NS milepost NE-32.0 at a point designated as Junior State, GA.

(4) The total route miles being acquired.

Approximately 38 miles of rail lines are being acquired.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and states:

The required map is attached to this Notice as Appendix 1.

(g) A certificate that applicant's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under Sec. 1150.45.

The required certificate is contained in the Verification of Mr. Bennie Ray Anderson, President of Athens, which is attached to this Notice as Appendix 2.

(h) Interchange Commitments. (1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment").

The proposed acquisition and operation of the Rail Lines do not involve any provision or agreement that may limit future interchange commitments.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.44 is attached to this Notice as Appendix 3.

ENVIRONMENTAL AND HISTORIC MATTERS

By virtue of 49 C.F.R. § 1105.6(c)(1), no environmental assessment is required in conjunction with the proposed acquisition and operation. Also, by virtue of 49 C.F.R. § 1105.8(b)(1), no historic reporting is required.

LABOR PROTECTION

By virtue of 49 U.S.C. § 10902, no labor protection conditions are to be imposed in conjunction with this Notice.

ANNUAL REVENUES

The certificate required by 49 C.F.R. § 1150.43(g) (Athens' projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under 49 C.F.R. § 1150.45), is contained in Appendix 2 attached to this Notice.

VERIFICATION

A general verification of all factual assertions in this Notice is contained in Appendix 2.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, within 16 days after the filing of this Notice, the Director of the Board's Office of Proceedings should arrange for publication of notice of the filing of this Notice in the Federal Register.

Respectfully submitted,

The Athens Line, LLC
1081 North Cherokee Road
Social Circle, GA 30025.

Applicant

/s/ Richard H. Streeter

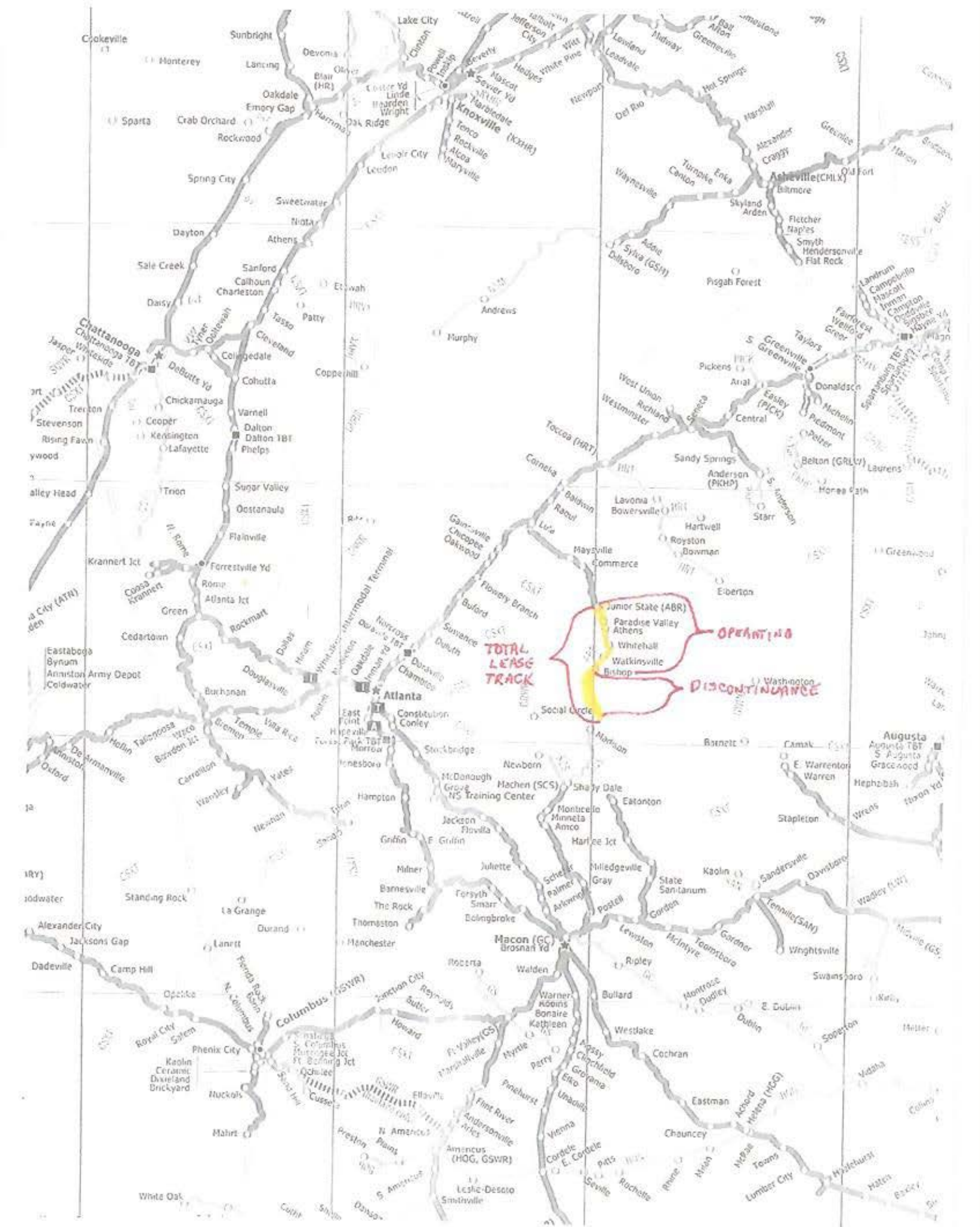
Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Attorney for Applicant

Dated: May 31, 2017

APPENDIX 1

MAP

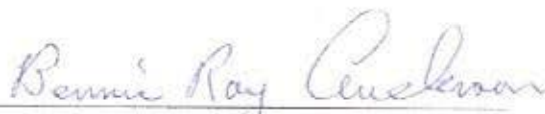


APPENDIX 2
VERIFICATION

VERIFICATION

STATE OF GEORGIA)
) ss:
COUNTY OF)

BENNIE RAY ANDERSON, being duly sworn, states that he is President of The Athens Line; that he has read the foregoing Notice of Exemption under 49 C.F.R. § 1150.41; that the projected revenues of The Athens Line would not exceed those that would qualify it as a Class III rail carrier; that the projected annual revenue of The Athens Line will not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct.


BENNIE RAY ANDERSON

SUBSCRIBED and SWORN to
Before me this 30th day of May,
2017.


Notary Public

My Commission Expires: April 12, 2020



CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket No. 36122

The Athens Line, LLC –Acquisition and Operation
Exemption – Rail Lines of Norfolk Southern Railway
And Central of Georgia Railroad Company

The Athens Line, LLC has filed a Notice of Exemption to acquire from Norfolk Southern Railway Company (NSR) and Central of Georgia (CGA) and operate approximately 38 miles of rail line between CGA milepost F-75.5 at Madison, GA, to CGA milepost F-106.3 at Athens, GA, and from NS milepost NE-39.1 at Athens to NS milepost NE-32.0 at a point designated as Junior State, GA, a total distance of approximately 38 miles. Comments must be filed with the Board and served on Athens representative, Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane, N.W., Washington, D.C. 20016, telephone 202-363-2011.

The Notice is filed under 49 C.F.R. § 1150.41 *et seq.* If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

By the Board