

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-367 (Sub-No. 2X)

GEORGIA CENTRAL RAILWAY, L.P.--ABANDONMENT EXEMPTION--
IN CHATHAM COUNTY, GA

Decided: August 6, 1997

By petition filed May 28, 1997, Georgia Central Railway, L.P. (Georgia Central) seeks an exemption under 49 U.S.C. 10502 from the provisions of 49 U.S.C. 10903 to abandon a portion of its line of railroad extending from Value Station 42+33 where it switches off the Georgia Central main line to Value Station 37+72, a distance of 0.71 miles in Savannah, Chatham County, GA. Notice of the petition was served and published in the *Federal Register* at 62 FR 32855 on June 17, 1997.

Also on June 17, 1997, A&T Industries and Roland's Bonded Warehouse (shippers) filed a joint statement in opposition to the petition for exemption for abandonment. The shippers requested that the exemption be denied citing, as pertinent here, a lack of evidence in support of petitioner's avoidable costs, revenues, track rehabilitation, and annual maintenance.

CSX Transportation, Inc., the line's former owner, replied to the shippers' statement on June 27, 1997. On July 7, 1997, Georgia Central also filed a reply to the shippers' statement in which it submitted detailed data in support of its cost and revenue projections, rehabilitation figures, and annual maintenance projections.

On July 28, 1997, the shippers filed a motion to strike portions of Georgia Central's reply discussing the data, specifically: sections B and C of the verified statement of Donald P. Connor; the entire verified statement of Garland H. Horton; and the entire verified statement of Doug R. Davis. The shippers aver that explanation and support for matter constituting a proponent's burden of proof must be provided in the proponent's initial statement subject to rebuttal by protestants, not in the proponent's rebuttal statement free from rebuttal by protestants. Further, the shippers claim that Mr. Horton's verified statement and part of Mr. Davis' statement are entirely new evidence. If the motion to strike is not granted, the shippers alternatively ask that they be given an opportunity to rebut Georgia Central's data.

The motion to strike will be denied. Georgia Central was not required to submit detailed revenue/cost information with its initial filing as it seeks abandonment authority pursuant to the Board's exemption procedures. The shippers' alternative relief will be granted, however. The shippers will be given until August 21, 1997 to respond to Georgia Central's reply.

It is ordered:

1. The motion to strike is denied.
2. Shippers may file a response to Georgia Central's reply not later than August 21, 1997.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary