

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

236751
236752

STB DOCKET NO. AB-1000 (SUB-NO. 3X)

**GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN SCHLEY AND SUMPTER COUNTIES, GA**

ENTERED
Office of Proceedings
September 29, 2014
Part of
Public Record

STB DOCKET NO. AB-290 (SUB-NO. 369X)

**CENTRAL OF GEORGIA RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN SCHLEY AND SUMPTER COUNTIES, GA**

JOINT NOTICE OF EXEMPT DISCONTINUANCE

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2401 Pennsylvania Ave., NW
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Tel: (202) 663-7820
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**Attorneys for
Central of Georgia Railroad Company**

Dated: September 29, 2014

FEE RECEIVED
September 29, 2014

SURFACE
TRANSPORTATION BOARD

**ERIC M. HOCKY
CLARK HILL PLC
One Commerce Square
2005 Market Street, Suite 1000
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**Attorneys for
Georgia Southwestern Railroad, Inc.**

**FILED
September 29, 2014
SURFACE
TRANSPORTATION BOARD**

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SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1000 (SUB-NO. 3X)

**GEORGIA SOUTHWESTERN RAILROAD, INC.
- DISCONTINUANCE OF SERVICE EXEMPTION -
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**CENTRAL OF GEORGIA RAILROAD COMPANY
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN SCHLEY AND SUMPTER COUNTIES, GA**

JOINT NOTICE OF EXEMPT DISCONTINUANCE

Central of Georgia Railroad Company (“CGA”) and Georgia Southwestern Railroad, Inc. (“GSWR”) (CGA and GSWR are sometimes jointly referred to herein as “Applicants”) hereby separately invoke the Board’s class exemption procedures at 49 C.F.R. part 1152 subpart F to discontinue service over a portion of the roughly 16.5-mile “Ellaville Line” extending between milepost 45.0 near Ellaville, Schley County, Georgia, and milepost 61.5 near Americus, Sumpter County, Georgia (the “Subject Line”). The Subject Line is the remaining portion of a CGA-owned rail line extending between Ochilree, Georgia and Americus, Georgia, that is leased to GSWR.¹ The last local service over the Subject Line was prior to July 31, 2012. Also, there has

¹ Service over the portion of the rail line between Ochilree and Ellaville was discontinued in 2013. Georgia Southwestern Railroad, Inc. - Discontinuance of Service Exemption - in Chattahoochee, Marion, and Schley Counties, GA, STB Docket No. AB 1000 (Sub-No. 2X), and Central of Georgia Railroad Company - Discontinuance of Service Exemption - in Chattahoochee, Marion, and Schley Counties, GA, STB Docket No. AB 290 (Sub-No. 344X) (joint notice served February 19, 2013).

been no overhead service over the Subject Line for more than the past two years. Any potential overhead traffic could be transported via other routes.

The Notices of Exempt Discontinuance are being filed jointly pursuant to the requirements of 49 C.F.R. part 1152 subpart F. In accordance with such requirements, Applicants hereby state as follows:

1. The exact names of Applicants are Central of Georgia Railroad Company and Georgia Southwestern Railroad, Inc.

2. Applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

3. CGA and GSWR have each invoked the Board's class exemption procedures in order to discontinue service over an out-of-service railroad line extending between milepost 45.0 near Ellaville, Georgia, and milepost 61.5 near Americus, Georgia. The Subject Line passes through Schley and Sumpter Counties.

4. A detailed map of the Subject Line is attached hereto as Exhibit A.

5. The representative of CGA to whom correspondence should be sent is:

William A. Mullins
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820

The representative of GSWR to whom correspondence should be sent is:

Eric M. Hocky
CLARK HILL PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
Tel: (215) 640-8500

6. The Subject Line to be discontinued traverses through United States ZIP Codes 31719 and 31806.

7. The notices of exemption jointly presented herein pertain to CGA's and GSWR's concurrent proposals to discontinue common carrier operations over the Subject Line Accordingly, trail use / rail banking and other public use conditions are not appropriate.²

8. Applicant proposes to consummate the discontinuance on or after November 18, 2014.

9. CGA and GSWR certify that:

(a) Neither has handled local traffic over the Subject Line in at least two years. In addition, neither has handled any overhead traffic over the Subject Line in at least two years. Any potential overhead traffic could be transported via other rail routes.

(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 CGA and/or GSWR 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 either of the Applicants will be affected by the proposed discontinuance, Applicants recognize that their respective discontinuances of service 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).

² See 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); Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA, STB Docket No. AB-721X (served November 16, 2007); Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

11. Because the subject notices of exemption pertain to discontinuances of rail service only, no environmental or historic report is required.³

12. Applicants certify that they have complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed discontinuances was published on September 24, 2014, in The Journal and The Americus Times Recorder on September 26, 2014. A certificate of publication is attached as Exhibit B.

13. Applicants have complied with the advance notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated September 17, 2014, sent to the required governmental agencies is attached hereto as Exhibit C.

For the reasons set forth above, the Board should determine that the proposed discontinuances of service qualify for the use of the Board's class exemption procedures at 49 C.F.R. part 1152 subpart F, and it should issue the appropriate notice(s).

Respectfully submitted,


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Fax: (215) 640-8501

Attorneys for
Georgia Southwestern Railroad, Inc.

Dated: September 29, 2014

³ See the decisions cited in footnote 2.
201431517

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 September 29, 2014.

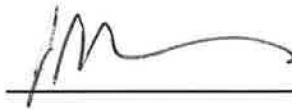


William A. Jasper

Verification

I, John Friedmann, Vice President for Central of Georgia Railroad Company ("CGA"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing discontinuance of service notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of CGA in connection with this proceeding before the Surface Transportation Board.

Executed this fifteenth day of July 2014

A handwritten signature in black ink, appearing to read 'JH Friedmann', is written above a solid horizontal line.

John H. Friedmann
Vice President

CERTIFICATION

STATE OF GEORGIA:

ss:

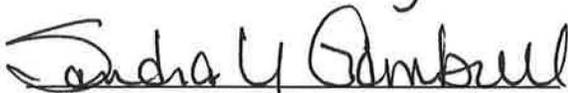
CITY OF ATLANTA:

T. L. Reynolds makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Milepost O 45.0 at Ellaville, GA and Milepost O 61.5 at North Americus, GA, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that 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 or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



T. L. Reynolds

Subscribed and sworn to before me
this 1st day of July, 2014.



Notary Public

My commission expires: **SANDRA Y. GAMBRELL**
NOTARY PUBLIC
4/20/15 **COBB COUNTY, GEORGIA**
MY COMMISSION EXPIRES APRIL 20, 2015

EXHIBIT A - MAP

EXHIBIT B – NEWSPAPER NOTICE

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on September 24, 2014, in The Journal, and on September 26, 2014, in The Americus Times Recorder, newspapers of general circulation in Schley and Sumpter Counties, Georgia

September 29, 2014



William A. Mullins
Attorney for Norfolk Southern
Railway Company

EXHIBIT C – 10 DAY NOTICES

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Joint Notice of Exempt Discontinuance was served on the persons shown on the attached list by first class mail, postage prepaid. Consistent with 49 C.F.R. §1152.50(d)(1), advanced notice of the proposed joint discontinuance (see attached) was previously served on these parties on September 17, 2014.


WILLIAM A. MULLINS

Dated: September 29, 2014

CLARK HILL

Eric M. Hocky
T 215.640.8523
F 215.640.8501
Email: ehocky@clarkhill.com

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September 17, 2014

To: All Persons on the Attached Service List

Re: STB Docket No. AB-1000 (Sub-No. 3X)
Georgia Southwestern Railroad, Inc.
- Discontinuance of Service Exemption -
In Schley and Sumpter Counties, GA

STB Docket No. AB-290 (Sub-No. 369X)
Central of Georgia Railroad Company
- Discontinuance of Service Exemption -
In Schley and Sumpter Counties, GA

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Central of Georgia Railroad Company (“CGA”), owner, and Georgia Southwestern Railroad, Inc. (“GSR”), lessee/operator, plan to jointly seek authorization from the Surface Transportation Board (“STB”) for their proposed respective discontinuances of service over the line of railroad described below, by filing a joint verified notice of exemption pursuant to the provisions of 49 CFR Part 1152 Subpart F. CGA and GSR expect to file the joint notice of exemption with the STB on or about September 29, 2014, under STB Docket Nos. AB-290 (Sub-No. 369X) and AB-1000 (Sub-No. 3X).

CGA and GSR will invoke the STB’s exemption procedures to discontinue service of the line of railroad between milepost 45.0 near Ellaville and milepost 61.5 near Americus, extending through Schley and Sumpter Counties, Georgia (the “Line”). The Line traverses through United States ZIP Codes 31719 and 31806]. A map of the Line is enclosed with this letter.

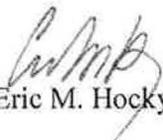
To: All Persons on the Attached Service List
September 17, 2014
Page 2

Because these proceedings would involve the discontinuance of common carrier service and not abandonment of the Line, CGA and GSWR understand that the question of whether the Line contains federally granted rights-of-way is inapplicable, and that the Line would not be suited at this time for alternative public use. Any pertinent documentation in the railroads' possession will be made available promptly to those requesting it.

CGA, the owner of the Line, has no current plans to salvage the track along the Line as a result of discontinuance.

Respectfully,

CLARK HILL, PLC


Eric M. Hocky

EMH/e

Enclosure

cc: William A. Mullins, Attorney for Central of Georgia Railroad, Inc.

**Service List for
STB Docket No. AB-290 (Sub-No. 369X)
STB Docket No. AB-1000 (Sub-No. 3X)**

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

Carol L. Comer
Georgia Department of Transportation
Intermodal Programs Division Director
600 West Peachtree
Room 217
Atlanta, GA 30308

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
(Org code 2240)
Washington, DC 20240

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

**DRAFT FEDERAL REGISTER
NOTICE OF EXEMPTION**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket Nos. AB-1000 (Sub-No. 3X) and AB-290 (Sub-No. 369X)]

Georgia Southwestern Railroad, Inc. – Discontinuance of Service Exemption – In Schley and Sumpter Counties, GA; and

Central of Georgia Railroad Company – Discontinuance of Service Exemption – In Schley and Sumpter Counties, GA

Georgia Southwestern Railroad, Inc. (GSWR) and Central of Georgia Railroad Company (CGA) jointly have filed on September 29, 2014, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service and Trackage Rights to discontinue service over the roughly 16.5-mile “Ellaville Line” extending between milepost 45.0 near Ellaville, Schley County, Georgia, and milepost 61.5 near Americus, Sumpter County, Georgia. The line traverses United States Postal Service Zip Codes 31719 and 31806.

GSWR and CGA have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line that has been, or would need to be, rerouted; (3) no formal complaint filed by a user of rail service on the line (or by 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 (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the applicable 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 discontinuances 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) has been received, these exemptions will be effective on _____, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____, 2014.¹ Petitions to reopen must be filed by _____, 2014, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. A copy of any petition filed with the Board should be sent to GSWR's representative: Eric M. Hocky, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; and to CGA's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, suite 300, Washington, DC 20037.

If the joint verified notice contains false or misleading information, the exemptions are void ab initio.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

¹ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25). Because these are discontinuance proceedings and not abandonments, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.