BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In Re: Sandersville Railroad Company's Petition For Approval to Acquire Real Estate by Condemnation	**Docket No.: 45045**

DIRECT TESTIMONY OF BENNIE CLAYTON

to be presented as a panel consisting of
Members of the No Railroad in Our Community Coalition
& Others

August 25, 2023

Jamie Rush (Georgia Bar No. 999887)
Malissa Williams (Georgia Bar No. 964322)
Miriam Gutman (Georgia Bar No. 170768)
The Southern Poverty Law Center
150 E. Ponce de Leon Avenue, Suite 340
Decatur, GA 30030
E: jamie.rush@splcenter.org
E. malissa.williams@splcenter.org
E. miriam.gutman@splcenter.org
T: (404) 673-6523

Counsel for Intervenor Applicant
No Railroad in Our Community Coalition ("NROCC")

Q. PLEASE STATE YOUR NAME, OCCUPATION, AND ADDRESS.

A. I am Bennie Clayton. I am retired from the Hancock County School District where I was a school bus mechanic. I reside at 124 Clayton Blvd., Sparta, GA 31087.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?

A. No, I have not previously testified before the Commission.

Q. HOW LONG HAVE YOU RESIDED AT 124 CLAYTON BLVD. IN SPARTA?

A. My wife Eloise and I purchased the land in 1970. We had the home built on that land and have lived there ever since.

Q: HOW OLD ARE YOU?

A. I am 75 years old.

Q. DOES ANYONE ELSE LIVE WITH YOU ON THE PROPERTY?

A. Yes, my wife Eloise, who is 72 years old, and her mother, who is 85 years old.

Q. HOW LONG DO YOU PLAN TO REMAIN IN YOUR COMMUNITY AND IN SPARTA?

A. As I said earlier, I'm retired, and my wife is retired too. She also worked for the Hancock County School District. She was a school bus monitor for special needs kids. We have always lived in Sparta and plan to stay here for as long as we live.

Q. WHAT IS YOUR INVOLVEMENT WITH THE NO RAILROAD IN OUR COMMUNITY COALITION?

A. My wife and I have attended rallies and community meetings, and we have an NROCC sign in our front yard.

Q. WHERE IS THE PROPOSED RAILROAD PROJECT LOCATED WITH RESPECT TO YOUR PROPERTY?

A. The spur tracks will be between 200 and 300 feet from our home. In fact, our bedroom faces where the tracks will pass.

Q. WHAT DISTURBANCES, IF ANY, DO YOU EXPECT THE RAILROAD, THE EXPANDED QUARRY, AND ALL OTHER ASSOCIATED DEVELOPMENT WILL CAUSE TO YOUR PROPERTY?

A. When there was blasting at the quarry near us, the whole house would shake, and dust came into our yard. We already have cracks on the side of our brick house from the blasting at the quarry. My mother-in-law lives with us. She's elderly and has disabilities. My wife and I both have high blood pressure. So, I worry about how our health will be affected by increased noise, vibrations, and dust coming from expanding the quarry closer to our home and the railroad coming through.

Q. WHAT DISTURBANCES, IF ANY, DO YOU EXPECT THE RAILROAD, THE EXPANDED QUARRY, AND ALL OTHER ASSOCIATED DEVELOPMENT WILL CAUSE YOUR NEIGHBORHOOD?

A. I think all of us in this area will be affected by noise and dust. This is a nice neighborhood with a lot of good people in it. We don't want to see the train come in and mess it up. Also, we won't benefit from the jobs that the railroad promises.

Q. ARE THERE OTHER REASONS YOU JOINED THE COALITION TO

OPPOSE THE RAILROAD IN YOUR COMMUNITY?

A. With the railroad coming close to our land, it will bring down our property value because of the noise and dust.

Q. IF THE RAILROAD IS NOT BUILT, WHAT IS YOUR PLAN FOR YOUR PROPERTY?

A. My wife and I have two daughters and three grandchildren, and we want to pass this property on to them.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Direct Testimony via electronic mail and United States Mail with sufficient postage thereon to the following, pursuant to Ga. Comp. R. & Regs. 515-16-16-.02 and 515-2-1-.04(4)(b), (3), addressed as follows:

VIA Electronic Mail and U.S. First-Class Mail:

L. Craig Dowdy
Steven L. Jones
TAYLOR ENGLISH DUMA, LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
Telephone: (770)434-6868
Facsimile: (770)434-7376
cdowdy@taylorenglish.com
sjones@taylorenglish.com

Robert S. Highsmith, Jr.
Laura E. Flint
HOLLAND & KNIGHT LLP
1180 West Peachtree Street NW
Suite 1800
Atlanta, Georgia 30309
Telephone: (404)817-8500
Facsimile: (404)881-0470
robert.highsmith@hklaw.com
laura.flint@hklaw.cm

Counsel for Petitioner Sandersville Railroad Company

Grant E. McBride
Smith, Welch, Webb & White, Attorneys at Law
2200 Keys Ferry Court
P. O. Box 10
McDonough, Georgia 30253
Tel.: (770)957-3937
Fax: (770)957-9165
Email: gmcbride@smithwelchlaw.com

Robert B. Baker
Georgia Bar No. 033881
ROBERT B. BAKER, PC
2480 Briarcliff Road, NE, Ste. 6
Atlanta, Georgia 30329
(706) 207-5002
bobby@robertbbaker.com

William R. Maurer
Washington Bar No. 25451
INSTITUTE FOR JUSTICE
600 University Street, Ste. 1730
Seattle, WA 98101
(206) 957-1300
wmaurer@ij.org

Elizabeth L. Sanz
California Bar No. 340538
Renée D. Flaherty
District of Columbia Bar No. 1011453
INSTITUTE FOR JUSTICE
901 N. Glebe Rd., Ste. 900
Arlington, VA 22203
(703) 682-9320
bsanz@ij.org
rflaherty@ij.org

Counsel for Property Owners

Robert Donald Garrett, Sr.

William Blain Smith

Sarah V. Garrett
1335 Shoals Road
Sparta, Georgia 31087

Helen Diane Smith
823 Chatsworth Drive
Accokeek MD 20607

Marvin Smith, Jr.
Patricia Smith
15500 Avery Road
Rockville, Maryland 20855

Joel Bradford Reed
Kathy Lynn Reed
5 Dogwood Lane
Chatsworth GA 30705

Sally G. Wells
140 Dunn Road
Sparta, GA 31087

Donna N. Garrett
154 Lakeview Drive
Sparta, GA 31087

Verne G. Hollis
373 Hamilton Street
Sparta, GA 31087

Herus Ellison Garrett
111 Brookwood Court
Eatonton, GA 31027

Thomas Ahmed Lee
8201 Brookriver Drive, Ste. 246
Dallas, TX 75247

Leo John Briggs
Georgia Ann Briggs
4500 Hidden Stream Drive
Loganville, GA 30052

Property Owners

Nancy Gibson
Georgia Public Service Commission
244 Washington Street SW
Atlanta, Georgia 30334
Telephone: (404)463-0882
Facsimile: (770)342-3054
E-mail: ngibson@psc.ga.gov

Designated Hearing Officer

Sallie Tanner
Georgia Public Service Commission
244 Washington Street SW
Atlanta, Georgia 30334
Telephone: (404)656-4501
Facsimile: (404)656-2341
E-mail: stanner@psc.ga.gov

Executive Secretary of the Public Service Commission

Rob Trokey
Georgia Public Service Commission
Georgia Public Service Commission
244 Washington Street SW
Atlanta, Georgia 30334
E-mail: rtrokey@psc.ga.gov

Director, Electric Unit of the Public Service Commission

Respectfully submitted this 25th day of August, 2023.

/s/ Jamie B. Rush

Jamie B. Rush
Georgia Bar No.: 999887
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Ste. 340
Decatur, Georgia 30030
Telephone: (404)673-6523
Fax: (404)221-5857
Email: jamie.rush@splcenter.org

Counsel for Intervenor Applicant
No Railroad in Our Community Coalition
("NROCC")