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 KENNETH 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 Kenneth Clayton. I served in the United States Marine Corps for 14 years. I reside at 2178 Shoals Road, 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 2178 SHOALS ROAD IN SPARTA?

A. Except for the 14 years I spent away from Sparta serving my country, I've lived in this home on Shoals Road since 1972. I grew up here.

Q: HOW OLD ARE YOU?

A. I am 58 years old.

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

A. I have lived here alone since my mother passed.

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

A. Hopefully, for the rest of my life. I was born and raised here. I left to serve my country once, and I don't plan on leaving here again.

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

A. I regularly attend rallies and community meetings, and I have an NROCC yard sign on my property.

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

A. I attended a community meeting that the Sandersville Railroad Company held and spoke with one of their representatives. My understanding is that the spur will be about 75 to 100 feet away from my house.

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

A. I am worried that the rail spur will come so close to my home that it will make my property unlivable. Even if there's a berm, I'm concerned about the additional noise that the spur will bring and that it will aggravate my post-traumatic stress disorder, which was caused by my years in the military. Also, my house is across the street from the rock quarry, and I'm already disturbed by the noise and vibrations coming from it. Even though the quarry has denied responsibility, I believe that the blasting and vibrations from the quarry have damaged my home's foundation, sheetrock, and roof. If that spur goes through, I'm worried that the train's noise and vibrations will put more stress on the structural integrity of my home. I used to work at a detention center where a train ran about 100 feet away, and it cracked the structure of the jail. The jail was built in 1993, and my house is older than that, which is why I'm worried that the train passing that close to my house could further damage it.

Q. WHAT DISTURBANCES, IF ANY, DO YOU EXPECT THE

RAILROAD, THE EXPANDED QUARRY, AND ALL OTHER ASSOCIATED DEVELOPMENT WILL CAUSE TO YOUR NEIGHBORHOOD?

A. The railroad and a bigger quarry are going to destroy this neighborhood. We've got older folks living here, and I worry about them being disturbed by the rumbling of the train. It's been bad enough with the noise and vibrations coming from the quarry, and I expect that will get worse if there's extra blasting because the quarry gets bigger.

Q. ARE THERE OTHER REASONS YOU JOINED THE COALITION TO OPPOSE THE RAILROAD IN YOUR COMMUNITY?

A. That meeting by the railroad company really annoyed me because I saw how they were trying to infringe on my property. I wasn't going to let them push me around like they did the people in Sandersville when they ran their tracks through there, so I joined the Coalition.

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

A. I plan to pass my property on to my son or daughter. That's why I'm fighting so hard to keep the railroad out of here. They both have small children, and I don't want them to be bothered by that railroad.

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.
Sarah V. Garrett
1335 Shoals Road
Sparta, Georgia 31087

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

Sally G. Wells
140 Dunn Road
Sparta, GA 31087

Verne G. Hollis
373 Hamilton Street
Sparta, GA 31087

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

William Blain Smith
Helen Diane Smith
823 Chatsworth Drive
Accokeek MD 20607

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

Donna N. Garrett
154 Lakeview Drive
Sparta, GA 31087

Herus Ellison Garrett
111 Brookwood Court
Eatonton, GA 31027

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")