**BEFORE THE**
**GEORGIA PUBLIC SERVICE COMMISSION**

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| Sandersville Railroad Company<br><br>Hancock County, Georgia<br><br>**In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation** | Docket No.: 45045 |

# OBJECTIONS TO AND MOTION TO STRIKE PRE-FILED DIRECT TESTIMONY OF GREGORY D. TEAGUE, P.E.

on behalf of the Property Owner Respondents

October 16, 2023


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"In administrative hearings, the rules of evidence as applied in the trial of nonjury civil actions shall be followed, subject to special statutory rules or agency rules as authorized by law." O.C.G.A § 24-1-2(4). Property Owner Respondents[1] hereby object to and move to strike the Pre-Filed Direct Testimony of Gregory D. Teague, P.E., set forth below, for the reasons stated:

| **Page Start** | **Line Start** | **Page End** | **Line End** | **Objection** |
|---|---|---|---|---|
| 5 | 15 | 5 | 22 | Lack of Foundation, Speculation, Hearsay |
| 8 | 1 | 9 | 18 | Hearsay, Best Evidence Rule |
| 12 | 1 | 13 | 1 | Lack of Foundation, Speculation, Improper and Unqualified Expert Opinion |

Mr. Teague is "Chief Executive Officer of Croy Engineering, LLC," Test. 2:4–5, which Sandersville Railroad Company "engaged . . . to perform . . . consulting services for land surveying, engineering design, regulatory permitting, and subconsultant coordination related to [the Hanson Spur]." Test. 4:15–19. Mr. Teague's testimony describes the services performed by Croy, Test. 6:2–10:2, "the [Hanson Spur's] route's effect on property owners adjacent to or near the spur," Test. 10:4–16, and the proposed acquisitions for each property owner along the route, Test. 13:3–20:9. Property Owner Respondents object to and move to strike Mr. Teague's testimony for lacking foundation, speculation, and hearsay. Property Owner Respondents also object to and move to strike the entirety of Mr. Teague's testimony on the grounds that Property Owner Respondents were not allowed to depose him before the November 27, 2023 hearing in this matter. *See* O.C.G.A. § 50-13-13(a)(6) (providing for "the taking of testimony by deposition").

[1] Robert Donald Garrett, Sr., and Sarah Veazey Garrett; William Blaine Smith and Helen Diane Smith; Marvin Smith, Jr., and Patricia Smith; Leo John Briggs and Georgia Ann Briggs; Joel Bradford Reed and Kathy Lynn Reed; Donna N. Garrett; Herus Ellison Garrett; Sally G. Wells; Verne Kennedy Hollis; and Thomas Ahmad Lee.

**Lack of Foundation**

"A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of such matter." O.C.G.A. § 24-6-602. Lay witness opinion testimony is admissible only if it is based on something the witness perceived, helpful for determining a fact at issue, and "not based on scientific, technical, or specialized knowledge within the scope of" O.C.G.A. § 24-7-702.

Mr. Teague provides no evidence that he has personal knowledge of the Hanson Spur's "purpose" or who will use the Hanson Spur. Test. 5:15–22. Mr. Teague is repeating what he has been told by representatives of Sandersville Railroad. Additionally, Mr. Teague does not provide any evidence that he is personally qualified to determine "how long [it would] take a person to walk" the distances between the Hanson Spur's proposed route and nearby structures. Test. 12:1–13:1. Mr. Teague's testimony about how long it would take for a person to walk is improper and unqualified expert testimony.

**Speculation**

A "witness's testimony in the form of opinions or inferences shall be limited to those opinions or inferences which are [r]ationally based on the perception of the witness." O.C.G.A. § 24-7-701. Mr. Teague speculates about the Hanson Spur's "purpose" and who will use the Hanson Spur. Test. 5:15–22. He provides no evidence that his testimony is based on anything except what representatives of Sandersville have told him. Mr. Teague also speculates about "how long [it would] take a person to walk" the distances between the Hanson Spur's proposed route and nearby structures. Test. 12:1–13:1.

**Hearsay**

"Hearsay means a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." O.C.G.A. § 24-8-801. "Hearsay shall not be admissible[.]" O.C.G.A. § 24-8-802. Mr. Teague testifies about "a comprehensive and robust review of the constraints along the potential routes" of the Hanson Spur, Test. 8:1–3, but Sandersville has not provided the study or review itself. Mr. Teague's testimony about this review is hearsay. Mr. Teague also discusses studies conducted by Sandersville's "environmental expert, CorBlu." Test. 8:14–9:13. Mr. Teague is not employed by Corblu, and so his testimony about CorBlu is hearsay. Mr. Teague also references documents and studies not included in the record in this case, which are hearsay. Test. 8:1–9:18.

Mr. Teague also discusses "a public meeting in Sparta, Georgia," in which "Croy informed the public about adjustments to the alignment of the rail spur that had been and could be made to address public comments received prior to and at that meeting within the limits allowed by AREMA design standards." Test. 8:8–13. These out-of-court statements are also hearsay.

Property Owner Respondents respectfully request that the entirety of Mr. Teague's testimony be stricken or, in the alternative, those portions described in the chart on page 2. If Mr. Teague's testimony is not stricken, Property Owner Respondents respectfully request that the Hearing Officer give such testimony little weight. Property Owner Respondents reserve all other objections to Mr. Teague's testimony pending the hearing and cross-examination.

Respectfully submitted, this 16th day of October, 2023.

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## CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2023, a copy of the foregoing *Objections to and Motion to Strike Pre-Filed Direct Testimony of Gregory D. Teague, P.E.* has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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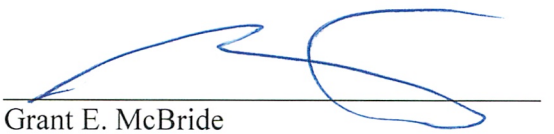
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DATED this 16th day of October, 2023.



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