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DOCKET# 56198
DOCUMENT# 223207

FINAL ORDER ADOPTING RULES

TO: (a) Legislative Counsel – State of Georgia
(b) Affected Commission Staff
(c) All Parties on the Commission's Rulemaking Mailing Lists

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

IN RE: **Docket No. 56198: Notice of Proposed Rulemaking to Amend Chapter 515-16 of Georgia Public Service Commission Rules**

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission has considered and adopted amendments to Chapter 515-16 of Georgia Public Service Commission Rules regarding transportation. The rules of Chapter 515-16, as amended, that were adopted at the Commission's June 17, 2025 Administrative Session shall become effective as provided by law twenty days after the rules are filed in the office of the Secretary of State.

BY THE COMMISSION:

Whereas, during its regularly scheduled June 17, 2025 Administrative Session, the Commission approved amendments to Chapter 515-16 of Georgia Public Service Commission Rules.

Whereas, copies of written notices of the proposed rules previously were mailed to all interested persons on the mailing list of the Commission pursuant to O.C.G.A. § 50-13-4(a)(1); and

Whereas, a copy of said notice was furnished to the Legislative Counsel of the State of Georgia, pursuant to O.C.G.A. § 50-13-4(e); and

Whereas, the Commission provided parties with the opportunity to provide written comments and to request a hearing to present oral comments on the proposed amendments to the chapter;

WHEREFORE IT IS ORDERED, that the amendments to Chapter 515-16 are hereby approved and Chapter 515-16, as amended and in its entirety, is adopted as shown below:

RULES OF GEORGIA PUBLIC SERVICE COMMISSION

Chapter 515-16. RAILROAD CONDEMNATION

Subject 515-16-1 RAILROAD CONDEMNATION PROCEEDINGS

Rule 515-16-1-.01 Purpose of Rail Condemnation Proceedings
O.C.G.A. §§ 46-8-120 through 46-8-124 requires Commission approval before any railroad company can file any action in the Superior Court to condemn real property for rail right-of-way or for erection of rail facilities.

Rule 515-16-1-.02 Procedure for Rail Condemnation Petitions
Upon receipt of a petition filed by a railroad company with the Commission seeking approval of proposed condemnation, (with proof of service of the same upon the property owner whose property is being condemned), the Commission will assign such petition to a hearing officer for hearing pursuant to O.C.G.A. § 46-2-58. If the hearing officer cannot assist the parties in mediating a purchase agreement for such property proposed for condemnation within forty-five (45) days after the filing of such petition, then the hearing officer will set the matter down for hearing to determine if there is a legitimate public purpose for the proposed condemnation. Within thirty (30) days after the close of the record in such hearing, the hearing officer will render a recommended decision or initial decision, from which any party can seek reconsideration before the full Commission.

Rule 515-16-1-.03 Commission Order in Condemnation Cases
If the Commission ultimately determines such condemnation to serve a public purpose, it shall issue a final order approving any condemnation petition by a railroad company, and the Commission shall provide the petitioning railroad company with a certified copy of such order for use by such company in its condemnation action under Title 22.

* * * * *

WHEREFORE IT IS ORDERED, that the Commission hereby adopts amendments to Chapter 515-16 of Georgia Public Service Commission Rules.

ORDERED FURTHER, that said adopted amendments to Chapter 515-16 having been published as provided in O.C.G.A. § 50-13-3(b) shall be filed with the Administrative Procedure Act Division of the Secretary of State as provided in O.C.G.A. § 50-13-6(b).

ORDERED FURTHER, that any motion for reconsideration, rehearing, or oral argument or any other relief shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in its Administrative Session on the 17th day of June 2025.

Sallie Tanner
Executive Secretary

7-2-25
Date

Jason Shaw
Chairperson

7-2-25
Date