



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

May 31, 2016

The Honorable Doug Collins
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Collins:

Thank you for your letter regarding the closure of the Cobb Street railroad overpass in the city of Lula and the importance of this bridge in connecting the community. The bridge was closed in October 2015 due to structural deficiencies that made it unsafe for vehicles.

As you indicated, the Norfolk Southern Railroad owns the bridge over its tracks and is responsible for its maintenance. After receiving your inquiry, we contacted the Georgia Department of Transportation (GDOT). In response to our inquiry, GDOT sent a letter to railroad officials on April 19 to provide written notice of the closure and to request the railroad's plans to repair the bridge. The GDOT letter (copy enclosed) pointed out that, under State law, the railroad is responsible for maintaining all of its "overpasses on the county or municipal public road system" and is subject to a civil penalty if it fails to do so.

In the past, GDOT has worked with local officials and the railroad to establish schedules for repair and reopening of bridges owned by the company. I encourage Lula officials to work with Mr. Lee E. Upkins, GDOT's State Utilities Engineer, as GDOT and the railroad determine the next steps in repairing the Cobb Street railroad overpass. Mr. Upkins can be reached by phone at 404-631-1380 or via email at lupkins@dot.ga.gov.

If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Foxx", is written over a large, stylized loop that extends upwards and to the left, partially overlapping the word "Sincerely,".

Anthony R. Foxx

Enclosure

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

April 19, 2016

Mr. Chris Bennett
System Engineer Public Improvement
Bridges and Structures Department
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, Georgia 30309
Ph: 404-529-1641
chris.bennett@nscorp.com

SUBJECT: Cobb Street Bridge over Norfolk Southern in the City of Lula
Bridge Structure ID 139-5038-0

Mr. Chris Bennett:

It is the Department's understanding that the subject bridge is the responsibility of Norfolk Southern's to repair. Information from the Office of Bridge Maintenance: The bridge was closed due to the cracks in beams 8 and 11 located at approximately midspan in span #2 and a rotten timber pile, pile #2 in bent 6. In addition there are concerns about the splice in beam 14 that is located in span #2 near bent #3 in the high shear area and the two splits that was observed in span #1 at beam 3 and 7. Pictures For additional information and/or repair recommendations, please contact Clayton Bennett at 404-635-2889. The Department is requesting a maintenance plan of action within thirty (30) days of receipt of this letter. Georgia Code Section 32-6-197(b) states the following: "It shall be the duty of the railroad involved to maintain at its own expense any floors constructed of wood and the foundations, piers, abutments, and superstructures of all overpasses on the county or municipal public road system."

Please keep us informed of the remedy for the subject bridge repair and may this letter serve as the Department's written notice to Norfolk Southern of the necessity to repairing and maintain the bridge. Also, we would like to bring to the Railroad's attention that in accordance to O.C.G.A. § 32-6-202, if the Railroad fails to comply with this order of the Department within 30 days after receipt of the order, then after notice and opportunity for a hearing, the railroad shall be subject to civil penalty in the amount of \$500.00 per day from 30 days after the date of receipt of the order of the Department.

You may contact Lee Upkins at 404-631-1380 or Jill Franks at 404-631-1370 for further information or by mail addressed to Georgia Department of Transportation, Office of Utilities, 600 W. Peachtree St. NW, 10th Floor, Atlanta, Georgia 30308 or by e-mail at lupkins@dot.ga.gov or jfranks@dot.ga.gov.

S10-160414-002 !

Beam 8 picture below



Beam 11 picture below



S10-160414-002 !

Beam 3 at bent 2 picture below



Beam 7 at bent 2 picture below



S10-160414-002 !

O.C.G.A. § 32-6-202

GEORGIA CODE
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*** Current Through the 2015 Regular Session ***

TITLE 32. HIGHWAYS, BRIDGES, AND FERRIES
CHAPTER 6. REGULATION OF MAINTENANCE AND USE OF PUBLIC ROADS GENERALLY
ARTICLE 6. PUBLIC UTILITIES
PART 2. RAILROADS

O.C.G.A. § 32-6-202 (2015)

§ 32-6-202. Procedure to obtain maintenance of grade separation structures, protective devices, and grade crossings

(a) (1) Whenever any maintenance of a grade separation structure, protective devices, or a grade crossing is necessary for the safe and reasonable passage of public traffic and such maintenance is the responsibility of a railroad under this part, the department in respect to the state highway system, the governing authority of the county in respect to its county road system, or the governing authority of the municipality in respect to its municipal street system may give written notice to the railroad of the necessity of such maintenance and order the railroad to comply with the maintenance requirements of this part. Such order shall be in writing and, as applicable, shall include the United States Department of Transportation inventory number and railroad milepost number, as well as the highway, street, or roadway name and number as identified on a general highway map prepared by the department. Such order shall be served upon the railroad by certified mail or statutory overnight delivery, return receipt requested.

(2) (A) If any railroad fails to comply with such an order of a county or municipality within 30 days after receipt of such notice and order, the county or municipal governing authority may file with the department a written request for review of the matter. Any such request for review shall be accompanied by a filing fee of \$500.00 per grade crossing and shall include a copy of the order of the county or municipality. A copy of such request for review shall be served on the railroad by the county or municipality by certified mail or statutory overnight delivery, return receipt requested. The department shall within 30 days after the filing of such request investigate the matter, including undertaking consideration of any statement of position filed by the railroad within ten days after the filing of the request for review, and issue an order either requiring the railroad to take such action as is necessary for purposes of compliance with the maintenance requirements of this part or nullifying the order of the local governing authority. As part of such order, the department shall assess all its costs of investigating and reviewing the matter against the railroad if a compliance order is issued or against the county or municipality if the order of the local governing authority is nullified, and the party so assessed shall be liable therefor to the department; provided, however, that any filing fee paid to the department by a county or municipality shall be applied to any such amount assessed against the county or municipality, and the balance of such filing fee, if any, shall be refunded to the county or municipality. Copies of any such order of the department shall be served upon the railroad and the local governing authority by certified mail or statutory overnight delivery, return receipt requested. The department shall keep detailed records of its costs of investigation and review for purposes of this subparagraph, and such records shall be subject to public inspection as provided by Article 4 of Chapter 18 of Title 50.

(B) If any railroad fails to comply with any order of the department under paragraph (1) of this subsection or subparagraph (A) of this paragraph within 30 days after receipt of such order, then after notice and opportunity for a hearing, the railroad shall be subject to a civil penalty in the amount of \$500.00 per day from 30 days after the date of receipt of the order of

Russell R. McMurry, P.E., Commissioner



DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

September 29, 2015

Honorable Richard Mecum, Chairman
Hall County Board of Commissioners
P.O. Drawer 1435
Gainesville, GA 30503

Notification of Required Bridge Closing
Cobb Street over Norfolk Southern Railroad
Structure ID 139-5038-0

Dear Commissioner Mecum:

Scott Puckett of your county was verbally advised on September 29, 2015 by Jeremy Durrence, Regional Bridge Inspection Engineer, this structure is in critical condition and require immediate closing. This letter will serve as your written notification that these structures are no longer safe for live vehicular loading. In accordance with the standards set forth in federal regulations these structures should be closed until repairs or replacement can be made.

These structures require immediate closing due to overall deteriorated condition of the structure. For additional information and/or for repair recommendations, please contact Clayton Bennett at 404-635-2889.

Please note that all structures requiring closing must be properly closed in accordance with the attached methods. Failure to properly close these structures will result in your county being reported as non-compliant which could cause a loss federal of funding. In addition, advance warning signs and barricades should be used in accordance with the Manual on Uniform Traffic Control Devices, current edition.

Yours very truly,

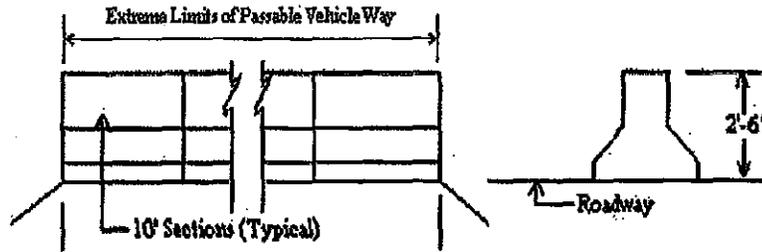
A handwritten signature in black ink, appearing to read "Andy Doyle", is written over a horizontal line.

Andy Doyle, P.E.
State Bridge Maintenance Engineer

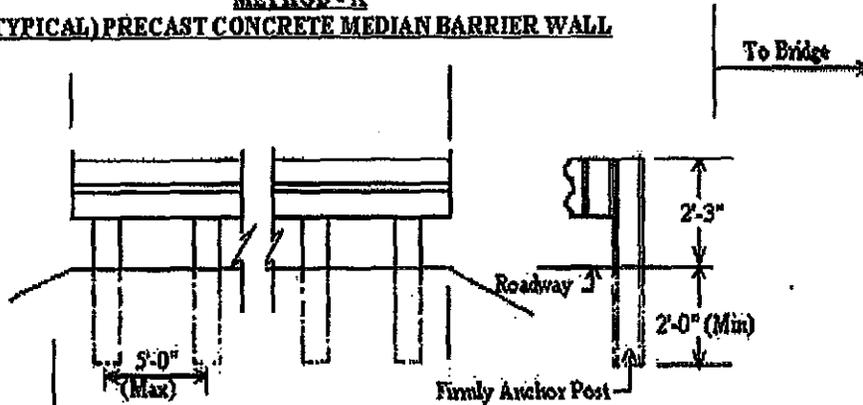
JAD/jpd

Attachment:

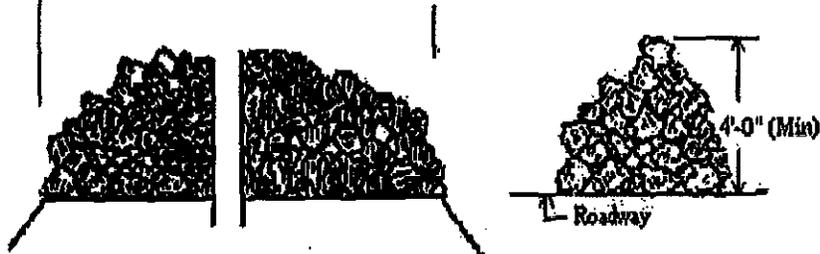
Revised 3/30/04



METHOD - A
(TYPICAL) PRECAST CONCRETE MEDIAN BARRIER WALL



METHOD - B
(TYPICAL) GUARDRAIL



METHOD - C
(TYPICAL) TYPE I RIP RAP

LOCAL BRIDGE CLOSING METHODS

NOTE: In addition to the above permanent closure, appropriate advance warning signs and barricades should be used. Please reference the Manual on Uniform Traffic Control Devices, current edition. Also, advanced warning signs should be used at the last intersection prior to each end of the structure.

(b) That the Court issue an interlocutory injunction prohibiting the Defendant from blocking the access of said public street;

(c) That upon a final hearing in this case that said interlocutory injunction be made permanent;

(d) That the Plaintiff have such other and further relief as may be proper in the premises.

LAWSON AND BROWN

BY 

ROBERT W. LAWSON, JR.
Attorney for Plaintiff

LAWSON & BROWN
ATTORNEYS AT LAW
P. O. BOX 23
434 GREEN STREET, N.E.
GAINESVILLE, GEORGIA
30603
(404) 538-2300

S10.160414-002 !

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL

STATE OF GEORGIA

CITY OF LULA, GEORGIA,
A Municipal Corporation,

Plaintiff,

vs.

SOUTHERN RAILWAY COMPANY,

Defendant.

CIVIL ACTION

FILE NO.

P-23315

RULE NISI

The above Petition for Injunction having been read and considered, let the same be filed and let a copy of said Petition for Injunction, together with summons and this Rule Nisi be served upon Defendant as provided by law.

Defendant is ordered to appear before this Court in the Hall County Courthouse, Gainesville, Georgia on the 16th day of December, 1980 at 2:00 o'clock, P.M., to show cause, if any it has, why Plaintiff's prayer for interlocutory injunction should not be granted.

SO ORDERED this 23rd day of October, 1980.


JUDGE, SUPERIOR COURT
HALL COUNTY, GEORGIA

LAWSON & BROWN
ATTORNEYS AT LAW
P. O. BOX 53
54 GREEN STREET, N.E.
GAINESVILLE, GEORGIA

30203
(404) 536-2304

S10-16044-002 ?

1980. It has a narrow roadway that barely will permit the passage of two vehicles on it. There is a steep grade on both sides of the bridge which causes limited visibility for motorists approaching the crest of the bridge. The profile of the bridge is very undesirable for modern traffic and the bridge was not designed or constructed 63 years ago for heavy truck travel. Even if placed in a good state of repair, this bridge would still constitute a hazard to the safety of vehicular traffic and pedestrians as well as a hazard to the movement of railroad trains moving goods and persons in interstate commerce.

FIFTH DEFENSE

There is no longer a need for a bridge of this character in the City of Lula as the public is adequately provided with a wide flat surface grade crossing immediately north of the bridge in question, which crossing is protected by lights and gates and north of the grade crossing is an underpass with openings 12 feet wide available for use when the protected crossing has a train stopped in emergency on the grade crossing. To require the repair of the bridge would involve an expenditure of a large sum of money estimated to be at least \$40,000.00 to perpetuate a hazard to the traveling public and railroad operations.

SIXTH DEFENSE

The cost of repairs to the bridge is not and cannot be justified to preserve the "historic value" of the bridge.

SEVENTH DEFENSE

Answering the complaint, defendant says:

1.

The allegations of paragraph 1 are admitted except that it denies that Weldon C. Tollison is its registered agent.

2.

Paragraph 2 is admitted.

3.

Answering paragraph 3, defendant says it is without knowledge or information sufficient to form a belief as to the truth of the allegation that Cobb Street is a public street or a part of the street system of

VERIFICATION

GEORGIA, HALL COUNTY.

Personally appeared before me the undersigned representative of Southern Railway Company who first being duly sworn deposes and says on oath that the allegations contained in the foregoing pleading are true.

William E. Hawkins
Title: *Superintendent*

Sworn to and subscribed before

me this 21 day of November
1980.

Betty G. Stapleton
Notary Public
My Commission Expires 11-15-88

CERTIFICATE OF SERVICE

I hereby certify that I have served the plaintiff with a true copy of the foregoing defensive pleadings by mailing same to its counsel of record, to:

Robert W. Lawson
Lawson & Brown
P. O. Box 53
Gainesville, GA 30503

by first class mail with adequate postage affixed thereto.

This 24 day of November, 1980.

Emerald J. Robinson
Attorney for Defendant

and guardrails of all overpasses are the responsibility of the City of Lula.

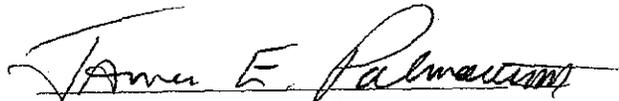
The Defendant asserts that Ga. Code Ann. §95A-1013 is controlling. That section governs improvements enhancing the value of the overpass, such as changes to accommodate the traffic flow it was intended to accommodate. If improvement simply meant maintenance, Section 95A-1011 would be of no service.

For the above-stated reasons, it is

CONSIDERED, ORDERED and ADJUDGED that the Defendant perform its duty of maintenance under Ga. Code Ann. §95A-1011(b) and (d) and repair the overpass, at its own expense. Plaintiff is to bear the cost of the guardrail repairs, either by contracting out the work itself or by contracting with the Defendant for the repairs.

Defendant is to present proposed plans, specifications, and a timeframe for the overpass repair, to accommodate vehicular traffic, to the Court no later than the 20 day of March, 1981.

This 19 day of January, 1981.


JAMES E. PALMOUR, III
Judge of Superior Court
Northeastern Judicial Circuit

cc: Mr. Robert W. Lawson, Jr.
Mr. Emory Robinson

RECORDED