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September 3, 2025

BY E-FILING

Cynthia T. Brown
Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Docket No. AB 1242 (Sub-No. 1)
The Great Walton Railroad Company - Petition for Declaratory Order;
Request of Hartwell First Methodist Church to Remove Matter from Abeyance
Response to GWRC Request for Expedited Consideration

Dear Ms. Brown:

Hartwell First Methodist Church ("Hartwell First" or "Church") files this response in general support of the request for expedited consideration filed by The Great Walton Railroad ("GWRC") with the Board on August 29, 2025 (the "GWRC Request"). A prompt resolution of the single remaining outstanding issue would be consistent with the Board's recent renewed focus on facilitating and expediting resolution of long-standing Board proceedings.

Although the Church supports expedited consideration, it does not support how the GWRC Request has framed the outstanding limited question that is awaiting Board resolution. Additionally, the GWRC Request makes a number of factual assertions that are either wrong or irrelevant and should not be considered by the Board in reaching its decisions.

Procedural Status

As noted by the GWRC Request, this Sub-docket began with the filing in November 2019 of a petition by GWRC seeking a determination that the former "north spur" that had voluntarily been removed by the railroad in 2008, and a connecting short piece of track, created a runaround track that was part of the adjacent GWRC line of railroad. What GWRC significantly leaves out from its procedural description is that in a corrected decision served June 23, 2020 (the "June 2020 Decision") at pp. 6, 8-11, the Board definitively found that the former north spur that had crossed the Church's property was and always had been ancillary track under 49 USC §10906 and was not part of the adjacent line of railroad. The Board deferred a decision on the issue of whether GWRC had exhibited or failed to exhibit a

continuing intent to provide common carrier service to the public over the “north spur” or “runaround track” for an extended period of time – determining that it would be prudent to wait until the related “State Court litigation” in which GWRC asserted either that it owned a sufficient interest in the underlying property to construct a new spur track, or that it had the right to condemn the underlying property, was concluded. As reported in the Church’s September 26, 2024 Request to Remove Proceeding from Abeyance, after an additional four-plus years of litigation in the State Courts including the denial of appeals to the Georgia Supreme Court, the Church was declared to be the fee owner of the property under the former north spur and that GWRC had no title or claim to the property. The Request to Remove from Abeyance asked the Board to determine that the former north spur had been removed from the national transportation system and GWRC had no right to construct a new spur track on Church property to which GWRC has no title or interest. The final pleading following the Request to Remove from Abeyance was filed by GWRC on December 17, 2024.

Irrelevant and Incorrect Factual Assertions

The impetus of the GWRC Request is apparently an issue with a railroad trestle that is part of GWRC’s line of railroad and is located between GWRC’s connection with the interstate network in Bowersville, GA and the sole remaining customer Redline Plastics. As noted by GWRC, the 0.25-mile segment that was the subject of the adverse abandonment proceeding in the primary docket is at the tail end of the GWRC line in Hartwell (approximately 1.0 mile beyond the Redline Plastics facility). The former north spur is located adjacent to the 0.25-mile segment in Hartwell near the end of the line. There is no apparent relationship between the remaining issue at hand in this proceeding (whether GWRC has any residual right to construct a new spur track) and whether the trestle should be repaired. There has been no suggestion in any of the litigation at the Board in this proceeding (both the primary docket and the sub-docket), that construction of a new spur track and runaround would create any additional traffic on the line. Thus, GWRC will still need to decide if the substantial cost of repair of the trestle is justified by the limited amount of traffic handled for Redline Plastics, the only customer on the line. The facts related to the restoration of the trestle are not affected by the absence of the north spur and runaround, nor should the determination of the remaining issue in this Sub-docket be affected by issues related to the restoration of the trestle.

GWRC continues to erroneously reference the 0.25-mile segment of rail line as including the 258-foot segment (the former north spur) when as noted above, the Board, in the June 2020 decision found that the former north spur is not part of the GWRC line of railroad. GWRC further exacerbates the error when it recites in footnote 1 of the GWRC Request that the 0.25-mile segment has been used to reposition locomotives for the return trip to Bowersville from Redline Plastics “in recent years”. The line segment is a straight piece of track that cannot in and of itself be used to reposition locomotives. As described extensively in the pleadings in this proceeding, the former north spur was voluntarily removed by GWRC in 2008 meaning that there has been no runaround, or any use of the line or the former runaround track to reposition locomotives for Redline Plastics or any

predecessor or other customers on the Bowersville to Hartwell line since at least some time before 2008¹ – hardly “recent.”

Notwithstanding the gaps in GWRC’s description of the status of the Sub-docket and the irrelevant and incorrect factual assertions, Hartwell First agrees that expedited resolution is appropriate given the extended period of abeyance and the completion of filings over eight months ago.

I certify that a copy of this response has been served on all parties of record as shown below.

Respectfully,

CLARK HILL

/s/ Eric M. Hocky

Eric M. Hocky

EMH:e

cc: Richard H. Streeter
Justin J. Marks

¹ The Church has alleged that there has not been any freight use of the line or the former north spur since at least 2002 when the Church acquired the property where the former north spur had been located, and likely not since 1998 when all freight service at the Hartwell end of the line ended.