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Ms. Cynthia Brown, Section Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
March 29, 2017
Part of
Public Record

Re: STB Docket No. AB 1242, Hartwell First United Methodist
Church—Adverse Abandonment and Discontinuance—
Hartwell Railroad Company and The Great Walton Railroad
Company, Inc., In Hart County, GA

Dear Ms. Brown:

This letter is submitted on behalf of Hartwell Railroad Company (HRC) and The Great Walton Railroad Company, Inc. (GWRC), by its undersigned counsel, in regards to the Notice of Intent filed by the Hartwell First United Methodist Church, Inc. (HFUMC) in The Hartwell Sun on March 23, 2017. As stated therein, HFUMC is “seeking the adverse abandonment and discontinuance (collectively, “abandonment”) of the approximately 0.25 miles of railroad tracks between Athens Street (unknown milepost) and South Forest Avenue (milepost 10.5) in Hartwell, Georgia”.

Please be advised that there is no milepost 10.5 at any point on the entire line of railroad. Indeed, the entire line of railroad is less than 10 miles long. Hence, the notice is defective.

The Board’s attention is invited to the fact that HRC intends to use the tracks near HFUMC to provide safe, efficient and economical service to an existing customer. That customer, Quality Holdings, receives raw materials that originate on the Norfolk Southern Railway that are interchanged with HRC for delivery to its plant in Hartwell. To meet Quality’s needs for rail service, HRC has attempted to restore and upgrade the tracks that appear to be the subject of the HFUMC’s proposed adverse abandonment application. HFUMC is aware of HRC’s plans to resume active common-carrier operations over the tracks that appear to be the target of the application that will be filed on or about April 7, 2017.

Unfortunately, HFUMC has interfered with HRC's restoration of a runaround track which has been in place nearly 100 years and was an integral part of rail common carrier operations. HFUMC has even obtained an emergency injunction that has forced HRC to halt restoration of its tracks that are currently needed to provide service for Quality.

No one has ever contested the railroad's right to operate over the former spur track that was integrated into the runaround track pursuant to a 1919 Agreement. The spur is plainly reflected on Hartwell Railway's 1916 Valuation map, which means it has been in place for over 100 years. Nevertheless, HFUMC now claims that it is located on property that it recently acquired. While it is HRC's position that HFUMC does not have a legitimate claim to the underlying real property, to avoid the delay and expense of drawn-out litigation, HRC has commenced condemnation proceedings to eliminate any further question about the ownership of the property.

HRC has never had any intent to abandon the tracks. Although it temporarily removed a segment of the obsolete [light] rail, that was done with full awareness that it would be necessary to install heavier rail when it became necessary to resume operations. Given the current and future need for the tracks in interstate commerce, HRC will actively oppose the anticipated adverse abandonment application.

Should HFUMC persist in its efforts to acquire HRC's property by attempting to force the abandonment of any of its tracks, the Board should forthwith direct it to identify the proper scope of its proposed application.

Respectfully submitted,

/s/ Richard H. Streeter

Richard H. Streeter

RHS:rs

Cc: Eric Hocky
All Persons Shown on List Attached to
Letter addressed to Cynthia Brown and
filed with Board dated March 16, 2017