

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
March 17, 2022
Part of
Public Record

FINANCE DOCKET NO. 36599

GREAT WALTON RAILROAD COMPANY D/B/A
HARTWELL RAILROAD COMPANY-

ACQUISITION EXEMPTION
HARTWELL RAILROAD COMPANY

VERIFIED PETITION FOR EXEMPTION PURSUANT TO
49 C.F.R. SECTION 1121

Richard H. Streeter
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Attorney for Great Walton Railroad
Company d/b/a Hartwell Railroad
Company

Dated: March 17, 2022

FILED
March 17, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 17, 2022
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36599

GREAT WALTON RAILROAD COMPANY D/B/A
HARTWELL RAILROAD COMPANY-
ACQUISITION EXEMPTION
HARTWELL RAILROAD COMPANY

VERIFIED PETITION FOR EXEMPTION OF
GREAT WALTON RAILROAD COMPANY D/B/A
HARTWELL RAILROAD COMPANY

Pursuant to 49 U.S.C. § 10502 and the regulations of the Surface Transportation Board (the “Board”) at 49 C.F.R. § 1121, Great Walton Railroad Company d/b/a Hartwell Railroad Company (GWRC) submits this petition for an exemption from the prior review and approval requirements of 49 C.F.R. § 1180.2 to acquire ownership and control of Hartwell Railroad Company (HRC). The transaction, for the reasons set forth below, will not involve a change of operators.

BACKGROUND

HRC owns the Toccoa-Elberton Line that extends between MP 0.5 at Toccoa, Georgia and MP 48.8 at Elberton, Georgia. When HRC acquired the Toccoa-Elberton Line from Norfolk Southern Railway Company in 1995, it was a non-carrier. See Finance Docket No. 32675, *Hartwell Railroad Company* –

*Acquisition and Operation Exemption – Line of Norfolk Southern Railway Company.*¹

GWRC has owned and operated the line of railroad that extends between Hartwell and Bowersville, Georgia since 1990.² That line connects with HRC's Toccoa-Elberton Line in Bowersville at MP 24.5, which is virtually in the middle of the Toccoa-Elberton Line.

Upon acquiring the Toccoa-Elberton Line from NSR, HRC granted trackage rights to Great Walton to operate the Toccoa-Elberton Line. The trackage rights agreement was approved by the Interstate Commerce Commission (ICC) in its Finance Docket No. 32676, *Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company—Trackage Rights Exemption—Hartwell Railroad Company.*³

JURISDICTION AND STATUTORY STANDARDS

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation under Part A of Subtitle IV of Title 49 (including Section 11323) if the Board finds that: (1) regulation is not necessary to carry out the rail

¹ See, *Hartwell Railroad Company – Acquisition and Operation Exemption – Line of the Norfolk Southern Railway Company*, ICC FD No. 32675, 60 Fed. Reg. 16665 (Mar. 31, 1995) (Attachment A hereto); see also, Verified Notice of Exemption Under 49 CFR 1150.31, *Hartwell Railroad Company – Acquisition and Operation Exemption – Line of the Norfolk Southern Railway Company*, filed March 14, 1995. (Attachment B hereto)

² That Line, which was constructed in 1880, has historically been known as the “Hartwell Railroad Line” or “Hartwell Railway Line” when operated by multiple prior owners.

³ See, 60 Fed. Reg. 16664 (Mar. 31, 1995) (Attachment C hereto).

transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) regulation is not necessary to protect shippers from the abuse of market power. This transaction satisfies all of the above requirements.

The Board's regulations at 49 C.F.R. § 1180.2(d)(2), which govern control, merger and acquisition transactions involving two Class III railroads, exempt transactions involving acquisition of control and merger of a railroad with a "nonconnecting carrier or one of its lines where (i) the railroads would not connect with each other ... [and] (ii) the acquisition ... is not part of anticipated transactions that would connect the railroads with each other ...". Were it not for the connection at Bowersville, the instant transaction would fit within the § 1180.2(d)(2) class exemption.

Even though the instant transaction does not fit within the literal wording of the foregoing class exemptions, that does not prevent the Board from exempting the transaction. As expressly stated at § 1180.2(d), "[t]he enumeration of the following categories of transactions as exempt, does not preclude a carrier from seeking an exemption of specific transactions not falling into these categories." It is respectfully submitted that the instant transaction, were it not for the existing connection, would be covered by the class exemptions mentioned above.

Detailed scrutiny of the transaction is not necessary to carry out the objectives of the RTP. To the contrary, an exemption from the prior approval requirements here will promote the RTP's objectives at 49 U.S.C. § 10101(4)

and (10). Granting the Petition will minimize the expense and delay associated with the application process and will protect long-term rail service over the Lines.

The involved transaction is of very limited scope and will not result in any changes in service levels, operational changes, or a change in the competitive balance with any other rail carrier. Instead, the transaction will perpetuate GWRC's operations that have been in place since they were authorized by the ICC in March 1995. Therefore, the merger will have no impact on a single shipper. Under these circumstances, regulation is not necessary to carry out the transportation policy of section 10101. Such result is consistent with the ICC's determination that "[b]y eliminating the need for Commission review and formal decisions as well as the time and expense to prepare pleadings with attendant decisional delays, it will reduce regulatory oversight of the rail transportation system and regulatory barriers to entry." Ex Parte No. 282 (Sub-11), *Rail Consolidation Procedures – Continuance in Control of a Nonconnecting Carrier*, 2 I.C.C. 2d 677, 679 (1986).

In support of this Verified Petition for Exemption, the following information is submitted as required by 49 C.F.R. § 1180.4(g).

Name, Business Address and Phone Number:

Bennie Ray Anderson, President
The Great Walton Railroad Company d/b/a Hartwell Railroad Company
1096 North Cherokee Road
Social Circle, Georgia 30025
Telephone: (770) 464-0761

The name, address, and telephone number of the representative of the applicant who should receive correspondence:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
Telephone: (202) 363-2011

Description of the proposed transaction as required by § 1180.6(a):

This transaction involves GWRC's acquisition and control of HRC. The transaction will unify the control and operation of the Toccoa-Elberton Line and the Hartwell-Bowersville Lines in Northeast Georgia. It will have no impact whatsoever on the physical operations over the Lines or on any shipper. As previously explained, because the transaction does not fall precisely within an existing class exemption, this petition for exemption seeks Board approval under 49 U.S.C. § 10502 and 49 C.F.R. § 1121.1.

The proposed time schedule as required by § 1180.6(a)(1)(ii):

The proposed transaction will be consummated on or shortly after the effective date of this Petition for Exemption.

As required by § 1180.6(a)(1)(iii), what is the purpose sought to be accomplished by the proposed transaction.

As explained above, the ultimate purpose that is sought to be accomplished by the proposed transaction is to preserve the existing operations and future viability of the Lines of railroad that are involved in the instant situation, as well as facilitate their orderly disposition in the near future.

As required by § 1180.6(a)(5) and (6), provide a list of States in which the property of each applicant carrier is located and submit a map:

All Lines are located in the State of Georgia. Maps are attached hereto as Attachment D.

As required by § 1180.4(g)(1)(i), indicate the level of labor protection to be imposed:

No labor protection may be imposed in this case, as it involves only Class III rail carriers. See 49U.S.C. § 11326(c). Nevertheless, GWRC will continue to employ all employees who currently operate on the Lines.

Agreement

An agreement has been reached regarding the transaction but has not yet been reduced to writing.

Environment and Historic Impacts

Because the transaction will not impact current rail operations in any respect or dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older, this Notice of Exemption does not require an historic report under 49 C.F.R. § 1105.8(b)(1).

The proposed merger will not result in any changes in carrier operations. Hence, there will not be a diversion of: (1) more than 1,000 rail carloads a year to motor carriage; or (2) an average of 50 carloads per mile per year for any part of these lines to motor carriage. This transaction will not result in: (1) an increase in rail traffic of a least 100 percent or an increase of at least eight trains a day on any segment of the lines; (2) an increase of rail yard activity of

at least 100 percent; or (3) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day. This transaction will not affect a Class I or nonattainment area under the Clean Air Act. In any event, the thresholds of 49 C.F.R. § 1105.7e(5)(ii) will not be exceeded. Finally, this transaction does not contemplate the transportation of any ozone depleting materials. Therefore, no environmental documentation is required under 49 C.F.R. § 1105.6(c)(2).

This transaction will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,

/s/ Richard H. Streeter

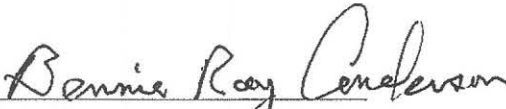
Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011

Attorney for Great Walton Railroad
Company d/b/a Hartwell Railroad
Company

Dated: March 17, 2022

VERIFICATION

I, Bennie Ray Anderson, hereby declare under penalty of perjury that the foregoing is true and correct. Executed on March 17, 2022..


Bennie Ray Anderson

FD NO. 36599

ATTACHMENT A

[Finance Docket No. 32675]

**Hartwell Railroad Company—
Acquisition and Operation
Exemption—Line of Norfolk Southern
Railway Company**

Hartwell Railroad Company (HRC), a noncarrier, has filed a notice of exemption to acquire and operate approximately 48.3-miles of rail line, the Toccoa Line, owned by Norfolk Southern Railway Company.² The line extends from milepost P 0.5, near Toccoa, to milepost P 48.80, near Elberton, in Elbert, Franklin, Hart, and Stephens Counties, GA. The proposed transaction is to be consummated after the effective date of the notice of exemption and will result in HRC becoming a class III carrier.³

Any comments must be filed with the Commission and served on: William A. Mullins, Troutman Sanders, 601 Pennsylvania Ave., N.W., Washington, DC 20004.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 24, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-7927 Filed 3-30-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE**Office of Juvenile Justice and
Delinquency Prevention**

[OJP (OJJDP) No. 1047]

ZRIN: 1121-ZA10

**Program Announcement,
"Nonparticipating State Program,
Wyoming"**

AGENCY: Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

² In a concurrently filed notice of exemption, Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company—Trackage Rights Exemption—Hartwell Railroad Company, Finance Docket No. 32676, HRC agrees to grant local and overhead trackage rights over the Toccoa Line to Great Walton Railroad Company, Inc., an unaffiliated carrier, because HRC assertedly will not be prepared to provide immediate service to the line's shippers.

³ Under 49 CFR 1150.32(b), the notice of exemption is effective 7 days after it is filed. The notice was filed on March 15, 1995.

ACTION: Notice of program announcement.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to the provisions of section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 *et seq.*, (hereinafter the JJDP Act), is issuing a program announcement and solicitation for applications from local public and private nonprofit agencies in the State of Wyoming. The State is not eligible to receive its fiscal years 1993 and 1994 Formula Grants Program allocations under Part B of Title II of the JJDP Act. Eligible applicants for this competitive program are limited to local public and private nonprofit agencies providing services or currently operating in the State. Such agencies are eligible to receive funds to be expended over a two year period. Multiple grants will be made available in amounts ranging from \$100,000 to \$471,829 per applicant of a total of \$943,658 in fiscal year 1993 and 1994 Formula Grant funds that have been reallocated for award under this nonparticipating state program.

DATES: Applications under this program are due May 1, 1995.

ADDRESSES: State Relations and Assistance Division, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: For further information contact Mark A. Roscoe, State Representative, State Relations and Assistance Division, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531, (202) 307-5924.

SUPPLEMENTARY INFORMATION:**I. Introduction and Background****A. Legislation**

Pursuant to section 223(d) of the JJDP Act, the OJJDP Administrator must endeavor to make the Formula Grants Program fund allotment, under section 222(a) of the JJDP Act, to a State which is ineligible to participate in the Formula Grants Program available to local public and private nonprofit agencies within the nonparticipating State. The funds may be used solely for the purpose(s) of achieving compliance with the following JJDP Act core State plan requirements:

1. Section 223(a)(12)(A), which provides that juveniles shall not be placed in secure detention or correctional facilities if (1) they are

charged with or have committed offenses that would not be criminal if committed by an adult, (2) they are charged with or have committed offenses which do not constitute violations of valid court orders or Federal or State law prohibiting the possession of a handgun, or (3) they are non-offenders such as dependent or neglected children;

2. Section 223(a)(13), which provides that juveniles alleged or found to be delinquent, status offenders, and non-offenders shall not be detained or confined in any institution in which they have contact with adults convicted of a crime or awaiting trial on criminal charges;

3. Section 223(a)(14), which provides that no juvenile shall be detained or confined in any jail or lockup for adults, except criminal-type juvenile offenders awaiting an initial court appearance pursuant to an enforceable State law requiring such appearance within 24 hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which:

- Are outside a Metropolitan Statistical Area,
- Have no existing acceptable alternative placements available,
- Provide for the sight and sound separation of juveniles and incarcerated adults; and

4. Section 223(a)(23), which provides that States must address efforts to reduce the proportion of juveniles detained or confined in secure facilities who are members of a minority group if such proportion exceeds the proportion such groups represent in the general population.

B. Definitions of Terms

1. **Adult jail.** A locked facility administered, by State, county, or local law enforcement and public or private correctional agencies. The purpose of such facility is to detain adults charged with violating criminal law pending trial. Facilities used to hold convicted adult criminal offenders, usually sentenced for less than one year, are also considered adult jails.

2. **Adult lockup.** Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

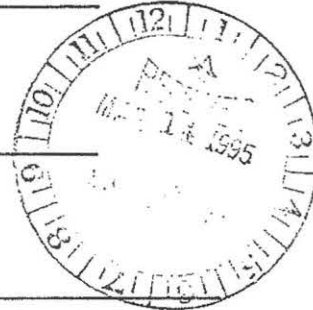
3. **Criminal-type offender.** A juvenile offender who has been adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

FD NO. 36599

ATTACHMENT B

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FINANCE DOCKET NO. 32675



HARTWELL RAILROAD COMPANY
-- ACQUISITION AND OPERATION EXEMPTION --
LINE OF THE NORFOLK SOUTHERN RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 CFR 1150.31

John R. Molm, Esq.
William A. Mullins, Esq.
TROUTMAN SANDERS
601 Pennsylvania Ave. N.W.
Suite 640, North Building
Washington, D.C. 20004
(202) 274-2950

Attorneys for Hartwell Railroad Company

Dated: March 14, 1995

BEFORE THE
INTERSTATE COMMERCE COMMISSION

FINANCE DOCKET NO. 32676

HARTWELL RAILROAD COMPANY
-- ACQUISITION AND OPERATION EXEMPTION --
LINE OF THE NORFOLK SOUTHERN RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 CFR 1150.31

Pursuant to the Commission's class exemption rules and procedures at 49 CFR §§ 1150.31 - 1150.34, Hartwell Railroad Company ("HRC") hereby files this Verified Notice of Exemption from the prior approval requirements of 49 U.S.C. § 10901 to permit HRC to acquire and operate a certain rail line of the Norfolk Southern Railway Company ("NS") located in Stephens, Franklin, Hart, and Elbert Counties, State of Georgia, known as the Toccoa-Elberton Line (the "Toccoa Line"). HRC provides the following information in accordance with 49 C.F.R. § 1150.33:

1150.33(a) - Full Name and Address of Applicant

The applicant is the Hartwell Railroad Company. HRC is a newly formed Georgia Corporation. HRC does not own any rail properties and is not a subsidiary of any other corporation. Accordingly, HRC qualifies as a non-carrier corporation entitled to purchase a line of railroad under the class exemption rules herein. Upon consummation of the line acquisition, HRC will become a rail carrier subject to the provisions of the Interstate Commerce Act. HRC's full name and current business address are listed below:

Hartwell Railroad Company
1106 North Cherokee
Social Circle, Georgia 30279

1150.33(b) - Name and Address of Applicant's Representative

The name and address of HRC's counsel, to whom all correspondence concerning this proceeding should be addressed and on whom all pleadings and orders relating to this proceeding should be served, is listed below:

Mr. William A. Mullins
TROUTMAN SANDERS
601 Pennsylvania Ave. N.W.
Suite 640 - North Building
Washington, D.C. 20004
(202) 274 - 2953
(202) 274 - 2994 (Fax)

1150.33(c) - Statement Regarding Agreement

While no agreement has yet been signed by both the seller and the purchaser, HRC and NS have negotiated and agreed upon a Purchase and Sale Agreement establishing the terms and conditions for the proposed transaction. It is expected that this agreement will be finalized within the next few days.

1150.33(d) - Operator of the Property

HRC will own the property to be acquired pursuant to the proposed transaction. While HRC is seeking operating authority, HRC will also grant local trackage rights over the Toccoa Line to the Great Walton Railroad Company, Inc. d/b/a The Hartwell Railroad Company, a Georgia Corporation. The Great Walton Railroad Company d/b/a The Hartwell Railroad Company (the "Great Walton") is currently a Class III common carrier. See Finance Docket No. 31021, Verified Notice of Exemption, *The Great Walton Rail Co. -- Acquisition and*

Operation Exemption -- Georgia Eastern Railroad Co. 52 Fed. Reg. 10643 (April 2, 1987). One of its lines connects with the Toccoa Line at Milepost P 24.5. It is expected that the Great Walton will file a Verified Notice of Exemption under 49 C.F.R. 1180.2(d)(7) for authority to operate local trackage rights within the next week.

The HRC is not owned or controlled by the Great Walton, the NS, or any other company owning or controlling a rail carrier. HRC has no common officers or directors with the Great Walton or the NS. Accordingly, no continuance-in-control authority under 49 U.S.C. § 11343 is required.

1150.33(e) - Summary of Proposed Transaction

The Toccoa Line is located between Milepost P 0.5 at Toccoa, Georgia, and Milepost P. 48.80 at Elberton, Georgia, for a total of 48.3 route miles of railroad line. The Toccoa Line is currently owned and operated by the Norfolk Southern Railway Company, a Virginia Corporation. The HRC was established as a non-carrier Georgia Corporation to acquire the Toccoa line from the NS. All shippers located along the line have been notified of the transaction and are fully supportive of it.

1. HRC and NS have negotiated a Purchase and Sale agreement whereby NS will sell:
 - a. The Toccoa line between Milepost P 0.5 at Toccoa, Georgia, and Milepost P 48.80 at Elberton Georgia, including the real estate together with all buildings, improvements and appurtenances thereunto belonging. Such real estate, buildings, and appurtenances are set forth more fully in the deed attached to the Purchase and Sale Agreement;
 - b. All fixtures and articles of personal property attached to or located on the said real estate as of the date of Closing, including but not limited to rail and other track materials, ties, wire, pipes, conduits, electrical or mechanical signal devices, and all other appurtenance devices as set forth more fully in the Bill of Sale attached to the Purchase and Sale Agreement; and

- c. All interests of NS in and to any leases, easements, licenses, permits, agreements, sidetrack agreements, and privileges pertaining to the said real estate as set forth more fully in the Assignment and Assumption attached to the Purchase and Sale Agreement.
2. The proposed acquisition will be consummated after this Verified Notice of Exemption becomes effective and all conditions to closing specified in the Purchase and Sale Agreement have been satisfied.
3. Upon consummation, while HRC will hold operating authority pursuant to this exemption, HRC will also grant local trackage rights to the Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company (the "Great Walton"). The Great Walton is an existing carrier that connects with the Toccoa Line at Milepost P 24.5. It will seek appropriate trackage rights authority shortly.

1150.33(f) - Map of Area to be Served

A map showing the location of the Toccoa Line and the area to be served by the HRC is included as Exhibit A to this Verified Notice of Exemption.

1150.33(g) - Certificate Regarding Class III Status

HRC hereby certifies that its projected annual revenues do not exceed those that would qualify it as a Class III carrier.

Environmental Impact

The transaction involves a mere change in ownership and operation of the line. There will be no significant traffic diversions or changes in operations so as to exceed the thresholds established in 49 CFR 1105.7(e)(4) or (5). Accordingly, the transaction is exempt from environmental documentation under 49 CFR 1105.6(c)(2).

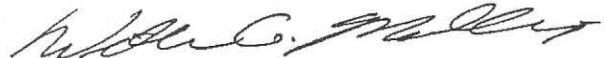
Historical Preservation Considerations

The transaction is for the purpose of continued rail operations and there are no plans to dispose of or alter properties subject to Commission jurisdiction that are 50 years old or older. Further Commission approval would be required should HRC seek to abandon or discontinue service. Accordingly, this transaction is excepted from historic reporting requirements under 49 CFR 1105.8(b)(1).

Caption Summary

Pursuant to 49 C.F.R. § 1150.34, a caption summary pertaining to the proposed transaction is included as Exhibit B to this Verified Notice of Exemption.

Respectfully submitted,



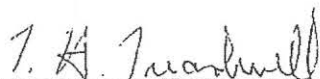
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Attorneys for Hartwell Railroad Company

VERIFICATION

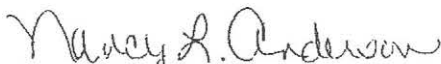
COUNTY OF WALTON)
) SS:
STATE OF GEORGIA)

I, T. H. TREADWELL, being duly sworn, depose, and state that I am President of the Hartwell Railroad Company ("HRC"); that my business address is 1106 North Cherokee Rd., Social Circle, GA 30279; that I am authorized to verify the foregoing VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.31 ("Notice") in ICC Finance Docket No. on behalf of HRC; that I have examined all of the statements contained in the Notice; and that all such statements are true and correct to the best of my knowledge, information, and belief.



T. H. Treadwell

Subscribed And Sworn To
Before Me This 13th
Day of March, 1995.


Notary Public

My Commission Expires:

March 16, 1996

EXHIBIT A

1150.33(f) - Map of Area to be Served

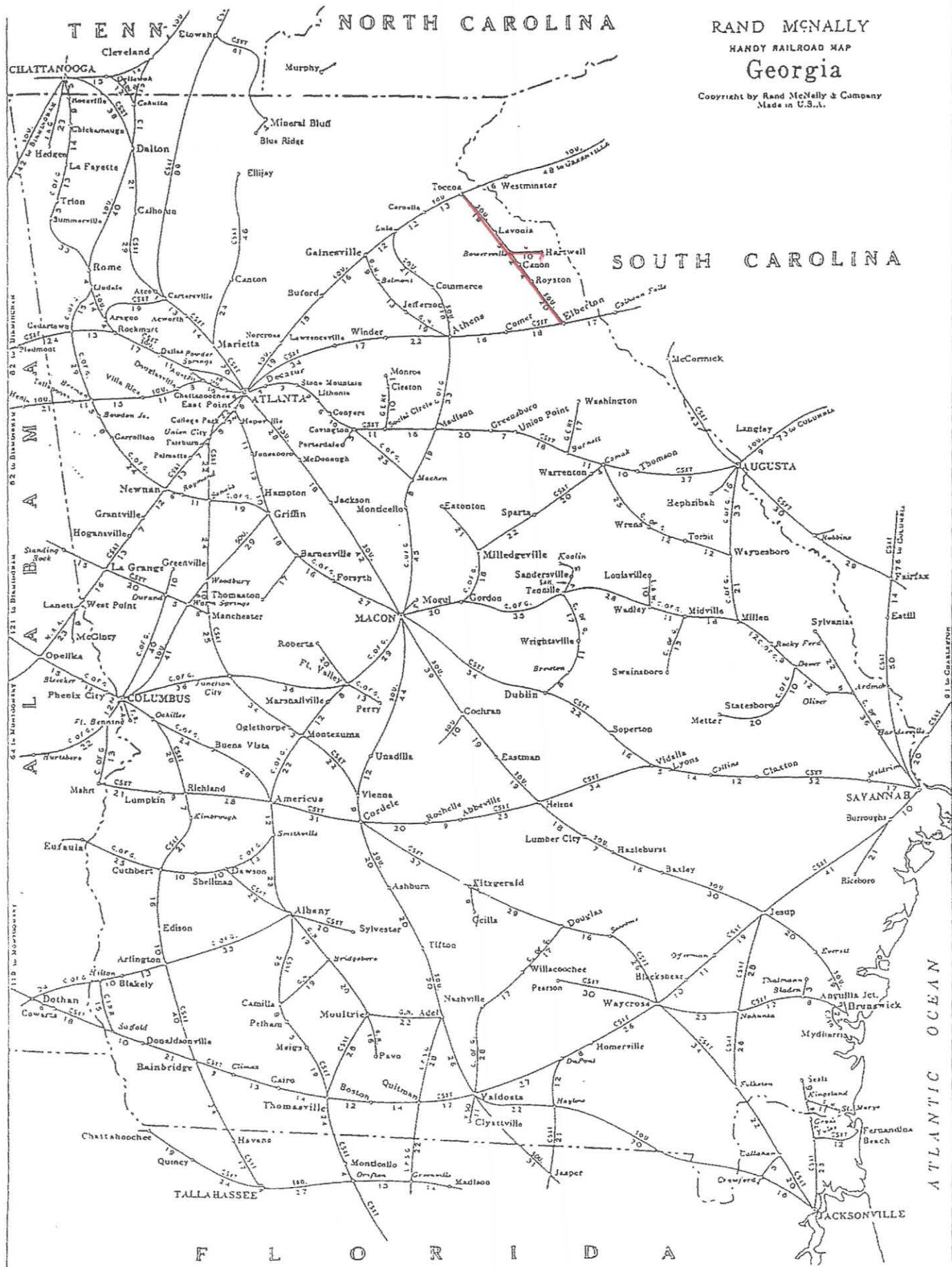


EXHIBIT B

1150.34 - Caption Summary

[CAPTION SUMMARY]

INTERSTATE COMMERCE COMMISSION

NOTICE OF EXEMPTION

[Finance Docket No. 32675]

**HARTWELL RAILROAD COMPANY
-- ACQUISITION AND OPERATION EXEMPTION --
LINE OF THE NORFOLK SOUTHERN RAILWAY COMPANY**

Hartwell Railroad Company ("HRC"), a non-carrier Georgia Corporation, has filed a Verified Notice of Exemption to purchase and operate approximately 48.3 miles of rail line currently owned and operated by Norfolk Southern Railway Company ("NS"). The property to be acquired includes:

- a. The NS rail line located in Stephens, Franklin, Hart, and Elbert Counties, State of Georgia, known as the Toccoa-Elberton line between Milepost P 0.5 at Toccoa, Georgia, and Milepost P 48.80 at Elberton Georgia, including the real estate together with all buildings, improvements and appurtenances thereunto belonging. Such real estate, buildings, and appurtenances are set forth more fully in the deed attached to the Purchase and Sale Agreement;
- b. All fixtures and articles of personal property attached to or located on the said real estate as of the date of closing, including but not limited to rail and other track materials, ties, wire, pipes, conduits, electrical or mechanical signal devices, and all other appurtenance devices as set forth more fully in the Bill of Sale attached to the Purchase and Sale Agreement; and
- c. All interests of NS in and to any leases, easements, licenses, permits, agreements, sidetrack agreements, and privileges pertaining to the said real estate as set forth more fully in the Assignment and Assumption attached to the Purchase and Sale Agreement.

Upon consummation of the transaction, HRC will become a Class III rail carrier. While HRC will hold operating authority, HRC will also grant local trackage rights to the Great Walton Railroad Co., Inc. d/b/a Hartwell Railroad Company (the "Great Walton") to operate over the line. The Great Walton intends to file a Verified Notice of Exemption under 49 C.F.R. § 1180.2(d)(7) for local trackage rights authority. One of the lines owned and operated by the Great Walton connects with the Toccoa-Elberton Line at Milepost P 24.5. The HRC is not owned or controlled by the Great Walton, NS, or any other company owning or controlling a rail carrier. Accordingly, no continuance-in-control authority under 49 U.S.C § 11343 is required.

Any comments must be filed with the Commission and served on William A. Mullins, Troutman Sanders, 601 Pennsylvania Ave. N.W., Suite 601 - North Building, Washington, D.C. 20004.

The Notice is filed under 49 C.F.R. § 1150.31. If the Notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. § 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided:

By the Commission, David M. Konschnik, Director, Office of Proceedings.

(SEAL)

Vernon A. Williams
Secretary

FD NO. 36599

ATTACHMENT C

The DEIS presents impact analyses of five alternatives, including no action, that encompass varying levels of regulation necessary to implement the RRA as it currently exists. A Proposed Rule Alternative reflects potential impacts associated with implementing the proposed rules and regulations.

Because the DEIS is programmatic, alternatives were not quantitatively analyzed. Specific assumptions were made to estimate changes to lands, soils, drainage, water, water quality, biological, socioeconomic, recreation, and cultural resources resulting from specific rule changes. While the significance of these impacts on a Westwide basis is small, localized impacts could be significant. Future site-specific actions resulting from any acreage limitation or water conservation provisions will be subject to all applicable Federal laws, including the National Environmental Policy Act.

Dated: March 17, 1995.

J. Austin Burke,

Director, Operations.

[FR Doc. 95-7864 Filed 3-30-95; 8:45 am]

BILLING CODE 4310-94-P

INTERSTATE COMMERCE COMMISSION

Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Fieldcrest Cannon, Inc., 326 East Stadium Drive, Eden, North Carolina 27288.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: Fieldcrest Cannon Transportation, Inc., A Delaware Corporation.

B. 1. Parent corporation and address of principal office: Titan Wheel International, Inc., 2701 Spruce Street, Quincy, IL 62301.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Titan Wheel International, (State of Incorporation: Illinois).

Titan Tire Corporation, (State of Incorporation: Iowa).

Titan Wheel Walcott, (State of Incorporation: Iowa).

Titan Wheel Greenwood, (State of Incorporation: South Carolina).

Dico, Inc., (State of Incorporation: Iowa)

Dico, Inc., (State of Incorporation: Wisconsin)

Dico, Inc., (State of Incorporation: Georgia)

Dico, Inc., (State of Incorporation: Georgia)

Dico, Inc., (State of Incorporation: California)

Dico, Inc., (State of Incorporation: Texas)

Dico, Inc., (State of Incorporation: Florida)

Dico Tire, (State of Incorporation: Tennessee)

Nieman's, Ltd., (State of Incorporation: Iowa)

Nieman's of Elkhart, (State of Incorporation: Indiana)

Nieman's of Idaho, (State of Incorporation: Idaho)

TD Wheel Company, (State of Incorporation: Virginia)

Desert Wheel Corporation, (State of Incorporation: Nevada)

Tractech, (State of Incorporation: Michigan)

Automation International, (State of Incorporation: Illinois)

Automotive Wheels, (State of Incorporation: California)

Vernon A. Williams,
Secretary.

[FR Doc. 95-7924 Filed 3-30-95; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 2)]

Intrastate Rail Rate Authority—Arkansas

AGENCY: Interstate Commerce Commission.

ACTION: Notice of recertification.

SUMMARY: Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Arkansas to regulate intrastate rail rates, classifications, rules, and practices for a 5-year period. The recertification applies retroactively to December 14, 1994, the date when Arkansas' certification was scheduled to expire.

DATES: The effective date of the Commission decision is April 30, 1995. The recertification is retroactive to December 15, 1994, and will expire on January 12, 2005.

FOR FURTHER INFORMATION CONTACT: Elaine Sehrt-Green, (202) 927-5269 or Beryl Gordon, (202) 927-5610. [TDD for hearing impaired: (202) 927-5721.]

Decided: March 22, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 95-7925 Filed 3-30-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32676]

Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company—Trackage Rights Exemption—Hartwell Railroad Company

Hartwell Railroad Company (HRC) has agreed to grant 48.3 miles of local and bridge trackage rights to Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company (GWRC), over the Toccoa-Elberton Line (Toccoa Line) in Elbert, Franklin, Hart, and Stephens Counties, GA.¹ The trackage rights are between milepost P 0.5 at Toccoa and milepost P 24.5 at Bowersville, where there is a connection to GWRC's tracks, and from there to a connection at milepost P 48.8 at Elberton.

The transaction was to be consummated on March 22, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: William A. Mullins, Troutman Sanders, 601 Pennsylvania Ave., NW., Washington, DC 20004.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: March 24, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

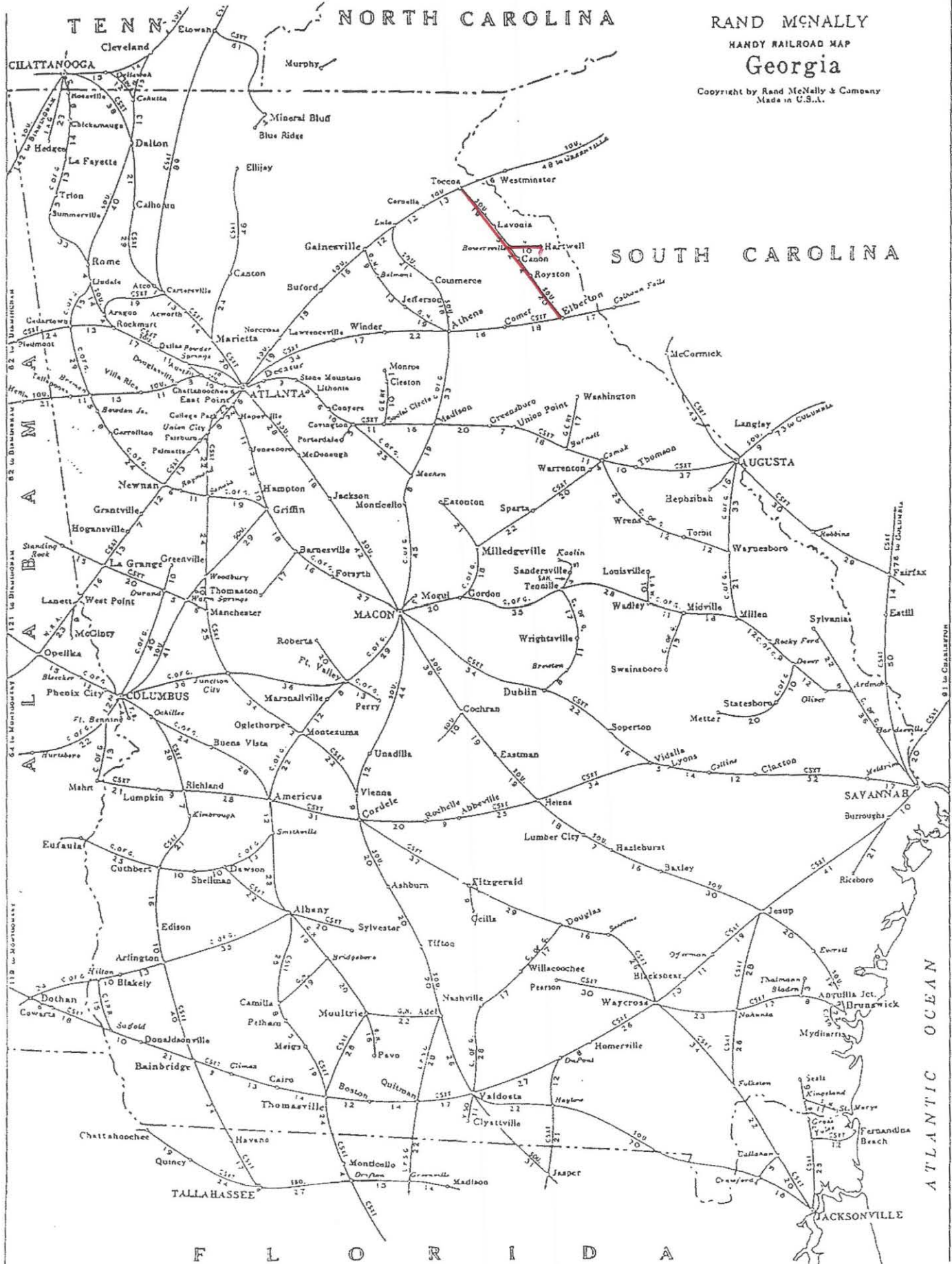
[FR Doc. 95-7926 Filed 3-30-95; 8:45 am]

BILLING CODE 7035-01-P

¹ HRC, a noncarrier, simultaneously filed a notice of exemption to acquire and operate the Toccoa Line in Hartwell Railroad Company—Acquisition and Operation Exemption—Line of Norfolk Southern Railway Company, Finance Docket No. 32675. The trackage rights agreement was necessary because HRC assertedly will not be prepared to provide immediate service to the line's shippers.

FD NO. 36599

ATTACHMENT D



TENN. NORTH CAROLINA

RAND McNALLY

HANDY RAILROAD MAP

Georgia

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SOUTH CAROLINA

F L O R I D A

ATLANTIC OCEAN

Certificate of Service

I, Richard H. Streeter, do hereby certify that a true copy of the Verified Petition for Exemption filed in F.D. No. 36599, is being hand delivered on this 17th day of March, 2022, to Mr. T. F. Treadwell at his address at 1106 North Cherokee Road, Social Circle, Georgia 30025.

/s/ Richard H. Streeter