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August 8, 2013

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-001

RE: *Docket No. FD 35756, Hartwell Railroad Company—Construction Exemption—
Elbert County, Georgia*

Dear Ms. Rutson:

The Hartwell Railroad Company ("Hartwell"), a Class III railroad, respectfully requests that the Office of Environmental Analysis ("OEA") grant a waiver under 49 C.F.R. 1105.10(c) from the requirement at 49 C.F.R. 1105.10(a)(1) that Hartwell provide OEA "written notice of its forthcoming proposal at least 6 months prior to filing its application." As provided in the rules, Hartwell contends that it is appropriate to waive the "6 months" notice because the track to be constructed is less than one-quarter mile in length, a majority of the track will be built within existing railroad right-of-way, no roads or waterways will be crossed or affected, and the track will be built in an industrial area of Elberton, GA.

Hartwell has been requested by the Belvedere Terminals System ("Belvedere") to develop a direct interchange with CSX Transportation, Inc. ("CSXT") so that Belvedere can market refined petroleum products by rail in the southeastern United States, particularly Florida. Belvedere is seeking to begin shipping in the third quarter of 2014, so the "6 months" notice will not permit Belvedere to meet its goals. Hartwell has engaged CSXT in negotiations to interchange directly and the parties have agreed that the most economical means of developing a direct interchange is the construction of a new line of railroad to connect Hartwell and CSXT in Elbert County, GA.

The Hartwell line and CSXT connected in Elberton, GA when the line was owned by the Norfolk Southern Railway Company ("NSR") before it was sold to Hartwell¹ and NSR abandoned the connection between Hartwell and CSXT.² Hartwell and CSXT have agreed that about 1,360 feet of track must be constructed to connect the railroads. CSXT will construct a

¹ *Hartwell Railroad Company-Acquisition and Operation Exemption-Line of Norfolk Southern Railway Company*, ICC Finance Docket No. 32675 (ICC served March 31, 1995).

² *Norfolk Southern Railway Company-Abandonment Exemption-in Elberton, GA*, ICC Docket No. AB-290 (Sub-No. 158X) (ICC served April 11, 1995).

300 foot track within its right-of-way to connect to the track being constructed by Hartwell. From its existing line, Hartwell will construct a 1060 foot long track, 400 feet are in Hartwell's existing right-of-way, and the remaining 660 feet of track will be constructed on industrial property that Hartwell has entered a contract to acquire (map attached).

In addition to being a very short construction project, the new line will not cross or affect any roads or waterways. The proposed track will not cross any public or private roads. The proposed track will not cross any streams or waterways, and there are none in the immediate vicinity of the proposed track. The track will be constructed in an area where granite is mined and granite slabs are manufactured. The proposed track will not abut any residential areas.

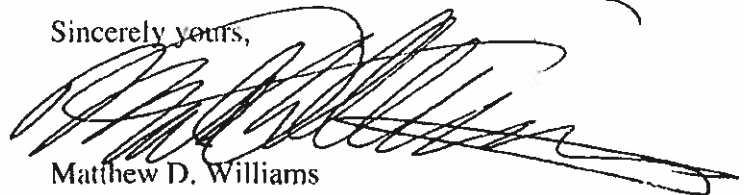
The proposed track will permit the diversion of traffic from trucks to trains, reducing highway congestion, reducing highway emissions, and enhancing energy conservation.

Hartwell intends to engage a third party consulting firm to prepare the required documentation. Hartwell believes that an Environmental Analysis ("EA") is appropriate for this project, but will file a request with you to prepare an EA instead of an Environmental Impact Statement once the consultant has made a preliminary analysis.

Hartwell requests that you find the waiver of the "6 months" notice to be appropriate under 49 C.F.R. 1105.10(c) for the proposed construction.

If you need additional information, please contact me. I look forward to working with you during the environmental review process.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Matthew D. Williams', written over a horizontal line.

Matthew D. Williams

Attorney for Hartwell Railroad Company

MDW:fha
Enclosure

Preliminary Concept: not prepared from field data. This exhibit is intended as a topic of discussion and planning. Final design must meet CSX Standard Specifications for Design and Construction of Private Sidetracks and requires CSX Engineering Department approval.

Drawing Number: J-3284
 Drawn: TCL 4.30.13
 Rev: 6.20.13 (Property Boundaries)

MP: SG 473
 Subdivision: Abbeville
 Division: Atlanta
 GIS No: 05485



Proposed Connection With
 Hartwell Railroad
 Elbert County, Elberton, Georgia

