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March 30, 2017

ENTERED
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March 30, 2017
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Public Record

VIA E-FILING

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

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

Dear Ms. Brown:

This letter responds to the letter submitted on March 29, 2017, on behalf of Hartwell Railroad Company ("HRC") and The Great Walton Railroad Company, Inc. ("GWRC"), claiming that the Notice of Intent filed with the Board on March 16, 2017, by Hartwell First United Methodist Church ("Church") is defective because it allegedly misstates the ending milepost of the line in Hartwell, Georgia.

Initially, it should be noted that the Church's Petition for Waivers filed with the Board on May 26, 2016, made clear that the line that will be the subject of the adverse abandonment application is the line from Athens Street to the end of the line at South Forest Avenue in Hartwell, GA. The Petition included a draft of the notice of intent. The response of HRC and WRC filed on June 15, 2016, did not raise any issue with the description of the line in the notice of intent. The form of notice of intent was approved by the Board in its decision served August 29, 2016 (the "Waiver Decision").

The Church, of course, is not the railroad, and does not have access to the railroad's maps or milepost designations. However, the Church based its description of the end point of the line

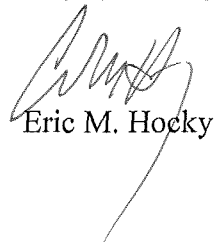
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on the *Federal Register* notice published April 6, 1990, in connection with a trackage rights notice filed by GWRC with the Interstate Commerce Commission. See *Great Walton Railroad Co., d/b/a Hartwell Railroad Co. – Trackage Rights Exemption – Hartwell Railway Co.; Exemption*, 55 FR 12958 (describing the trackage rights line as being “between milepost 0.0, at Bowersville, GA, and milepost 10.5, at Hartwell, GA”). A copy of the *Federal Register* notice is attached hereto for ease of reference. Thus, if milepost 10.5 does not exist, as the railroads now maintain, then the GWRC trackage rights notice misrepresented the description of the line. And if the misrepresentation/misdescription is material as now alleged by HRC and GWRC, then the trackage rights exemption should be revoked and voided *ab initio*. See 49 USC 10502(d) [formerly 10505(d)]; 49 CFR 1180.4(g)(1)(ii).

The Church maintains that the line that is the subject of the proposed adverse abandonment and discontinuance has not been used for providing rail service for over 20 years, and that the present or future public convenience and necessity require abandonment and discontinuance. The Church will not address the other “facts” included in the HRC / GWRC letter, some of which are misleading, and some of which are false. To the extent relevant to the adverse abandonment that will be requested, they will be addressed in the application to be filed by the Church.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e
Encl.

cc: All Persons Shown on Attached List (w/encl.)

Service List for Notice of Intent:

Governor Nathan Deal
Office of the Governor
State of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Quality Holdings LLC
300 Fisher Drive
Hartwell, GA. 30643

Georgia Department of Transportation
One Georgia Center
600 W. Peachtree, NW
Atlanta, GA 30308

Georgia Department of Transportation
District One
Brent Cook, District Engineer
2505 Athens Highway, SE
Gainesville, GA 30507

UGA Cooperative Extension – Hart County
200 Arthur Street
Hartwell, GA 30643

US Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Conservation and Outdoor Recreation Programs
National Park Service
1849 C. Street, NW
Org. Code 2220
Washington, DC 20240

U.S. Railroad Retirement Board
844 North Rush Street
Chicago IL, 60611-2092

Tom Tidwell, Chief
U.S. Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0003

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, DC 20016
(also served by email)



5 of 5 DOCUMENTS

FEDERAL REGISTER

[Finance Docket No. 31626]

55 FR 12958

April 6, 1990

Great Walton Railroad Co., d/b/a Hartwell Railroad Co. -- Trackage Rights Exemption --
Hartwell Railway Co.; Exemption

TEXT: Hartwell Railway Company has agreed to grant local trackage rights to Great Walton Railroad Company, doing business as Hartwell Railroad Company, between milepost 0.0, at Bowersville, GA, and milepost 10.5, at Hartwell, GA. The trackage rights were to become effective on March 21, 1990.

This notice is filed under *49 CFR 1180.2(d)(7)*. 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 stay the transaction. Pleadings must be filed with the Commission and served on: John R. Molm, Candler Building, Suite 1400, 127 Peachtree Street, NE., Atlanta, GA 30303-1810.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *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)*.

Dated: April 2, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-7937 Filed 4-6-90; 8:45 am]