

SERVICE DATE – JULY 20, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1242

HARTWELL FIRST UNITED METHODIST CHURCH—ADVERSE ABANDONMENT AND
DISCONTINUANCE—GREAT WALTON RAILROAD COMPANY, INC.
IN HART COUNTY, GA.,

Docket No. AB 1242 (Sub-No. 1)

THE GREAT WALTON RAILROAD COMPANY—
PETITION FOR DECLARATORY ORDER

Digest:¹ The Board modifies the reporting requirement previously imposed on
The Great Walton Railroad Company.

Decided: July 20, 2022

By decision in Hartwell First United Methodist Church—Adverse Abandonment & Discontinuance—Great Walton Railroad, in Hart County, Ga., Docket No. AB 1242, (STB served Jan. 31, 2018), the Board denied an application by Hartwell First United Methodist Church for adverse abandonment and discontinuance of approximately 0.25 miles of rail line (the Line) owned by The Great Walton Railroad Company (GWRC) in Hartwell, Ga. However, the Board required GWRC to file a status report every six months “describing its progress with respect to rehabilitation and utilization of the Line.” Id. at 5.

In a subsequent decision in The Great Walton Railroad Company—Petition for Declaratory Order, Docket No. AB 1242 (Sub-No. 1) (STB served June 9, 2020) corrected (STB served June 23, 2020), the Board found that the January 2018 decision did not address an approximately 614-foot track parallel to the mainline known as the “runaround track.” As such, the Board held that GWRC was not entitled to reconstruct the runaround track. However, the Board concluded that the runaround track was ancillary track (also known as excepted track) under 49 U.S.C. § 10906 and that an open question remained as to whether this ancillary track had been removed from the interstate rail system. The Board deferred ruling on that question, placed that proceeding in abeyance pending the outcome of related state court proceedings, and directed GWRC to include updates on the state court proceedings in its status reports.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol’y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

As the Board directed, GWRC has submitted status reports in this docket every six months. (See GWCR Status Reports, July 26, 2018; January 31, 2019; July 30, 2019; January 31, 2020; August 5, 2020; February 9, 2021; July 27, 2021; January 31, 2022.) In these status reports, GWRC states that it has spent approximately \$144,640 on rehabilitation efforts and has refurbished most of the mainline. However, GWRC states that it has been unable to complete restoration of the runaround track because of the ongoing state litigation.

Given the procedural posture of this case and the ongoing state court proceedings, continuing to require GWRC to provide status reports every six months appears to be unnecessary. Accordingly, the Board will terminate the periodic reporting requirement and instead direct GWRC to promptly provide a status report to the Board when there are significant developments in the state court litigation concerning the property status of the runaround track or GWRC's ability to access the property.

It is ordered:

1. The reporting requirement imposed in the January 31, 2018 decision in Docket No. AB 1242, as modified by the June 23, 2020 decision in Docket No. AB 1242 (Sub-No. 1), is terminated.

2. GWRC is directed to promptly provide a status report to the Board only when there are significant developments in the state court litigation concerning the property status of the runaround track or GWRC's ability to access the property.

3. This decision is effective on its date of service.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.