

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1242

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Part of
Public Record

Hartwell First United Methodist Church—Adverse Abandonment and
Discontinuance—
The Great Walton Railroad Company, Inc.,
in Hart County, GA

July 2018 Status Report

Pursuant to the Board's Directive of January 31, 2018, The Great Walton Railroad Company, Inc. (GWRC), by and through counsel, submits its status report describing its progress with respect to rehabilitation and utilization of the Line. As the attached photographs reflect, the Line has been refurbished from Jackson Street to Athens Street. GWRC, working with the Georgia Department of Transportation, reinstalled both sets of tracks that cross S. Webb Street by March 15, 2018. *See* Photograph 1. In addition, crossbucks were simultaneously installed at the crossing consistent with GDOT's regulations. As of this moment, with the sole exception noted below, all tracks that are the subject of this proceeding are fully operational. *See* Photographs 1-14 attached hereto. Photographs 12-17 reflect a GWRC locomotive approaching and crossing over South Webb Street to approach the eastern end of the runaround track and thereafter moving in a westward direction after crossing South Webb.

Although Hartwell First United Methodist Church (HFUMC) did not seek judicial review of the Board decision, it has continued to interfere with the reconnection of the northern most segment of the Line immediately after it crosses over South Webb Street. As a result, GWRC has been unable to complete the full restoration of the runaround segment its Line by closing the short gap between the tracks that end at the western edge of the sideway along South Webb Street and the end of the reconstructed track a few feet to the west. See Photographs 12, 13, and 14. One rail that is 33 feet and 5 inches must be placed on the extreme northern side of the track, while a rail of less than 13 feet is needed on the southern side of the track. After this gap is closed, GWRC will fine tune the realignment of the tracks from the west side of South Webb Street to the point where it curves back to the north side of the main line and also finalize the rehabilitation of the runaround track to the east of South Webb Street.

GWRC's reconstruction efforts will restore the western segment of the track in the identical position where it was first installed in 1913.¹ As has been previously demonstrated, prior to its reconstruction efforts being halted by the Hart County Superior Court, GWRC uncovered the original crossties that had been covered over after GWRC temporarily removed the steel rails in 2008.

The Board should also note that HFUMC has placed a temporary walkway across all tracks. See Photographs 4 & 6. Because GWRC intends to

¹ The eastern segment which intersects with GWRC's mainline has remained in place for well over 50 years.

make full use of its mainline track, including the runaround track, it will be necessary to remove the temporary walkway in its entirety. Given HFUMC's breach of the license agreement that authorized its congregants to cross over the tracks until full service is restored, as well as HFUMC's professed concerns about safety, GWRC is considering canceling the two crossing licenses that it granted HFUMC in 2007 and 2008.

Prior to the release of the Board's decision denying HFUMC's adverse abandonment decision, GWRC, on October 27, 2017, initiated a condemnation proceeding before the Georgia Public Service Commission (GPSC). On January 23, 2018, a formal hearing was held before a GPSC hearing officer, who subsequently ruled in favor of GWRC in a written decision filed March 29, 2018. In his decision, he recognized that condemnation "would allow GWRC to complete the rehabilitation of its existing runaround track that has been in place over 100 years." He also determined that rehabilitation of the runaround track was "required for the safe and essential conduct of {GWRC's} business as a public carrier and for public purposes." He also explained that the "required shoving move from Quality to Bowersville takes about 1 hour and 45 minutes with an employee hanging on the side of a car for the entire time." As he also recognized, "[r]iding the side of a railcar for these extreme distances can cause fatigue and is extremely dangerous." Based on these considerations, the Hearing Examiner found that "GWRC has shown that a public interest resides in the safety of railroad employees, rail traffic and vehicular traffic" through restoration of the runaround track.

On April 27, 2018, HFUMC filed for reconsideration before the Commission. Following a hearing held June 14, 2018, the Commission voted to reverse the hearing examiner's decision. As of this date, the Commission has not yet released a written decision. It is GWRC's intent to exercise its legal options before the Commission and, if necessary, before the Fulton County Court, which has jurisdiction to review decisions of the Commission. GWRC also reserves the right to exhaust all of its legal rights before the Hart County Superior Court which, as of this date, has not yet reviewed the chain of title to the strip of land on which the run around track has existed for over 105 years.

In the interim, GWRC has been forced to continue what the Hearing Examiner recognized to be an unsafe practice in terms of the safety of its employees and the general public. GWRC intends to honor its statutory common carrier obligations on behalf of Quality Holdings, LLC, which is continuing to increase its rail shipments. In addition, GWRC is in the process of exploring the possibility of providing rail service for a major industry that has recently chosen to locate in Hart County that will require the future use of the tracks involved in this proceeding.

Because GWRC is intent upon serving the public interest, it has already spent over \$144,640 to rehabilitate the line of track that is the subject of this proceeding. As a result, the GWRC is capable of providing all rail service that is required by Quality Holdings, LLC, or any other shipper that may require its services over its line. Given the minimal amount of work that remains to be

done to close the gap discussed above, it is anticipated that further expenditures for rehabilitation will be minimal.

Should the Board have any further questions or concerns, GWRC will attempt to response in an expedited fashion. Please note, however, that the undersigned counsel will be out of the country until August 16, 2018.

Respectfully submitted,

/s/ Richard H. Streeter

Richard H. Streeter

Counsel for The Great Walton Railroad
Company, Inc.

Law Office of Richard H. Streeter

5255 Partridge Lane, N.W.

Washington, D. C. 20016

202-363-2011

rhstreeter@gmail.com

Dated: July 26, 2018

VERIFICATION

I, Bennie Ray Anderson, hereby declare under penalty of perjury that the foregoing is true and correct. Executed on July 25, 2018.


Bennie Ray Anderson

CERTIFICATE OF SERVICE

I, Richard H. Streeter, do hereby certify that I, this 26th day of July, 2018, have served all parties of record by email or by first-class mail, postage prepaid.

/s/ Richard H. Streeter

Richard H. Streeter



GWRC Photograph 1 Newly installed tracks crossing South Webb Street with Crossbucks installed dated March 15, 2018



GWRC Photograph 2
Refurbished mainline
track and start of
runaround tracks
facing west from
Jackson Street to
South Webb Street
dated July 17, 2018



GWRC Photograph 3
Refurbished mainline
track and start of
runaround track facing
east from South Webb
Street to Jackson Street
dated July 17, 2018



GWRC Photograph 4
Refurbished mainline
track and partially
refurbished runaround
track west from South
Webb Street dated
July 17, 2018



GWRC Photograph 5
Locomotive parked on
mainline track and
railcar owned by TORCH
parked on turntable
track to the
west of Chandler Street
dated July 19, 2018



GWRC Photograph 6
Refurbished mainline track
facing east from just beyond
eastern side of Chandler
Street dated July 20, 2018.



GWRC Photograph 7
Refurbished mainline
track facing east from a point
west of the point at which
locomotive is parked
in GWRC photograph 5.
turntable track at
top left of the photograph.
Dated July 17, 2018.



GWRC Photograph 8
Refurbished mainline
track facing west from a point
that is to the west of the point
at which locomotive is parked
in GWRC photograph 5.
Dated July 17, 2018.



GWRC Photograph 9
Refurbished mainline
track facing west from
point located on
photograph 8.
Dated July 17, 2018.



GWRC Photograph 10
Refurbished mainline track
facing further west toward Athens
Street. Dated July 17, 2018.



GWRC Photograph 11
Refurbished mainline track
facing further west and
showing the crossing at
Athens Street. Dated
July 17, 2018.



GWRC Photograph 12 Crossing at South Webb Street



GWRC Photograph 13 Close up review of remaining work to close remaining gap.



GWRC Photograph 14 GWRC approaching South Webb Street crossing on original main line with unrestored gap on runaround on left side of locomotive. Dated July 24, 2018.



GWRC Photograph 15 GWRC locomotive crossing South Webb Street. Dated July 24, 2018.



GWRC Photograph 16. GWRC on mainline between South Webb and Jackson Streets with runaround tracks to right side of photograph.



GWRC Photograph 17 Locomotive moving in westward direction with brakeman hanging on the front side of locomotive. Dated July 24, 2018.