

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1242

302863

ENTERED
Office of Proceedings
August 16, 2021
Part of
Public Record

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

**REPLY OF
HARTWELL FIRST UNITED METHODIST CHURCH
TO JULY 2021 STATUS REPORT OF
THE GREAT WALTON RAILROAD COMPANY, INC.**

ERIC M. HOCKY
CLARK HILL PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

Attorneys for
Hartwell First United Methodist Church

Dated: August 16, 2021

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**REPLY OF
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TO JULY 2021 STATUS REPORT OF
THE GREAT WALTON RAILROAD COMPANY, INC.**

On July 27, 2021, The Great Walton Railroad Company, Inc. (“GWRC”) filed its July 2021 Status Report pursuant to the requirements of the Board’s January 31, 2018 Decision (the “2018 Decision”) in this proceeding. Hartwell First United Methodist Church (“Hartwell First” or the “Church”) is filing this Reply because it believes that the July 2021 Status Report continues to misleadingly state that GWRC is using “the Line” to facilitate rail service to Quality Services, LLC (“Quality”), a GWRC customer located approximately 1 mile from the end of the Line.¹

DISCUSSION

The July 2021 Status Report accurately advises the Board that GWRC has not been able to establish or obtain title to the property underlying the former north spur, having now lost at the Georgia Public Service Commission, the Superior Court of Fulton County, the Georgia Court of

¹ Although the Board’s 2018 Decision did not specifically mention the right of Hartwell First (or other parties) to file a reply, the Board’s regulations provide that “[a] party may file a reply or motion addressed to *any pleading* within 20 days after the pleading is filed with the Board...” 49 CFR §1104.13(a) (emphasis added).

Appeals and the Georgia Supreme Court. Apparently, GWRC will now return to litigation in the Superior Court in Hart County, Georgia. *See* July 2021 Status Report at 2.²

The Church does not know why GWRC continues to advise the Board that “the Line is used to facilitate rail transportation services” for Quality. *See* July 2021 Status Report at 1-2. That is just not the case. “The Line” in this proceeding is a 0.25-mile segment in downtown Hartwell that extends from Athens Street to the end of the line at South Forest Street. Quality is located outside of downtown approximately 1 mile west of the Athens Street end of the Line. The only use GWRC has made of the Line is to store three unused old rail cars directly behind the Church. This storage precludes GWRC from making any other use of the Line – to serve Quality or otherwise. GWRC apparently continues to provide service to Quality, but it does so without using the Line, and without any need for a runaround track in downtown Hartwell. As established in the record neither the Line nor the former runaround have been used to provide rail service to customers since at least 1998.

In sum, the Board should merely take note that GWRC has continued to provide service to Quality without the use of the Line, and that GWRC has to-date failed to establish any rights to

² GWRC attempted to remove the Superior Court litigation to federal district court; however, the U.S. District Court remanded the litigation to Superior Court where it remains.

the property underlying the former north spur in any of the state litigation.

Respectfully submitted,

/s/ Eric M. Hocky

ERIC M. HOCKY
CLARK HILL PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

Attorneys for
Hartwell First United Methodist Church

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2021, I served a copy of the foregoing

Reply on the following persons by email where shown or by U.S. mail, postage prepaid:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, DC 20016
rhstreeter@gmail.com

Wilbur K. Chapman
25 C and C Circle
Hartwell, GA 30643

Mary Gidley
PO Box 791
Hartwell, GA 30643

Rick Glasco
Glasco Properties, LLC
PO Box 1148
Hartwell, GA 30643

Robert F. Leverett
25 South Thomas Street
PO Box 399
Elberton, GA 30635-0399
rflaw@elberton.net

/s/ Eric M. Hocky

Eric M. Hocky