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Office of Proceedings
August 8, 2022
Part of
Public Record

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August 8, 2022

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

Re: South Carolina Central Railroad Company, LLC – Abandonment Exemption –
in Darlington County, SC
Surface Transportation Board Docket No. AB 312 (Sub-No. 5X)

Dear Ms. Brown:

Enclosed for filing on behalf of South Carolina Central Railroad Company, LLC ("SCRF") is a supplement to the Environmental and Historical Report, Exhibit C Agency Response, comprising of two letters recently received from: 1) the National Geological Service that a search of its NGS Integrated Data Base show no marks that would be impacted in the area of the proposed abandonment; and 2) the City of Hartsville, SC stating that the City does not perceive the abandonment "will have a significant effect upon any historical resource."

In addition, enclosed for filing in this docket is a petition for exemption under 49 USC §10502 from the provisions of 49 USC §10903 to enable SCRF to abandon a rail line in Darlington County, SC.

The filing fee has been paid via pay.gov.

Sincerely,



Justin J. Marks
Counsel to South Carolina Central Railroad
Company, LLC

Enclosure
FEE RECEIVED
August 8, 2022
Surface
Transportation Board

FILED
August 8, 2022
Surface
Transportation Board

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 312 (Sub-No. 5X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC
- ABANDONMENT EXEMPTION –
IN DARLINGTON COUNTY, SC

PETITION FOR EXEMPTION

(color copies included)

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*Counsel for South Carolina Central
Railroad Company, LLC*

Dated: August 8, 2022

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 312 (Sub-No. 5X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC
- ABANDONMENT EXEMPTION –
IN DARLINGTON COUNTY, SC

PETITION FOR EXEMPTION

Pursuant to 49 U.S.C. §10502 and 49 C.F.R. parts 1121 and 1152, South Carolina Central Railroad Company, LLC (“SCRF”), a Class III railroad common carrier, files this petition seeking an exemption from the provisions of 49 U.S.C. §10903 to abandon approximately 2-miles of rail line over 6 railroad tracks that most recently served the Sonoco Products Company (Sonoco) in Hartsville, Darlington County, SC (the “Subject Line”). The Subject Line consists of Track 1 at milepost Sonoco Lead MP 312.7 – 313.24 and its associated leads, Track 1a, and 1b. It further includes, Track 3 at Hartsville MP 312.85 – 313.56. Finally, the Subject Line includes Track 2 and 2a that do not have mileposts. A map of the Subject Line is attached hereto as Exhibit A. In support of its request for exemption, SCRF represents as follows:

Background of Proposed Abandonment

The Subject Line consists of 2-miles rail in a single county in South Carolina and no longer serves any customers. It traverses through United States Postal Service ZIP Code 29550. Based on information in the possession of SCRF, the Subject Line does not contain federally granted rights-of-way. Any documentation related to title in SCRF’s possession will be made available to those requesting it.

SCRF acquired the Subject Line in 1987.¹ The Subject Line is the stub end of a line of railroad that SCRF used for the purposes of providing rail service to the Sonoco Products Company (“Sonoco”) paper mill. Sonoco is re-tooling the facility for a different commodity and will no longer require rail service. There is no overhead traffic on the Subject Line and Sonoco supports the abandonment.² Following the abandonment, SCRF plans to transfer its interest in the Subject Line to Sonoco to facilitate Sonoco’s development of its property. SCRF last provided rail service to the Sonoco facility in December 2021.

At this time SCRF anticipates salvaging the track, rail ties, and other track materials from the Subject Line following abandonment.

Abandonment of Service Over the Subject Line Should Be Exempted

SCRF’s abandonment of the Subject Line would require authorization pursuant to 49 U.S.C. §10903 unless the exemption requested herein is granted. The Board is directed by 49 U.S.C. §10502 to grant an exemption if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power. A grant of this petition is warranted because Sonoco (the last remaining shipper) no longer requires rail service, and no other customers exist on the Subject Line. The proposed abandonment is not eligible for the two year out of service class exemption since SCRF last provided service to the Sonoco facility within the last two years (December 2021); however, Sonoco no longer requires rail service and has submitted a letter (Exhibit D) supporting SCRF’s petition. SCRF should not be required to

¹ *South Carolina Central Railroad Company, Inc. – Acquisition and Operation Exemption – Florence, SC Rail Lines*, ICC Finance Docket 31146 (decided Nov. 4, 1987).

² See Exhibit D, Sonoco support letter.

hold the Subject Line for two years with no prospects of service in order to get the benefits of the Board's class exemption.

Under 49 U.S.C. §10502 and 49 C.F.R. §1152.60, there is no requirement for a carrier to submit all of the detailed financial data that would be required if abandonment authority were being sought under 49 U.S.C. §10903 and the regulations relating thereto. Indeed, there is no specific requirement that any financial data be submitted.³

This proposed abandonment of a line with no active customers (and no foreseeable need for rail service) located in a single county of South Carolina does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101 and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. The Subject Line is stub-ended and there is no overhead traffic that can use it. It is especially true in this situation that detailed scrutiny is not required given that the sole shipper on the Subject Line – Sonoco – no longer requires rail service and supports the abandonment. *See* Exhibit D.

Approval of the requested exemption under 49 U.S.C. §10502 would enable SCRF to abandon service over the Subject Line without the extensive costs and delays that would otherwise occur if an application were required to be filed under Section 10903. Further, granting the exemption is in keeping with the following rail policies described in 49 U.S.C. §10101:

* * *

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

³ Requirements to the contrary would run counter to the principal goals of an exemption proceeding. As the Interstate Commerce Commission found with respect to the two year out-of-service class exemption under 49 C.F.R. §1152.50: The exemption process now relieves carriers from the need to prepare the costing and valuation studies that are required for Section 10903 abandonment applications. This saves the carriers considerable time and money and allows for expeditious regulatory relief." *Exemption of Rail Line Abandonments or Discontinuance – Offers of Financial Assistance*, 4 ICC 2d 164 (1987).

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues...

* * *

(5) to foster sound economic conditions in transportation...

* * *

(7) to reduce regulatory barriers to entry into and exit from the industry...

* * *

(9) to encourage honest and efficient management of railroads;

* * *

(15) to provide for the expeditious handling and resolution of all proceedings.

Moreover, the grant of the exemption will not be inconsistent with any of the 15 items which have been made a part of rail transportation policy by 49 U.S.C. §10101.

The scope of the exemption requested is limited and will have no direct impact on shippers. As noted, there are no remaining active shippers on the Subject Line.

Since the proposed transaction is of limited scope, it is not necessary for the Board to consider whether shippers need to be protected from abuse of market power. However, because no active shippers exist on the Subject Line, there is no likelihood of abuse of market power. As such, regulation is not needed to protect any shipper from abuse of market power.

No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such a user, regarding this abandonment either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years.

Additional Information

Although not required under the Board's regulations for abandonment petitions for exemption, SCRF hereby provides the following additional information that would be required under 49 C.F.R. 1152.50(d)(2) and 1152.22 if the abandonment were sought pursuant to the Board's class exemption:

(a)(1) The exact name of the Applicant is South Carolina Central Railroad Company, LLC.

(a)(2) SCRF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

SCRF is a Class III railroad that operates in South Carolina. Genesee & Wyoming Inc. acquired control of SCRF in 2012.⁴

(a)(3) SCRF seeks to abandon approximately 2-miles of rail line over 6 railroad tracks that most recently served a Sonoco facility in Hartsville, Darlington County, SC. The Subject Line consists of Track 1 at milepost Sonoco Lead MP 312.7 – 313.24 and its associated leads, Track 1a, and 1b. It further includes, Track 3 at Hartsville MP 312.85 – 313.56. Finally, the Subject Line includes Track 2 and 2a that do not have mileposts. There are no stations on the Subject Line.

(a)(4) A Map of the Subject Line is attached hereto as Exhibit A.

(a)(7) The representative of SCRF to whom correspondence should be sent is: Eric M. Hocky, Esq., Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.

(a)(8) The Subject Line traverses through United States Postal Service ZIP Code 29550.

⁴ *Genesee & Wyoming Inc. – Control Exemption – RailAmerica, Inc. et al.* STB Finance Docket 35654 (served Dec. 20, 2012).

(e)(4) SCRF does not believe that the right-of-way is suitable for trail use or other public purposes. SCRF intends to transfer its interest in the Subject Line to Sonoco.

SCRF proposes to consummate the abandonment at the earliest possible date permitted by the Board.

Employee Protection

SCRF does not have any employees that will be affected by the proposed abandonment. Nevertheless, SCRF acknowledges that its abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co. - Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports

SCRF filed an Environmental / Historic Report (“EHR”) with the Board on July 13, 2022, more than twenty days prior to this filing and has transmitted a copy of the report to the agencies identified in 49 C.F.R. §1105.7(b).

Notice

Pursuant to the provisions of 49 C.F.R. §1152.60(c), SCRF has attached as Exhibit B, a draft Federal Register notice of its Petition to be published by the Board within 20 days of the Petition’s filing with the Board.

A copy of the notice dated July 18, 2022, that was sent to the required governmental agencies under 49 C.F.R. §1152.50(d)(1) is attached hereto as Exhibit C, and a copy of this Petition is being served on those agencies as required by 49 C.F.R. §1152.60(d).

The notice as required by 49 C.F.R. §1105.12 was published in the *Hartsville Messenger* on June 22, 2022. Copies of the forms of notice and the proofs of publication were included in the EHR.

Conclusion

For the foregoing reasons, SCRF requests that the Board, under 49 U.S.C. §10502, exempt its abandonment over the Subject Line from regulation under 49 U.S.C. §10903.

Respectfully submitted,



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(215) 640-8523 ehocky@clarkhill.com

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(202) 772-0916
jmarks@clarkhill.com

*Counsel for South Carolina Central
Railroad Company, LLC*

Dated: August 8, 2022

EXHIBIT A

MAP

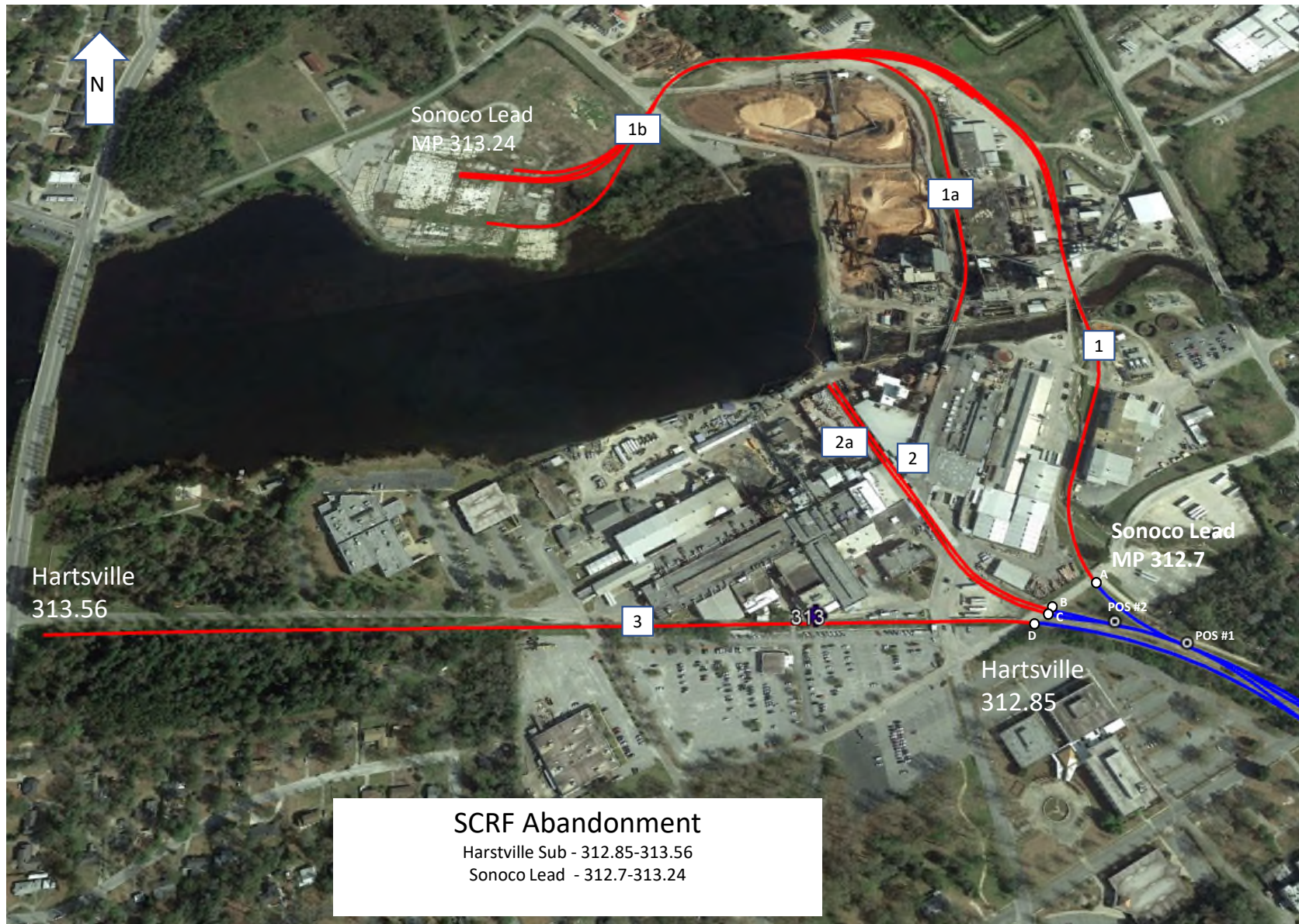


EXHIBIT B

DRAFT FEDERAL REGISTER NOTICE

STB No. AB 312 (Sub-No. 5X)

Notice of Petition for Exemption To Abandon Rail Service

On August 8, 2022, South Carolina Central Railroad Company, LLC filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption to abandon approximately 2-miles of rail line over 6 railroad tracks in Hartsville, Darlington County, SC. The Subject Line consists of Track 1 at milepost Sonoco Lead MP 312.7 – 313.24 and its associated leads, Track 1a, and 1b. It further includes, Track 3 at Hartsville MP 312.85 – 313.56. Finally, the Subject Line includes Track 2 and 2a that do not have mileposts. It traverses United States Postal Service ZIP Code 29550. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by conditions outlined in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT C

NOTICE TO AGENCIES UNDER 49 C.F.R. 1152.50(D)(1)



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T (202) 772-0909
F (202) 772-0919

July 18, 2022

VIA EMAIL AND/OR FIRST-CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: South Carolina Central Railroad Company, LLC – Abandonment Exemption –
in Darlington County, SC
Surface Transportation Board Docket No. AB 312 (Sub-No. 5X)

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that South Carolina Central Railroad Company, LLC ("SCRF") intends to file a petition for exemption for SCRF to abandon rail service over the line of railroad described below, by filing a petition with the Surface Transportation Board ("STB") for an exemption under 49 USC §10502 from the provisions of 49 USC §10903 to enable SCRF to abandon the subject line, on or after August 3, 2022 in STB Docket No. AB 312 (Sub-No. 5X).

SCRF will invoke the STB's exemption procedures to abandon service of approximately 2 - miles of track located over 6 rail lines that most recently served the Sonoco Products Company (Sonoco) in Hartsville, Darlington County, SC. The Subject Line consists of Track 1 at milepost Sonoco Lead MP 312.7 – 313.24 and its associated leads, Track 1a, and 1b. It further includes, Track 3 at Hartsville MP 312.85 – 313.56. Finally, the Subject Line includes Track 2 and 2a that do not have mileposts.

The Subject Line traverses through United States Postal Service ZIP Code 29550. A map of the Subject Line is enclosed.

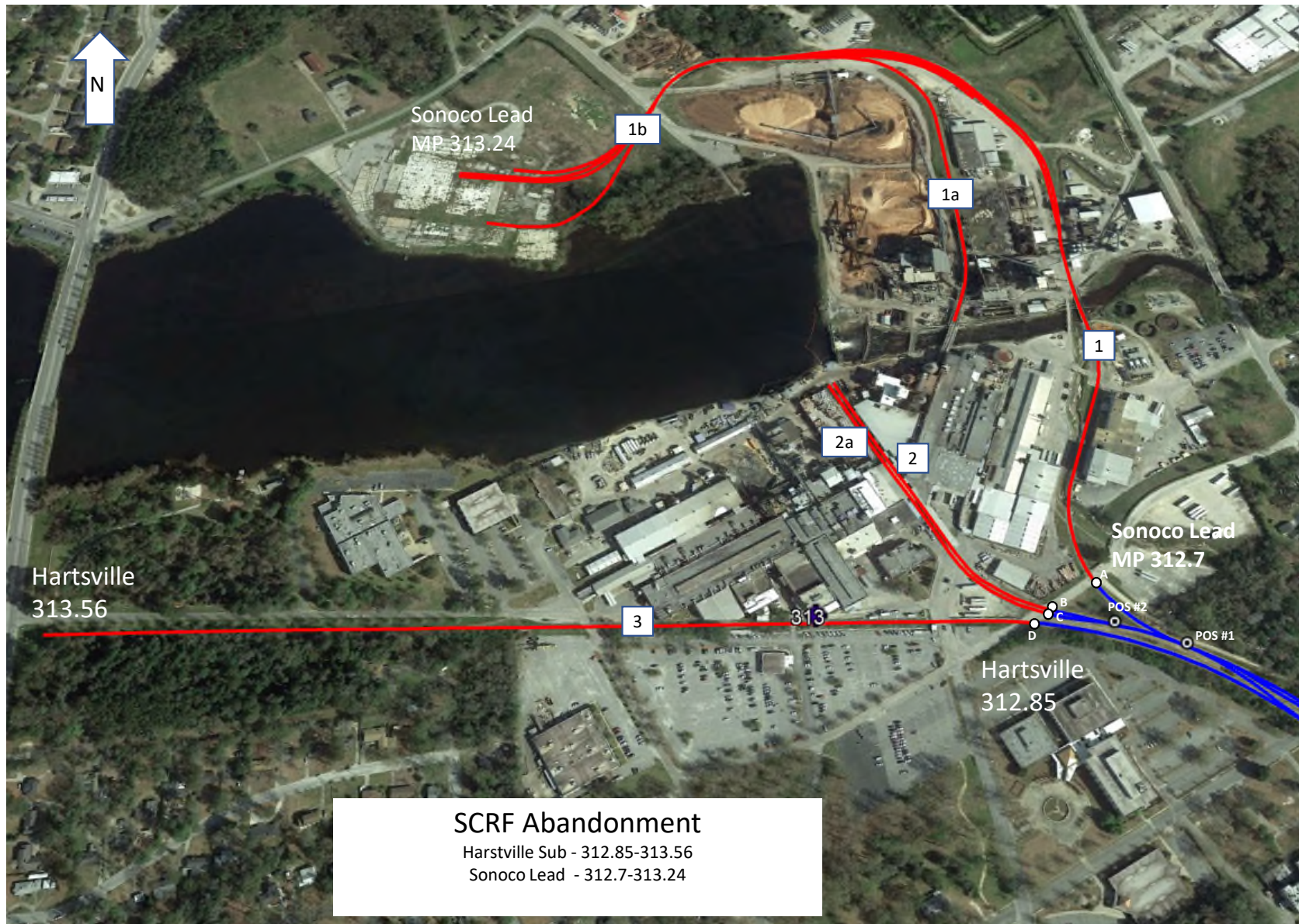
Based upon information in SCRF's possession, the Subject Line does not contain federally granted rights of way. Any documentation in SCRF's possession related to the abandonment of the Subject Line will be made available to those requesting it.

Sincerely,

A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel to South Carolina Central Railroad
Company, LLC

Enclosure



Advance Notice List under 1152.50

United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	South Carolina Department of Transportation Doug Frate, Deputy Secretary Intermodal & Freight Programs fratedw@scdot.org

EXHIBIT D

LETTER OF SUPPORT



August 3, 2022

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

Re: South Carolina Central Railroad Company, LLC
– Abandonment Exemption –
in Darlington County, South Carolina
Docket No. AB 312 (Sub. No. 5X)

Dear Ms. Brown:

Sonoco Products Company (Sonoco) submits this letter in support of South Carolina Central Railroad Company, LLC's (SCRF) petition for exempt abandonment of approximately 2-miles of rail line over 6 railroad tracks that served the Sonoco facility in Hartsville, Darlington County, SC. The line is comprised of the following tracks:

- Track 1 at milepost Sonoco Lead MP 312.7 – 313.24 and its associated leads, Track 1a, and 1b;
- Track 3 at Hartsville MP 312.85 – 313.56 and
- Track 2 and 2a that do not have mileposts.

Sonoco confirms that it ceased using rail service from SCRF prior to December 31, 2021, and that based on its future business plans, it will not have a need for rail service going forward.

Sonoco supports the SCRF petition because the grant of abandonment authority will allow Sonoco to acquire property related to the line which will facilitate redevelopment of the facility for a commodity that does not require rail service.

For the reasons set forth above, we respectfully request that the Board grant SCRF's petition.

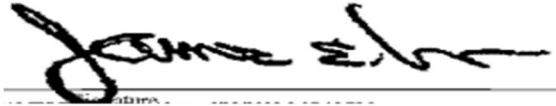
Sincerely,

A blue ink signature of Marcia Tuten, written in a cursive style.

Marcia Tuten, J.D., Ph.D.
VP, Deputy General Counsel

VERIFICATION

I, James Irvin, verify under penalty of perjury that I am authorized to make this verification on behalf of South Carolina Central Railroad Company, LLC, and that the information included in the foregoing Petition for Exemption is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "James Irvin", is written over a horizontal line.

James Irvin
President

Dated: August 8, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August 2022, I served a copy of the foregoing
Petition for Exemption on the persons listed below by first class mail, postage prepaid:

Kristine Ryan USDA Natural Resources Conservation Service Strom Thurmond Federal Building 1835 Assembly St., Rm. 950 Columbia, SC 29201 kristine.ryan@usda.gov	Daniel Blackman, Regional Administrator Office of the Regional Administrator US EPA Region 4 Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-8960 blackman.daniel@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers Northeast Branch – Charleston District Sac.rd.conway@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	Cassius Cash, Acting Regional Director Region 2 South Atlantic-Gulf National Park Service 100 Alabama Street, SW 1924 Building Atlanta, GA 30303
United States Fish & Wildlife Service Southeast Region 4 South Carolina Ecological Services Field Office Charleston_regulatory@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
South Carolina Department of Administration state.clearinghouse@admin.sc.gov	South Carolina Department of Health & Environmental Control Office of the Director agencydirector@dhec.sc.gov

Mr. Tom Daniel Inland Project Manager, Office of Environmental Programs South Carolina Department of Natural Resources 1000 Assembly Street, PO Box 167 Columbia, SC 29202 danielt@dnr.sc.gov	South Carolina Department of Transportation Doug Frate, Deputy Secretary Intermodal & Freight Programs fratedw@scdot.org
The Hon. Casey Hancock Hartsville City Hall 100 E Carolina Ave PO Drawer 2497 Hartsville SC 29551 mayor@hartsvillesc.gov	Mr. Albert Davis, III District 6, County Council Post Office Box 964 Hartsville, SC 29551 843-858-1480 aldavis@darcoosc.net
Daniel Moore City Manager P.O. Drawer 2497 Hartsville SC 29551 daniel.moore@hartsvillesc.gov	Darlington County Administrator Marion Charles Stewart, III 1 Public Square, Room 210 Darlington, SC 29532 cstewart@darcoosc.net
John D. Sylvest, Project Review Coordinator South Carolina Department of Archives and History 8301 Parklane Road Columbia, SC 29223 jsylvest@scdah.sc.gov	

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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 312 (Sub-No. 5X)

SOUTH CAROLINA CENTRAL RAILROAD COMPANY, LLC
- ABANDONMENT EXEMPTION –
IN DARLINGTON COUNTY, SC

ENVIRONMENTAL/HISTORIC REPORT

SUPPLEMENT TO EXHIBIT C

(Contains color image)

Marks, Justin J.

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Tuesday, July 19, 2022 6:45 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-9310) SCRF Railroad Abandonment in Hartsville, Darlington County, SC

[External Message]

A comment is added on your issue:

Re: SCRF Railroad Abandonment in Hartsville, Darlington County, SC

Good Evening Atty.Marks,

A search of NGS Integrated Data Base, showed no marks that would impacted in the area of the proposed abandonment. As shown on the image above the closet mark is K29.

If you need anything else, please call me.

Thank you,

Deborah Brooks
Communications Specialist
NGS Info Center
301-832-1063

National Geodetic Survey





100 E. Carolina Ave.
P.O. Drawer 2497
Hartsville, SC 29551
www.hartsvillesc.gov

July 30, 2022

Justin J. Marks
Counsel to South Carolina Central Railroad Company, LLC
1001 Pennsylvania Ave. N. W., Suite 1300 South
Washington, DC 20004

Re: South Carolina Central Railroad Company, LLC
Abandonment Exemption in Darlington County, SC
Surface Transportation Board Docket No. AB 312 (Sub-No.5X)

The City of Hartsville does not perceive that the abandonment of the above reference project will have a significant effect upon any historical resources.

Regards,

A handwritten signature in blue ink, appearing to read "D. Moore", is written over the printed name and title.

Daniel P. Moore
City Manager

DPM/sls