

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1242

ENTERED
Office of Proceedings
November 3, 2017
Part of
Public Record

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

Motion to Expedite Handling of Adverse Abandonment Application

By Decision of August 31, 2017, the Board directed The Great Walton Railroad Company, Inc. (GWRC) to explain how it retained the ability to provide freight rail service in light of the TORCH Agreement. The Board further invited Hartwell First United Methodist Church (Hartwell First), TORCH, Quality Holdings, LLC (Quality), or any other interested person to file replies. Quality's Reply was filed with GWRC's Response on October 2, 2017.¹ On October 30, 2017, both TORCH and Hartwell First filed replies.

Given the immediate need to restore its tracks in order to provide safe and reliable service for Quality, GRWC respectfully requests the Board to give this matter expedited consideration. To support its request for expedited handling, GWRC invites the Board's attention to the following matters.

¹ Attachment 5 to GWRC Response.

A. There is an immediate need for expanded rail service that requires GWRC to restore its runaround track.

As the Board recently advised the D.C. Circuit:

The first and most important issue in an adverse abandonment case is whether there is a present or future call for rail service on the line. The agency has consistently denied adverse abandonment applications where there is a potential for future rail operations on the line.* That is because the Board has a statutory duty to preserve and promote rail service,* and there is a presumption in favor of protecting rail service.* Either objections from current shippers or the “potential for future shippers” may provide a sufficient basis for denying an adverse abandonment application.* (*footnote omitted).²

The two Verified Statements submitted on behalf of Quality provide the basis for denying Hartwell First’s application. These statements, which provide unquestioned projections of expanded need for current and future rail service, are at the heart of this case.

B. GWRC has never abandoned any of its lines of railroad and has no intent to do so.

GWRC has never abandoned any of its tracks. Undisputed evidence of record proves that GWRC had no intent to abandon the tracks. In particular, the letters addressed to the Georgia Department of Transportation (GDOT) and to the City Manager of Hartwell make it clear that GWRC did not intend to abandon the tracks. GWRC Exhibits 10 and 11.

² Joint Brief of Respondents Surface Transportation Board and United States of America, at 21, *City of South Bend v. STB*, No. 08-1301 & O8-1150 (D.C. Cir. December 3, 2008)(*footnotes omitted).

Furthermore, as TORCH has made crystal clear in its Reply filed October 30, 2017, “[a]t all times during and after the negotiation and execution of the Lease, GWRC advised TORCH that GWRC was not abandoning GWRC’s right-of-way or other property by leasing GWRC’s property to TORCH, but GWRC was instead retaining ownership of the right-of-way.” TORCH Reply, at 2. Most importantly, these negotiations referenced by TORCH took place in the years leading up to the execution of the original lease in 2015, long before the present dispute with Hartwell First. As TORCH points out, the parties took great care to ensure that there was no abandonment by GWRC.

Given TORCH’s unequivocal statement and the effort made by TORCH and GWRC to modify the Lease and address the Board’s concerns that the Lease may have precluded GWRC’s ability to restore service, Hartwell First’s arguments at pages 3 through 5 of its Reply, filed October 30, 2017, are frivolous and irrelevant. Because TORCH’s activities will not interfere with GWRC’s future operations, all issues raised by the Board in its August 31, 2017, decision have been resolved by the Amended Lease.

Even though the segment of track that is at issue has been dormant for several years, that does not mean that it has been abandoned. As the Supreme Court has recognized, it is Congress’ intent that the Board “preserve for possible future railroad use rights-of-way not currently in service,” *Preseault v. ICC*, 494 U.S. 1, 6 (1990). As the record demonstrates, GWRC for several years resisted Hartwell First’s demands that it abandon the tracks because it wished to preserve them for potential rail service.

C. Deeds of record in this proceeding conclusively demonstrate that Hartwell First does not own the real property on which GWRC's tracks are located.

Hartwell First's arguments that GWRC "does not have the property rights to establish and construct a runaround track"³ or to "construct a new spur"⁴ are rendered irrelevant and immaterial by the fact that Hartwell First cannot prove that it owns the real property on which GWRC's runaround track has been located for over a century. GWRC has previously demonstrated at pages 16-18 of its Motion Seeking Leave to File Sur-Rebuttal and Motion to Strike, "a gap of 10 feet exists between the southern boundary of the Farmers' Union or Perfect Pea Picker Lot and the original northern boundary of the Hartwell Railroad's right-of-way that dates to 1881. Furthermore, a similar gap exists with respect to the former property of C. I. Kidd through which the spur track was constructed. *See infra* at 22."

GWRC recognizes that "[i]t is well settled that the interpretation of deeds and the determination of who owns good title are issues of State law that are outside the expertise of this Board."⁵ However, it must note that Hartwell First has never attempted to rebut GWRC's position.

Instead, Hartwell First solely relies on the emergency order from the Superior Court of Hart County, dated November 28, 2016, that has temporarily

³ Hartwell First Reply at 3.

⁴ *Id.* at 5.

⁵ *Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Marion and McPherson Counties, KS*, Docket No. AB 406 (Sub No. 6X) (STB served December 8, 1999).

prevented GWRC from restoring its turnaround track.⁶ Not only is the temporary order **not** dispositive of the ownership of the parcel on which the track is located, a quick review of the facts set forth in note 6 reflects an abuse of due process.

During his sworn testimony, Mr. Whittemore did not mention or introduce the numerous deeds that GWRC has presented to the Board. These deeds reflect the gap in Hartwell First's deeds and demonstrate that Hartwell First cannot establish ownership of the parcel of land on which the northern portion of the turnaround track was constructed. Therefore, while GWRC has not been able to locate a deed by which the Hartwell Railway or Southern Railway acquired ownership of that parcel, Hartwell First has also not located a deed establishing that it acquired ownership of the parcel.

There are, however, three critical facts that are not contested. First, the track was in place as early as 1913. Second, after the track was extended across Webb Street, it was thereafter continuously used for nearly a full

⁶ Although the court's order states that sufficient notice of the hearing was provided to GWRC's local counsel, the Board is hereby advised that GWRC's local counsel did not receive notice of the filing of the complaint and the hearing from Hartwell First's local counsel until early on the morning of November 28, 2016. The complaint was filed later that morning at 11:06 a.m. In order to attend the hearing, which was scheduled for 1:30 p.m., GWRC's counsel had to drive two hours. Given the lack of prior notice, he arrived at the courthouse at approximately 1:40 p.m. with no witnesses and no ability to respond to the issues raised by the complaint. His only preparation involved printing of photographs he had on his cell phone. As the Order correctly notes, the Court reviewed the sworn Petition from Hartwell First, its exhibits, and the sworn testimony of Joe Whittemore, a live witness. The Order further notes that Defendant GWRC "offered no testimony, but did introduce four (4) photographs."

century in conjunction with the mainline track to reposition locomotives from the front of an inbound train to the back of the train to return to Bowersville. As a result, the state court's injunction, which has prevented GWRC from completing its restoration of the tracks, should be preempted by the Board.

To resolve the ownership issue in an expeditious manner and avoid drawn out legal proceedings, GWRC has filed a Petition for Approval to Acquire Real Estate by Condemnation with the Georgia Public Service Commission. A copy of GWRC's petition, which the Commission has docketed as proceeding No. 41607, is attached hereto as GWRC Exhibit No. 34.

There is, of course, no question that the tracks were "established and constructed" over a century ago. GWRC is simply *restoring* them in the identical location in which they were placed by the original Hartwell Railroad. When GWRC temporarily removed the rails from its right-of-way on which the northern segment of the runaround track was constructed, it deliberately left the crossties and ballast in place. Not only were the crossties left intact on the real property that is located to the west of Webb Street, the same procedure was followed regarding both sets of rails and crossties that crossed over Webb Street. Moreover, the eastern segments of the runaround track and mainline between Webb Street and Jackson Street were untouched.

The Board's attention is invited to other evidence in ICC files that have been forwarded to the National Archives and Records Administration. This evidence conclusively demonstrates that the one-time spur that was converted

into a component of the turnaround track was, without objection, knowingly constructed outside of the original right-of-way of the Hartwell Railroad.

In addition to the 1916 Valuation Maps that are reproduced as GWRC's Exhibits 1-4, attention is invited to multiple forms used by the ICC's Division of Valuation to support valuations.⁷ D.V. Form No. 513, dated January 12, 1916, refers to the 259-foot spur track in question as "Storage track #4" and places it between Stations 10+38 and 12+98.⁸ D.V. Form No. 516, dated January 13, 1916, states that the ties were new when installed three years earlier. The rail was shown to be 30 years old with an estimated service life of 75 years. According to that same form, the steel was in good yard condition.⁹

Moreover, D. V. Form No. 67-R, which is a schematic drawing of various tracks in Hartwell Railway's system, plainly shows that the centerline of the spur extended as far as 12 feet beyond the centerline of Hartwell Railway's mainline track. The spur, which would be extended across Webb Street and joined with the Clinkscapes spur, ended at Station 10+38 on the Valuation Map.¹⁰

According to Land Field Notes, dated December 15, 1917, the old brick foundation of the Farmers Warehouse Co. that was destroyed by fire, adjoined

⁷ The forms are attached hereto as GWRC Exhibit 35.

⁸ *Id.*

⁹ *Id.*

¹⁰ Due to the faintness of the original pencil drawing, the undersigned has used red ink to highlight the drawing and its notations. In addition, the words "Webb Street" were also inserted to assist the reader.

the carrier's right of way on Webb Street. The land was valued at \$ 0.05 per sq. foot.¹¹ A subsequent set of notes, dated January 10, 1921, which increased the value of the land to \$ 0.06 per sq. foot, also explained that the Farmers Union Warehouse adjoined the tracks and that the "Webb St. crossing is regularly used by the public as a cross way."¹²

The former storage track did not adjoin Hartwell First's property. The southern boundary of Hartwell First's property was then located approximately 115 feet north of the northern boundary of the Farmers Union or Perfect Pea Picker lot. See GWRC Exhibit 24. At the time, the Farmers Union lot was said to extend 100 feet to the Hartwell Railway. However, according to the 1937 deed whereby Hartwell Mills acquired the lot from T. S. Mays, the Perfect Pea Picker lot extended only 90 feet from its northern boundary to its southern boundary along Webb Street. See GWRC Exhibit 30.

The gap of 10 feet from the south end of the lot to the original right-of-way of the Hartwell Railroad strongly suggests that Southern Railway and/or Hartwell Railway acquired an interest in the "gap" parcel on which the spur was constructed in 1913. Although GWRC has not been able to locate a deed to Southern Railway or to Hartwell Railroad, there is nothing to show that either Hartwell Mills, or Dundee Mills, its successor-in-interest, ever acquired the parcel of land that lies between the southern boundary of the former Perfect

¹¹ *Id.* The 12/15/1917 Notes were subsequently superseded by Notes, dated 1/10/21, which, as herein relevant, increased the value of the property.

¹² *Id.*

Pea Picker lot and the northern edge of the Hartwell Railroad's right-of-way. However, it is telling that no one, except Hartwell First, has ever raised any question concerning the railroad's right to construct and operate over the former storage track, even though it was located several feet outside of the railroad's original right-of-way.

D. Hartwell First's arguments regarding the Georgia Department of Transportation have been rendered immaterial.

At page 6 of its October 30, 2017 Reply, Hartwell First argues that "GWRC will not be able to satisfy GDOT's requirements" set forth in GDOT's September 14, 2017 letter.¹³ That letter affirmed GWRC's right to restore the Webb Street crossings. However, Hartwell First also claims (*id.*) that:

GWRC will not be able to install a crossing between the former north spur and the Clinkscates industrial track. And without the crossing or the construction of the north spur, there can be no runaround track, and GWRC's professed need to retain the Line Segment fails.¹⁴

Hartwell First is mistaken. On October 11, 2017, GDOT, consistent with the preemption provisions of 49 U.S.C. § 10501(b), modified its September 14 letter and announced that it was willing to allow GWRC "to move forward with reinstalling the tracks at the Webb St. Crossing if we can get a letter on the company letterhead ensuring that the track installation will conform to GDOT specifications." GWRC Exhibit 36.

¹³ See footnote 5 and Attachment 2 to GWRC's Response filed October 2, 2017.

¹⁴ Hartwell First Reply at 6.

On October 19, 2017, GWRC forwarded the requested letter to GDOT. GWRC Exhibit 37. By letter dated October 23, 2017, GDOT authorized GWRC to “proceed with the necessary reinstallation of [its] tracks at the SR 172/Webb Street Crossing in Hartwell, GA.” GWRC Exhibit 38.

GWRC stands ready, willing and able to restore the tracks and immediately commence operations over them. Plainly, if it were not for Hartwell First’s tortious interference with GWRC’s efforts to restore rail service, and its breach of contract,¹⁵ there would have been nothing to prevent GWRC from immediately completing the restoration of the tracks across Webb Street and resuming operations over them. To enable GWRC to restore the tracks and commence operations immediately after the conclusion of the condemnation proceeding, the Board is urged to find that (i) it has exclusive jurisdiction over the tracks in question, and (ii) deny Hartwell First’s adverse abandonment application in an expedited manner.

¹⁵ The Crossing Licenses granted to Hartwell First and signed by Mr. Whittemore reflect Hartwell First’s agreement at § 11 that it, as the Licensee, “shall not at any time own or claim any right, title or interest in or to railroad’s property occupied by Licensee’s crossing, nor shall the exercise of this Agreement for any length of time give rise to any title to said property or any right or interest in Licensee other than the license created hereby.” The claims advanced in the Hart County Superior Court and before the Board reflect a deliberate breach of the agreements. See GWRC Exhibits 7 and 8. Furthermore, at Article 19 of the Agreement, dated August 1, 2008, Hartwell First agreed that the railroad reserved the right to enter the Premises for the reconstruction of any trackage. GWRC Exhibit 9.

Conclusion

The need to deny First Harwell's application is supported by the record and is consistent with well settled ICC, STB and judicial precedents. Moreover, it is consistent with the long tradition of congressional regulation of railroad abandonments. As the Supreme Court has noted, the various statutes that apply to railroad abandonments reflect Congress's belief "that every line is a potentially valuable national asset that merits preservation even if no future rail use for it is currently foreseeable." *Preseault v. ICC*, 494 U.S. at 19. Here, an immediate need for future service has been proved, and this need warrants expeditious consideration by the Board of the application for adverse abandonment.

Respectfully submitted,

/s/ Richard H. Streeter

Richard H. Streeter
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5255 Partridge Lane, N.W.
Washington, D.C. 20016
202-363-2011
rhstreeter@gmail.com
Attorney for The Great Walton Railroad

Dated: November 3, 2017

Certificate of Service

I, Richard H. Streeter, hereby certify that on November 3, 2017, all parties of record have been served either by email and/or first class, postage prepaid.

/s/ Richard H. Streeter

AB 1242

GWRC Exhibit 34

GWRC Petition for Approval to Acquire
Real Estate by Condemnation

MATTHEW D. WILLIAMS & ASSOCIATES, LLC

Attorneys at law
2215 Pilgrim Mill Circle
Cumming, Georgia 30041

Matthew D. Williams

Direct Line: 770-815-9331

Fax: 888-815-9135

Email: mwilliams@williamslegalsolutions.com

October 31, 2017

Walter James Gordon, Sr.
The Gordon Law Firm
P.O. Box 870
Hartwell, GA 30643

Re: *Petition for Condemnation before the
Georgia Public Service Commission
Docket No. 41607*

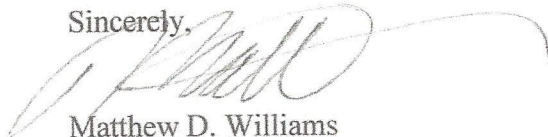
Dear Walter:

My client has now begun the condemnation process for quieting title to the property that is the subject of our dispute and is also the subject of my letter to you dated March 31, 2017. I have enclosed for your benefit a copy of the **PETITION FOR APPROVAL TO ACQUIRE REAL ESTATE BY CONDEMNATION** that has been filed with the Georgia Public Service Commission.

As a part of the process, my client is required to offer to purchase your client's interest in the property at fair market value. As you know, my client believes that it owns the property free and clear, but we also understand that your client disagrees, and instead maintains that it owns the parcel in question. This dispute represents a significant cloud on the true owner's title. An appraisal was completed and it determined the fair market value of the parcel, assuming clear title, to be \$8,000.00. Even though your client lacks clear title to the property, my client hereby offers, for purposes of settling the controversy between the parties and for full payment of the fair market value, \$8,000.00 in exchange for a deed from your client to the property in question. This offer is made solely for the purpose of moving the condemnation process forward, even though my client denies that the Hartwell First United Methodist Church owns any interest in the property in question.

Thank you for your attention to this matter. If you have any questions, or wish to discuss it further, please do not hesitate to call.

Sincerely,



Matthew D. Williams

MDW:pha
Enclosure

IN PROCEEDINGS BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

The Great Walton Railroad Company, Inc., d/b/a

The Hartwell Railroad Company

Hart County, Georgia

IN RE:

PETITION FOR APPROVAL TO ACQUIRE
REAL ESTATE BY CONDEMNATION

NOW COMES The Great Walton Railroad Company, Inc., a Georgia corporation owning and operating a railroad in the State of Georgia, d/b/a The Hartwell Railroad Company, and pursuant to O.C.G. A. §§ 46-8-120 and 46-8-121, files this, its Petition for Approval to Acquire Real Estate by Condemnation.

1.

The Great Walton Railroad Company, Inc. ("GWRR") owns and operates a railroad between Hartwell, Georgia and Bowersville, Georgia. The existing rail line that is the subject of this petition consists of a right of way and tracks, including sidetracks and turnouts located in Hartwell, Georgia. The right of way and tracks are owned by GWRR.

2.

In furtherance of a public purpose, to serve the public interest, and to accommodate properly its business, GWRR desires to rehabilitate a section of track (the "Runaround Track") in downtown Hartwell that has been in place to some extent for over 100 years. This track is adjacent to the main line and will allow GWRR locomotives to run around cars so as to change ends of the train in service of its existing customers and in anticipation of future business. Specifically, the Runaround Track will allow a locomotive to move from

FILED
OCT 27 2017
EXECUTIVE SECRETARY
G.P.S.C.

the east end of a cut of cars to the west end to make the return trip to Bowersville safely.

3.

In spite of the existence of this track for over 100 years, a portion of the Runaround Track is located on property about which a dispute has arisen over ownership with the adjoining property owner, The First United Methodist Church of Hartwell, Georgia ("FUMC"). As GWRR began work to rehabilitate this track in November 2016, FUMC filed suit in the Superior Court of Hart County seeking a declaratory judgment regarding title and after giving GWRR 3 hours' notice of the hearing, obtained an injunction stopping work by GWRR until such case is resolved. Rather than endure the extensive cost and delay seeking resolution of the property dispute, GWRR realized it would be far quicker and less expensive to simply file the present condemnation to resolve the cloud on title as provided by O.C.G.A §22-1-1. GWRR zealously disputes the claims of the FUMC and is confident in its own title to property it has occupied since at least 1916, but also recognizes that the condemnation process is a far better approach to resolving such a small dispute rather than through the quiet title action initiated by FUMC.

4.

Attached as Exhibit A is a drawing showing the existing track in dispute and depicting the 20' X 260' parcel that is the subject of this condemnation petition (the "Property"). The Property is immediately adjacent to and north of GWRR's right of way and main line track. A map establishing the location of the project in Hartwell, Georgia is attached hereto as Exhibit B. Attached as Exhibits C and D are aerial photographs of the property in question showing the partially completed rehabilitation of the Runaround Track as it appeared after FUMC obtained an injunction to stop work. Attached as Exhibit E is the

railroad valuation map showing the existence of the track in question as it appeared in 1916.

5.

A list of mailing addresses for all affected property owners is attached hereto and incorporated in the Petition as Exhibit F.

6.

GWRR's line (the "Hartwell Line") is approximately 9.5 miles long and runs between Bowersville, Georgia on the west end and Hartwell, Georgia on the east end. In Bowersville, the Hartwell Line consists of a wye that connects with the Hartwell Railroad. The Hartwell Line dead ends in Hartwell, Georgia just east of the location of the Property.

7.

GWRR serves Quality Industry, a customer located just west of the Property. GWRR delivers to Quality covered hopper cars containing plastic pellets it uses in its manufacturing process. These loaded cars are brought from Bowersville and then shoved onto Quality's track. GWRR then retrieves the empty hopper cars for return to Bowersville. The empties are pulled from Quality in an easterly direction which places the locomotive on the east end of the cut of cars that need to move in a westerly direction. To safely return the cars to Bowersville, the locomotive needs to be moved to the west end of the cut of cars so as to place the locomotive in front of the cars giving it a clear view of the track ahead. Once the Runaround Track is fully rehabilitated, it will allow the locomotive to swap ends of the train.

8.

GWRR holds the authority and power to reconstruct its lines and tracks, and to build

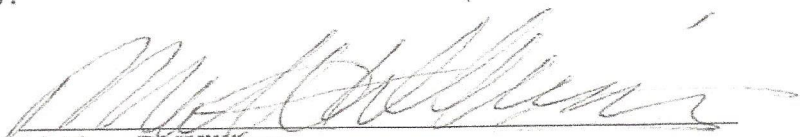
one or more additional tracks, to relocate any line or portion thereof and to build such additional tracks as may be necessary for the proper accommodation of its business and the service of its customers, pursuant to O.C.G.A. 46-8-120(a)(1) and (4).

9.

To the extent the real estate essential to the rehabilitation of the Runaround Track is in dispute, cannot be acquired by purchase or gift, the Georgia Public Service Commission may approve the taking of the property by condemnation pursuant to O.C.G.A. §46-8-121.

WHEREFORE, GWRR respectfully prays that the Georgia Public Service Commission grant this Petition in all respects and approve the acquisition of the necessary real estate by condemnation to resolve the title dispute to the extent GWRR determines the dispute over title to the real estate cannot be resolved by payment to FUMC for the fair market value of its interest, if any, in the Property.

This 27th day of October, 2017.



Matthew D. Williams
Georgia Bar No. 763210
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Cumming, GA 30041
Telephone: (770) 815-9331
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Email:

Attorneys for Petitioner

DEANINGS & DISTANCES
ALONG SOUTH R/W OF
HARTWELL RAILROAD
TRACT 1

LINE	BEARING	DISTANCE
1	S 89° 45' 00" E	1.00
2	S 89° 45' 00" E	1.00
3	S 89° 45' 00" E	1.00
4	S 89° 45' 00" E	1.00

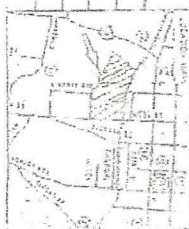
DEANINGS & DISTANCES
ALONG NORTH R/W OF
HARTWELL RAILROAD
TRACT 2

LINE	BEARING	DISTANCE
1	S 89° 45' 00" E	1.00
2	S 89° 45' 00" E	1.00
3	S 89° 45' 00" E	1.00
4	S 89° 45' 00" E	1.00



DEANINGS & DISTANCES
ALONG SOUTH R/W OF
HARTWELL RAILROAD
TRACT 1

HART COUNTY INDUSTRIAL BUILDING AUTHORITY			
DATE	BY	FOR	REMARKS
10-24-30	DEAN H. TEASLEY	DEANINGS & DISTANCES	ALONG SOUTH R/W OF HARTWELL RAILROAD TRACT 1



I hereby certify that property shown herein as
being subject to the lien hereon is,
property indicated.

Deputy

NOTED & RECORDED
LAND RECORDS DEPARTMENT
HART COUNTY, MISSISSIPPI

DATE
10-24-30

Exhibit A

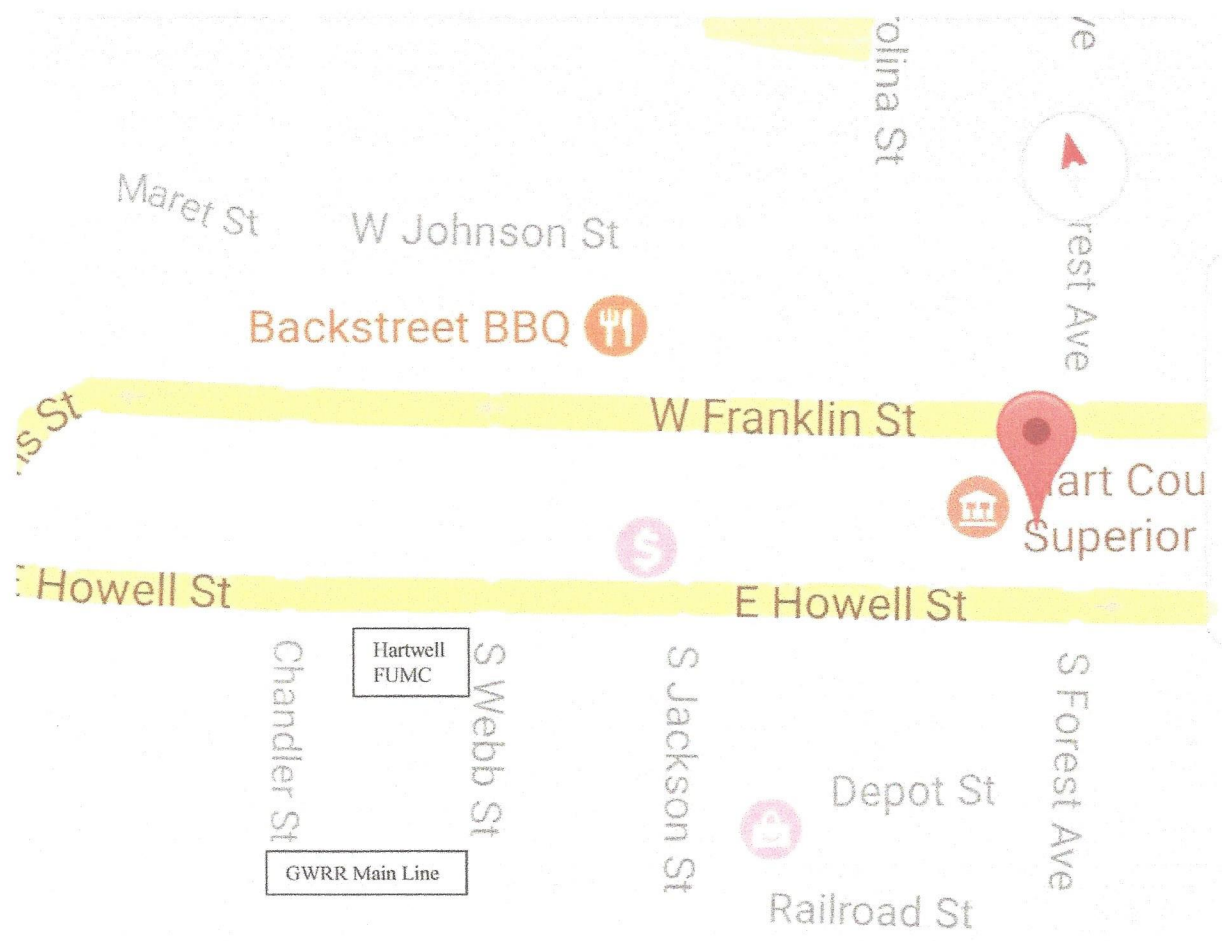


EXHIBIT B



EXHIBIT C



EXHIBIT D

EXHIBIT F

Commissioner Russell McMurray
Georgia Department of Transportation
600 West Peachtree NW
Atlanta, GA 30308

Walter James Gordon, Sr.
The Gordon Law Firm
P.O. Box 870
Hartwell, GA 30643

Hartwell First United Methodist Church
200 East Howell Street
Hartwell, GA 30643

Mayor Brandon Johnson
Hartwell City Hall
456 East Howell Street
Hartwell, GA 30643

AB 1242
GWRC Exhibit 35
ICC Division of Valuation Forms

Date 1-12-16

DIVISION OF VALUATION

Carrier Hartwell Ry

Valuation Section

for Carrier

for I. C. C.

YARD TRACKS AND SIDINGS

Index No. or Name	Storage track #4 Hartwell Ga. R.R. Sh. 1	M-1
End Stations	10+38 12+98	
Total Length	259' ✓	
8. Ties	Oak	
Road, No.	85 ✓	
Sw. No. Dim.	47-7"x9"-87' ✓	
Tr. Dist.	3100' B.M. ✓	
Sw. Ft. B.M.		
Bridge No. Ft. B.M.		
Xing timber, Ft. B.M.		
9. Rail		
Weight	50. Boss 78 ✓	
Kind-Date	Relay	
New or Relay	235 ✓	
Total length		
10. Other Track Material		
SWITCH-Kind	Split	
Wt. & Length	50-15' Penna. ✓	
Stand-Kind	Low. ✓	
Lamp-Lock	- Lock	
Plan or Maker	New Cent	
FROG-Kind	Rigid	
No. Wt. Length	9-50-9' ✓	
Material	Boss ✓	
Plan or Maker	Penna.	
G.R. Wt. Tot. Lgth.	50-30'	
Plan or Maker	-	
Fastenings-Kind	Braces	
Fastenings-No.	6 ✓	
DERAIL-Kind	-	
Connections, etc.	- ✓	
JOINTS-Kind	Pl. 7-2	
Wt. Rail	50 ✓	
No.	17 ✓	
Comp. No. Kind	-	
Insul. No. Kind	-	
Bolts, No. Size, Kind	65- 3/4" x 3 1/2" Sq. nuts ✓	
Nut locks, No. Kind	-	
Tie plates, No. Kind	-	
Braces, No. kind	-	
Spikes, No. Size	540- 9/16" x 5" ✓ ✓	
BUMPING POSTS	-	

NOTE.—If all material inside track can not be listed on this sheet, use blank sheet D. V. 68-R for remainder.

12-385

Form approved July 15, 1915.

Date

Jan 13, 1916

DIVISION OF VALUATION

Carrier

Hartwell Ry

for Carrier

Valuation Section

for I. C. C.

CONDITION NOTES

Location— Survey Station, Mile or Track	Item of Property	Age	Esti- mated Total Service Life	Quality when Installed	Mainte- nance	Source of Data	Carrier's Repre- sentative Agrees	Special Notes
Hartwell Ga								
0+00 = end track								
Track #2	Switch	10	20	relay	fair	est		fair very light.
#3-#1	Frog	15	20	"	"	"		worn 1/2" fair
#4-#3	Sw Ties	3	8	new	"	"		fair.
#7-	Ties	5	8	"	"	"		1/2 fair 1/2 poor. Track 5, ties are good.
	Rail	30	75	relay	normal	brands		worn 1/6 to 1/8 in good yard condition. 30" 15 very light for this traffic.
Track 8	Switch	2	15	new	normal	est		new Condition
	Frog	6	15	relay	"	"		good.
	Sw Ties	2	8	new	"	"		fair.
	Ties	5	8	"	"	"		poor
	Rail	35	75	Relay	"	"		good yard relay.
Mile 2	Bridge Ties	4	7	new	normal	est		now being Patched fair
Mile 1-10	Rail-75"	16	50	relay	normal	brand		Farman says laid here 3 yrs ago. Good
	50-60"	35	50	"	"	"		fair relay 1/8 worn in service here 7-10 yrs.
	Ties	3	8	new	good	est.		good.
	Signs							
	Wood	15	30	new	normal	est		fair.
	Cast. I.	15	100	"	Poor	-		OK but need Paint.
	Calverts							
	wood	20	25	new	Poor	est		poor
	Pipe	20	50	"	normal	"		normal.
	Wood Head rails	10	15	relay	fair	"		old Tr. Ties.
Air line, Ga								
Track #1	Switch	15	25	relay	normal	est		good.
30+32	Frog	10	30	new	"	"		1" worn 1/4"
	Sw Ties	4	8	"	"	"		Patched
	Rail	30	75	relay	"	"		fair.
	Ties	3	8	new	"	"		good.
Air line	Shelter House	2	20	new	"	farman		good. Painted 1914

24. B. FORM NO. 1
Hartwell Ry.

INTERSTATE COMMERCE COMMISSION

DIVISION OF VALUATION

Form No. 4

Page No. 1

Val. Sec. No.

Operating Company

Land Field Notes

State Georgia

County Hart

Town-
xxx Hartwell.

Boundaries of Tract: 9-95 to 13-85

ADJOINING LAND: Industrial and Residence.

On the north side RR are several small frame dwellings; on the south side is the Hartwell Cotton Mill. On Webb St. adjoining carriers right of way is the old brick foundation of the Farmers Warehouse Co. that was destroyed by fire.

Land lies generally level on both sides of RR. Water, sewer and electric lights are on Webb and unnamed St. on north side RR. Howell Street, one of the principal thorough-fares lies one block North of carriers line and is of higher value than property adjoining right of way to which carriers land is similar.

STREET CROSSINGS: Carrier crosses Webb St. but claim no fee in land. Unnamed Street does not cross carriers line.

Appraised by Unit of
Value for Road

05

Per Acre

Per Sq. Foot

Charles F. Hoke

Land Appraiser

December 15- 17.

Approved by U. S. Agent
for Value

Agent

Sig. No.

Inspector

E. V. FORM No. 501-B		INTERSTATE COMMERCE COMMISSION		Sect. No. 4	
OWNER Hartwell Ry.		BUREAU OF VALUATION		Map No. 1	
Operating Company		LAND FIELD NOTES		Vol. Sec. No.	

STATE Ga.	COUNTY Hart	CITY Hartwell
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Boundaries of Zone: 8-85 to 11-65

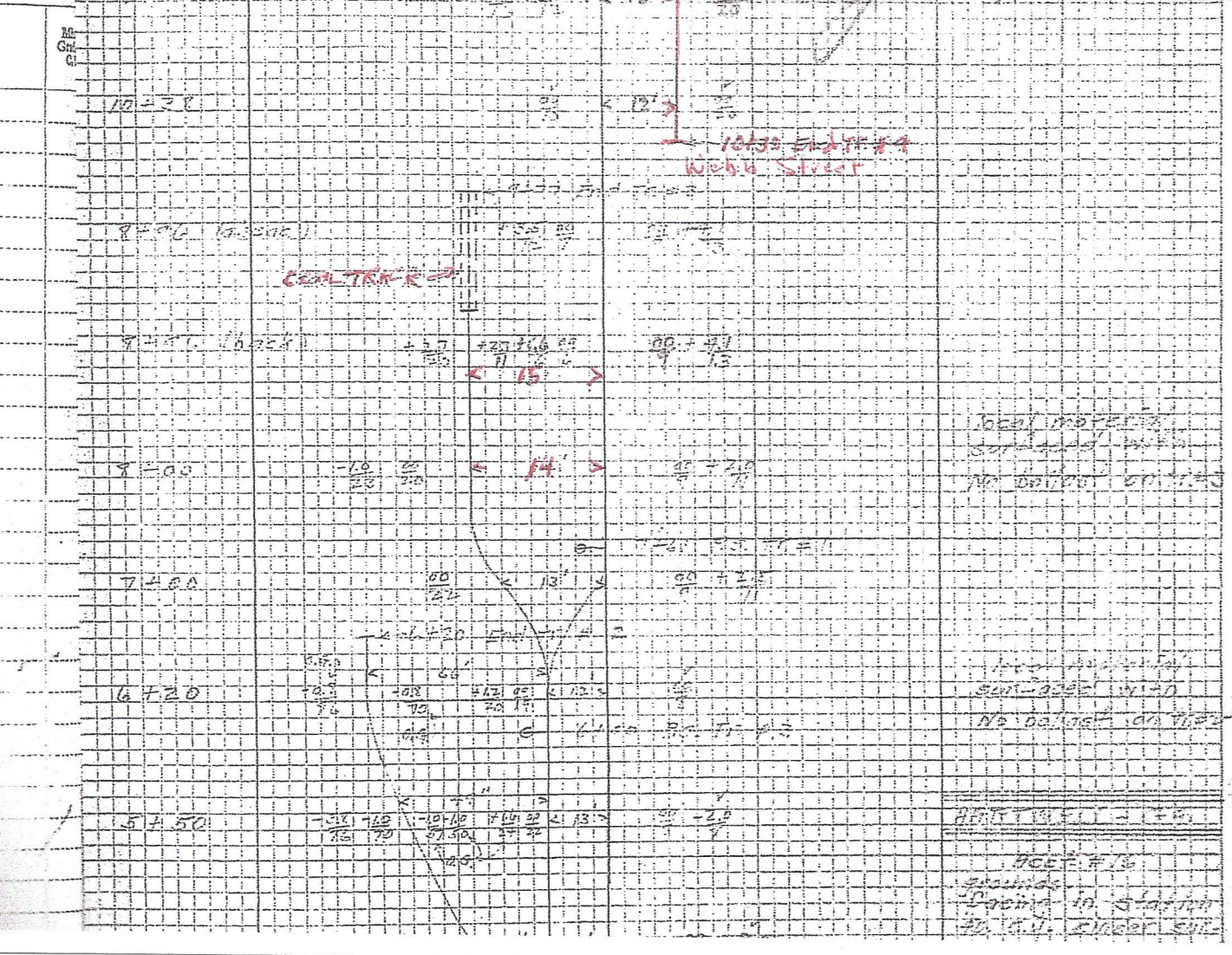
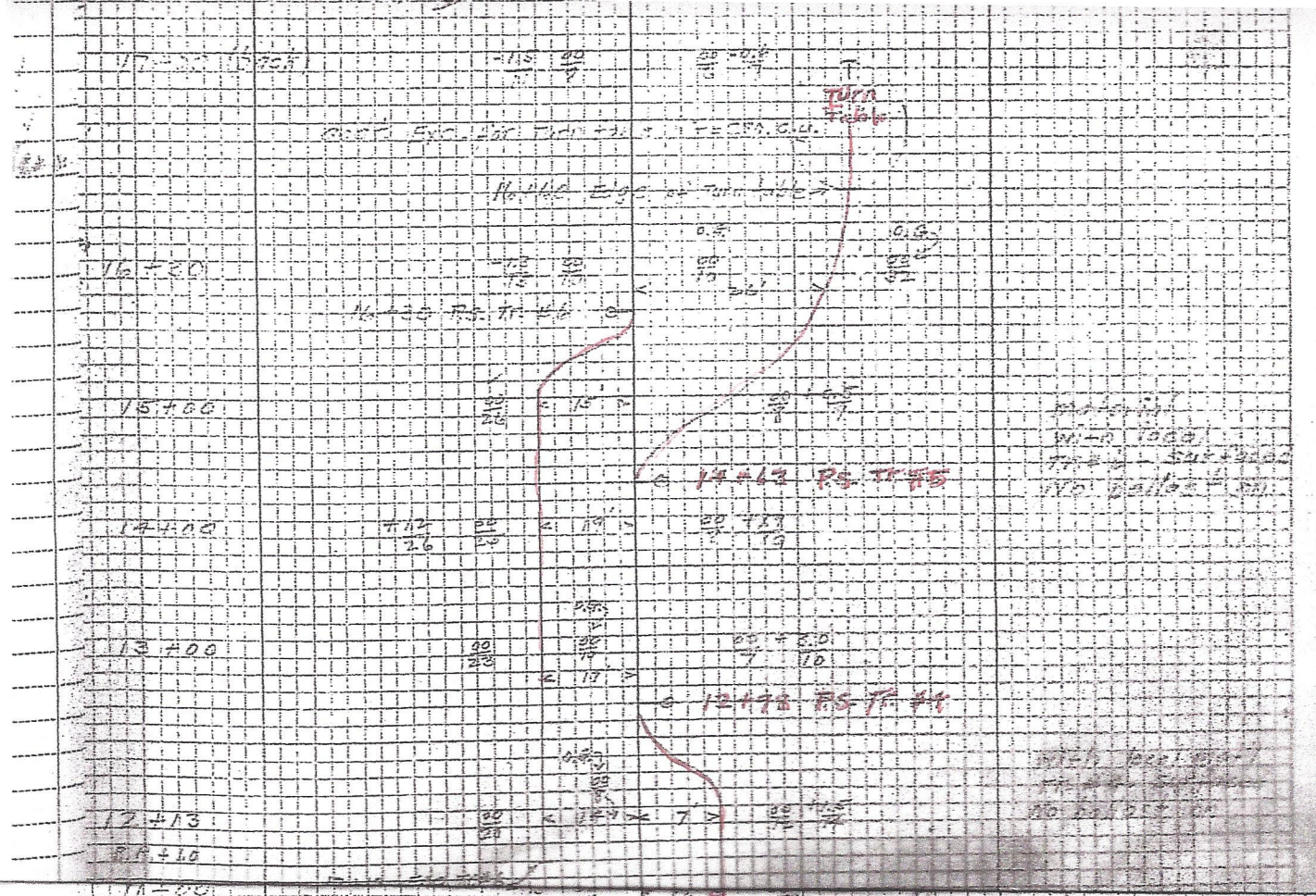
Remarks: Industrial & Residential.

Adjoining lands: Small dwellings, the Farmers Union warehouse and cotton Factory. Webb St. crossing is regularly used by the public as a crossway.

Appraiser's Unit of Value for Zone.	\$.06	Per Acre.	Per Sq. Foot.
Jany 10	1921	Oliver H. Cabaniss Senior Land Appraiser.	

Area of R. R. Lands in Zone.	Acres.	Sq. Ft.	in S.	- S.
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The following page reflects a combination of multiple pages from ICC Division of Valuation, D. V. Form 67-R. The combined pages reflect tracks of the Hartwell Railway Company located in Hartwell Georgia between Station 5+50 through 17+80 on Valuation Map H. Ry. 1. The original pages are dated January 12, 1916.



AB 1242

GWRC 36

GDOT email dated October 11 2017

Richard H. Streeter

From: Cowan, Kevin <kcowan@dot.ga.gov>
Sent: Wednesday, October 11, 2017 12:53 PM
To: joey.dorsey@greatwaltonrailroad.com
Cc: Richard H. Streeter; Phelps, Jan; Allen, Patrick; Rapley, LaKenya; Oliver, Robby; Cook, Brent; Meador, Roger; Doyle, Andy (Jesse); Simelaro, Annette
Subject: RE: Webb Street Crossing
Attachments: 9021a_9021a.pdf

Mr. Dorsey,

Thank you for your patience as we worked together to resolve the track reinstallation matter at the Webb Street crossing. At this time the Department is willing to allow Hartwell Railroad to move forward with reinstalling the tracks at the Webb St. Crossing if we can get a letter on the company letterhead ensuring that the track installation will conform to GDOT specifications, with heavy focus on the attached standard 9021A.

Upon receipt of the requested letter, we will submit a letter to you authorizing you to begin reinstalling Hartwell's tracks. The letter will include instructions and district contact information that will be needed to coordinate your work and lane closures.

Feel free to contact me if you have any questions.

Thanks,

Kevin D. Cowan, Jr., P.E.
Georgia Department of Transportation
Utilities Railroad Crossing Engineer
Office of Utilities- 10th Floor
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
PHONE:(404) 631-1375
CELL: (404) 326-8355
EMAIL: kcowan@dot.ga.gov

AB 1242
GWRC Exhibit 37
GWRC letter to GDOT, dated October 19, 2017



The Great Walton Railroad Co., Inc.

1096 North Cherokee Road
Social Circle, Georgia 30025



(770) 464-0761

October 19, 2017

Via Certified Mail

Kevin D. Cowan, Jr., P.E.
Georgia Department of Transportation
Utilities Railroad Crossing Engineer
Office of Utilities- 10th Floor
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308

Mr. Cowan,

I am writing to you to follow up on the reinstallation of the railroad tracks on SR 172 aka Webb Street in Hartwell, Georgia.

In response to your email request on October 11, 2017, please accept this letter as Great Walton Railroad's assurance that the track installation will conform to GDOT specifications.

Now that you have this assurance letter, please submit as soon as possible the letter authorizing the Great Walton Railroad to begin reinstalling the tracks on SR172 aka Webb Street. As previously communicated, the GDOT letter should include instructions and district contact information to coordinate our work and lane closures.

We appreciate your efforts in resolving this matter.

Should you have any questions, please feel free to contact me at 706-476-4018.

Sincerely,

Joey Dorsey
General Manager
Great Walton Railroad

Cc: Webb Street File

AB 1242
GWRC Exhibit 38
GDOT Letter to GWRC, dated October 23, 2017

Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW
Atlanta, Georgia 30308
Telephone: (404) 631-1000

October 23, 2017

Mr. Bennie Ray Anderson
President
The Great Walton Railroad
1081 North Cherokee Road
Social Circle, Georgia 30025

SUBJECT: Highway 172 (Webb Street) Tracks, Hart County
Authorization— Railroad Track Reinstallation

Dear Mr. Anderson,

The Great Walton Railroad is hereby authorized to proceed with the necessary reinstallation of your tracks at the SR 172/Webb Street Crossing in Hartwell, Ga. The Great Walton Railroad will bear 100% of the costs associated with the track installation and the Department will bear \$0 or 0% of the costs. Per the attached letter, The Great Walton Railroad has agreed that the track installation will conform to GDOT specifications, with heavy focus on the attached standard 9021.

Before you initiate any track adjustment work under this authorization, please contact Mr. Robby Oliver, District Utilities Manager at 770-531-5772. It will also be necessary for you to arrange with Mr. Roger Meador, Area Engineer, under Brent E. Cook, P.E., District Engineer for the required inspection of your work and assistance with lane closures. Mr. Meador can be reached by telephone at (706) 384-7269 or email rmeador@dot.ga.gov or by mail addressed to 301 Conger Rd., Carnesville, GA 30521. We recommend that communication with the Utilities Manager and Area Engineer begin immediately and continue until the work covered by this agreement is complete and accepted by the Department.

You may contact Kevin Cowan, Jr., P.E., Utilities Railroad Crossing Engineer, if further information is needed at 404-631-1375 by mail addressed to Georgia Department of Transportation, Office of Utilities 10th floor, One Georgia Center, 600 West Peachtree St, NW, Atlanta, Georgia 30308 or by e-mail at kcowan@dot.ga.gov.

Very truly yours,

Patrick Allen, P.E.
State Utilities Administrator

PA: JAP: kdc

Attachments (standard 9021, Letter)

cc:

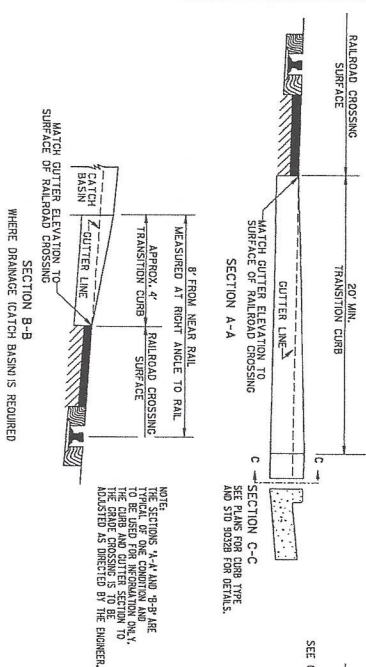
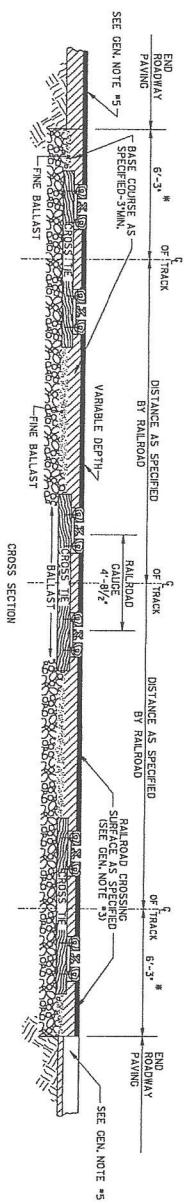
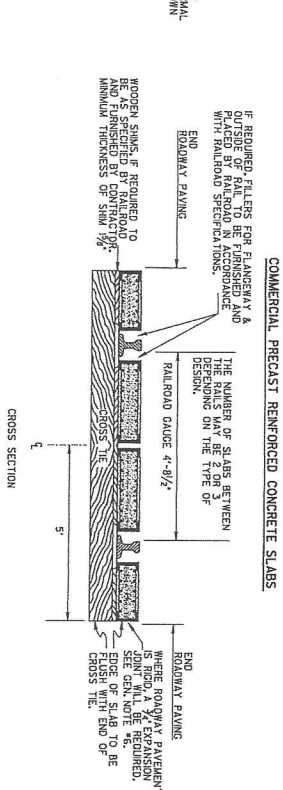
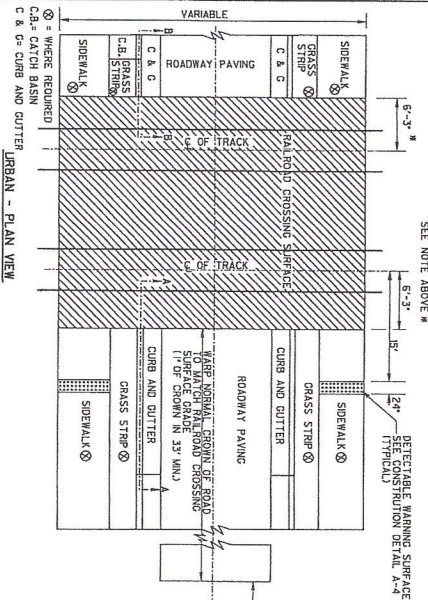
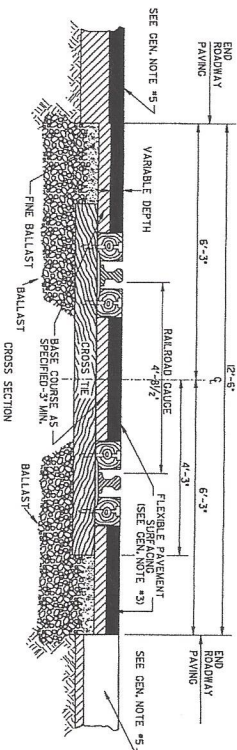
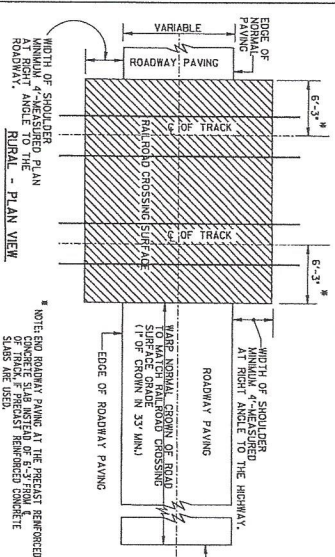
Brent Cook, P.E., District Engineer, Gainesville, Georgia

Attn.: Robby Oliver, District Utilities Manager

Roger Meador, Area 3 Manager, Carnesville, Georgia

Andy Doyle, P.E., State Maintenance Engineer

Joey Dorsey, The Great Walton Railroad Company (via Email)



- [illegible]

GENERAL SPECIFICATIONS FOR COMMERCIAL PRECAST

- A. THE PLACING OF PRECAST REINFORCED CONCRETE SLABS WILL BE PERMITTED WHERE APPROVED BY THE ROADWOD & THE STATE UTILITIES ENGINEER OR DISCONE.
- B. SLABS TO BE OF THE TYPE THAT CAN BE ANCHORED TO TIES AND REMOVED.
- C. IF SLABS ARE OVER MULTIPLE TRACKS, THE INTERTRACK SLABS ARE TO BE PLACED ON COMPACTED EARTH.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA

STANDARD

RAILROAD GRADE CROSSING PAVING

(& SIGNAL CONDUIT LOCATIONS)

NO SCALE

REV. A REIN. SEPT., 2006.

DATE	REVISION	BY	DWG.	DESCRIPTION	NUMBER
		JSC		(SIGNAL) T	
		DBM		STATE DESIGN PAINT ENGINEER	
		TBA		MAINTENANCE & TRAFFIC	
		CHEF		CHIEF ENGINEER	
					9021A