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SERVICE DATE – AUGUST 21, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35756

HARTWELL RAILROAD COMPANY—CONSTRUCTION OF CONNECTING TRACK  
EXEMPTION—IN ELBERT COUNTY, GA.

Decided: August 19, 2014

On May 27, 2014, Hartwell Railroad Company (Hartwell) filed a verified notice of exemption under 49 C.F.R. § 1150.36 to construct approximately 1,360 feet of connecting track in Elbert County, Ga., within existing railroad rights-of-way owned either by Hartwell or CSX Transportation, Inc. Hartwell is the proposed operator of the line. Notice was served and published in the Federal Register on June 16, 2014 (79 Fed. Reg. 34,393). The notice is scheduled to become effective on August 25, 2014.

Pursuant to 49 C.F.R. § 1150.36(c)(10), the Board will stay the effective date of an exemption if an informed decision on environmental issues cannot be made prior to that date. The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (EA) on July 1, 2014. However, until the relevant parties—OEA, the Georgia Department of Natural Resources' Historic Preservation Division, and Hartwell—have executed a Memorandum of Agreement (MOA) mitigating adverse effects from the proposed rail line construction to historic resources, and OEA completes its environmental review process, the Board cannot issue its final decision in this proceeding. The execution of the MOA and the issuance of OEA's Final Environmental Assessment cannot be completed prior to the August 25 effective date of the exemption. The Board will therefore stay the effective date of the exemption for a period of 60 days in order to have sufficient time to consider the matter.

It is ordered:

1. The effective date of the exemption is stayed until October 24, 2014.
2. This decision is effective on August 21, 2014.

By the Board, Daniel R. Elliott III, Chairman.