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May 25, 2016

## VIA FEDEX

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



Re: STB Docket No. AB 1242  
***Hartwell First United Methodist Church -  
Adverse Abandonment and Discontinuance -  
Hartwell Railroad Company and The Great Walton Railroad  
Company, Inc., in Hart County, GA***

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are the original and 10 copies of a Petition for Waivers and Exemptions being filed on behalf of the Hartwell First United Methodist Church (“Hartwell First”).

***Fee Waiver Request.*** Hartwell First requests that the Board waive the filing fee of \$1900 that would otherwise be due for the filing of this Petition, and also the filing fee of \$23,700 that would otherwise be due for the filing of the adverse application for abandonment. The Board’s policy provides that the Board will accept requests for fee waivers when the waiver is in the public interest, or when payment of the fee would impose an undue hardship on the requestor. 49 CFR § 1002.2(e)(2)(ii).

Hartwell First is a historic 501(c)(3) tax-exempt non-profit church established in 1854. It purchased its current location in Hartwell, Georgia, in 1859. The church building is listed on the National Historic Registry. The area is currently an economically-challenged section of Hartwell. However, in 2007, Hartwell First made a commitment to the wellbeing of downtown Hartwell by voting to remain in its historic location, and acquiring an adjacent parcel and demolishing the old, abandoned and decaying yarn plant on the property.

FEE RECEIVED  
May 26, 2016  
SURFACE

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TRANSPORTATION BOARD

FILED  
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SURFACE

TRANSPORTATION BOARD

Cynthia T. Brown  
May 25, 2016  
Page 2

In this proceeding, Hartwell First proposes to seek adverse abandonment of a section of rail line that has not served any customers for over 20 years, and has not been cleaned or maintained. The unused tracks create an impediment to moving between the Church's facilities, and because of a lack of proper drainage, accumulate rain water and flood the entrances to the fellowship hall and children facilities. The right of way bisects property of Hartwell First and prevents it from fully developing its property and facilities to serve its active and growing congregation, and to support the economic development of downtown Hartwell. Waiver of the filing fees (which will total in excess of \$25,000), will mean that needed funds are not diverted from the public benefits that will flow from the proposed development, or impact the Church's ability to pursue its charitable mission. Moreover, as with any non-profit, the payment of over \$25,000 in filing fees would impose a hardship on Hartwell First, and on the work that it does in and for the community.

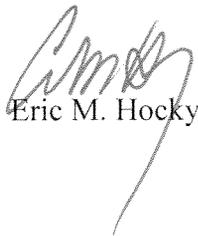
So as not to delay the handling of the Petition, Hartwell First is enclosing a check in the amount of \$1900 representing the filing fee that would otherwise be due. Hartwell First requests that the Board promptly determine that the filing fees in this matter are waived, and either send back the check or refund the amount paid.

Please time stamp the extra copies of this letter and the Petition to indicate receipt and return them to me in the stamped, self-addressed envelope provided for your convenience.

Please let me know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e  
Enclosures  
cc: All parties on the service list

Before the  
**SURFACE TRANSPORTATION BOARD**

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STB Docket No. AB 1242

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

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**PETITION OF HARTWELL FIRST UNITED METHODIST CHURCH  
FOR WAIVERS AND EXEMPTIONS**

*(Includes Color Copies)*

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Dated: May 25, 2016

Attorneys for  
Hartwell First United Methodist Church

Before the  
**SURFACE TRANSPORTATION BOARD**

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STB Docket No. AB 1242

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

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**PETITION OF HARTWELL FIRST UNITED METHODIST CHURCH  
FOR WAIVERS AND EXEMPTIONS**

Hartwell First United Methodist Church (“Hartwell First”) hereby petitions pursuant to 49 CFR 1152.1, *et seq.*, for waivers of certain of the Board’s regulations governing abandonment and discontinuance of rail lines, and pursuant to 49 USC 10502(a) for exemptions from certain related provisions of Subtitle IV of Title 49. In support of these requests, Hartwell First states as follows:

**Background**

Hartwell First intends to file an adverse or third party abandonment application to enable Hartwell Railroad Company (“HRT”) to abandon, and The Great Walton Railroad Company, Inc. (“GRWR”) to discontinue service over, the approximately 0.25 miles of railroad tracks and associated right of way (the “Subject Line”) currently owned by HRT over which GRWR has trackage rights, between Athens Street and the end of line at South Forest Avenue, in Hartwell, Hart County, Georgia. A map of the Subject Line, and a map showing the general location of the HRT rail line, are attached hereto as Exhibit A.

The Subject Line is the stub end of the line of railroad between M.P. 0.0 at Bowersville, Georgia, and M.P. 10.5 at Hartwell, Georgia.<sup>1</sup> The line was built by the predecessors of HRT in the 1870's. While Hartwell First has not located any separate authorization for HRT to operate the line (given that its origins pre-date the Board's predecessor Interstate Commerce Commission ("ICC")), in 1990, Bennie Ray Anderson acquired control of HRT, and HRT granted GRWR local trackage rights to provide service over the Bowersville-Hartwell line. *Great Walton Railroad Co., d/b/a Hartwell Railroad Co. – Trackage Rights Exemption – Hartwell Railway Co.*, ICC Finance Docket No. 31626, 53 FR 12958 (April 6, 1990). According to HRT's website ([www.greatwaltonrailroad.com/hartwell.html](http://www.greatwaltonrailroad.com/hartwell.html)), Hartwell Railway changed its name to Hartwell Railroad in 1995. From their joint website, it is clear that HRT and GWBR are commonly controlled railroads, although Hartwell First has not found any record of any ICC or Board authority granting authority for their common control.<sup>2</sup>

While at one time many years ago there may have been railroad shippers located along the Subject Line, changes in the ownership of the properties and the character of the area of Hartwell now means that there is no longer any demand for service, or any opportunities for new freight service. There has been no freight service over the Subject Line for more than 20 years,

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<sup>1</sup> HRT also owns the connecting rail line between Toccoa and Elberton, Georgia. See Exhibit A. That line is also operated by GRWR under trackage rights granted by HRT. *Hartwell Railroad Company – Acquisition and Operation Exemption – Line of Norfolk Southern Railway Company*, ICC Finance Docket No. 32675, 60 FR 16665 (March 31, 1995). *Great Walton Railroad Company, Inc. d/b/a Hartwell Railroad Company – Trackage Rights Exemption – Hartwell Railroad Company*, ICC Finance Docket No. 32676, 60 FR 16664 (March 31, 1995). HRT appears to have filed to acquire the Toccoa line as a "non-carrier" even though it was the owner and operator (or former operator) of the Bowersville – Hartwell line.

<sup>2</sup> HRT and GBWR also seem to be under common control with The Athens Line, LLC ("ABR") which became a railroad in 2001. See [www.greatwaltonrailroad.com/athens.html](http://www.greatwaltonrailroad.com/athens.html); *The Athens Line, LLC – Lease and Operation Exemption – Norfolk Southern Railway Company and Central of Georgia Railroad Company*, STB Finance Docket No. 34118 (served December 27, 2001). According to the STB notice, the lines leased by ABR are operated by GBWR.

and the grade crossings between Athens Street and Jackson Street have been removed or paved over. The location of the last rail shipper in the town of Hartwell served by GBRW (service ended approximately 10 years ago) is located approximately 0.25 miles west of Athens Street, the proposed beginning of the abandonment, and would not be affected by the proposed abandonment. (Hartwell First believes that either HRT or GBRW own additional parcels of property adjacent to the Subject Line, the ownership of which would not be affected by the proposed abandonment/discontinuance.)

Hartwell First currently owns property and buildings on both sides of the Subject Line (as shown on Exhibit A). Hartwell First wishes to develop these adjacent properties for additional facilities, and to do so will seek quiet title to the right of way that splits its property. However, in order to do so, it first needs to remove the STB's jurisdiction over the right of way. Hartwell First has requested HRT and GRWR to voluntarily abandon/discontinue the Subject Line. Since they have refused to do so, Hartwell First plans to seek adverse abandonment and discontinuance authority with respect to the Subject Line.

### **Discussion**

Pursuant to 49 U.S.C. §10903, a rail carrier cannot cease operating or abandon a rail line unless it receives authority from the Board to discontinue or abandon its operations. Persons other than rail carriers who have a proper interest in the matter may file an application for adverse abandonment or discontinuance. *Thomas v. Texas Mexican Ry.*, 328 U.S. 134, 145 (1946); *Atchison, T. & S.F. Ry. Co. v. Railroad Commission*, 283 U.S. 380, 393-94, (1931). Hartwell First as an owner of property on either side of a portion of the Subject Line, and of the reversionary interest of that portion of the right of way, has such an interest, and is entitled to seek adverse abandonment and discontinuance.

As the Board and the ICC have consistently found, much of the information that the Board's regulations require in an abandonment or discontinuance proceeding is inapplicable or irrelevant to an application for adverse discontinuance or abandonment. Furthermore, Hartwell First is not in possession of much of the information otherwise required by the regulations since it has not ever directly owned or operated the tracks. The Board has routinely granted waiver and/or exemption of certain of its regulations and requirements in adverse abandonment and discontinuance proceedings. See *Town of North Judson, Ind. – Adverse Discontinuance of Service – In LaPorte, Porter, and Starke Counties, Ind.* (“North Judson”), STB Docket AB 1232 (served July 27, 2015); *Riverview Trenton Railroad company – Adverse Abandonment – In Wayne County, Mich.* (“Riverview Trenton”), STB Docket No. AB 1230 (served April 10, 2015); *Lackawaxen-Honesdale Shippers Association, Stourbridge Railroad Company, and Delaware Lackawaxen and Stourbridge Railroad Company – Adverse Discontinuance of Operating Authority – In Wayne and Pike Counties, PA* (“Lackawaxen”), STB Docket No. AB 1110 (served January 23, 2014); *Paulsboro Refining Company – Adverse Abandonment – In Gloucester County, NJ* (“Paulsboro”), STB Docket No. AB 1095 (Sub-No. 1) (served July 26, 2012); *Norfolk Southern Railway Company – Adverse Abandonment – St. Joseph County, In.* (“St. Joseph”), STB Docket No. AB 290 (Sub-No. 286) (served October 26, 2006); *Chelsea Property Owners – Abandonment Portion of Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY*, Docket No. AB-167 (Sub. No. 1094) (served July 19, 1989). Consistent with decisions in previous proceedings, Hartwell First requests waivers from the requirements of the following regulations, and exemptions from related

statutory requirements, as follows<sup>3</sup>:

**System Diagram Map.** Hartwell First requests an exemption from the system diagram map (“SDM”) requirements of 49 USC 10903(c), and a waiver of 49 CFR §1152.22(a)(5) which requires inclusion of the rail line subject to abandonment request on the carrier’s SDM. Because Hartwell First is not the carrier and does not maintain or have access to an SDM, these requirements are not applicable.<sup>4</sup> Exemption and waiver of the SDM requirements are customary in adverse proceedings. *Judson, supra*, at 3; *Riverton, supra* at 3; *Paulsboro, supra* at 2-3; *Palmer Ranch Holdings, Ltd., et al – Adverse Abandonment – Seminole Gulf Railway, L.P. in Sarasota County (“Palmer Ranch”)*, STB Docket No. AB 400 (Sub-No. 5) (served September 21, 2011), at 5; *Stewartstown Railroad Company – Adverse Abandonment – in York County, PA (“Stewartstown Railroad”)*, STB Docket No. AB 1071 (served March 10, 2011), at 4; *St. Joseph, supra*, at 5.

**Notice of Intent.** Hartwell First requests a waiver of the requirements of 49 CFR §1152.21 to allow for deviation from the prescribed form of notice as set forth in the regulations. The form of notice is inappropriate for adverse abandonment and discontinuance proceedings, particularly in light of the exemptions and waivers requested herein. Hartwell First requests that the Board approve the form of notice attached hereto as Exhibit B which Hartwell First believes substantially complies with the requirements of Section 1152.21 with such changes as are reasonable in the context of Hartwell First’s proposed application. The Board has approved

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<sup>3</sup> In its cover letter accompanying this Petition, Hartwell First has separately requested that the Board’s Chief, Section of Administration, Office of Proceedings (the official delegated authority under 49 CFR §1002.2(e)) waive the filing fees for this petition and the subsequent application.

<sup>4</sup> Hartwell First will file with its application the detailed map of the line attached hereto as Exhibit A as required under 49 CFR §1152.22(a)(4).

changes in the form of notice in other adverse abandonment cases. *Paulsboro, supra*, at 3; *Stewartstown, supra* at 3; *Palmer Ranch, supra*, at 3; *St. Joseph, supra* at 3.

Hartwell First also requests that the service requirements of 49 USC §10903(a)(3) and 49 CFR §1152.20(a) be partially exempted and waived, respectively, as follows:

(a) Hartwell First should not have to serve a copy of the notice of intent on the Board by certified letter as required under 49 CFR 1152.20(a)(1). Since a proceeding will be instituted with the filing of this Petition, it should be sufficient for Hartwell First to file a copy of the notice of intent with the Board by electronic or other delivery.

(b) Under 49 CFR 1152.20(a)(2)(i), copies of the notice are to be served on significant users of the line. There are no current shippers serviced by the Subject Line, and have not been any for over 20 years. Accordingly, notice on users should not be required. Although not required, Hartwell First will serve a copy of the notice on HRT and GRWR, the carriers with authority on the Subject Line, and on the connecting rail line.

(c) Amtrak does not operate on the Subject Line, so service on Amtrak is not required under 49 CFR 1152.20(a)(2)(x).

(d) Hartwell First believes that the employees of HRT and GRWR are not represented by labor organizations, and accordingly, service on the headquarters of labor organizations should not be required under 49 CFR 1152.20(a)(2)(xii).

(e) Hartwell First does not believe that there are any agency stations or terminals on the Rail Line to be abandoned, and accordingly posting should not be required under 49 USC §10903(a)(3).

The changes in the notice requirements are similar to changes approved by the Board in other adverse abandonment cases. *See, for example, Paulsboro, supra*, at 3-5; *Palmer Ranch, supra*, at 3-5; *Stewartstown Railroad, supra*, at 2-3; *Lackawaxen, supra* at 4; *St. Joseph, supra* at 3.

**Line Attributes.** Hartwell First seeks a waiver from 49 CFR §1152.22(b) – (e) as Hartwell First lacks sufficient information to provide adequately the information required by those sections. Section 1152.22(b) would require a detailed description of the present physical condition of the line, estimated deferred maintenance and rehabilitation costs. While Hartwell First can visually observe the condition of the tracks, it does not have a detailed knowledge of the present physical condition which is solely within the knowledge of HRT and GRWR. The condition of the Subject Line is not expected to be used to support the abandonment application. Accordingly, Hartwell First should not be required to provide a detailed description of the physical condition of the line. *See Lackawaxen, supra* at 3; *St. Joseph, supra*, at 5. *Cf. Palmer Ranch, supra*, at 5 (requiring condition of the line where it is being used to support the application).

Section 1152.22(c) would require a detailed description of the service provided by the carrier. To Hartwell First's knowledge, there has been no freight service for over 20 years, so there is no service to describe. Any detailed description of prior service would be information that is held by the carriers alone. Accordingly, the Board should waive the requirement for the proposed adverse application, as it has done in other proceedings. *See Stewartstown Railroad, supra*, at 4; *St. Joseph, supra*, at 5.

Additionally, Hartwell First requests a waiver of the regulations in Section 1152.22(d) requiring the railroad's revenue and cost data as Hartwell First is not in the possession of this information. The Board has granted waivers of this requirement in other adverse abandonment

proceedings. *Riverview Trenton, supra* at 4; *Paulsboro, supra* at 5; *Palmer Ranch, supra*, at 6; *St. Joseph, supra*, at 5.

Hartwell First also seeks a waiver from the requirements of Section 1152.22(e) (and an exemption from 49 USC §10903(d)) which would require information not in Hartwell First's possession. Because there will be no loss or disruption of rail service (because there is no service), there is little likelihood of adverse effects on rural or community development from an abandonment or discontinuance of the Subject Line. *Cf. East St. Louis Junction Railroad Company – Adverse Abandonment – In St. Clair County, IL (“East St. Louis”)*, STB Docket No. AB-838 (served June 30, 2003), at 6 (information is relevant where the abandonment could result in the loss of rail competition and disruption of service).

**Federal Register Notice.** Hartwell First requests a waiver from 49 CFR §1152.22(i) which prescribes the wording for the draft Federal Register notice. Hartwell First proposes to use the alternative language set forth in Exhibit C, and which Hartwell First believes is reasonable in the context of Hartwell First's proposed application and consistent with the changes in the notice of intent. The proposed changes are consistent with changes approved in other adverse abandonment proceedings. *Paulsboro, supra* at 5; *Palmer Ranch, supra*, at 7-8; *Stewartstown Railroad, supra*, at 4; *St. Joseph, supra*, at 5.

**Offers of Financial Assistance.** Hartwell First also requests waiver and/or exemption from the offer of financial assistance (“OFA”) requirements of 49 U.S.C. §10904 and the related regulations at 49 CFR §1152.27. The effect of granting an adverse abandonment is that the Board's primary jurisdiction is withdrawn, thus permitting state, local and other federal law to apply where there is no overriding federal interest in interstate commerce. *St. Joseph, supra*, at 6. As the Board has found in previous adverse abandonment proceedings, it would be

inconsistent with the rationale underlying the grant of adverse abandonment authority for the Board to consider an OFA. *Judson, supra* at 5; *Riverview Trenton, supra* at 6; *Paulsboro, supra* at 6; *Palmer Ranch, supra*, at 6; *Stewartstown Railroad, supra*, at 5.

**Public Use.** Hartwell First requests an exemption from 49 USC §10905 and waivers under 49 CFR §1152.28. The Board has in the past granted exemptions from the public use procedures on the same basis that it finds the OFA procedures inappropriate. *See Paulsboro, supra* at 6; *St. Joseph, supra* at 6; *East St. Louis, supra* at 4.

**Trail Use.** Hartwell First acknowledges that often the Board defers a decision on whether to waive the trail use procedures under 49 CFR §1152.29. However, where, as here, trail use would frustrate the purposes of the proposed abandonment (allowing Hartwell First to quiet title and develop its property without being bisected, trail use (like public use) is inappropriate.<sup>5</sup>

**Time Limit on Abandonment Authority.** While the Board will not usually waive the requirement of the filing of a consummation notice with the Board, it will waive the requirement under 49 CFR §1152.29(e)(2) that the abandonment be consummated within one year of the abandonment application being granted. As the Board has noted in other proceedings, Hartwell First will not have control over the timing of the abandonment, and it will need to invoke other legal processes to obtain control of the right of way property. *See Riverview Trenton, supra* at 5; *Palmer Ranch, supra* at 6-7; *Stewartstown, supra* at 4-5.

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<sup>5</sup> FUMC will only be seeking discontinuance with respect to GBRW. Trail use (and public use) are not generally permitted in discontinuance proceedings. *See Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007); *Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

**Exemption Criteria.** None of the requirements from which Hartwell First seeks exemptions are necessary to carry out the rail transportation policy of 49 USC §10101. The exemptions requested will provide Hartwell First with a reasonable opportunity to make its case that there is no overriding present or future public need for the Subject Line to remain part of the national rail system, will promote Federal transportation policy by eliminating unnecessary procedures, and thus will reduce Federal regulatory control over the Line in accordance with 49 USC §10101(2), encourage honest and efficient management of railroads in accordance with 49 USC §10101(9), and help to expedite regulatory decisions in accordance with 49 USC §10101(15). Other aspects of the rail transportation policy will not be adversely affected. Additionally, shippers do not need to be protected from an abuse of market power, since there are no shippers on the Subject Line, and since there has not been any service provided for more than 20 years, and there are no reasonable prospects for future service.<sup>6</sup>

#### **Handling of this Petition**

Hartwell First acknowledges that the Board will not generally reduce the time periods for responses. However, Hartwell First requests that the Board expeditiously rule on this Petition after HRT and GRWR have had the opportunity to respond within 20 days. As the Board has noted, carriers should not be permitted to use the Board's jurisdiction as a shield to protect them from the process of state law where there is no overriding Federal interest in interstate commerce. *Jacksonville Port Authority – Adverse Discontinuance – In Duval County, FL*, STB Docket No. AB-469 (served July 17, 1996), at 5-6; *Modern Handcraft Inc. – Abandonment*, 363 ICC 969, 972 (1981).

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<sup>6</sup> If the abandonment and discontinuance were sought voluntarily by the railroads, they would have qualified for the two-year out of service class exemption under which Board has determined that the exemption criteria have been met.

**Conclusion**

For the foregoing reasons, Hartwell First requests that the Board, grant the waivers and exemptions requested herein.

Respectfully submitted,



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Dated: May 25, 2016

Attorneys for  
Hartwell First United Methodist Church

### Verification

I hereby verify on behalf of Hartwell First United Methodist Church, under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on May 25, 2016.

  
\_\_\_\_\_  
Joe M. Whittemore  
Chair, Charge Conference Task Force

**EXHIBIT A**

**MAPS**

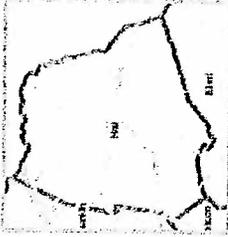
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Available Layers

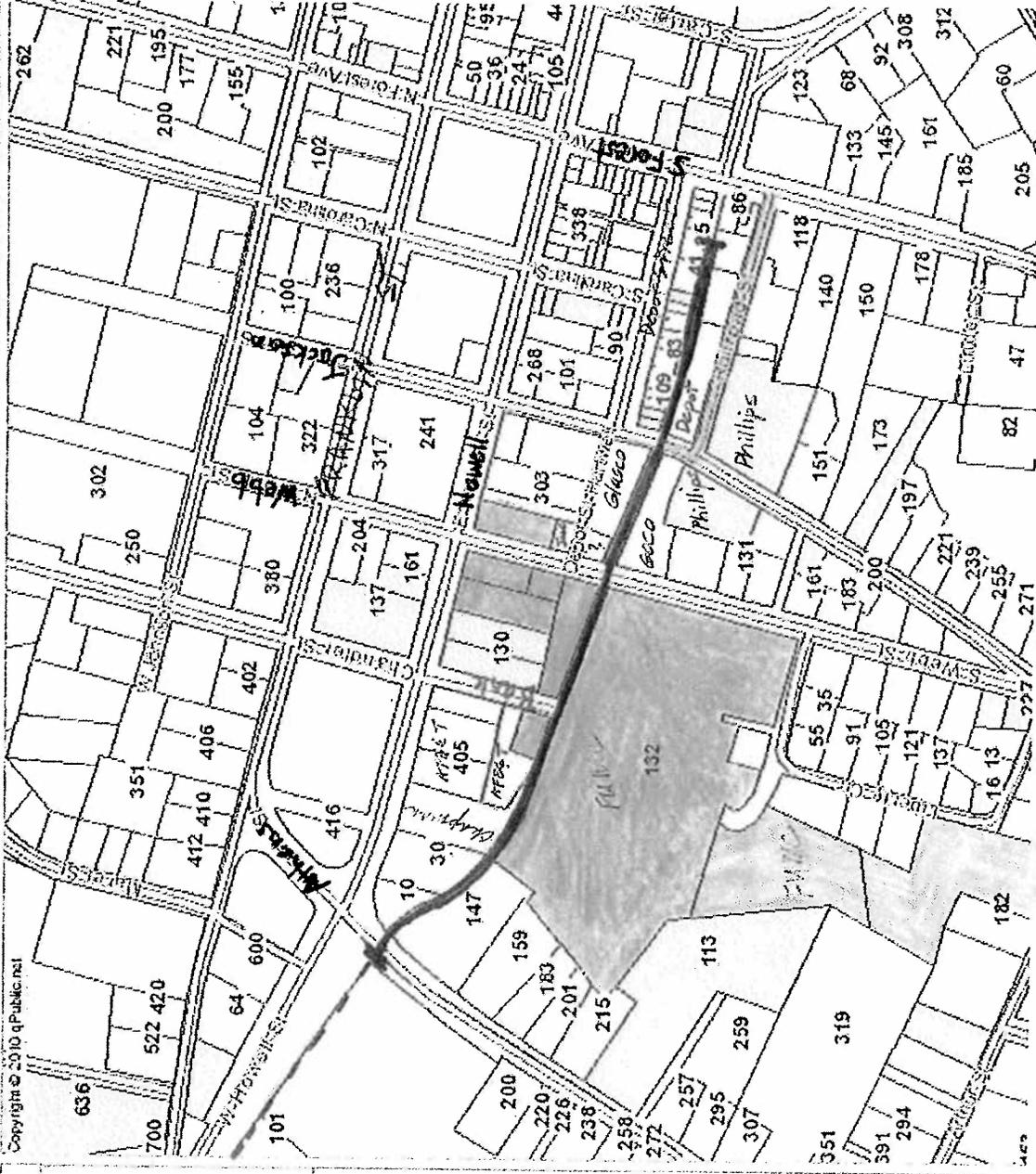
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- Address #
- Yearly Sales
- Roads
- Flood Map
- Lakes & Rivers
- Aerial Photos

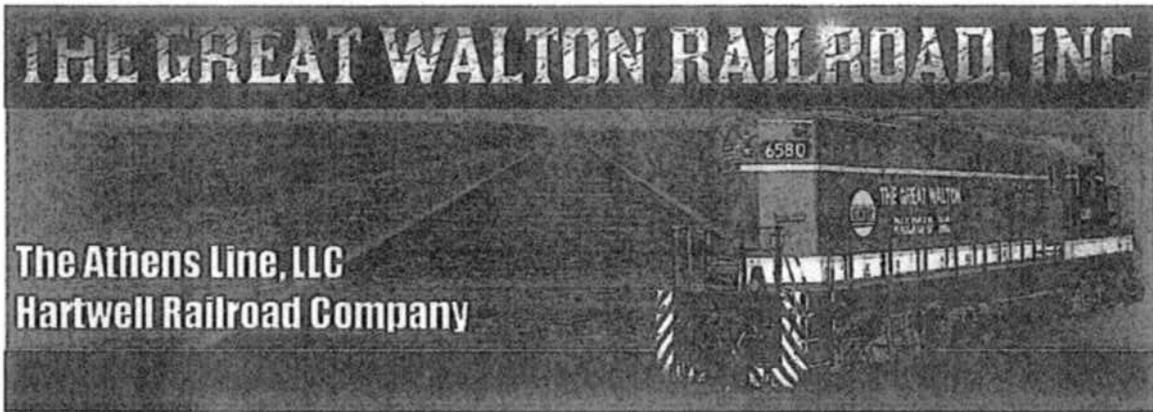
Show Scale



— Subject Line

— Hartwell Fict

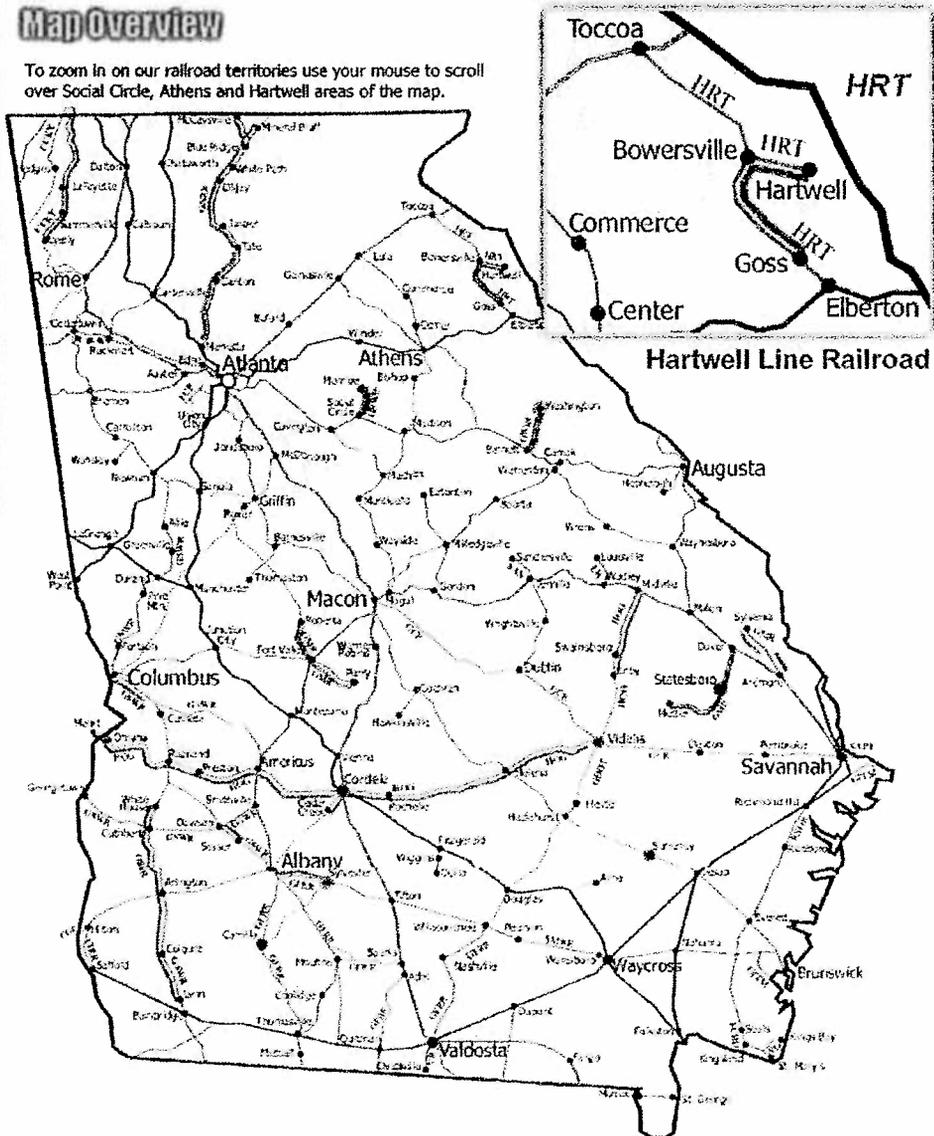




- Great Walton Line
- The Athens Line
- Hartwell Line
- Gallery
- Map Overview
- Inventory
- Economic Development
- Contact Us

### Map Overview

To zoom in on our railroad territories use your mouse to scroll over Social Circle, Athens and Hartwell areas of the map.



**EXHIBIT B**

**DRAFT FORM OF  
NOTICE OF INTENT**

STB Docket No. AB 1242

**Notice of Intent To File Adverse Abandonment and Discontinuance**

Hartwell First United Methodist Church (“Applicant”) gives notice that on or about (insert date application will be filed with the Board) it intends to file with the Surface Transportation Board (“STB”), Washington, DC 20423, an application seeking the adverse abandonment and discontinuance (collectively, “abandonment”) of the approximately 0.25 miles of railroad tracks between Athens Street (unknown milepost) and South Forest Avenue (milepost 10.5) in Hartwell, Georgia (the “Line”) currently owned by Hartwell Railroad Company (“HRT”), and over which The Great Walton Railroad Company (“GRWR”) has trackage rights. The Line traverses through United States Postal Service ZIP Code 30643, in Hart County, Georgia. There are no stations associated with the Line. The reason for the proposed adverse abandonment is that the Line has not been used to provide rail service for over 20 years, there are no prospects for future service, and Applicant, as the owner of property on either side of the right of way wants quiet title to the portion of the right of way that bisects its property. HRT and GRWR have refused to seek abandonment and discontinuance on their own. Applicant is seeking adverse abandonment authority so that the STB’s jurisdiction will be removed, and Applicant can proceed with its quiet title action under Georgia state law. Based on information in Applicant’s possession, the Line does not contain federally granted rights-of-way. Any documentation in the Applicant’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co.--Abandonment--Goshen, 360 ICC 91 (1979). The application will include the Applicant's entire case for adverse abandonment and discontinuance. Any interested person, after the application is filed on (insert date), may file with the Surface Transportation Board written comments concerning the proposed adverse abandonment, or protests to it. These filings are due 45 days from the date of filing of the application. Based on waivers and exemptions granted by the Surface Transportation Board, this proposed abandonment will not be subject to a request for a public use condition under 49 U.S.C. 10905 (§1152.28 of the Board's rules), or a request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules). [Alternative: The Surface Transportation Board did not rule on whether a request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) will be permitted; however, if permitted, a request must be filed within 45 days from the date of filing of the application.] Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking trail use conditions should also file comments. Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following:

- (1) Protestant's name, address and business.
- (2) A statement describing protestant's interest in the proceeding including:
  - (i) A description of protestant's use of the Line;

- (ii) If protestant does not use the line, information concerning the group or public interest it represents; and
  - (iii) If protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to protestant's interest (with any designations as may be available) and evidence showing that the applicant can operate the portion of the Line profitably, including an appropriate return on its investment for those operations.
- (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].
- (4) Any rebuttal of material submitted by Applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding:

- (i) Environmental impact.
- (ii) Impact on rural and community development.
- (iii) Recommended provisions for protection of the interests of employees.
- [(iv) Alternative: Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and §1152.29.]

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to §1152.25.

Written comments and protests, including all requests for trail use conditions, should indicate the proceeding designation STB Docket No. AB 1242, and must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than [insert date] (or 45 days after the date Applicant files its application). Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the Applicant: Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Philadelphia, PA 19103; 215-640-8500. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in 49 CFR Part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR §1104.12(a).

In this adverse abandonment, the Line sought to be abandoned will not be available for an offer of financial assistance for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR §1152.27). 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 Section of Environmental Analysis.

A copy of the application will be available for public inspection on the Board's website on or after (insert anticipated date of filing) after it has been filed. Applicant shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section 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 Section of Environmental Analysis. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

**EXHIBIT C**

**DRAFT FEDERAL REGISTER NOTICE**

### **Notice of Application for Adverse Abandonment**

On (insert date application was filed with the Board), Hartwell First United Methodist Church (“Applicant”) filed with the Surface Transportation Board, Washington, D.C. 20423, an application seeking the adverse abandonment and discontinuance (collectively, “abandonment”) of the approximately 0.25 miles of railroad tracks between Athens Street (unknown milepost) and South Forest Avenue (milepost 10.5) in Hartwell, Georgia (the “line”) currently owned by Hartwell Railroad Company (“HRT”), and over which The Great Walton Railroad Company (“GRWR”) has trackage rights. The Line traverses through United States Postal Service ZIP Code 30643, in Hart County, Georgia.

The line does not contain federally granted rights-of-way. Any documentation in the Applicant’s possession will be made available promptly to those requesting it. The Applicant's entire case for adverse abandonment was filed with the application.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co.--Abandonment--Goshen, 360 ICC 91 (1979).

Any interested person may file with the Surface Transportation Board written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case), within 45 days after the application is filed. Based on waivers and exemptions granted by the Surface Transportation Board, this proposed abandonment will not be subject to a request for a public use condition under 49 U.S.C. 10905 (§ 1152.28 of the Board's rules) or a request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules). [Alternative: The Surface Transportation Board did not rule on whether a request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) will be permitted; however, if permitted, a request must be filed within 45 days from the date of filing of the application.] Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence should file comments. Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding recommended provisions for protection of the interests of employees.

Parties seeking information concerning the filing of protests should refer to §1152.25.

Written comments and protests should indicate the proceeding designation STB Docket No. AB 1242 and must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than (insert the date 45 days after the date applicant filed its application). Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the Applicant: Eric M. Hocky,

Clark Hill PLC, One Commerce Square, 2005 Market Street, Philadelphia, PA 19103; 215-640-8500. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

In this adverse abandonment, the line sought to be abandoned will not be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

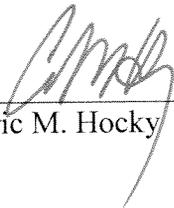
Applicant shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing document was served on the following persons by overnight delivery:

Hartwell Railroad Company  
5245 Bowersville Hwy.  
Bowersville, GA 30516

The Great Walton Railroad Company  
1096 North Cherokee Road  
Social Circle, GA 30025

  
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Eric M. Hocky

Dated: May 25, 2016