

CLARK HILL

ENTERED
Office of ProceedingsJune 19, 2020
Part of
Public RecordClark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501Eric M. Hocky
T (215) 640-8523
F (215) 640-8501
Email: ehocky@clarkhill.comclarkhill.com

June 19, 2020

VIA E-FILINGCynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 2002Re: Hartwell First United Methodist Church –
Adverse Abandonment and Discontinuance – The Great Walton Railroad Company,
Inc., in Hart County, GA
Docket No. AB 1242 (Sub-No. 1)
Reply to Response of GWRC to Decision served June 9, 2020

Dear Ms. Brown:

On June 9, 2020, the Board issued a decision (the “June 9 Decision”) in this proceeding confirming that the track (the “runaround track”) at issue is not part of “the Line” (the 0.25-mile main line) that was the subject of the adverse abandonment in the original proceeding, and determining that the runaround track is/was ancillary track under 49 USC §10906.

On June 11, 2020, The Great Walton Railroad Company (“GWRC”) filed a “Response” asserting a material error in the June 9 Decision. The alleged error is contained in footnote 19 of the June 19 Decision, and is limited to whether GWRC presented evidence in the original proceeding that it had filed with the ICC for authority to acquire and operate Line. Significantly, GWRC does not assert that the error affects the Board’s finding that the runaround track is ancillary track, nor request that the Board’s decision be changed except to correct whether GWRC presented evidence that it had filed with the ICC. Response at 4.

Whether there was a factual error in the June Decision, it is clear that the alleged error had no effect on the Board’s finding that there is no evidence that the Board or the ICC ever granted GWRC or its predecessors operating authority over the runaround track. As the Board noted: “Regardless [of whether a notice was filed with the ICC], that purported notice only

Cynthia Brown
June 19, 2020
Page 2

provides town names indicating the endpoints of the line being acquired (Bowersville and Hartwell), but no further detail.” June 9 Decision at 10, fn 19. Further, the alleged error does not affect or call into question the Board’s confirmation that the runaround track is not part of the Line, or the determination that the runaround track is ancillary track. Nothing submitted by GWRC suggests that these determinations by the Board were in error.

Accordingly, regardless of whether the Board determines that there was a factual error in the June 9 Decision related to filings for operation of the Line, the Board should not alter its determination that the runaround track is ancillary track.

Respectfully,

CLARK HILL PLC

/s/ Eric M. Hocky

Eric M. Hocky

EMH:e

Cc: Richard A. Streeter (by email)