

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1242

ENTERED
Office of Proceedings
July 27, 2021
Part of
Public Record

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

July 2021 Status Report

By its decision served January 31, 2018, the Board denied the application filed by the Hartwell First United Methodist Church (HFUMC) requesting that the Board authorize the adverse abandonment of approximately 0.25 miles of rail line and associated right-of-way (the Line) owned by The Great Walton Railroad Company, Inc. (GWRC). Although the Board found that “the present and future PC&N do not support the requested adverse abandonment,”¹ it directed GWRC “to submit a status report once every six months, starting on July 31, 2018, describing its progress with respect to rehabilitation and utilization of the Line.”

As reported in previously submitted status reports, the mainline portion of the Line has been completely refurbished from Jackson Street to Athens Street in Hartwell, Georgia. At present, the Line is used to facilitate rail

¹ Slip op. at 4.

transportation services for Quality Services, LLC whose rail shipments have continued to steadily increase. Those services will continue.

GWRC has not yet been able to complete the reconstruction of the runaround track that, since 1913, it contends has been operated as part of the general system of rail transportation when providing rail service to shippers and receivers in Hartwell, Georgia. As the record demonstrates, until a portion of the run around track was temporarily removed, it was long used to move locomotives from the front of an inbound train to the front end of the outbound trip to increase the overall efficiency of rail service.

As the Board is also aware, GWRC, in 2017, filed a Petition for Approval to Acquire Real Estate by Condemnation with the Georgia Public Service Commission. Although the PSC's Hearing Officer granted GWRC's petition, the Georgia Public Service Commission overruled his determination. On appeal the Superior Court of Fulton County and the Georgia Court of Appeals affirmed the PSC's determination. GWRC filed a petition for certiorari before the Supreme Court of Georgia that was denied on May 17, 2021.

At this point, GWRC has returned to the Superior Court in Hart County to establish its ownership of the property that underlies the segment of the runaround track that was constructed without objection in 1913 on property that was owned by other than HFUMC. As the record herein confirms, the drawings prepared by the Interstate Commerce Commission's Division of Valuation, dated January 11-2, 1916, demonstrate conclusively that the track

was constructed on the property of which GWRC claims ownership via adverse possession. This issue was not considered by the Superior Court in November 2016 when it entered its stop work order that prevented GWRC from completing the reconstruction of the segment of the runaround track that is located to the south of the property that is owned by HFUMC.

Respectfully submitted,

/s/ Richard H. Streeter

Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011
rhstreeter@gmail.com

CERTIFICATE OF SERVICE

I, Richard H. Streeter, do hereby certify that I, this 27th day of July 2021, have served true copies of the foregoing Status Report have been served on all parties of record by email or by first-class mail, postage prepaid.

/s/ Richard H. Streeter

Richard H. Streeter