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242822

March 16, 2017

VIA E-FILING

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

ENTERED
Office of Proceedings
March 16, 2017
Part of
Public Record

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

Dear Ms. Brown:

By letter and Notice of Intent filed with the Board on November 10, 2016, Hartwell First United Methodist Church ("Applicant") originally provided notice of its intent to file an adverse abandonment application in the above-referenced proceeding on or about December 9, 2016. By letter filed with the Board on December 8, 2017, Applicant advised the Board that it had decided to delay the filing of its adverse abandonment application, and that it would publish, file and serve a new Notice of Intent when it was ready to proceed. Applicant hereby advises the Board that it is ready to proceed.

Pursuant to 49 CFR 1152.20(a)(1), enclosed is a copy of a new Notice of Intent of Applicant to file an adverse abandonment application in the above-referenced proceeding. The Notice of Intent is consistent with the form required under 49 CFR 1152.21, and the waivers granted by the Board in its decision served August 29, 2016 (the "Waiver Decision").

As required under 49 CFR 1152(a)(2), Applicant is serving a copy of this letter, and the enclosed Notice of Intent, on the parties shown on the attached service list.

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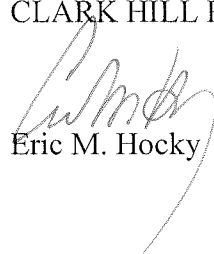
The requirement under 49 CFR 1152(a)(3) to post the Notice of Intent was waived in the Waiver Decision.

A copy of the Notice of Intent is scheduled to be published in *The Hartwell Sun* on March 16, 23 and 30, 2017, as required by 49 CFR 1152(a)(4). Proof of publication will be filed as a supplement to the Environmental and Historic Report that was previously filed by the Applicant.

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

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e
Encl.

cc: All Persons Shown on Attached List (w/encl.)

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Service List for Notice of Intent:

Via certified mail:

Governor Nathan Deal
Office of the Governor
State of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

Via U.S. first class mail, postage prepaid:

Quality Holdings LLC
300 Fisher Drive
Hartwell, GA. 30643

Georgia Department of Transportation
One Georgia Center
600 W. Peachtree, NW
Atlanta, GA 30308

Georgia Department of Transportation
District One
Brent Cook, District Engineer
2505 Athens Highway, SE
Gainesville, GA 30507

UGA Cooperative Extension – Hart County
200 Arthur Street
Hartwell, GA 30643

US Department of Transportation
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

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Conservation and Outdoor Recreation Programs
National Park Service
1849 C. Street, NW
Org. Code 2220
Washington, DC 20240

U.S. Railroad Retirement Board
844 North Rush Street
Chicago IL, 60611-2092

Tom Tidwell, Chief
U.S. Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0003

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, DC 20016

Notice of Intent To File Adverse Abandonment and Discontinuance

Hartwell First United Methodist Church ("Applicant") gives notice that on or about April 7, 2017, 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 either The Great Walton Railroad Company ("GRWR"), or Hartwell Railroad Company ("HRT") and over which 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. Applicant claims that the Line has not been used to provide rail service for over 20 years, and that there are no prospects for future service. 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/or 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/or discontinuance. Any interested person, after the application is filed on or about April 7, 2017, 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). 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) 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 May 22, 2017 (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).