

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 8, 2014

Matthew D. Williams, Esq.
Matthew D. Williams & Associates, LLC
2215 Pilgrim Mill Circle
Cumming, Georgia 30041

**Re: STB Docket No. FD 35756, Hartwell Railroad Company –
Construction Exemption – In Elbert County, Georgia; EIS Waiver
Approval**

Dear Mr. Williams:

Pursuant to 49 C.F.R. § 1105.6(d), the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is granting your March 3, 2014 request for a waiver from the requirements of 49 C.F.R. § 1105.6(a), which generally provides for the preparation of an Environmental Impact Statement (EIS) for a rail construction and operation proposal. OEA is granting the requested waiver based on available information gathered to date, including materials submitted by the applicant, OEA's consultation with federal, state and local agencies, and a site visit on December 5, 2013 to the project area.

Hartwell Railroad Company (Hartwell) submitted a petition for exemption, dated February 7, 2014, to the Board seeking an exemption from the prior approval requirements of 49 U.S.C. § 10901 for the construction and operation of approximately 1,360 feet of rail line that would connect the rail lines of Hartwell and CSX Transportation, Inc., and thereby allow for the direct interchange of traffic. In reviewing the proposed transaction, the Board determined that Hartwell may qualify for the faster and more stream-lined class exemption process, pursuant to 49 C.F.R. § 1150.36. The only stipulation to this process was that Hartwell must own all the property within the area of the proposed transaction at the time of its application. While Hartwell was still in the land negotiation phase at this juncture, it has since come into ownership of the requisite property and is now ready to move forward. Hartwell has since informed the Board of this decision and by letter dated May 7, 2014, officially withdrew its petition for exemption. Hartwell now intends to file a notice of exemption under the class exemption process and will do so on May 27, 2014, twenty days after submitting the required pre-filing notices. The Board will then have 90 days to issue a decision, including any imposed mitigation.

Hartwell anticipates that the proposed rail line would be constructed in less than 90 days and would be used to handle up to one train per day in each direction six days per week. The types of commodities anticipated to be transported by Hartwell could include, but are not necessarily limited to: grain, soybean meal, dried distiller grains, potash, limestone, steel, plastic, wood chips, lumber, propane, granite rock, canola, canola oil, and manufactured goods (i.e., Caterpillar tractors).

Based on the information available to date, OEA believes that the proposed action would not result in significant environmental impacts and that any impacts could be addressed through appropriate mitigation measures. Therefore, for the reasons listed below, OEA believes that the preparation of an Environmental Assessment (EA) is the appropriate level of environmental documentation.

- On December 13, 2013, OEA sent out agency consultation letters to various federal, state, and local agencies. Responses received to date have identified only one environmental issue associated with the proposed project. Specifically, the Georgia Department of Natural Resources' Historic Preservation Division (State Historic Preservation Office or SHPO) identified several buildings as being eligible for listing on the National Register of Historic Places (National Register). The SHPO has determined that the proposed action would have an adverse effect on these resources and has requested mitigation in the form of a Memorandum of Agreement that would require Hartwell to document information regarding the area's granite industry.
- On December 5, 2013, a site visit was undertaken and the area of the proposed rail line was physically evaluated by Mr. Kevin Starner of Skelly and Loy, OEA's third-party contractor. The area is surrounded by industrial land uses that have been used in support of the granite processing and manufacturing industries. There is one residential parcel in the project area that has been vacated and Hartwell has recently purchased the land for future railroad activities.
- The U.S. Fish and Wildlife Service and the Georgia Department of Natural Resources have confirmed that there are no threatened or endangered species, or wetland or other watercourses in the project area.
- There is one public at-grade crossing (on West Tate Street Extended) in the project area. Hartwell currently maintains this crossing. The proposed action would add a second set of tracks across this local road. However, given the availability of alternate routes around this grade crossing, it is anticipated that there would be no significant traffic delay or public safety issues.
- Project information developed to date indicates that there would be no significant impacts to transportation systems, land use, energy, air quality, noise, safety, biological resources, or surface or groundwater resources. Nor is it anticipated that there would be significant impacts on minority or low-income populations

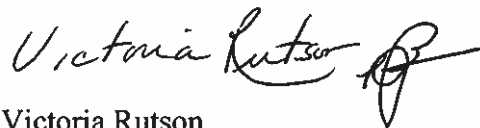
based on review of the existing demographic data for the region and site reconnaissance.

After the EA is prepared, OEA will make the document available for a 30-day public review and comment period. Once the comment period ends, OEA will prepare a Final EA that discusses the comments received and includes any additional analysis or appropriate modifications to its existing analysis. The Final EA will also set forth OEA's recommended mitigation measures for the Board. The Board will then consider the EA, the public comments, and OEA's Final EA recommendations before making its final decision in this proceeding.

If during the environmental review process it becomes clear that potentially significant adverse environmental effects would result from the project and could not be adequately mitigated, OEA would then be required under the Council on Environmental Quality's regulations and the Board's environmental rules at 49 C.F.R. § 1105(6)(a) to prepare a more detailed EIS.

If you have any questions or would like to discuss this matter further, please contact Diana Wood of my staff at (202) 245-0302 or email at woodd@stb.dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson", followed by a stylized flourish or initial.

Victoria Rutson
Director
Office of Environmental Analysis