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August 15, 2003



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20423

RE: Docket No. AB-55 (Sub-No. 640), *CSX Transportation, Inc.—Abandonment—in Atkinson and Ware Counties, Georgia (Between Pearson and Waresboro)*

Dear Secretary Williams:

Pursuant to 49 CFR 1104.4, enclosed are the original and 10 copies of this letter and the Notice of Intent to file an abandonment application. The undersigned has read the enclosed Notice of Intent, is authorized to file the enclosed Notice of Intent, believes that there is good ground for the Notice of Intent, and the Notice of Intent has not been interposed for delay.

Please time and date stamp the additional copy of this letter and Notice of Intent, and return it to our messenger. Thank you for your assistance.

If you have any questions, call or email me.

Sincerely, yours,

Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosures

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ORIGINAL

STB No. AB-55 (Sub-No. 640)

CSX TRANSPORTATION, INC.—ABANDONMENT—IN ATKINSON AND WARE
COUNTIES, GEORGIA (BETWEEN PEARSON AND WARESBORO)



Notice of Intent to Abandon

CSX Transportation, Inc. gives notice that on or about September 5, 2003 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, an application for permission to abandon a line of railroad known as a portion of its Southern Region, Jacksonville Division, extending from railroad milepost AP 594.69 near Waresboro, GA, to rail milepost AP 617.94 near Pearson, GA, which traverses through United States Postal Service ZIP Codes 31552, 31564, and 31642, a distance of 23.25 miles, in Atkinson and Ware Counties, GA. The line includes the stations of Waresboro, at approximately milepost AP 595.5, and Pearson, milepost AP 617.94.

The reason for the proposed abandonment is the line does not generate sufficient revenue to justify the rehabilitation of the line, which CSXT estimates to be at least \$1.8. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

This line of railroad has appeared on the system diagram map or included in the narrative in category 1 since March 28, 2003.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.-- Abandonment--Goshen*, 360 I.C.C. 91 (1979).

The application will include the applicant's entire case for abandonment (case in chief). Any interested person, after the application is filed on September 5, 2003, may file with the Surface Transportation Board written comments concerning the proposed abandonment or protests to it. These filings are due 45 days from the date of filing of the application.

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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 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 (case in chief) 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 milepost designations if 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) Intent to offer financial assistance pursuant to 49 U.S.C. 10904;
- (ii) Environmental impact;

- (iii) Impact on rural and community development; and
- (iv) Recommended provisions for protection of the interests of employees.

A protest may demonstrate that: (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the rail line involved in the abandonment application; (3) the feeder line application was filed prior to the date the abandonment application was filed; and (4) the feeder line application is pending before the Board.

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 public use and trail use conditions, should indicate the proceeding designation STB No. AB-55 (Sub-No. 640) and must be filed with the Secretary, Surface Transportation Board, Washington, DC 20423, no later than October 20, 2003. 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 (1) Natalie S. Rosenberg, Esq., CSX

Transportation, Inc., 500 Water Street, Jacksonville, FL 32202, (904) 359-1253, and (2) Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005, (202) 638-3307. 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).

The line sought to be abandoned will be available for subsidy 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). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms are (1) Natalie S. Rosenberg, Esq., CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202, (904) 359-1253, and (2) Louis E. Gitomer, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005, (202) 638-3307.

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 or after September 5, 2003 at each agency station or terminal on the line proposed to be abandoned [if there is no agency station on the line, the application shall be deposited at any agency station through which business for the line is received or forwarded (Teresa Edwards, Customer Service Operation

Center, 6737 Southpoint Dr., South J600, Jacksonville, FL 32216 between 9:00 a.m. and 5:p.m.)]. The carrier 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. EA's 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.

Dated: August 15, 2003