



CADY INDUSTRIES, INC.

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October 15, 2003

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Office of Proceedings

OCT 16 2003

Part of
Public Record



Tim Tyler
Cady Industries Inc.
509 N. King St.
Pearson, Georgia 31642

Re.: Number AB-55 (Sub No. 640) CSX Transportation Notification of Abandonment in Atkinson and Ware Counties, Georgia (Between Pearson and Waresboro).

To : Secretary, Surface Transportation Board, Washington DC

Cady Industries Inc. wishes to file an opposition to the above referenced abandonment of the railroad from milepost AP 594.69 near Waresboro Ga., to milepost 617.94 near Pearson Ga. The application for abandonment was filed on September 5, 2003 by CSX Transportation Inc. and this protest is being filed within the 45 day requirement.

Cady Industries Inc. is located at 509 N. King Street in Pearson, Georgia and in Atkinson County. The primary business at this address is the manufacture of packaging products for use in agriculture and other industries. In addition, we also manufacture geotextile products certified for use by state DOT. We have over 300 employees at our Pearson location at this time.

Cady Industries Inc. has an important interest in this proceeding because the line being proposed for abandonment is used to bring rail cars filled with resin to supply our manufacturing process. This resin is our primary raw material and the cost effective delivery is vital to our business.

Cady Industries Inc. has no practical alternative if service is abandoned on this line. Alternative delivery options would significantly increase our costs and would have a negative impact on our ability to compete in our markets. The resulting loss of business could also impact the number of employees needed at this location.

We will cooperate fully with any requests for additional information. We request consideration of our protest and look forward to hearing from you.

Sincerely,

Tim Tyler
President
Cady Industries Inc.

CC : Louis E. Gitomer
Natalie S. Rosenberg

Certificate of Service

I hereby certify that on October 16, 2003, I served the foregoing document, Petition for Protest Against Abandonment –In Atkinson and Ware Counties, GA (Between Waresboro and Pearson). Docket No. AB-55 (Sub-No. 640), by overnight mail on the following:

Natalie S. Rosenberg, Esq.
CSX Transportation, Inc
500 Water Street
Jacksonville, FL 32202

Louis E. Gitomer, Esq.
Ball Janik LLP
1455 F Street, NW Suite 225
Washington, DC 20005

Tim Tyler

A handwritten signature in cursive script that reads "Tim Tyler".

President
Cady Industries Inc.

Legal Notice

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

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

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 Wareboro, 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 Wareboro, at approximately milepost AP 595.3, 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-Gusken, 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. 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 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