

211847

Lee-11

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-400 (Sub-No. 4)

SEMINOLE GULF RAILWAY, L.P.
- ADVERSE ABANDONMENT -
IN LEE COUNTY, FLORIDA

MOTION OF LEE COUNTY
FOR EXTENSION OF TIME TO FILE REPLY

Expedited Consideration Requested

John Turner
Assistant County Attorney
Lee County, Florida
P.O. Box 398
Fort Myers, FL 33902-0398
Tel: 239-335-2236

Robert P. vom Eigen
Melissa Burt
Foley & Lardner LLP
Suite 500
3000 K Street, N.W.
Washington, D.C. 20007-5143
(202) 672-5367
rvomeigen@foley.com

Attorneys for Lee County, Florida

Dated: August 19, 2004



Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-400 (Sub-No. 4)

SEMINOLE GULF RAILWAY, L.P.
- ADVERSE ABANDONMENT -
IN LEE COUNTY, FLORIDA

**MOTION OF LEE COUNTY
FOR EXTENSION OF TIME TO FILE REPLY**

Expedited Consideration Requested

On June 16, 2004, Lee County, Florida ("Lee County") filed its application for adverse abandonment of a portion of the Baker Spur operated by Seminole Gulf Railway, L.P. ("SGLR"). In accordance with the Board's order approving SGLR's request for an extension, SGLR filed its protest on August 12, 2004, and Lee County's reply to SGLR's filing is due on August 24, 2004.¹

As the Board by now is well aware, Hurricane Charley struck southwest Florida last Friday on the day following SGLR's filing, and Lee County was among the counties impacted. Offices were closed from Friday through Tuesday, and substantive analysis of SGLR's filing and communications between Lee County officials and counsel were not possible during that period. Moreover, SGLR filed a supplemental statement on August 18, 2004. Lee County respectfully requests that the due date for its reply be

¹ See Order, served July 30, 2004, in this proceeding. The Association of Short Line Regional Railroads ("ASLRRRA") also filed comments on August 9, 2004.

extended by six days until August 30, 2004. Lee County believes the request is reasonable and will not unduly interfere with the timely issuance of a decision on the abandonment.² Counsel for SGLR and the ASLRRRA have consented to the requested extension.³

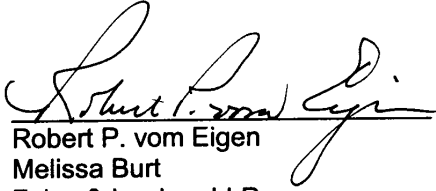
Because its reply would otherwise be due by August 24, 2004, Lee County requests that the Board issue its decision on an expedited basis.

Respectfully Submitted

John Turner
Assistant County Attorney
Lee County, Florida
P.O. Box 398
Fort Myers, FL 33902-0398

Tel: 239-335-2236

Dated: August 19, 2004


Robert P. vom Eigen
Melissa Burt
Foley & Lardner LLP
Suite 500
3000 K Street, N.W.
Washington, D.C. 20007-5143
(202) 672-5367
rvomeigen@foley.com

Attorneys for Lee County, Florida

² The Board should still have sufficient time to issue its decision within 110 days of the original filing.

³ CSXT was served a copy of the application but has not yet been an active participant in this proceeding. Lee County notified counsel for CSXT about the request, and is serving him with a copy of this motion. However, as of the time of filing, it has not heard back from CSXT yet.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Lee County, Florida for Extension of Time to File Reply was served on the following persons by electronic delivery and by overnight delivery on the 19th day of August, 2004,

Eric M. Hocky
Attorneys for Seminole Gulf Railway, L.P.
Gollatz, Griffin & Ewing, P.C.
Four Penn Center, Suite 200
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2808
emhocky@ggelaw.com

Peter Shudtz
Vice President - Regulatory Affairs and Washington Counsel
CSX Corporation
Suite 560
National Place
1331 Pennsylvania Avenue, N.W.
Washington, DC 20004
Peter_Shudtz@csx.com

Keith T. Borman
General Counsel
American Short Line and Regional Railroad
50 F Sreet, N.W.
Suite 7020
Washington, D.C. 20001-1537
kborman@asslrra.org


Robert P. vom Eigen