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ATTORNEYS AT LAW

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March 11, 2008

Ms Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 "E" Street S.W.
Washington, DC 20423-0001

FEE RECEIVED

MAR 12 2008

**SURFACE
TRANSPORTATION BOARD**



Re: **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment
Exemption—In Sumter County, Florida

Dear Secretary Quinlan.

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Florida Midland Railroad Company, Inc., dated March 11, 2008, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3,200.00 is also enclosed.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope.

The Environmental/Historic Report for this proceeding has already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Very truly yours,

ENTERED
Office of Proceedings

MAR 12 2008

Part of
Public Record

Michael J. Barron, Jr.

Attorney for
Florida Midland Railroad Company, Inc.

MJB: arw

Enclosures.

cc Ben Biscan

FILED

MAR 12 2008

**SURFACE
TRANSPORTATION BOARD**

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-325 (SUB-NO 4X)

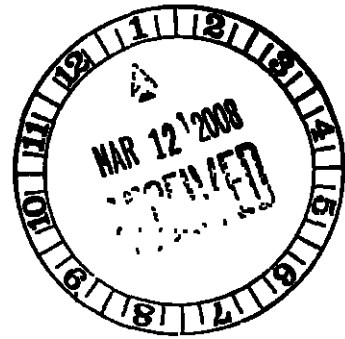
FLORIDA MIDLAND RAILROAD COMPANY, INC
-- ABANDONMENT EXEMPTION --
IN SUMTER COUNTY, FLORIDA

**VERIFIED NOTICE OF EXEMPTION OF
FLORIDA MIDLAND RAILROAD COMPANY, INC.
49 C.F.R. § 1152.50**

Michael J Barron, Jr
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEY FOR FLORIDA MIDLAND
RAILROAD COMPANY, INC.**

Dated March 11, 2008



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-325 (SUB-NO 4X)

FLORIDA MIDLAND RAILROAD COMPANY, INC.
-- ABANDONMENT EXEMPTION --
IN SUMTER COUNTY, FLORIDA



**VERIFIED NOTICE OF EXEMPTION OF
FLORIDA MIDLAND RAILROAD COMPANY, INC.
49 C.F.R. § 1152.50**

Florida Midland Railroad Company, Inc ("FMID") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon a segment of railroad known as the Wildwood Branch, 4 miles long, extending from Milepost ST-762.10 in Wildwood, Florida to Milepost ST-766.10 near Orange Home, Florida, all in Sumter County, Florida.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), FMID submits the following information:

General Corporate Information: 49 C.F.R. §1152.22(a)(1)-(2)

FMID is a Class III common carrier by rail which owns and operates approximately 30 miles of rail line in Florida. FMID is a wholly-owned subsidiary of Pinsky Railroad Company, a non-carrier holding company.

The complete name and address of FMID is

Florida Midland Railroad Company, Inc
3001 Orange Avenue
P.O. Box 967
Plymouth, Florida 32768-0967

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, FMID intends to abandon a portion of railroad, which is a 4 mile long segment known as the Wildwood Branch from Milepost ST-762 10 to Milepost ST-766 10 in Sumter County, Florida. The Wildwood Branch was part of an earlier proposed abandonment (See, Florida Midland Railroad Company—Abandonment Exemption— in Sumter and Lake Counties, Florida, Docket No. AB-325 (Sub-No. 2X)), but FMID chose not to consummate that portion.

Map: 49 C.F.R. § 1152.22(a)(4)

A detailed map of the Wildwood Branch is attached hereto as Exhibit A.

FMID's Representative: 49 C.F.R. § 1152.22(a)(7)

FMID's representative to whom correspondence regarding this abandonment should be sent is:

Michael J. Barron, Jr
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832
(312) 252-1511

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Wildwood Branch traverses the United States Postal Service ZIP Code 34785.

Qualifications for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, FMID certifies that no local traffic has moved over the Wildwood Branch for at least the last two years, there is no overhead traffic on the Wildwood Branch (the track ends at ST-766 10), and no formal

complaint filed by a user of rail service on the Wildwood Branch (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complaint during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

FMID will not consummate the proposed abandonment any earlier than May 1, 2008, which should be fifty days after the filing date of the Notice of Exemption

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

FMID is not willing to enter into a trail agreement for the Wildwood Branch, but instead is committed to fully consummating the abandonment. FMID is going through the abandonment process pursuant to a settlement agreement with adjoining land owners, which agreement resolved a land dispute. FMID does not believe that the Wildwood Branch would be of interest to the State or any other entity as a highway or mass transportation line or similar public use because the area through which it runs already has a significantly developed highway system. FMID does not own the realty underlying the Wildwood Branch, and because of that STB precedent indicates a public use condition would be unavailable. See, Florida Central Railroad Company, Inc —Abandonment Exemption—In Seminole County, FL, Docket No. AB-319X (ICC served December 20, 1989). Based on information in our possession, the subject line does not appear to contain any federally granted right of way.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The level of labor protection applicable in rail line abandonments is that established in *Oregon Short Line Co —Abandonment—Goshen*, 360 I C C 91 (1979)

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

A certificate showing that the notice requirements of 49 C F R § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C

Environmental/Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental/Historic Report, prepared pursuant to 49 C F R §§ 1105.7 and 1105.8, was already filed with the Surface Transportation Board in this proceeding

Since submitting the Report, FMID received one phone call, from the U S Fish and Wildlife Service, which has no objection to the proposed abandonment. FMID communicated the results of that phone call to the STB. FMID has received no other correspondence or input. If FMID does receive additional correspondence or input, it will forward that information to the STB.

Respectfully submitted,

By: 
Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 540-0500

**ATTORNEY FOR FLORIDA MIDLAND
RAILROAD COMPANY, INC.**

Dated March 11, 2008

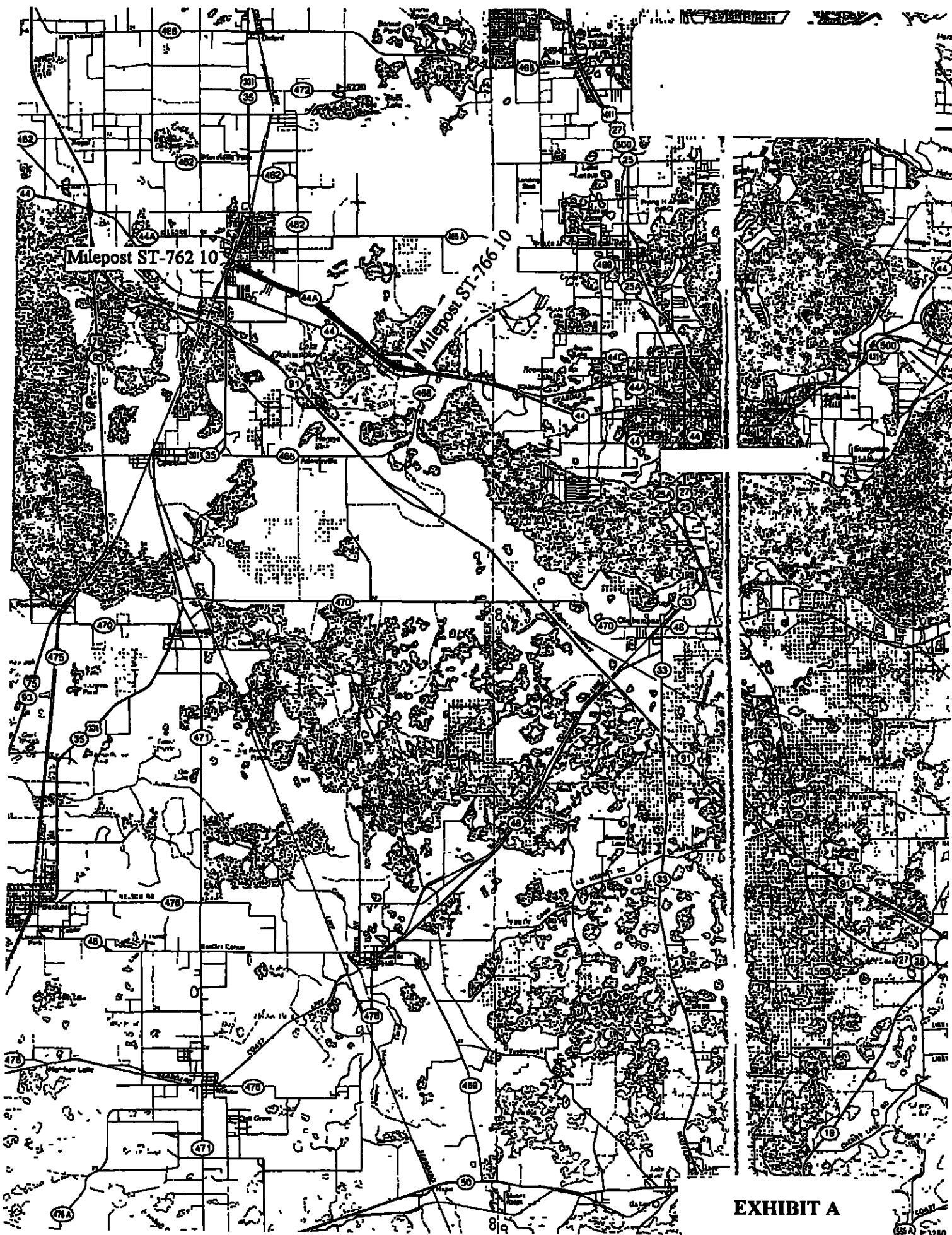


EXHIBIT A

DOCKET NO. AB-325 (SUB-NO. 4X)

FLORIDA MIDLAND RAILROAD COMPANY, INC.
—ABANDONMENT EXEMPTION—
IN SUMTER COUNTY, FLORIDA

CERTIFICATE AND VERIFICATION

STATE OF MASSACHUSETTS)
) SS
COUNTY OF HAMPDEN)

John P. Levine, being duly sworn, deposes and says that:

1. That no local traffic has moved over the Wildwood Branch of the Florida Midland Railroad Company, Inc., which branch extends from Milepost ST-762.10 to Milepost ST-766.10, a distance of 4 miles, all in Sumter County, Florida, for at least two years, and that there is no overhead traffic on this line that has to be rerouted, as the track ends at ST-766.10; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Dated MARCH 7, 2008


John P. Levine
President, Florida Midland Railroad Company, Inc

Subscribed and sworn to before me
this 7th day of March, 2008.

Maureen C. Matulewicz
Notary Public MAURENEC Matulewicz

CERTIFICATE

I, Michael J. Barron, Jr., an attorney for Florida Midland Railroad Company, Inc., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No AB-325 (Sub-No. 4X), Florida Midland Railroad Company, Inc.—Abandonment Exemption—in Sumter County, Florida

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On February 25, 2008, written notice was mailed to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense, (b) Chief of the Forest Service, U.S. Department of Agriculture, (c) National Center for Recreation and Conservation, National Park Service, and (d) the Florida Department of Transportation (copies of which are attached hereto as Attachments 1-4)

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On February 20, 2008, the Environmental/Historic Report for this proceeding, which report has also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11

(3) A newspaper notice was published February 14, 2008, in the Sumter County Times, a newspaper of general circulation in Sumter County, Florida. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.

EXHIBIT C

A handwritten signature in cursive script, appearing to read "Michael J. Barron, Jr.", written in black ink.

Michael J Barron, Jr

Dated March 11, 2008

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606 2832

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Fax (312) 252-2400
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MICHAEL J. BARRON, JR
(312) 252 1511
mbarron@fletcher.sippel.com

February 25, 2008

United States Department of Defense
MTMCTEA
Attn Railroads for National Defense
720 Thimble Shoals Boulevard, Suite 130
Newport New, VA 23606-2574

Re **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment Exemption—
In Sumter County, Florida

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Florida Midland Railroad Company, Inc. shall on or after March 11, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a four (4) mile line of railroad between milepost ST-762.10, in Wildwood and milepost ST-766.10, near Orange Home in Sumter County, Florida. Such line runs through U.S. Postal Zip Code 34785.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,


Michael J. Barron, Jr.
Attorney for Florida Midland Railroad Company, Inc.

ATTACHMENT 1

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
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MICHAEL J. BARRON, JR.
(312) 252 1511
mbarron@fletcher-sippel.com

February 25, 2008

Mr Dale Bosworth
Chief, Forest Service
U S Department of Agriculture
1400 Independence Ave , SW
Washington, D C 20250-0003

Re **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment Exemption—
In Sumter County, Florida

Dear Sir/Madam

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Florida Midland Railroad Company, Inc shall on or after March 11, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a four (4) mile line of railroad between milepost ST-762 10, in Wildwood and milepost ST-766 10, near Orange Home in Sumter County, Florida. Such line runs through U.S. Postal Zip Code 34785.

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Sincerely,



Michael J. Barron, Jr.
Attorney for Florida Midland Railroad Company, Inc

ATTACHMENT 2

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606 2832

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MICHAEL J. BARRON, JR.
(312) 252 1511
mbarron@fletcher-sippel.com

February 25, 2008

Department of Interior
National Center for Recreation and
Conservation
National Park Service
1849 "C" Street N W
Washington, DC 20420

Re **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment Exemption—
In Sumter County, Florida

Dear Sir/Madam

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Florida Midland Railroad Company, Inc. shall on or after March 11, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a four (4) mile line of railroad between milepost ST-762.10, in Wildwood and milepost ST-766.10, near Orange Home in Sumter County, Florida. Such line runs through U.S. Postal Zip Code 34785.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,



Michael J. Barron, Jr.

Attorney for Florida Midland Railroad Company, Inc.

ATTACHMENT 3

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.
(312) 252 1511
mbarron@fletcher-sippel.com

February 25, 2008

Stephanie C. Kopelousos
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Re **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment Exemption—
In Sumter County, Florida

Dear Sir/Madam

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Florida Midland Railroad Company, Inc. shall on or after March 11, 2008, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a four (4) mile line of railroad between milepost ST-762 10, in Wildwood and milepost ST-766 10, near Orange Home in Sumter County, Florida. Such line runs through U.S. Postal Zip Code 34785.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,



Michael J. Barron, Jr.
Attorney for Florida Midland Railroad Company, Inc.

ATTACHMENT 4

February 20, 2008

**Re Florida Midland Railroad Company, Inc.—Notice of Exemption for
Abandonment—In Sumter County, Florida—Docket AB-325 (Sub-No. 4X)**

To Whom It May Concern

Any time on or after March 11, 2008, Florida Midland Railroad Company, Inc ("FMID") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost ST-762 10 in Wildwood and milepost ST-766 10 near Orange Home, a distance of 4 miles, in Sumter County, Florida. Enclosed is an Environmental/Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, S W , Washington, D C 20423-0001, (202) 245-0335, and refer to the above docket number.

FMID will file the Environmental/Historic Report with the STB on or about February 20, 2008. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,


Michael J. Barron, Jr
Attorney for Florida Midland
Railroad Company, Inc

Enclosures

ATTACHMENT 5

ATTACHMENT A

Stephanie C Kopelousos
Secretary of Transportation
Florida Department of Transportation
Rail Office
605 Suwannee Street
Tallahassee, Florida 32399-0450

Richard Hoffman
Chairman
Sumter County Board of Commissioners
910 North Main Street
Bushnell, Florida 33513

Salvador Salinas
Acting State Conservationist
USDA, Natural Resources
Conservation Service
P O Box 141510
Gainesville, Florida 32614-1510

Lynn F Griffin
Coastal Program Administrator
Florida Coastal Management Program
The Department of
Environmental Protection
3900 Commonwealth Blvd , MS 47
Tallahassee, Florida 32399-3000

Michael W Sole
Secretary
Florida Department of
Environmental Protection
3900 Commonwealth Blvd , M S 49
Tallahassee, Florida 32399

J I Palmer, Jr
Regional Administrator, Region 4
U S Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S W
Atlanta, GA 30303-8960

Mary Ann Poole
Florida Fish and Wildlife
Conservation Commission
Farris Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600

Sam Hamilton
Regional Director
U S Fish & Wildlife Service
1875 Century Blvd , Suite 400
Atlanta, GA 30345

Rick McCleery
Ombudsman
Southwest Florida Water
Management District
2379 Broad Street
Brooksville, Florida 34604-6899

David S Hobbie
Division Chief
U S Army Corps of Engineers
Jacksonville District, Regulatory Division
P.O Box 4970
Jacksonville, Florida 32232-0019

Lauren P Milligan
Florida State Clearinghouse
Florida Department of
Environmental Protection
3900 Commonwealth Blvd
Mail Station 47
Tallahassee, Florida 32399-3000

David Doyle
Senior Geodesist, Spatial Reference
System Division
National Geodetic Survey
National Oceanic and
Atmospheric Administration
1315 East-West Highway
Silver Spring, Maryland 20910-3282

**Frederick Gaske
Director, Division of Historical Resources
Florida Department of State
500 South Bronough Street, Suite 415
Tallahassee, Florida 32301**

**Robin Branda
Environmental Specialist III
Office of Intergovernmental Programs
Florida Department
of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000**

**Department of the Interior
National Center for
Recreation and Conservation
National Park Service
1849 "C" Street, N W
Washington, D C 20420
Attn Chief, Land Resources Division**

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.
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March 11, 2008

Ms Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 "E" Street S W.
Washington, DC 20423-0001

Re. **Docket No. AB-325 (Sub-No. 4X)**
Florida Midland Railroad Company, Inc.—Abandonment
Exemption—In Sumter County, Florida

Dear Secretary Quinlan

As I was preparing the filing of the Notice in the above-referenced docket today, a letter previously sent to the Chief of the Forest Service came back as undeliverable despite having the correct address and postage. I certify that it has been resent via U S Mail and facsimile as of March 11, 2008.

Please call if you have questions. Ten copies of this letter are enclosed.

Very truly yours,

Michael J. Barron, Jr.
Attorney for
Florida Midland Railroad Company, Inc

MJB: arw

Enclosures.