



SARASOTA COUNTY

"Dedicated to Quality Service"

BOARD OF COUNTY COMMISSIONERS

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October 31, 2017

244669

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
November 7, 2017
Part of
Public Record



Re: Seminole Gulf Railway, L.P. – Exempt Abandonment - In Sarasota County, Florida, STB
Docket No. AB 400 (Sub No. 6X)

Dear Ms. Brown:

This request is filed on behalf of Sarasota County, which is a political subdivision of the State of Florida, hereinafter referred to as "proponent." Proponent understands that in accordance with the Board's policy as set forth in 49 C.F.R. 1002.2(e)(1), any applicable filing fees will be waived by the Board for filings made by a local government entity such as Sarasota County.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the rail line between Milepost SW 890.29 and Milepost SW 892.00 (including the intersection of the railway corridor and the north Boundary of the Ashton Road right-of-way), Sarasota County, Florida, identified on Exhibit "A" attached. Proponent also seeks to acquire the industrial spur shown on Exhibit A.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides open space and its preservation as a recreational trail is consistent with those purposes. Further, the proposed trail would extend an inter-regional trail network from the City of Sarasota to the City of Venice as part of an existing 10.6 mile rails-to-trails facility to the south (The Legacy Trail). The time period sought is 180 days from the effective date of the abandonment authorization in order to allow time to consummate a trail use agreement with Seminole Gulf Railroad on this rail corridor.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these

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structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use.

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. §1247 1247(d), and 49 CFR 1152.29, Sarasota County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer of use of (*unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability*), and for payment of any and all taxes that may be levied or assessed against the right-of-way leased and operated by Seminole Gulf Railway, L.P. (and owned by CSX Transportation, Inc.).

The property, known as the North Legacy Trail Extension, Phase 1, extends between railroad Milepost SW 890.29 and Milepost SW 892.00, including to the north Boundary of the Ashton Road right-of-way, Sarasota County, Florida, a total distance of 1.7 miles, in Sarasota County. The right-of-way is all of the line of railroad proposed for abandonment in STB Docket No. AB-400 (Sub No. 6X).

A map depicting the right-of-way is attached as Exhibit A.

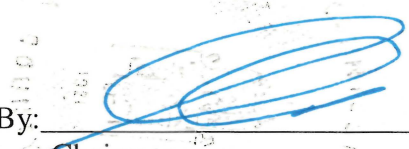
Sarasota County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service of a copy of this request upon:

Seminole Gulf Railway, L.P.
4110 Center Pointe Drive, Suite 207
Ft. Myers, Florida 33916

Respectfully submitted,

**BOARD OF COUNTY COMMISSIONERS,
OF SARASOTA COUNTY, FLORIDA**

By: 

Chairman

EXHIBIT "A"

