

CLARK HILL

244563

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ENTERED
Office of Proceedings
October 17, 2017
Part of
Public Record

Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
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October 16, 2017



VIA FEDEX

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

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

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of the Notice of Exempt Abandonment being filed on behalf of Seminole Gulf Railway, L.P. Also enclosed is our check in the amount of \$4,100 representing the filing fee therefor.

Please time-stamp the additional copy of the Notice enclosed with this letter and return it to me in the self-addressed stamped envelope provided for your convenience.

FILED
October 17, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 17, 2017
SURFACE
TRANSPORTATION BOARD

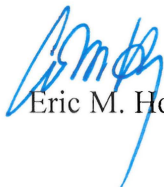
October 16, 2017

Page 2

Please let us know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC


Eric M. Hocky

EMH/e

cc: All persons shown on the certificate of service

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 400 (Sub No. 6X)

SEMINOLE GULF RAILWAY, L.P.
- EXEMPT ABANDONMENT -
IN SARASOTA COUNTY, FLORIDA

NOTICE OF EXEMPT ABANDONMENT



Eric M. Hocky
CLARK HILL PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
(215) 640-8500
ehocky@clarkhill.com

Attorneys for Seminole Gulf Railway, L.P.

Dated: October 16, 2017

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 400 (Sub No. 6X)

SEMINOLE GULF RAILWAY, L.P.
- EXEMPT ABANDONMENT -
IN SARASOTA COUNTY, FLORIDA

NOTICE OF EXEMPT ABANDONMENT

Seminole Gulf Railway, L.P. (“SGLR” or “Applicant”) is seeking an exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F to abandon a segment of its line of railroad known as the Venice Branch extending between Milepost SW 890.29 and Milepost SW 892.00, a portion of Bee Ridge Station outside of the City of Sarasota in Sarasota County, Florida (the “Subject Line”), a distance of 1.71 miles, entirely in Sarasota County, Florida. A map of the Subject Line is attached hereto as Exhibit A.

There has been no local or overhead freight service on the Subject Line for over two years (in fact, although the tracks have been used for car storage, there has been no local or overhead freight service for over 10 years). Because this is a stub-ended line there is no overhead traffic to be rerouted over other lines.

The Subject Line connects to a former line of railroad for which SGLR received abandonment authority in 2004¹, and which was subsequently transferred for interim trail use and rail banking to Sarasota County and developed into the “Legacy Trail.”

This Notice of Exempt Abandonment is being filed pursuant to the requirements of 49

¹ See *Seminole Gulf Railway, L.P. – Abandonment Exemption – In Sarasota County, FL* (served April 2, 2004).
216339643



C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is Seminole Gulf Railway, L.P.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant originally acquired the Subject Line in 1987. *See Seminole Gulf Railway, L.P. – Exemption to Acquire and Operate – CSX Transportation, Inc.*, ICC Finance Docket No. 31155 (served November 30, 1987).²
3. The relief sought is an exemption for the abandonment of the Subject Line, being the line of railroad known as the Venice Branch extending between Milepost SW 890.29 and Milepost SW 892.00, a portion of Bee Ridge Station outside of the City of Sarasota in Sarasota County, Florida (the “Subject Line”), a distance of 1.71 miles, entirely in Sarasota County, Florida. The Subject Line includes the station of Bee Ridge at Milepost SW 888.7.³
4. A detailed map of the Subject Line is attached hereto as Exhibit A. More detailed topographic maps were included in the Environmental and Historic Report filed with the Board on September 26, 2017.

² SGLR acquired the full common carrier obligation when it purchased the rail lines, including the Subject Line. CSX Transportation, Inc. (“CSXT”) as the owner of the underlying land is not subject to the Board’s jurisdiction. *See Seminole Gulf Railway, Inc. – Abandonment Exemption – In Lee County, FL*, ICC Docket No. AB-400 (Sub-No. 2X)(served December 22, 1994), *slip op.* at 5.

³ SGLR will also be abandoning an industrial spur that connects to the Subject Line, as shown on Exhibit A.
216339643

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire
Clark Hill, PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

6. The Subject Line traverses through United States Postal Service ZIP Codes 34233 and 34238.

7. Applicant believes that the right of way, or portions thereof, may be suitable for trail use or other public purposes. Information in Applicant's possession regarding any restrictions on title will be made available by Applicant on reasonable request. Indeed, SGLR, together with CSXT as the underlying landowner, have granted The Trust for Public Land, or its designee, an option to acquire the rail line for conversion to a trail that will extend the Legacy Trail.

8. Applicant proposes to consummate the abandonment on or after December 6, 2017.

9. Applicant certifies that:

(a) No local or overhead traffic has moved over the Subject Line since prior to 2007, a period of more than ten years. Because the Subject Line is not a "through line," there was no overhead traffic on the Subject Line.

(b) No formal complaint 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 Subject Line either is pending with the Board or any U.S. District Court, or has been decided

in favor of the complainant within the two year period.

10. Although no employees of the Applicant will be affected by the proposed abandonment, Applicant recognizes that the abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Subject Line Railroad Co. - Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

11. Applicant filed an Environmental and Historic Report with the Board on September 26, 2017, more than twenty days prior to this filing. Since the filing of the Environmental and historic Report, Applicant has received one additional response from consulted agencies. A copy of the response from the U.S. Army Corps of Engineers expressing no concerns is attached hereto as Exhibit B.

12. Applicant certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in the *Sarasota Herald Tribune* on September 23, 2017. A copy of the proof of publication is attached hereto as Exhibit C.

13. Applicant certifies that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated September 27, 2017, sent to the required governmental agencies is attached hereto as Exhibit D.

For the reasons set forth above, the Board should find that Applicant's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice.

Respectfully submitted,



Eric M. Hocky
CLARK HILL PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
(215) 640-8500
ehocky@clarkhill.com

Attorneys for Seminole Gulf Railway, L.P.

Dated: October 16, 2017

VERIFICATION

I hereby verify on behalf of Seminole Gulf Railway, L.P., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on October 16, 2017.

Print Name: Robert H. Fay, Vice President

A handwritten signature in black ink, appearing to read 'Robert H. Fay', written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exempt Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: October 16, 2017

Florida State Clearinghouse
2600 Blair Stone Rd.
M.S. 47
Tallahassee, FL 32399-3000

National Park Service
Southeast Region
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Florida Department of Environmental
Protection
3900 Commonwealth Blvd.
M.S. 49
Tallahassee, FL 32399-3000

National Park Service
1849 C Street, NW
Washington, DC 20240

County Administrator
Sarasota County
1660 Ringling Blvd.
Sarasota, FL 34236

USDA, NRCS
Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

USDA, NRCS
2614 NW 43rd Street
Gainesville, FL 32606

U.S. Fish and Wildlife Service
Southeast Region 4
Office of the Regional Director
1875 Century Blvd., Suite 400
Atlanta, GA 30345-3319

Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. Fish and Wildlife Service
Southeast Region 4 (Panama City)
1601 Balboa Ave.
Panama City, FL 32405-3792

Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Fish and Wildlife Conservation
Commission
620 South Meridian St.
Tallahassee, FL 32399-1600

Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

United States Department of the Army
Military Surface Deployment and Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National
Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

U.S. Army Corps of Engineers
South Atlantic Division
60 Forsyth St., SW
Atlanta, GA 30303-8801

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

EXHIBIT A - MAP

EXHIBIT A

GIS #
04343-001

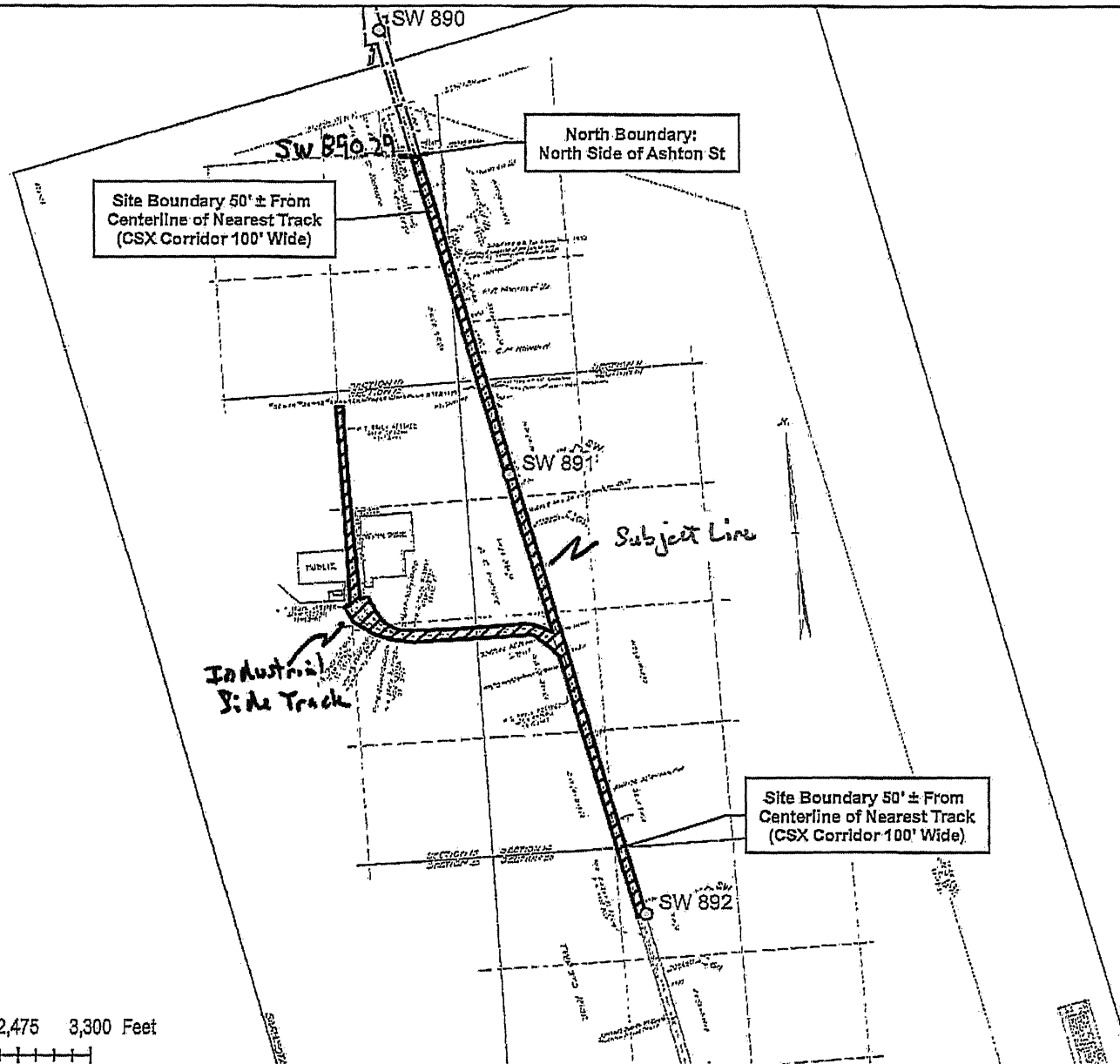
INTEL #
V2FL124/17

PIN #
12115.0032



1" = 1,700'

0 412.5325 1,650 2,475 3,300 Feet



CSX TRANSPORTATION, INC.
SARASOTA TRAIL - SOUTH
SITE: FL-115-1081567
SARASOTA COUNTY - BEE RIDGE, FL
MILEPOST: SW 890.27 - SW 892

DIVISION: JACKSONVILLE
SUBDIVISION: PALMETTO
DATE: 07/14/2017
REVISED: 07/14/2017
DRAWN BY: V5180

- Engineering Milepost
- ▨ Premises - 33.42 ± Acres
- ▭ CSX Real Estate

THIS RAILROAD MAP EXHIBIT GRAPHICALLY REPRESENTS A PROPOSED REAL ESTATE TRANSACTION. IT MAY NOT REFLECT CURRENT "ON THE GROUND" CONDITIONS AND/OR ACTUAL LOCATIONS OF FEATURES. ALL DIMENSIONS, OFFSET DISTANCES, AREA CALCULATIONS AND MEASUREMENT NOTATIONS SHOWN ON THIS EXHIBIT ARE APPROXIMATE.

EXHIBIT B – ADDITIONAL ENVIRONMENTAL RESPONSE

Hocky, Eric M.

From: Bealyer, Hansler A CIV USARMY CESAJ (US) <Hansler.A.Bealyer@usace.army.mil>
Sent: Wednesday, October 4, 2017 2:08 PM
To: Hocky, Eric M.
Cc: Bealyer, Hansler A CIV USARMY CESAJ (US)
Subject: Seminole Gulf Railway, L.P. - abandonment of a segment of its line of railroad - Letter dated August 4, 2017 (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Mr. Hocky:

Just a follow-up to our conversation on this past Tuesday. I checked with our environment section in regards your letter of August 4, 2017 and they have no comments. The property, as you indicated, does not contain federally granted rights of way. The property likewise, does not impact any of the governments civil works projects. As such, we have no requirement to review your project and put forth a position as to environmental effects of the proposed abandonment. We do appreciate you contacting our agency and allowing us the chance to provide comments, in the likelihood your project would have impacted one of our civil works projects.

Sincerely,

Hansler A. Bealyer
Chief, Acquisition Branch
Real Estate Division
U. S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207
904-232-1178
fax 904-232-2490

CLASSIFICATION: UNCLASSIFIED

EXHIBIT C – NEWSPAPER NOTICE

AFFIDAVIT OF PUBLICATION

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED JM MITCHELL, WHO ON OATH SAID SHE IS DIRECTOR OF ADVERTISING FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN SARASOTA COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

Legal description documented below:

IN THE COURT WAS PUBLISHED IN THE SARASOTA EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

9/23 1x

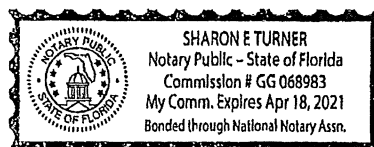
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED

Jmitchell

SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 25 DAY OF September, A.D., 20 17
BY JM MITCHELL WHO IS PERSONALLY KNOWN TO ME.

[Signature]
Notary Public



STB Docket No. AB 400 (Sub-No. 6X)

Notice of Intent To Abandon

Seminole Gulf Railway, L.P. (SGLR) gives notice that on or about October 16, 2017, it intends to file with the Surface Transportation Board (Board), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments, permitting the abandonment of a segment of its line of railroad known as the Venice Branch *extending between Milepost SW 890.29 and Milepost SW 892.00*, a portion of Bee Ridge Station outside of the City of Sarasota in Sarasota County, Florida (the "Subject Line") that traverses through United States Postal Service ZIP Codes 34233 and 34238, a distance of 1.71 miles, entirely in Sarasota County, Florida. The Subject Line includes the station of Bee Ridge at Milepost SW 888.7. The proceeding will be docketed as No. AB 400 (Sub-No. 6X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public, and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on SGLR's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

Date of pub: September 23, 2017

EXHIBIT D – 10 DAY NOTICE

CLARK HILL

Eric M. Hocky
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Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
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clarkhill.com

September 27, 2017

To: All Persons on the Attached Service List

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

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Seminole Gulf Railway, L.P. ("SGLR") intends to file a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, permitting the abandonment of a segment of its line of railroad known as the Venice Branch extending between Milepost SW 890.29 and Milepost SW 892.00, a portion of Bee Ridge Station outside of the City of Sarasota in Sarasota County, Florida (the "Subject Line") that traverses through United States Postal Service ZIP Codes 34233 and 34238, a distance of 1.71 miles, entirely in Sarasota County, Florida. The Subject Line includes the station of Bee Ridge at Milepost SW 888.7. A map of the Subject Line is enclosed with this letter.

Based upon information in SGLR's possession, the Subject Line does not contain federally granted rights of way. Any documentation in SGLR's possession will be made available promptly to those requesting it. SGLR, together with the underlying landowners CSX Transportation, Inc. and its affiliate The Atlantic Land and Improvement Company, have granted the Trust for Public Land an option to acquire the Subject Line, once approved for abandonment, for conversion to a trail extension of the existing "Legacy Trail." SGLR believes that this is a reasonable alternative public purpose for the right of way.

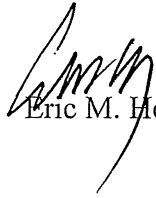
SGLR intends to salvage and reuse the track and track materials elsewhere on its system to the extent possible. All salvage activities will take place within the right of way of the Subject Line.

To: All Persons on the Attached Service List
September 27, 2017
Page 2

SGLR expects to file its notice of exemption with the STB on or about October 16, 2017.

Respectfully,

CLARK HILL, PLC


Eric M. Hocky

EMH/e
Enclosure

**Service List for
STB Docket No. AB-400 (Sub-No. 6X)**

Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

EXHIBIT A

GIS #
04343-001

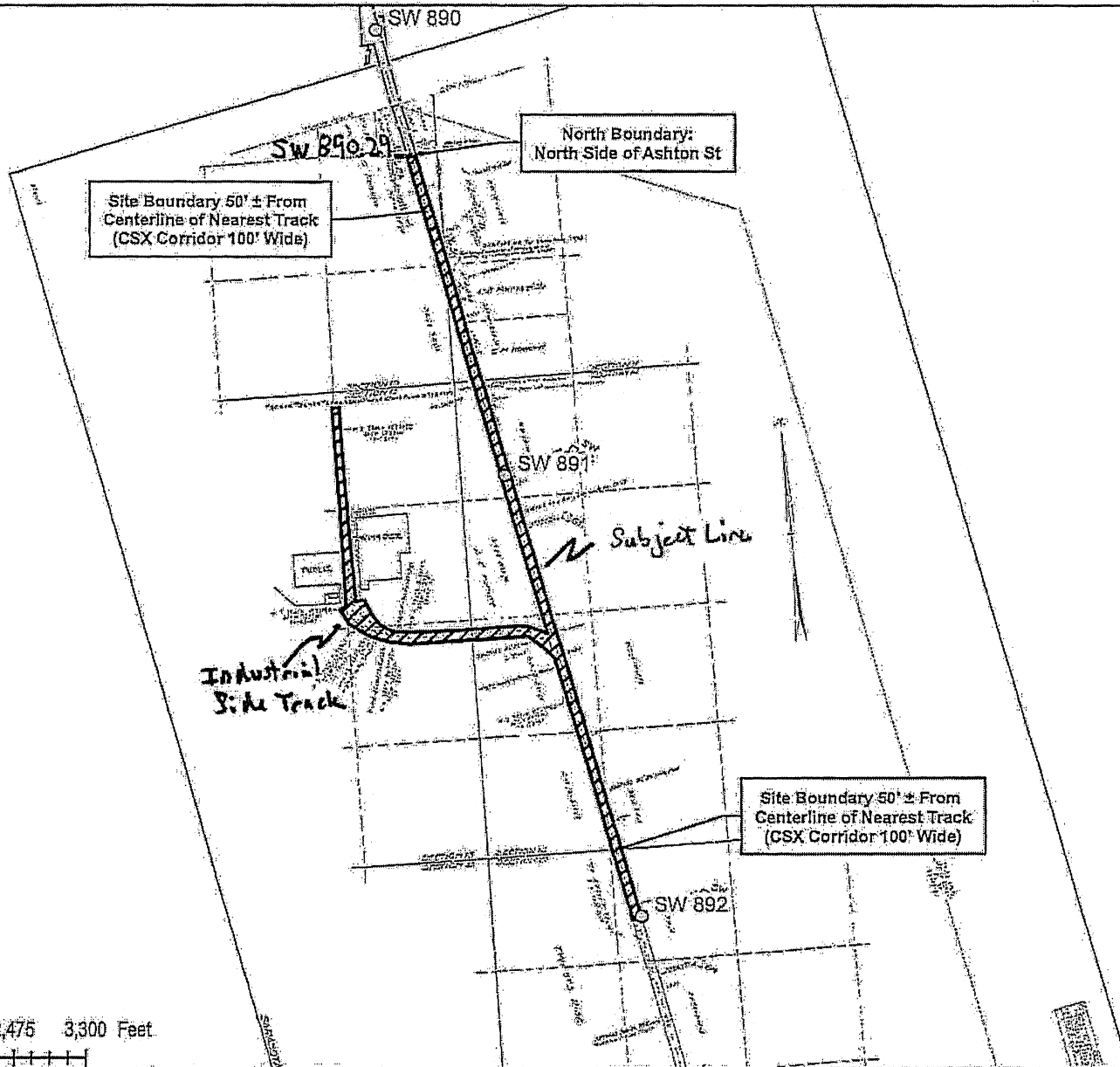
INTEL #
V2FL/24/17

PIN #
12115 0032



1" = 1,700'

0 412.5325 1,650 2,475 3,300 Feet



CSX TRANSPORTATION, INC.
SARASOTA TRAIL - SOUTH
SITE: FL-115-1081567
SARASOTA COUNTY - BEE RIDGE, FL
MILEPOST: SW 890.27 - SW 892

DIVISION: JACKSONVILLE
SUBDIVISION: PALMETTO
DATE: 07/14/2017
REVISED: 07/14/2017
DRAWN BY: V5180

- Engineering Milepost
-  Premises - 33.42 ± Acres
-  CSX Real Estate

THIS RAILROAD MAP EXHIBIT GRAPHICALLY REPRESENTS A PROPOSED REAL ESTATE TRANSACTION. IT MAY NOT REFLECT CURRENT "ON THE GROUND" CONDITIONS AND/OR ACTUAL LOCATIONS OF FEATURES. ALL DIMENSIONS, OFFSET DISTANCES, AREA CALCULATIONS AND MEASUREMENT NOTATIONS SHOWN ON THIS EXHIBIT ARE APPROXIMATE.