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August 18, 2004
VIA: electronic filing

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-400 (Sub-No. 4)
Petition of Lee County, Florida for Waiver
Regarding Seminole Gulf Railway, L.P. Adverse
Abandonment in Lee County, Florida

Dear Secretary Williams:

As a result of the impacts of Hurricane Charley in the region of Florida served by Seminole Gulf Railway, L.P. ("SGLR"), the immediate use of the line that is the subject of the proposed adverse abandonment has changed. In order that the Board will have a complete record, SGLR hereby submits a Supplemental Verified Statement which provides evidence supporting the continuing need for the rail line that was not available at the time that SGLR's Protest was filed.

Respectfully,


ERIC M. HOCKY

cc: Robert P. vom Eigen (by email)
Peter Shudtz (by email)
Keith Borman (by email)

WEST CHESTER

PHILADELPHIA

WILMINGTON

Supplemental Verified Statement
Of
Gordon H. Fay

My name is Gordon H. Fay. I am President of Seminole Gulf Railway, Inc., the controlling general partner of Seminole Gulf Railway, L.P. I have previously given a Verified Statement in this proceeding. I am providing this Supplemental Verified Statement to provide new information for the Board's consideration that is a result of the devastating effects of Hurricane Charley on the region of Florida served by SGLR.

Attached are maps showing the location of SGLR's rail system. SGLR is the sole railroad serving southwestern Florida, with lines in the counties of Lee, Charlotte, Sarasota, DeSoto, Collier and Manatee. Hurricane Charley came ashore on Friday, August 13, 2004, in Charlotte County near Punta Gorda, bringing 145 mph winds, rain and tidal surges. The storm followed SGLR's main line from Punta Gorda to Arcadia (DeSoto County) bringing concentrated substantial devastation. Damage was not limited to Charlotte and DeSoto Counties, but was felt throughout the SGLR service region, especially in Lee County. Lee County asked all businesses to close on August 13; parts of Lee County still do not have electricity; and County offices remain closed until at least August 18, 2004. Much of Florida has been declared a Federal disaster area. Regionally, it is expected that losses could exceed \$10 billion dollars. (Lee County estimates \$3.0 to \$3.5 billion in damages, excluding the damages to Sanibel, Captiva and Cape Coral.) Clean up and reconstruction will take untold months. Lee County's Director of Public Safety, John Wilson is quoted on page 1 of the August 18, 2004 Fort Myers News Press as saying that it would take anywhere from three to five years for the County to recover from the disaster.

The effect on SGLR has been no less dramatic. There are literally hundreds of trees laying across the tracks, signals and cantilevers are broken, and there has been substantial damage to buildings and other infrastructure. SGLR initially estimates that its clean up costs could well be in excess of \$1,000,000.

Florida Department of Transportation is pressuring SGLR and its connecting Class I carrier CSXT to be back in service by Thursday, August 19, 2004. SGLR is making every effort to comply; CSXT may not make the goal, but is trying hard to do so. FDOT and other Florida officials expect the railroads to be a vital link in bringing building supplies, stone, steel, LP gas and other needed commodities to the area. Some area contractors are warning that the massive demand for shingles and other construction materials could lead to a shortage very quickly.

As noted in my initial verified statement, one of the prime sources of stone for ballast and construction in the region is the Florida Rock quarry along Alico Road. SGLR intends to immediately begin using a site along the portion of the Baker Spur which is the subject of the County's adverse abandonment proceeding, to begin loading ballast for distribution throughout its system. While SGLR had originally planned to delay using the site for

ballast until after JJ Taylor vacates its Alico Road facility, current needs make it imperative that SGLR begin using it now. SGLR expects that it will move at least 100 carloads of ballast for its own purposes and unknown carloads for other construction purposes. As noted in my initial verified statement, each carload will save SGLR from having to move four to five truckloads approximately 15 miles to its current loading site, saving SGLR approximately \$10,000. This will also have the benefits of saving fuel, freeing trucking resources for other needs and keeping trucks off roads that are already congested as a result of the hurricane.

Moreover, SGLR received notice on August 10, 2004, that FPL has scheduled a "high and wide" special train move to handle a large 385,700 pound piece of electrical equipment. The train, with an eight axle car with two idler cars is destined for Tice, Florida, where SGLR currently does its ballast loading. Accommodating this shipment will also require SGLR to relocate its ballast operation to Alico Road now.

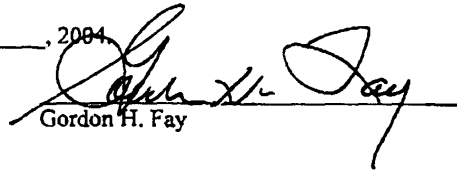
In order to aid in the industrial flows, SGLR has furnished CSXT, its rail partner, and other interested parties with the attached list of available SGLR public delivery locations in the region. SGLR has included the adverse abandonment line segment on the list as the "Alico Reload Center." It represents at least 16% of the entire region's railcar capacity for transloading of goods. Because of the overall length of the line on the north side of Alico Road proposed for abandonment (over 4,000 feet), the line offers great flexibility to serve customer needs. My initial verified statement discussed the public delivery track possibilities that SGLR could develop after JJ Taylor moved from the line. The Hurricane has accelerated the need to develop those uses now.

All parties need to be devoting all available resources to the rebuilding efforts, and not to the ongoing demands of a contested adverse abandonment proceeding. This is the wrong time for Lee County to be asking SGLR (or any business) to be removing valuable infrastructure from the region. The broader public service demands extending over the foreseeable future should outweigh the short-term, one time costs of a highway - rail crossing related to a road widening project.

VERIFICATION

I, Gordon H. Fay, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verified statement in Seminole Gulf Railway, L.P. - Adverse Abandonment - In Lee County, FL, STB Docket No. AB-400 (Sub-No. 4).

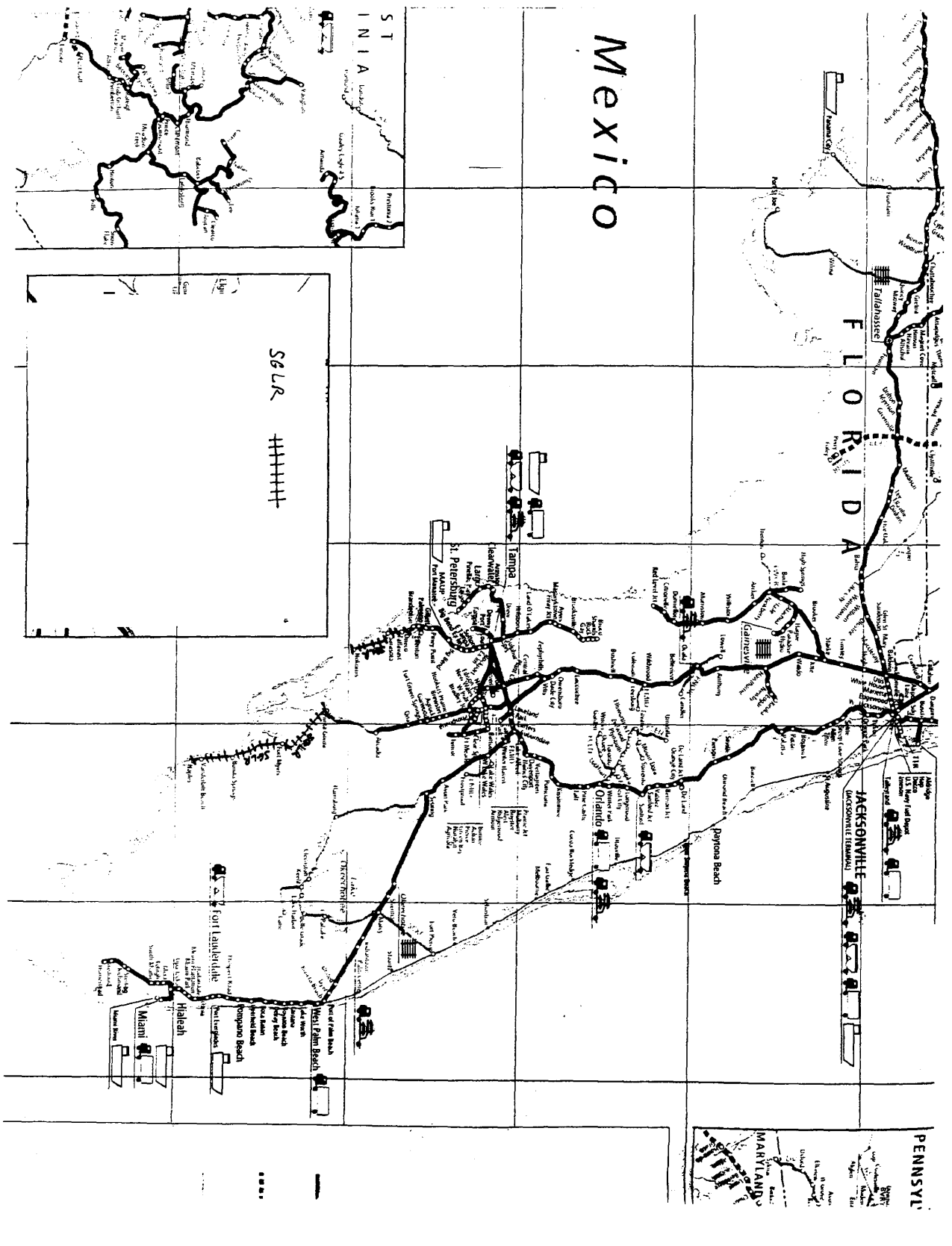
Executed on August 18, 2004


Gordon H. Fay

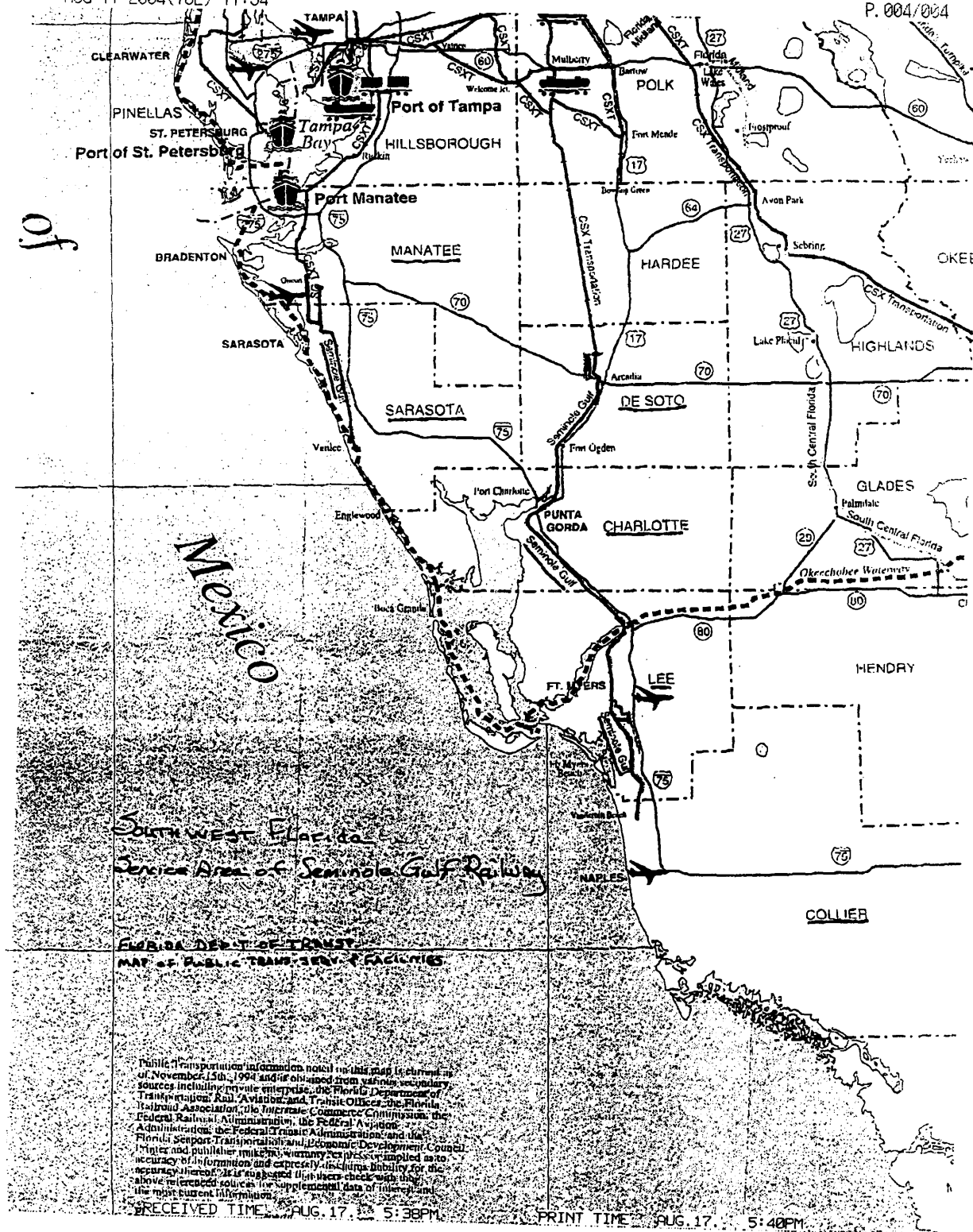
RECEIVED TIME AUG.17. 5:38PM

PRINT TIME AUG.17. 5:40PM

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P. 004/004



Eric Hocky

From: Gordon [gfay@floridairail.com]
Sent: Tuesday, August 17, 2004 5:19 PM
To: Eric M. Hocky
Subject: FW: Seminole Gulf Storm Recovery Plan

From: Michael Curley [mailto:mcurlley@semgulf.com]
Sent: Tuesday, August 17, 2004 1:05 PM
To: Pollock, Eddie
Cc: Reagan, Bernie
Subject: Seminole Gulf Storm Recovery Plan

Eddie:

Seminole Gulf Railway (SGLR) plans on being ready to interchange with CSXT at Arcadia, FL on Thursday, August 19, 2004. CSXT is driving the interchange plan based on storm related line of road challenges on CSXT between Arcadia and CSXT's Mulberry Yard.

We have attached for CSXT marketing and sales distribution a complete matrix of SGLR's transload and storage capabilities. There will be opportunities for increased, storm related carloads of construction materials, heavy equipment, power line and power distribution materials, aggregates, lumber, plywood, drywall, manufactured housing, foodstuffs, scrap metal, construction debris, and cement.

The rails can really come through for the people and business here in southwest Florida. Let's continue to work together to do our part in the ongoing storm related recovery and rebuilding efforts. Thank you and thanks to your CSXT associates.

Michael E. Curley, Vice-President / Florida Sales
Seminole Gulf Railway, LP
4110 Centerpointe Drive - Suite 207
Fort Myers, FL 33916
Phone: 239.275.6060
Fax: 239.275.0581
Cell: 239.340.2212

CY: Bernie Reagan, SGLR, Braintree, MA

8/18/2004

Seminole Gulf Railway
Fort Myers Division
Transload Locations

Station Location	Name	Track Capacity	Facility Capabilities
Arcadia	Arcadia Yard	50 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Can access both sides of car. Located at Florida Route 70
Fort Ogden	Fort Ogden Siding	10 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Located on State Route 17
Punta Gorda	ERB Siding	10 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Can access both sides of car. Located on State Route 17 & I-75 - Exit 164
North Fort Myers	Florida Freezer	10 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Can access both sides of car. Has Outside Rail/Truck Dock Large Parking Area Located next to 67,000 square foot dry, cooler, frozen storage facility with rail door unloading capability Located Bayshore & I-75 -Exit 143
Fort Myers	"Y" Area	10 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Can access both sides of car. Located at MLK and Fowler Street
Fort Myers	Fort Myers Yard	50 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Extensive Ground Storage Area Located at Metro Parkway and Winkler
Fort Myers	Alico Transload	30 Cars	Suitable for crane use Suitable for conveyor/bottom discharge Located at Alico Road and I-75 - Exit 128
Naples	Rail Head Park	20 Cars	Suitable for crane/portable ramp use. Suitable for conveyor/bottom discharge Suitable for lift truck use. Can access both sides of car. Extensive Ground Storage Area Located at Old Route 41 and Railhead Blvd.

8/18/2004

SGLRTransload.xls

Formal Filing

Docket #:

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-400

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Filed For: *	Seminole Gulf Railway, L.P.
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Confidential Attachments:

Public Attachments:  - Public_STB08.pdf

 - Public_V.S. Gordon Fay - Supplemental.pdf