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ERIC M. HOCKY
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emhocky@ggelaw.com

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

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Office of Proceedings

DEC 15 2003

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DEC 15 2003

December 12, 2003
VIA: UPS Overnight

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

209612

Re: Docket No. AB-400 (Sub-No. 3X)
Petition of Seminole Gulf Railway, L.P. for
Exemption of Abandonment in
Sarasota County, Florida

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Public Record

Dear Secretary Williams:

Enclosed please find for filing the original and ten (10) copies of the above-referenced Petition for Exemption. Also enclosed is a diskette with a form of Federal Register notice, and our check in the amount of \$4,700 representing the filing fee.

Please time stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped self-addressed envelope provided for your convenience.

Respectfully,

FEE RECEIVED
DEC 15 2003
SURFACE
TRANSPORTATION BOARD


ERIC M. HOCKY

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Enclosures

cc: All person shown on the certificate of service.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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Before the

SURFACE TRANSPORTATION BOARD

209612
Docket No. AB-400 (Sub-No. 3X)

FILED

DEC 15 2003

SURFACE
TRANSPORTATION BOARD

PETITION OF SEMINOLE GULF RAILWAY, L.P.
FOR EXEMPTION OF ABANDONMENT
IN SARASOTA COUNTY, FLORIDA

ENTERED
Office of Proceedings

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DEC 15 2003

SURFACE
TRANSPORTATION BOARD

ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorneys for Seminole Gulf Railway, L.P.

Dated: December 12, 2003

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-400 (Sub-No. 3X)

**PETITION OF SEMINOLE GULF RAILWAY, L.P.
FOR EXEMPTION OF ABANDONMENT
IN SARASOTA COUNTY, FLORIDA**

Seminole Gulf Railway, L.P. ("SGLR") petitions for an exemption under 49 U.S.C. §10502 from the provisions of 49 U.S.C. §10903 to enable SGLR to abandon 12.43 miles of railroad located in Sarasota County, Florida. In support of its request for exemption, SGLR represents as follows:

BACKGROUND OF TRANSACTION

SGLR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV that operates rail lines in the State of Florida. SGLR purchased the assets comprising its lines from CSX Transportation, Inc. ("CSXT") in 1987. SGLR leases the underlying property from CSXT.¹

SGLR has now decided to abandon a portion of its Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota and milepost 904.4 near the City of Venice, Florida, a total of 12.43 miles (the "Subject Line").² There has been no traffic on the

¹ SGLR acquired the full common carrier obligation when it purchased the rail line, and has the full authority to abandon the line. 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.

² The Subject Line also includes a "wye" track and stub (at approximately milepost SW 904.2), as well as side tracks.

line for over 20 months, there is little likelihood of traffic coming back to the line, and there is interest in developing the right-of-way for trail use. The Subject Line is located entirely within Sarasota County, Florida, and traverses through United States ZIP Codes 34233, 34238, 34272, 34275 and 34285. A map showing the location of the Subject Line and its relation to other rail lines in the area, highways, water routes and population centers is attached hereto as Exhibit "A". Based on information in SGLR's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

SGLR, together with CSXT as the underlying landowner, have granted The Trust for Public Land an option to acquire the rail line for conversion to a trail. All parties are anxious for SGLR to abandon the Subject Line so that the right-of-way can be developed for public use.

Since the Subject Line has had no rail traffic for the last 20 months and only a few cars prior to that, the abandonment of the Subject Line is not yet eligible for the class exemption for out of service rail lines pursuant to the provisions of 49 C.F.R. §1152.50. Because of the local interest in developing the right-of-way for trail use, SGLR does not want to wait until the two year class exemption period expires. However, because of the limited scope of the abandonment and the minimal effects on shippers, the abandonment is still eligible for an exemption pursuant to 49 U.S.C. §10502.

CURRENT STATUS OF THE SUBJECT LINE

No trains have operated on the Subject Line since March 14, 2002.³ All of the former shippers have moved elsewhere or use other arrangements for their traffic; all of the shippers which received traffic from the one public delivery track on the Subject Line are still receiving cars in rail service from SGLR at locations on its other lines. Because of residential and recreational development of the land along the right-of-way there are few, if any, parcels available for industrial development for new rail shippers.

ABANDONMENT OF THE SUBJECT LINE SHOULD BE EXEMPTED

The abandonment of the Subject Line by SGLR would require authorization pursuant to 49 U.S.C. §10903 unless the exemption requested herein is granted. The Board is directed by 49 U.S.C. §10502 to grant an exemption if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power.

In a series of decisions, the Interstate Commerce Commission found that the abandonment of rail lines on which no traffic originated or terminated for at least two years should be exempt from regulation under then 49 U.S.C. §10505 (now §10502). *Exemption of Out of Service Rail Lines*, 366 ICC 885 (1983); *Exemption of Out of Service Rail Lines*, 1 ICC 2d 55 (1984), as modified by 2 ICC 2d 146 (1986).⁴ SGLR's proposed abandonment falls just shy

³ There have been no rail movements over the last three miles of the Subject Line for over 10 years.

⁴ This exemption is now codified at 49 C.F.R. §1152 Subpart F.

of the two year class exemption criteria having had no local service for 20 months. However, for the same reasons that those decisions found that out of service rail lines satisfy the exemption criteria, the Board should find that abandonment of the Subject Line should be exempted and should use the same shortened time periods as provided for class exemptions. The specific reasons for such finding are discussed below.

This abandonment of approximately 12.43 miles of rail line located all in one county does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101, and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. It is clear from the lack of traffic, and the development of the area around the Subject Line that there is little likelihood of there ever being a future demand for local rail service over the Subject Line. Approval of the exemption under 49 U.S.C. §10502 will enable SGLR to abandon the Subject Line and make better use of its resources without the extensive costs and delays that would otherwise occur if an application were required to be filed under Section 10903, and is in keeping with the following rail policies described in 49 U.S.C. §10101:

* * *

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

* * *

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues...

* * *

(5) to foster sound economic conditions in transportation...

* * *

(7) to reduce regulatory barriers to entry into and exit from the industry...

* * *

(9) to encourage honest and efficient management of railroads;

* * *

(15) to provide for the expeditious handling and resolution of all proceedings.

Moreover, the grant of the exemption will not be inconsistent with any of the 15 items which have been made a part of rail transportation policy by 49 U.S.C. §10101.

The scope of the exemption requested is limited and will have no direct impact on shippers or other rail carriers. The transaction involves only 12.43 miles of rail line at the end of a branch line.⁵

Since the proposed transaction is of limited scope, it is not necessary for the Board to consider whether shippers need to be protected from abuse of market power. However, even if the Board were to consider market power, it is clear that shippers do not need to be protected from its abuse since there are no shippers remaining on the Subject Line, and no prospects of future shippers. Shippers in the region have the alternatives of being served by rail from public tracks off other SGLR lines in the area, or by motor carrier. Accordingly, regulation is not needed to protect shippers from abuse of market power.

Further the public will benefit from the benefit because the right-of-way will be developed for public recreational use.

⁵ Thus, there is also no affect on any overhead traffic.

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 a 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 a complainant within the last two years.

ADDITIONAL INFORMATION

SGLR provides the following additional information that would be required under 49 C.F.R. 1152.50(d)(2) and 1152.22 if this Petition were filed under the Board's class exemption:

- (a)(1) The exact name of applicant is: Seminole Gulf Railway, L.P.
- (a)(2) SGLR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- (a)(3) SGLR seeks to abandon the Subject Line. SGLR owns the track, improvements and roadbed structure comprising the Subject Line, but does not hold title to the underlying land. SGLR leases the land from CSXT, the former rail operator of the line. It is the intention of SGLR and CSXT to sell the Subject Line for trail use pursuant to an existing option agreement with The Trust for Public Land.
- (a)(4) A map of the Subject Line is attached as Exhibit A.
- (a)(7) The representative of SGLR to whom correspondence should be sent is Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103.

(a)(8) The Subject Line traverses through United States ZIP Codes 34233, 34238, 34272, 34275 and 34285.

(e)(4) SGLR believes that the Subject Line is suitable for use for other public purposes, in particular for trail use. The Subject Line is 12.43 miles in length and connects growing residential and recreational areas that abut the right-of-way for its entire length.

SGLR proposes to consummate the abandonment at the earliest possible date permitted by the Board.

EMPLOYEE PROTECTION

Although no employees of SGLR are expected to be affected by the abandonment, SGLR recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 ICC 91 (1979).

ENVIRONMENTAL AND HISTORIC REPORTS

The Environmental/Historic Report, required by 49 C.F.R. §1121.3(a) and §1152.60, was filed with the Board on November 20, 2003, and was served on additional agencies in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8. Since that report was filed, SGLR has received a few additional responses, copies of which are attached as Exhibit "B". None of the additional responses raise any environmental or historic concerns about the abandonment.

NOTICE

Approximately 20 days prior to the filing of this Petition, SGLR notified, in writing, those agencies and shippers referenced in 49 C.F.R. §1152.20⁶, as well as those required under 49 C.F.R. §§1152.60(d) and 1152.50 (d), of its intent to file this Petition. Copies of these notices are attached as Exhibit "C". Further, as shown in the Environmental/Historic Report, SGLR has also complied with the notice requirements of 49 C.F.R. §1105.11, and with the publication requirements 49 C.F.R. §1105.12.

Finally, pursuant to the provisions of 49 C.F.R. §1152.60(c), B&P has attached, as Exhibit "D", a draft *Federal Register* notice of its petition to be published by the Board within 20 days of the petition's filing with the Board. SGLR is also submitting a copy of the draft notice on a computer diskette compatible with the Board's current word processing capabilities.

⁶ SGLR's employees are not represented, and therefore notice was not sent to any labor organizations.

CONCLUSION

For the foregoing reasons, SGLR requests that the Board, under 49 U.S.C. §10502, exempt the abandonment of the Subject Line from regulation under 49 U.S.C. §10903, and handle the exemption on the timing for class exemptions.

Respectfully submitted,



ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorneys for Seminole Gulf Railway, L.P.

Dated: December 12, 2003

VERIFICATION

I, Gordon H. Fay, President of Seminole Gulf Railway, Inc., as general partner of Seminole Gulf Railway, L.P., verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Dated: December 12, 2003.

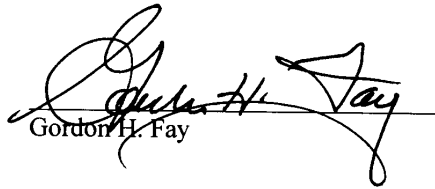

Gordon H. Fay

EXHIBIT A

MAP

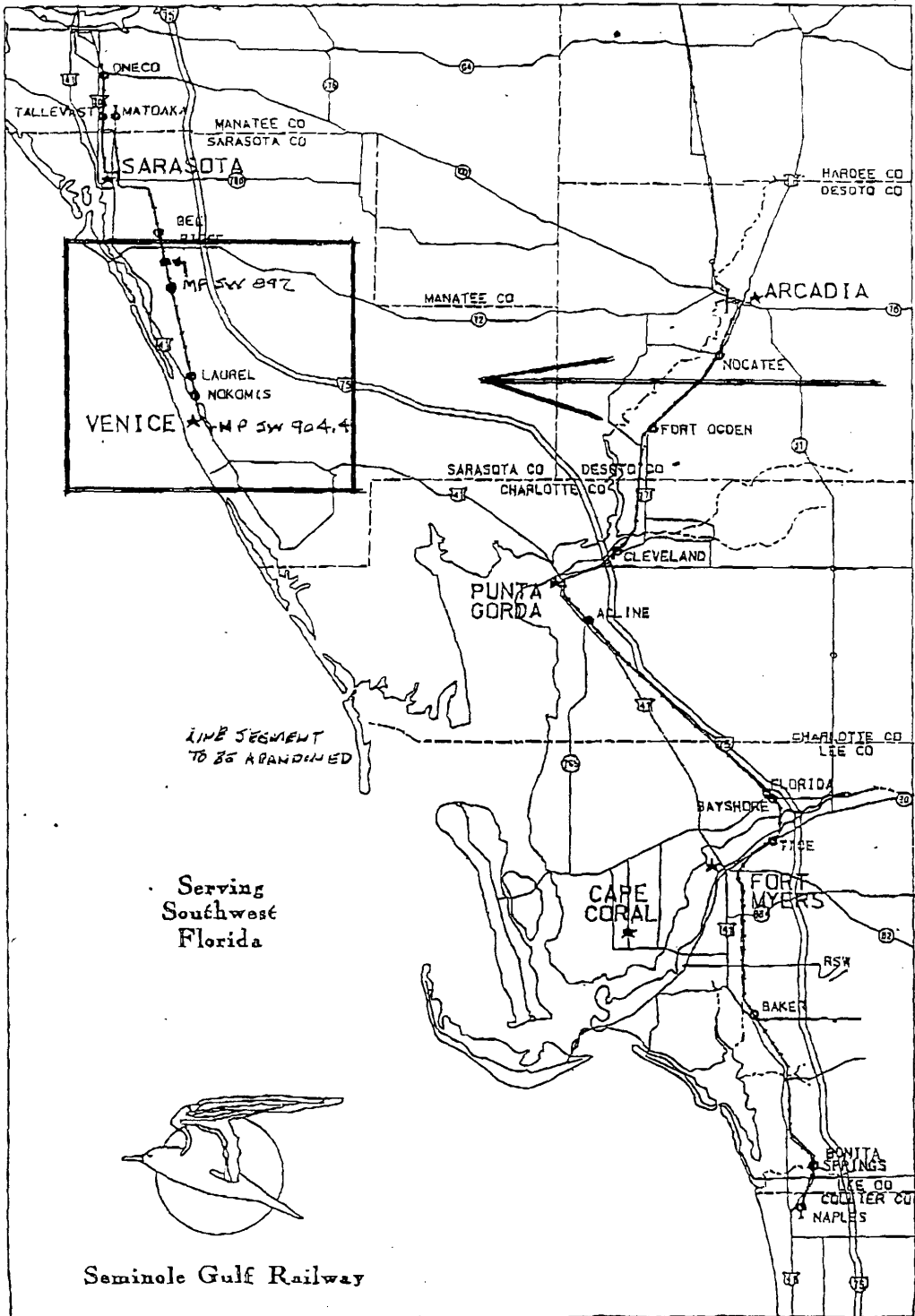


EXHIBIT B

SUPPLEMENTAL ENVIRONMENTAL RESPONSES

12/12/03



United States Department of the Interior

FISH AND WILDLIFE SERVICE

South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



November 12, 2003

Leannore Bellis
Gollatz, Griffin & Ewing
Post Office Box 796
West Chester, Pennsylvania 19381

Service Log No.: 4-1-04-TA-4751

Project: Seminole Gulf Railway Abandonment

County: Sarasota

Dear Ms. Bellis:

Thank you for your letter dated October 14, 2003, in which you request the Fish and Wildlife Service's (Service) technical assistance on your project. This letter provides the Service's comments on the project referenced above.

PROJECT DESCRIPTION

The Seminole Gulf Railway proposes to abandon 12.4 miles of existing railroad between milepost SW892 and milepost SW904.4. The project site will be acquired by the Trust for Public Land for conversion into a greenway and recreational trail. The project site is located in Sarasota County, Florida.

FISH AND WILDLIFE RESOURCES

The project site contains 12.4 miles of existing railroad that will be abandoned. The project site will be acquired by the Trust for Public Lands and converted into a greenway and recreational trail. Based on the information provided, we do not believe the project will result in adverse affects to fish and wildlife.

Thank you for cooperation in protecting fish and wildlife resources. If you have any questions, please contact John Wrublik at 772-562-3909, extension 282.

Sincerely yours,

Linda S. Ferrell
Assistant Field Supervisor
South Florida Ecological Services Office

RECEIVED TIME DEC. 8. 11:11AM

PRINT TIME DEC. 8. 11:13AM

12/08/2003 11:04 FAX 610 692 9177

GOLLATZ, GRIFFIN & EWING → PHILADELPHIA

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Leanore Bellis
November 12, 2003
Page 2

cc:
DEP, Bartow, Florida
EPA, West Palm Beach, Florida
FWC, Vero Beach, Florida

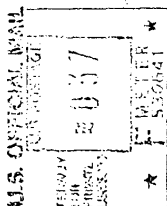
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PRINT TIME DEC. 8. 11:13AM

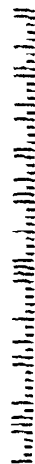
UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
SOUTH FLORIDA ECOLOGICAL SERVICES OFFICE
1339 20TH STREET
VERO BEACH, FLORIDA 32960-3559

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Leanoire Bellis
Gollatz, Griffin & Ewing
Post Office Box 796
West Chester, PA 19381



19381+0790 15



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PRINT TIME DEC. 8. 11:13AM

FW: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Page 1 of 1

Lea Bellis

From: Jonathan.M.Jellema@sad01.usace.army.mil
Sent: Wednesday, December 03, 2003 3:24 PM
To: lbellis@ggelaw.com
Subject: FW: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Ms. Bellis - does not look like any regulatory issues. Will let you know if our Jacksonville real estate section passes on any concerns. JMJ

-----Original Message-----

From: Pax, John A SAJ
Sent: Wednesday, December 03, 2003 12:40 PM
To: Jellema, Jonathan M SAD
Subject: RE: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Jonathan,

Our regulatory division has responded and stated that since no activity is proposed other than turning over the railroad line to another entity, no concern exists. Our regulatory division did state that if wetlands are to be disturbed in the future that the local regulatory office should be contacted.

I am waiting to hear from our real estate office.

Thank you,

John Pax

-----Original Message-----

From: Jellema, Jonathan M SAD
Sent: Monday, November 17, 2003 10:10 AM
To: Pax, John A SAJ
Cc: 'lbellis@ggelaw.com'
Subject: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

John,

Would you please forward this to the appropriate office in SAJ? Sorry for the short suspense - this kind of slipped under the rug. Not sure this is going to raise any major issues, but please pass on for comment. I have copied Ms. Bellis who is the POC on this for the Railway. JMJ

<< File: SeminoleGulfRwy.pdf >>

Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Page 1 of 1

Lea Bellis

From: Jonathan.M.Jellema@sad01.usace.army.mil
Sent: Monday, November 17, 2003 10:10 AM
To: John.A.Pax@saj02.usace.army.mil
Cc: lbellis@ggelaw.com
Subject: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

John,

Would you please forward this to the appropriate office in SAJ? Sorry for the short suspense - this kind of slipped under the rug. Not sure this is going to raise any major issues, but please pass on for comment. I have copied Ms. Bellis who is the POC on this for the Railway. JMJ

<<SeminoleGulfRwy.pdf>>

213 WEST MINER STREET
PO BOX 798
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

October 14, 2003
VIA: FIRST CLASS MAIL

US Army Engineer Division, South Atlantic
60 Forsyth Street, SW
Atlanta, Georgia 30303-8801

RE: Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Sir or Madam:

This letter is to advise you that Seminole Gulf Railway, L.P. ("SGLR") proposes to abandon its line of railroad which runs 12.4 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285. A map showing the location of the line is attached.

No service has been provided on the line since March 2002. SGLR plans to seek Surface Transportation Board authorization for its abandonment by filing a petition for exemption pursuant to the provisions of 49 C.F.R. §1152.60 on or about December 11, 2003 in Docket No. AB-400 (Sub-No. 3X).

Based upon information in our possession, the line does not contain federally granted rights of way.

SGLR, together with the underlying landowner CSX Transportation, Inc., has granted The Trust for Public Land an option to acquire the rail line for conversion to a trail. As such, SGLR does not have any current plans to salvage the rail or materials. SGLR believes this is a reasonable alternate use of the rail line. SGLR further believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by November 14, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

RECEIVED TIME DEC. 8. 11:11AM

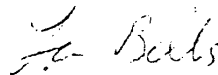
PRINT TIME DEC. 8. 11:13AM

US Army Engineer Division, South Atlantic, page 2

about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

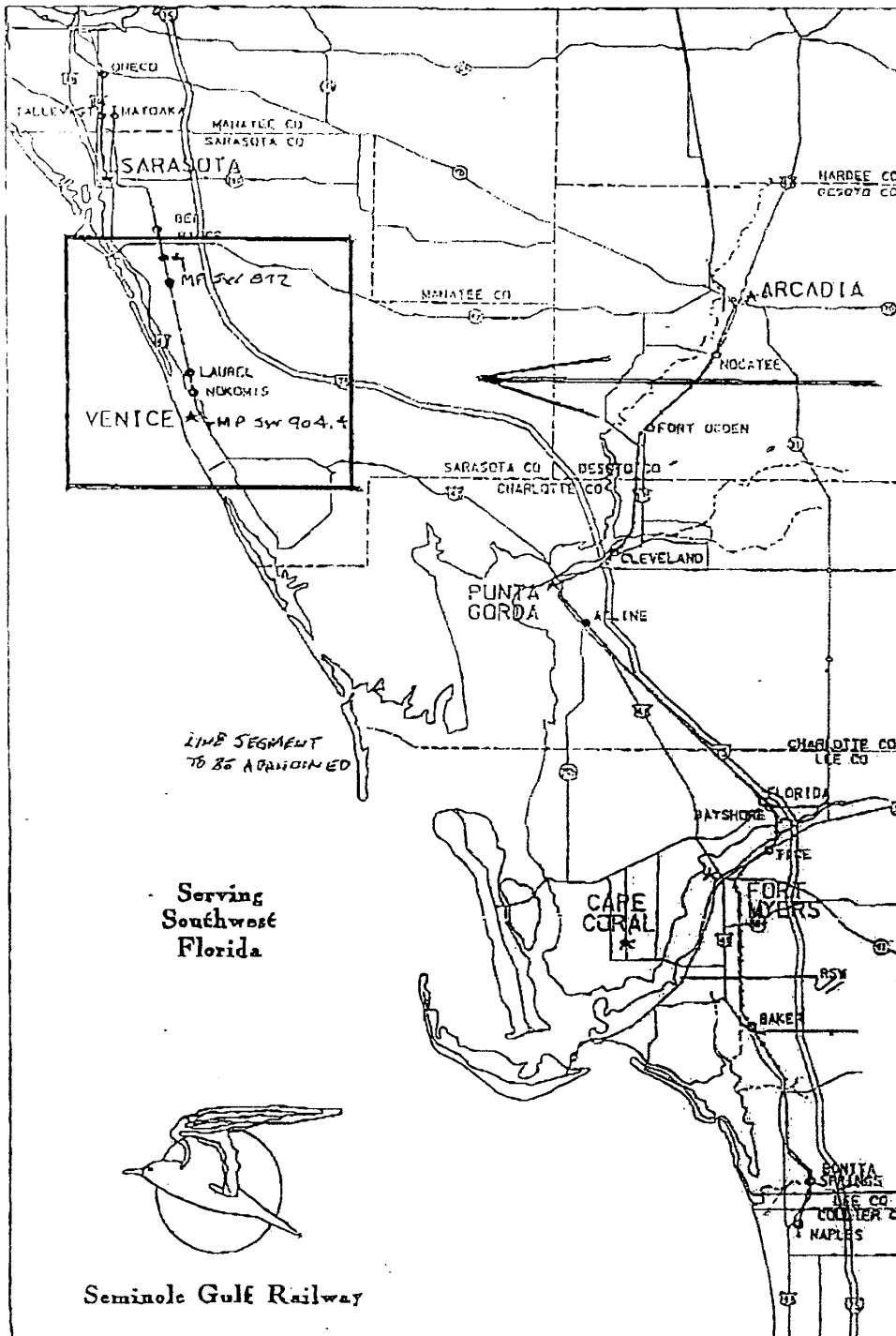
WILMINGTON

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PRINT TIME DEC. 8. 11:13AM

OCT. 14, 2003 2:24PM

NO. 687 P. 2



10/14/2003 TUE 14:16 (TX/RX NO 6089) 002

RECEIVED TIME DEC. 8. 11:11AM

PRINT TIME DEC. 8. 11:12AM

EXHIBIT C

NOTICES OF INTENT TO FILE

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: CERTIFIED MAIL

Executive Office of the Governor
400 S. Monroe Street
The Capitol
Tallahassee, Florida 32399-0001

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Enclosed is a copy of the Environmental/Historic Report relating to the proposed abandonment that has been filed with the Surface Transportation Board.

Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

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

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

University of Florida
Institute of Food and Agricultural Sciences
Sarasota County Extension Service
2900 Ringling Boulevard
Sarasota, Florida 34237

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Enclosed is a copy of the Environmental/Historic Report relating to the proposed abandonment that has been filed with the Surface Transportation Board.

Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Federal Railroad Administration
1120 Vermont Avenue, NW
Washington, DC 20590

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

United States Department of Defense
Transportation Engineering Agency
Military Traffic Management Command
Railroad For Nation Defense Program
720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

National Park Service
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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cc: Eric M. Hocky, Esquire

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditor's Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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cc: Eric M. Hocky, Esquire

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LEANORE D. BELLIS
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lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

U. S. Railroad Retirement Board
R.L. Timberlake Federal Building
500 E. Zack Street, Suite 300
Tampa , Florida 33602

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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cc: Eric M. Hocky, Esquire

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Southwest Florida Regional Planning Council
4980 Bayline Drive
North Fort Myers, FL 33917

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Enclosure
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GOLLATZ, GRIFFIN & EWING, P.C.

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

West Coast Inland Navigation District
P.O. Box 1845
Venice, FL 34284

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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WILMINGTON

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Kim Pavkovick
Kimal Lumber Co.
P.O. Box 1177
Nokomis, FL 34274-1177

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Pavkovick:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Ralph Sink
Ferrellgas of Sarasota
509 Laurel Road
P.O. Box 278
Laurel, FL 34272

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Sink:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

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WEST CHESTER, PA 19381
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WWW.GGELAW.COM

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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Alan Smith
King Plastic Corporation
1100 North Toledo Blade Blvd.
North Port, FL 34288

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Smith:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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PHILADELPHIA

WILMINGTON

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WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. James Kripp
Scheckler Produce
P.O. Box 1196
Englewood, FL 34295

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Kripp:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

EXHIBIT D

DRAFT FEDERAL REGISTER NOTICE

STB No. AB - 400 (Sub-No. 3x)

Notice of Petition for Exemption to Abandon Service

On December 15, 2003, Seminole Gulf Railway, L.P. filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota and milepost 904.4 near the City of Venice, Florida, which traverses through United States Postal Service ZIP Codes 34233, 34238, 34272, 34275 and 34285, a distance of 12.43 miles, in Sarasota County, Florida. The line for which the abandonment exemption request was filed includes the stations of Laurel, (M.P. 900), Nakomis (M.P. 902) and Venice (M.P. 904).

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested parties should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties or record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

CERTIFICATE OF SERVICE

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



ERIC M. HOCKY, ESQUIRE

Dated: December 12, 2003

SERVICE/ADDRESS LIST

Florida State Clearinghouse
The Department of Community Affairs
Executive Office of the Governor - OPB
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Florida Department of Environmental Protection
Federal Consistency Coordinator
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Florida Coastal Management Program
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Sarasota County Board of Commissioners
Administration Center
1660 Ringling Boulevard
Sarasota, Florida 34236

US Fish and Wildlife Service
Southeast Region 4
1875 Century Blvd
Suite 400
Atlanta, Georgia 30345

Florida Fish and Wildlife
Conservation Commission
3900 Drane Field Road
Lakeland, FL 33811-1299

US Army Engineer Division, South Atlantic
60 Forsyth Street, SW
Atlanta, Georgia 30303-8801

Southeast Region
Regional Director
National Park Service
100 Alabama St., SW
1924 Building
Atlanta, Georgia 30303

National Park Service
National Center For Recreation
and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

National Park Services
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

USDA Natural Resources Conservation Service
P.O. Box 14510
Gainesville, Florida 32614

Natural Resource Management Division
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Mr. Richard A. Snay
Chief, Spatial Reference System Div.
United States Dept. of Commerce
NOAA, N/NGS2
Station 8813
1315 East-West Highway
Silver Spring, MD 20910-3282

West Coast Inland Navigation District
P.O. Box 1845
Venice, FL 34284

Division of Historical Resources
and State History: Preservation Officer
Florida Department of State
The R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Mr. Kim Pavkovick
Kimal Lumber Co.
P.O. Box 1177
Nokomis, FL 34274-1177

Mr. Ralph Sink
Ferrellgas of Sarasota
509 Laurel Road
P.O. Box 278
Laurel, FL 34272

Mr. James Kripp
Scheckler Produce
P.O. Box 1196
Englewood, FL 34295

Mr. Alan Smith
King Plastic Corporation
1100 North Toledo Blade Blvd.
North Port, FL 34288

Executive Office of the Governor
400 S. Monroe Street
The Capitol
Tallahassee, Florida 32399-0001

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

University of Florida
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Sarasota County Extension Service
2900 Ringling Boulevard
Sarasota, Florida 34237

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1120 Vermont Avenue, NW
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United States Department of Defense
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720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

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Washington, DC 20240-0001

National Park Service
Land Resources Division
M.S. 3622
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Washington, DC 20240-0001

U. S. Railroad Retirement Board
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Tampa , Florida 33602

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditor's Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250

Southwest Florida Regional Planning Council
4980 Bayline Drive
North Fort Myers, FL 33917

FOUR PENN CENTER
SUITE 200
1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PA 19103-2808
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ERIC M. HOCKY
DIRECT DIAL 215.320.3720
emhocky@ggelaw.com

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

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Office of Proceedings

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DEC 15 2003

December 12, 2003
VIA: UPS Overnight

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

209612

Re: Docket No. AB-400 (Sub-No. 3X)
Petition of Seminole Gulf Railway, L.P. for
Exemption of Abandonment in
Sarasota County, Florida

ENTERED
Office of Proceedings

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Public Record

Dear Secretary Williams:

Enclosed please find for filing the original and ten (10) copies of the above-referenced Petition for Exemption. Also enclosed is a diskette with a form of Federal Register notice, and our check in the amount of \$4,700 representing the filing fee.

Please time stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped self-addressed envelope provided for your convenience.

Respectfully,

FEE RECEIVED
DEC 15 2003
SURFACE
TRANSPORTATION BOARD


ERIC M. HOCKY

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Office of Proceedings

DEC 15 2003

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Enclosures

cc: All person shown on the certificate of service.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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Before the

SURFACE TRANSPORTATION BOARD

209612
Docket No. AB-400 (Sub-No. 3X)

FILED

DEC 15 2003

SURFACE
TRANSPORTATION BOARD

PETITION OF SEMINOLE GULF RAILWAY, L.P.
FOR EXEMPTION OF ABANDONMENT
IN SARASOTA COUNTY, FLORIDA

ENTERED
Office of Proceedings

DEC 15 2003

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Public Record

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DEC 15 2003

SURFACE
TRANSPORTATION BOARD

ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorneys for Seminole Gulf Railway, L.P.

Dated: December 12, 2003

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-400 (Sub-No. 3X)

**PETITION OF SEMINOLE GULF RAILWAY, L.P.
FOR EXEMPTION OF ABANDONMENT
IN SARASOTA COUNTY, FLORIDA**

Seminole Gulf Railway, L.P. ("SGLR") petitions for an exemption under 49 U.S.C. §10502 from the provisions of 49 U.S.C. §10903 to enable SGLR to abandon 12.43 miles of railroad located in Sarasota County, Florida. In support of its request for exemption, SGLR represents as follows:

BACKGROUND OF TRANSACTION

SGLR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV that operates rail lines in the State of Florida. SGLR purchased the assets comprising its lines from CSX Transportation, Inc. ("CSXT") in 1987. SGLR leases the underlying property from CSXT.¹

SGLR has now decided to abandon a portion of its Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota and milepost 904.4 near the City of Venice, Florida, a total of 12.43 miles (the "Subject Line").² There has been no traffic on the

¹ SGLR acquired the full common carrier obligation when it purchased the rail line, and has the full authority to abandon the line. 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.

² The Subject Line also includes a "wye" track and stub (at approximately milepost SW 904.2), as well as side tracks.

line for over 20 months, there is little likelihood of traffic coming back to the line, and there is interest in developing the right-of-way for trail use. The Subject Line is located entirely within Sarasota County, Florida, and traverses through United States ZIP Codes 34233, 34238, 34272, 34275 and 34285. A map showing the location of the Subject Line and its relation to other rail lines in the area, highways, water routes and population centers is attached hereto as Exhibit "A". Based on information in SGLR's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

SGLR, together with CSXT as the underlying landowner, have granted The Trust for Public Land an option to acquire the rail line for conversion to a trail. All parties are anxious for SGLR to abandon the Subject Line so that the right-of-way can be developed for public use.

Since the Subject Line has had no rail traffic for the last 20 months and only a few cars prior to that, the abandonment of the Subject Line is not yet eligible for the class exemption for out of service rail lines pursuant to the provisions of 49 C.F.R. §1152.50. Because of the local interest in developing the right-of-way for trail use, SGLR does not want to wait until the two year class exemption period expires. However, because of the limited scope of the abandonment and the minimal effects on shippers, the abandonment is still eligible for an exemption pursuant to 49 U.S.C. §10502.

CURRENT STATUS OF THE SUBJECT LINE

No trains have operated on the Subject Line since March 14, 2002.³ All of the former shippers have moved elsewhere or use other arrangements for their traffic; all of the shippers which received traffic from the one public delivery track on the Subject Line are still receiving cars in rail service from SGLR at locations on its other lines. Because of residential and recreational development of the land along the right-of-way there are few, if any, parcels available for industrial development for new rail shippers.

ABANDONMENT OF THE SUBJECT LINE SHOULD BE EXEMPTED

The abandonment of the Subject Line by SGLR would require authorization pursuant to 49 U.S.C. §10903 unless the exemption requested herein is granted. The Board is directed by 49 U.S.C. §10502 to grant an exemption if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power.

In a series of decisions, the Interstate Commerce Commission found that the abandonment of rail lines on which no traffic originated or terminated for at least two years should be exempt from regulation under then 49 U.S.C. §10505 (now §10502). *Exemption of Out of Service Rail Lines*, 366 ICC 885 (1983); *Exemption of Out of Service Rail Lines*, 1 ICC 2d 55 (1984), as modified by 2 ICC 2d 146 (1986).⁴ SGLR's proposed abandonment falls just shy

³ There have been no rail movements over the last three miles of the Subject Line for over 10 years.

⁴ This exemption is now codified at 49 C.F.R. §1152 Subpart F.

of the two year class exemption criteria having had no local service for 20 months. However, for the same reasons that those decisions found that out of service rail lines satisfy the exemption criteria, the Board should find that abandonment of the Subject Line should be exempted and should use the same shortened time periods as provided for class exemptions. The specific reasons for such finding are discussed below.

This abandonment of approximately 12.43 miles of rail line located all in one county does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101, and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. It is clear from the lack of traffic, and the development of the area around the Subject Line that there is little likelihood of there ever being a future demand for local rail service over the Subject Line. Approval of the exemption under 49 U.S.C. §10502 will enable SGLR to abandon the Subject Line and make better use of its resources without the extensive costs and delays that would otherwise occur if an application were required to be filed under Section 10903, and is in keeping with the following rail policies described in 49 U.S.C. §10101:

* * *

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

* * *

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues...

* * *

(5) to foster sound economic conditions in transportation...

* * *

(7) to reduce regulatory barriers to entry into and exit from the industry...

* * *

(9) to encourage honest and efficient management of railroads;

* * *

(15) to provide for the expeditious handling and resolution of all proceedings.

Moreover, the grant of the exemption will not be inconsistent with any of the 15 items which have been made a part of rail transportation policy by 49 U.S.C. §10101.

The scope of the exemption requested is limited and will have no direct impact on shippers or other rail carriers. The transaction involves only 12.43 miles of rail line at the end of a branch line.⁵

Since the proposed transaction is of limited scope, it is not necessary for the Board to consider whether shippers need to be protected from abuse of market power. However, even if the Board were to consider market power, it is clear that shippers do not need to be protected from its abuse since there are no shippers remaining on the Subject Line, and no prospects of future shippers. Shippers in the region have the alternatives of being served by rail from public tracks off other SGLR lines in the area, or by motor carrier. Accordingly, regulation is not needed to protect shippers from abuse of market power.

Further the public will benefit from the benefit because the right-of-way will be developed for public recreational use.

⁵ Thus, there is also no affect on any overhead traffic.

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 a 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 a complainant within the last two years.

ADDITIONAL INFORMATION

SGLR provides the following additional information that would be required under 49 C.F.R. 1152.50(d)(2) and 1152.22 if this Petition were filed under the Board's class exemption:

- (a)(1) The exact name of applicant is: Seminole Gulf Railway, L.P.
- (a)(2) SGLR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- (a)(3) SGLR seeks to abandon the Subject Line. SGLR owns the track, improvements and roadbed structure comprising the Subject Line, but does not hold title to the underlying land. SGLR leases the land from CSXT, the former rail operator of the line. It is the intention of SGLR and CSXT to sell the Subject Line for trail use pursuant to an existing option agreement with The Trust for Public Land.
- (a)(4) A map of the Subject Line is attached as Exhibit A.
- (a)(7) The representative of SGLR to whom correspondence should be sent is Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103.

(a)(8) The Subject Line traverses through United States ZIP Codes 34233, 34238, 34272, 34275 and 34285.

(e)(4) SGLR believes that the Subject Line is suitable for use for other public purposes, in particular for trail use. The Subject Line is 12.43 miles in length and connects growing residential and recreational areas that abut the right-of-way for its entire length.

SGLR proposes to consummate the abandonment at the earliest possible date permitted by the Board.

EMPLOYEE PROTECTION

Although no employees of SGLR are expected to be affected by the abandonment, SGLR recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 ICC 91 (1979).

ENVIRONMENTAL AND HISTORIC REPORTS

The Environmental/Historic Report, required by 49 C.F.R. §1121.3(a) and §1152.60, was filed with the Board on November 20, 2003, and was served on additional agencies in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8. Since that report was filed, SGLR has received a few additional responses, copies of which are attached as Exhibit "B". None of the additional responses raise any environmental or historic concerns about the abandonment.

NOTICE

Approximately 20 days prior to the filing of this Petition, SGLR notified, in writing, those agencies and shippers referenced in 49 C.F.R. §1152.20⁶, as well as those required under 49 C.F.R. §§1152.60(d) and 1152.50 (d), of its intent to file this Petition. Copies of these notices are attached as Exhibit "C". Further, as shown in the Environmental/Historic Report, SGLR has also complied with the notice requirements of 49 C.F.R. §1105.11, and with the publication requirements 49 C.F.R. §1105.12.

Finally, pursuant to the provisions of 49 C.F.R. §1152.60(c), B&P has attached, as Exhibit "D", a draft *Federal Register* notice of its petition to be published by the Board within 20 days of the petition's filing with the Board. SGLR is also submitting a copy of the draft notice on a computer diskette compatible with the Board's current word processing capabilities.

⁶ SGLR's employees are not represented, and therefore notice was not sent to any labor organizations.

CONCLUSION

For the foregoing reasons, SGLR requests that the Board, under 49 U.S.C. §10502, exempt the abandonment of the Subject Line from regulation under 49 U.S.C. §10903, and handle the exemption on the timing for class exemptions.

Respectfully submitted,



ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorneys for Seminole Gulf Railway, L.P.

Dated: December 12, 2003

VERIFICATION

I, Gordon H. Fay, President of Seminole Gulf Railway, Inc., as general partner of Seminole Gulf Railway, L.P., verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Dated: December 12, 2003.

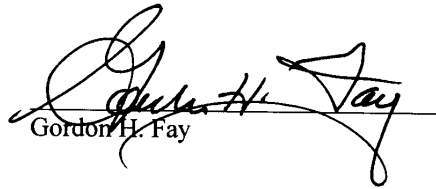

Gordon H. Fay

EXHIBIT A

MAP

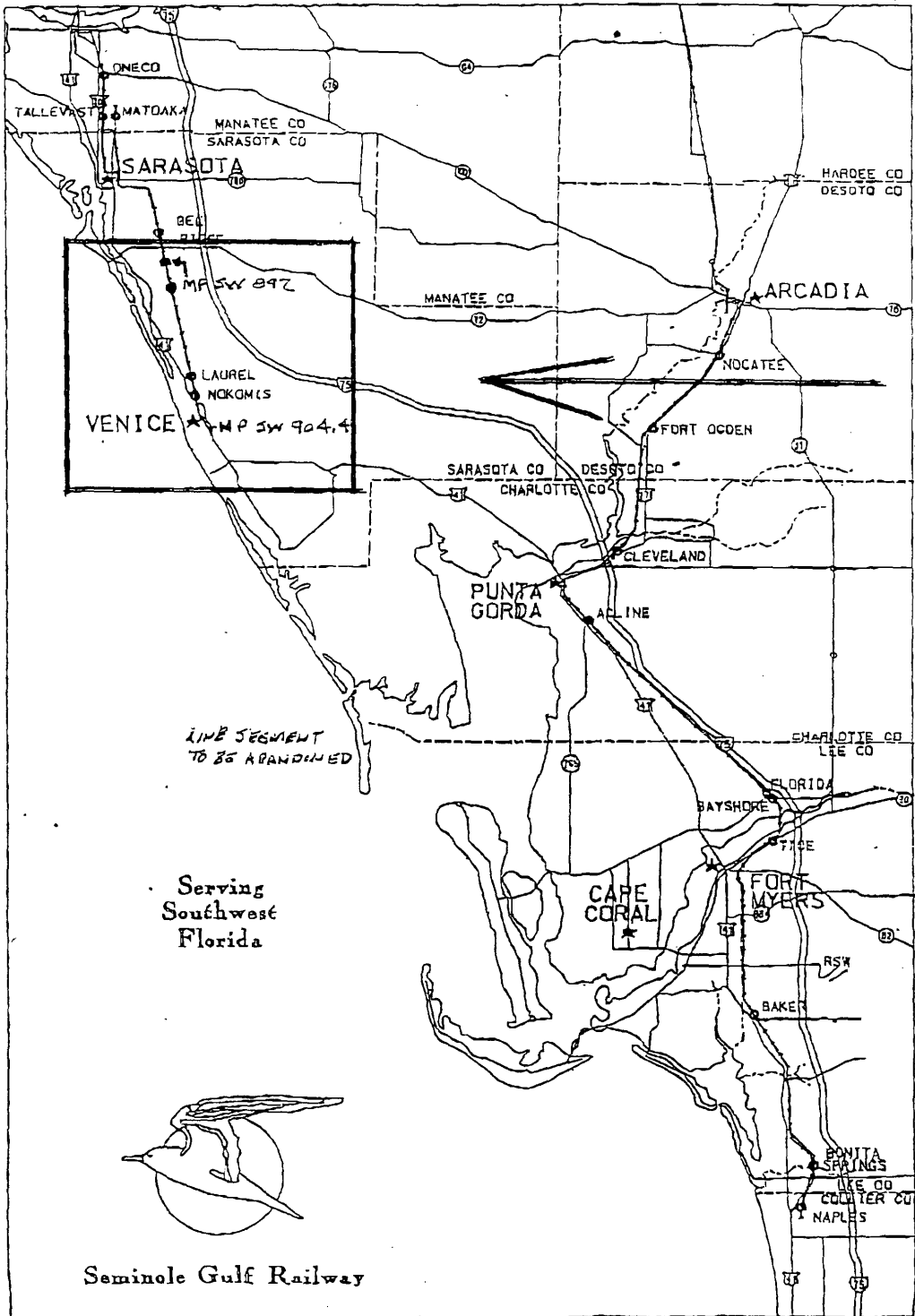


EXHIBIT B

SUPPLEMENTAL ENVIRONMENTAL RESPONSES

12/12/03



United States Department of the Interior

FISH AND WILDLIFE SERVICE

South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



November 12, 2003

Leann Bellis
Gollatz, Griffin & Ewing
Post Office Box 796
West Chester, Pennsylvania 19381

Service Log No.: 4-1-04-TA-4751

Project: Seminole Gulf Railway Abandonment

County: Sarasota

Dear Ms. Bellis:

Thank you for your letter dated October 14, 2003, in which you request the Fish and Wildlife Service's (Service) technical assistance on your project. This letter provides the Service's comments on the project referenced above.

PROJECT DESCRIPTION

The Seminole Gulf Railway proposes to abandon 12.4 miles of existing railroad between milepost SW892 and milepost SW904.4. The project site will be acquired by the Trust for Public Land for conversion into a greenway and recreational trail. The project site is located in Sarasota County, Florida.

FISH AND WILDLIFE RESOURCES

The project site contains 12.4 miles of existing railroad that will be abandoned. The project site will be acquired by the Trust for Public Lands and converted into a greenway and recreational trail. Based on the information provided, we do not believe the project will result in adverse affects to fish and wildlife.

Thank you for cooperation in protecting fish and wildlife resources. If you have any questions, please contact John Wrublik at 772-562-3909, extension 282.

Sincerely yours,

Linda S. Ferrell
Assistant Field Supervisor
South Florida Ecological Services Office

RECEIVED TIME DEC. 8. 11:11AM

PRINT TIME DEC. 8. 11:13AM

12/08/2003 11:04 FAX 610 692 9177

GOLLATZ, GRIFFIN & EWING → PHILADELPHIA

000

Leanore Bellis
November 12, 2003
Page 2

cc:
DEP, Bartow, Florida
EPA, West Palm Beach, Florida
FWC, Vero Beach, Florida

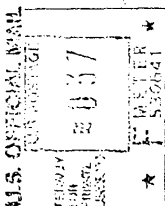
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PRINT TIME DEC. 8. 11:13AM

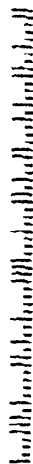
UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
SOUTH FLORIDA ECOLOGICAL SERVICES OFFICE
1339 20TH STREET
VERO BEACH, FLORIDA 32960-3559

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Leamore Bellis
Gollatz, Griffin & Ewing
Post Office Box 796
West Chester, PA 19381



19381+0790 15



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PRINT TIME DEC. 8. 11:13AM

FW: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Page 1 of 1

Lea Bellis

From: Jonathan.M.Jellema@sad01.usace.army.mil
Sent: Wednesday, December 03, 2003 3:24 PM
To: lbellis@ggelaw.com
Subject: FW: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Ms. Bellis - does not look like any regulatory issues. Will let you know if our Jacksonville real estate section passes on any concerns. JMJ

-----Original Message-----

From: Pax, John A SAJ
Sent: Wednesday, December 03, 2003 12:40 PM
To: Jellema, Jonathan M SAD
Subject: RE: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Jonathan,

Our regulatory division has responded and stated that since no activity is proposed other than turning over the railroad line to another entity, no concern exists. Our regulatory division did state that if wetlands are to be disturbed in the future that the local regulatory office should be contacted.

I am waiting to hear from our real estate office.

Thank you,

John Pax

-----Original Message-----

From: Jellema, Jonathan M SAD
Sent: Monday, November 17, 2003 10:10 AM
To: Pax, John A SAJ
Cc: 'lbellis@ggelaw.com'
Subject: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

John,

Would you please forward this to the appropriate office in SAJ? Sorry for the short suspense - this kind of slipped under the rug. Not sure this is going to raise any major issues, but please pass on for comment. I have copied Ms. Bellis who is the POC on this for the Railway. JMJ

<< File: SeminoleGulfRwy.pdf >>

Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

Page 1 of 1

Lea Bellis

From: Jonathan.M.Jellema@sad01.usace.army.mil
Sent: Monday, November 17, 2003 10:10 AM
To: John.A.Pax@saj02.usace.army.mil
Cc: lbellis@ggelaw.com
Subject: Petition for Exemption of Abandonment; Docket No. AB-400 (Sub-No. 3X)

John,

Would you please forward this to the appropriate office in SAJ? Sorry for the short suspense - this kind of slipped under the rug. Not sure this is going to raise any major issues, but please pass on for comment. I have copied Ms. Bellis who is the POC on this for the Railway. JMJ

<<SeminoleGulfRwy.pdf>>

213 WEST MINER STREET
PO BOX 798
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

October 14, 2003
VIA: FIRST CLASS MAIL

US Army Engineer Division, South Atlantic
60 Forsyth Street, SW
Atlanta, Georgia 30303-8801

RE: Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Sir or Madam:

This letter is to advise you that Seminole Gulf Railway, L.P. ("SGLR") proposes to abandon its line of railroad which runs 12.4 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285. A map showing the location of the line is attached.

No service has been provided on the line since March 2002. SGLR plans to seek Surface Transportation Board authorization for its abandonment by filing a petition for exemption pursuant to the provisions of 49 C.F.R. §1152.60 on or about December 11, 2003 in Docket No. AB-400 (Sub-No. 3X).

Based upon information in our possession, the line does not contain federally granted rights of way.

SGLR, together with the underlying landowner CSX Transportation, Inc., has granted The Trust for Public Land an option to acquire the rail line for conversion to a trail. As such, SGLR does not have any current plans to salvage the rail or materials. SGLR believes this is a reasonable alternate use of the rail line. SGLR further believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by November 14, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

RECEIVED TIME DEC. 8. 11:11AM

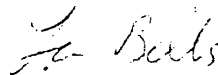
PRINT TIME DEC. 8. 11:13AM

US Army Engineer Division, South Atlantic, page 2

about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,



Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

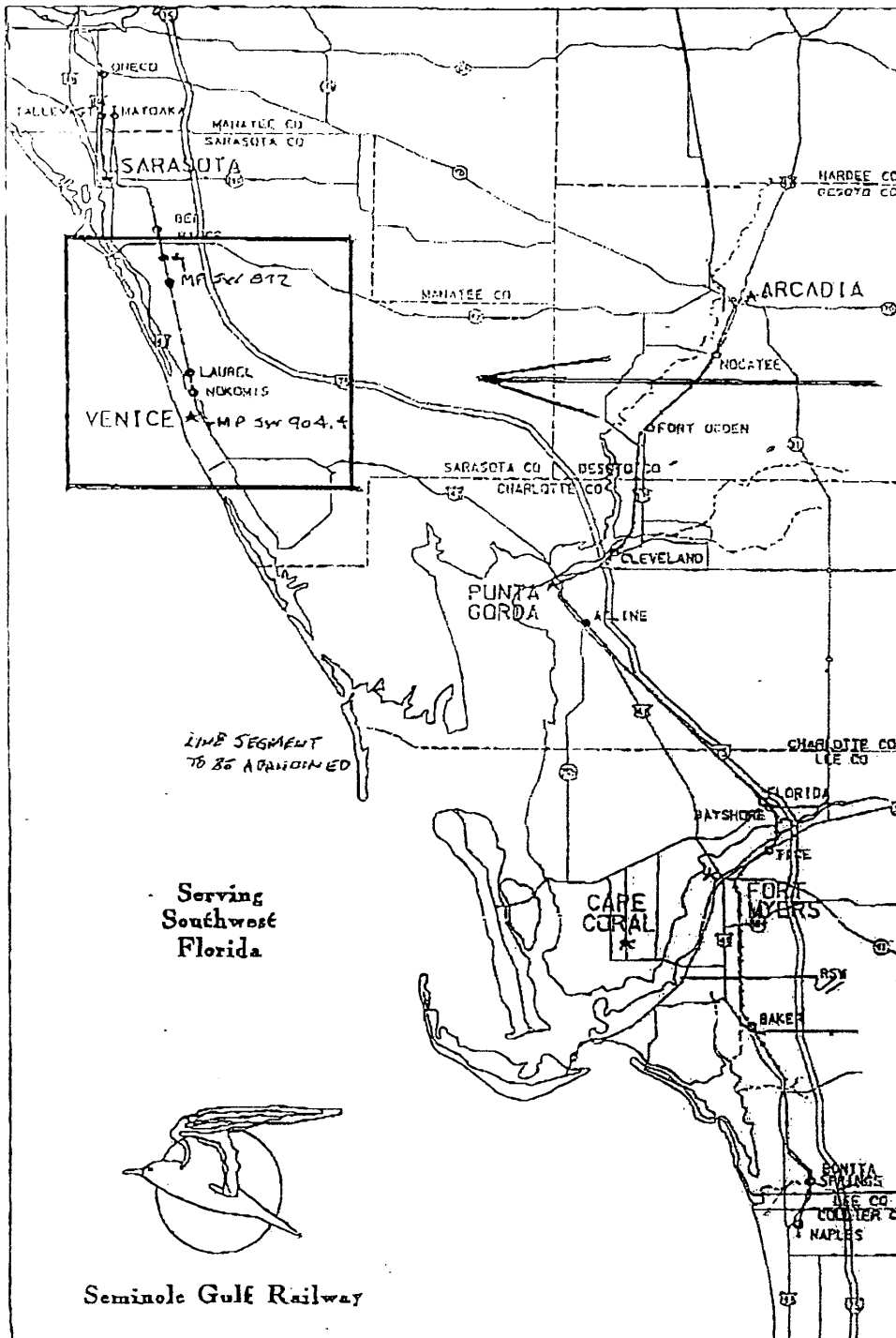
WILMINGTON

RECEIVED TIME DEC. 8. 11:11AM

PRINT TIME DEC. 8. 11:13AM

OCT. 14, 2003 2:24PM

NO. 687 P. 2



10/14/2003 TUE 14:16 (TX/RX NO 6089) 002

RECEIVED TIME DEC. 8. 11:11AM

PRINT TIME DEC. 8. 11:12AM

EXHIBIT C

NOTICES OF INTENT TO FILE

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: CERTIFIED MAIL

Executive Office of the Governor
400 S. Monroe Street
The Capitol
Tallahassee, Florida 32399-0001

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Enclosed is a copy of the Environmental/Historic Report relating to the proposed abandonment that has been filed with the Surface Transportation Board.

Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

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

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

University of Florida
Institute of Food and Agricultural Sciences
Sarasota County Extension Service
2900 Ringling Boulevard
Sarasota, Florida 34237

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Enclosed is a copy of the Environmental/Historic Report relating to the proposed abandonment that has been filed with the Surface Transportation Board.

Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Federal Railroad Administration
1120 Vermont Avenue, NW
Washington, DC 20590

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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GC&E GOLLATZ
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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

United States Department of Defense
Transportation Engineering Agency
Military Traffic Management Command
Railroad For Nation Defense Program
720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

National Park Service
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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WILMINGTON

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditor's Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

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Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
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lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

U. S. Railroad Retirement Board
R.L. Timberlake Federal Building
500 E. Zack Street, Suite 300
Tampa , Florida 33602

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

GGE GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

November 19, 2003
VIA: FIRST CLASS MAIL

Southwest Florida Regional Planning Council
4980 Bayline Drive
North Fort Myers, FL 33917

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Very truly yours,

LB

Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
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WWW.GGELAW.COM

G&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

West Coast Inland Navigation District
P.O. Box 1845
Venice, FL 34284

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

To Whom It May Concern:

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Very truly yours,



Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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PHILADELPHIA

WILMINGTON

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Kim Pavkovick
Kimal Lumber Co.
P.O. Box 1177
Nokomis, FL 34274-1177

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Pavkovick:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Ralph Sink
Ferrellgas of Sarasota
509 Laurel Road
P.O. Box 278
Laurel, FL 34272

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Sink:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

213 WEST MINER STREET
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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. Alan Smith
King Plastic Corporation
1100 North Toledo Blade Blvd.
North Port, FL 34288

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Smith:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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PHILADELPHIA

WILMINGTON

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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

November 19, 2003
VIA: FIRST CLASS MAIL

Mr. James Kripp
Scheckler Produce
P.O. Box 1196
Englewood, FL 34295

Re: Seminole Gulf Railway, L.P.
Sarasota County
Petition for Exemption of Abandonment
Docket No. AB-400 (Sub-No. 3X)

Dear Mr. Kripp:

This letter is to advise you that Seminole Gulf Railway, L.P. will be filing a verified Petition For Exemption Of Abandonment pursuant to the provisions of 49 C.F.R. §1152.60 with the Surface Transportation Board, on or about December 11, 2003, relating to the abandonment of its line of railroad which runs 12.43 miles between milepost SW892 outside the city limits of the City of Sarasota and milepost SW 904.4 near the City of Venice, Florida. The rail line is all located in Sarasota County, Florida. This line traverses through United States Postal ZIP Codes 34233, 34238, 34272, 34275 and 34285.

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Leanore D. Bellis
Legal Assistant for Seminole Gulf Railway, L.P.

Enclosure

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

EXHIBIT D

DRAFT FEDERAL REGISTER NOTICE

STB No. AB - 400 (Sub-No. 3x)

Notice of Petition for Exemption to Abandon Service

On December 15, 2003, Seminole Gulf Railway, L.P. filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota and milepost 904.4 near the City of Venice, Florida, which traverses through United States Postal Service ZIP Codes 34233, 34238, 34272, 34275 and 34285, a distance of 12.43 miles, in Sarasota County, Florida. The line for which the abandonment exemption request was filed includes the stations of Laurel, (M.P. 900), Nakomis (M.P. 902) and Venice (M.P. 904).

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested parties should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties or record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

CERTIFICATE OF SERVICE

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



ERIC M. HOCKY, ESQUIRE

Dated: December 12, 2003

SERVICE/ADDRESS LIST

Florida State Clearinghouse
The Department of Community Affairs
Executive Office of the Governor - OPB
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Florida Department of Environmental Protection
Federal Consistency Coordinator
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Florida Coastal Management Program
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Sarasota County Board of Commissioners
Administration Center
1660 Ringling Boulevard
Sarasota, Florida 34236

US Fish and Wildlife Service
Southeast Region 4
1875 Century Blvd
Suite 400
Atlanta, Georgia 30345

Florida Fish and Wildlife
Conservation Commission
3900 Drane Field Road
Lakeland, FL 33811-1299

US Army Engineer Division, South Atlantic
60 Forsyth Street, SW
Atlanta, Georgia 30303-8801

Southeast Region
Regional Director
National Park Service
100 Alabama St., SW
1924 Building
Atlanta, Georgia 30303

National Park Service
National Center For Recreation
and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

National Park Services
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

USDA Natural Resources Conservation Service
P.O. Box 14510
Gainesville, Florida 32614

Natural Resource Management Division
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, FL 33901

Mr. Richard A. Snay
Chief, Spatial Reference System Div.
United States Dept. of Commerce
NOAA, N/NGS2
Station 8813
1315 East-West Highway
Silver Spring, MD 20910-3282

West Coast Inland Navigation District
P.O. Box 1845
Venice, FL 34284

Division of Historical Resources
and State History: Preservation Officer
Florida Department of State
The R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Mr. Kim Pavkovick
Kimal Lumber Co.
P.O. Box 1177
Nokomis, FL 34274-1177

Mr. Ralph Sink
Ferrellgas of Sarasota
509 Laurel Road
P.O. Box 278
Laurel, FL 34272

Mr. James Kripp
Scheckler Produce
P.O. Box 1196
Englewood, FL 34295

Mr. Alan Smith
King Plastic Corporation
1100 North Toledo Blade Blvd.
North Port, FL 34288

Executive Office of the Governor
400 S. Monroe Street
The Capitol
Tallahassee, Florida 32399-0001

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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

University of Florida
Institute of Food and Agricultural Sciences
Sarasota County Extension Service
2900 Ringling Boulevard
Sarasota, Florida 34237

Federal Railroad Administration
1120 Vermont Avenue, NW
Washington, DC 20590

United States Department of Defense
Transportation Engineering Agency/
Military Traffic Management Command
Railroad For Nation Defense Program
720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

National Park Service
National Center For Recreation
and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

U. S. Railroad Retirement Board
R.L. Timberlake Federal Building
500 E. Zack Street, Suite 300
Tampa , Florida 33602

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditor's Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250

Southwest Florida Regional Planning Council
4980 Bayline Drive
North Fort Myers, FL 33917