

PUBLIC VERSION

ENTERED
Office of Chief Counsel
December 30, 2025
Part of
Public Record

**BEFORE THE
UNITED STATES SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36863

**SOUTH CENTRAL FLORIDA EXPRESS, INC. – TRackage RIGHTS RENEWAL
EXEMPTION – FLORIDA EAST COAST RAILWAY, LLC**

VERIFIED SUPPLEMENT TO NOTICE OF EXEMPTION

Pursuant to the Decision served in this proceeding on December 17, 2025, South Central Florida Express, Inc. (“SCFE”) hereby files this Verified Supplement to its Verified Notice of Exemption (“Verified Notice”) for after-the-fact exemption authority to renew, and to some extent revise, certain overhead and local trackage rights previously granted to SCFE by the Florida East Coast Railway Company (“FEC”), which is now Florida East Coast Railway, LLC (“FECR”). *See* STB Finance Docket No. 33562, *South Central Florida Express, Inc.—Trackage Rights Exemption—Florida East Coast Railway Company* (served March 11, 1998). The Decision provided SCFE with the opportunity to correct certain errors or omissions the Board identified in the Verified Notice. Each of the items identified by the Board are addressed below in the order they appear in the decision.

1. Correct Milepost

The Decision initially observes that the Verified Notice states in 1998 FEC granted SCFE overhead trackage rights over the FEC's line of railroad running between milepost K-0.0 near Ft. Pierce, FL and milepost K-15.0, and local trackage rights running between milepost K-15-0 and milepost K-70.9,¹ but that the notice of exemption served in STB Finance Docket No. 33562, *South Central Florida Express, Inc.—Trackage Rights Exemption—Florida East Coast Railway* (served March 11, 1998)(“1998 Exemption”) identified the endpoint of the K-Branch as milepost K-70.4. Decision at 1. This was apparently due to an inadvertent error in the 1998 filing, as the 1998 Trackage Rights Agreement attached to the filing identified the endpoint as milepost 70.9, as does the First Amendment of the Trackage Rights Agreement, effective December 6, 2016 (“First Amendment”). The Verified Notice clarifies the parties’ agreement in this respect.

2. SCFE’s Tracks and Operations are Entirely Within the State of Florida

Second, the Decision asked for clarity on whether SCFE’s operations are entirely within the State of Florida, and whether the map submitted with the Verified Notice meets the requirements of 49 C.F.R. §1180.2(d)(6). In response, SCFE confirms that its tracks and operations are solely within the State of Florida. Further, SCFE believes the map submitted with the Verified Notice complies with §1180.2(d)(6) because it depicts (1) all of the tracks owned or operated by SCFE, (2) all SCFE’s connections with short lines and Class I railroads, and (3) the principle geographic points of the area in Southern Florida in which SCFE operates.

3. Labor Protection

Third, this renewal transaction involves a Class III carrier (SCFE) and a Class II carrier (FECR), and so 49 U.S.C. §11326(b) applies. As a condition to the prior exemption covering

¹ The entire line from milepost K-0.0 and milepost K-70.9 is known as the “K-Branch.”

SCFE's operations pursuant to the 1998 Trackage Rights Agreement, the Board required that any employees affected by the trackage rights would be protected by the conditions imposed in *Norfolk and Western Ry. Co.--Trackage Rights--BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc. - Lease and Operate*, 360 I.C.C. 653 (1980). *1998 Exemption* at 1. SCFE is agreeable to the continuation of such labor protections being imposed as a condition for the after-the-fact exemption authority associated with the First Amendment.

4. Environmental Reporting

Fourth, in response to the Board's request that SCFE state whether this transaction is categorically excluded from environmental documentation pursuant to 49 C.F.R. §1105.6(c), SCFE confirms that the renewal of its trackage rights is categorically excluded because it will not result in significant changes to SCFE's or FECR's operations as defined in §1105.6(c)(1)(i), *i.e.*, changes that exceed the thresholds established in section §1105.7(e)(4) or (5).²

5. Protective Order

Fifth, in response to the Board's request in the Decision, a motion for protective order and a proposed protective order conforming to the format typically utilized by the Board are being filed contemporaneously with this Verified Supplement.

² There will be no diversions of rail to motor carriage of either (1) more than 1,000 rail carloads per year, or (2) an average of 50 rail carloads per mile per year over the K-Branch. Nor will there be an increase in rail traffic of at least 100 percent or 8 trains per day, an increase in rail yard activity of at least 100 percent, or an average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles per day on any affected road segment. §1105.7(e)(4) and (5).

6. 1998 Trackage Rights Agreement

Finally, and also in response to the Board's request in the Decision, a true and correct unredacted copy of the 1998 Trackage Rights Agreement is attached to this Verified Supplement as Exhibit A.

Respectfully submitted,

/ss/ Thomas W. Wilcox

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December 30, 2025

EXHIBIT A

Highly Confidential Material Redacted

VERIFICATION

I, Robert W. Lawson, Jr., Vice President of South Central Florida Express, state, under penalty of perjury, that the facts set forth in the foregoing Supplement to Notice of Exemption are true and correct to the best of my knowledge.

Executed: December 30, 2025



Robert W. Lawson, Jr.