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SERVICE DATE – JULY 24, 2026

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 400 (Sub-No. 8X)

SEMINOLE GULF RAILWAY, L.P.—ABANDONMENT EXEMPTION—IN LEE AND COLLIER COUNTIES, FLA.

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Decided: July 24, 2026

Seminole Gulf Railway, L.P. (SGLR), has filed a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F—Exempt Abandonments to abandon a line of railroad from the northern right-of-way boundary of Estero Parkway at approximately SGLR Milepost AX 979.39 in the Village of Estero, Lee County, Fla., south through the remainder of Estero, and through the City of Bonita Springs, Lee and Collier Counties, Fla., to the corridor's terminus at the conceptual northern right-of-way extension of Wiggins Pass Road, at approximately SGLR Milepost AX 990.80 (the Line). Notice of the exemption was served and published in the Federal Register on June 26, 2026 (91 Fed. Reg. 38,759). The exemption is scheduled to become effective on July 26, 2026.

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on July 2, 2026, recommending that one condition be imposed on any decision granting abandonment authority. OEA explained that SGLR served the E&H Report on the Florida State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SHPO noted that the Seminole Gulf Railway has been recorded in Lee County as Florida Master Site File No. 8LL2445, assessed as insufficient information to make a determination of its eligibility due to a limited segment of the resource being present within the area of potential effects. SHPO also noted that the resource has not been recorded within Collier County. SHPO requested a review document to assess eligibility and determine effects of the proposed abandonment. Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.

Comments on the Draft EA were due by July 17, 2026. OEA served its Final Environmental Assessment (Final EA) on July 23, 2026. The Final EA notes that no new comments were received, and OEA therefore continues to recommend that the condition recommended in the Draft EA be imposed.

On July 1, 2026, the Trust for Public Land (TPL) filed a request for issuance of a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C.

§ 1247(d), to establish interim trail use/railbanking on the Line. On July 2, 2026, SGLR responded that it is willing to negotiate toward an interim trail use agreement.

Interim Trail Use. TPL's request for a NITU complies with the requirements of 49 C.F.R. § 1152.29, and SGLR has indicated that it is willing to negotiate an agreement for interim trail use with TPL. Therefore, a NITU will be issued. The parties may negotiate an agreement during the one-year period prescribed below. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) & (h). If no agreement is reached within one year, SGLR may fully abandon the Line, subject to any outstanding conditions. See 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. The notice served and published in the Federal Register on June 26, 2026, exempting the abandonment of the Line described above, is modified to the extent necessary to implement interim trail use/railbanking as set forth below to permit the parties to negotiate for interim trail use for the rail line, for a period of one year from the service date of this decision and notice, until July 24, 2027.

3. The abandonment is also subject to the following condition:[1] SGLR shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. SGLR shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Florida State Historic Preservation Office and the public. SGLR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

[1] If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with this condition would not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

4. If an interim trail use/railbanking agreement is reached, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

5. Interim trail use/railbanking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 4 above.

6. If an interim trail use/railbanking agreement is reached (and thus, interim trail use/railbanking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2), (h).

7. If interim trail use/railbanking is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use/rail banking agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

8. If an agreement for interim trail use/railbanking is reached by July 24, 2027, interim trail use/railbanking may be implemented. If no agreement is reached, SGLR may fully abandon the Line, subject to any outstanding conditions.

9. This decision and notice is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.