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246346

ENTERED
Office of Proceedings
September 7, 2018
Part of
Public Record

September 6, 2018

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VIA FEDEX

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

Re: **SEMINOLE GULF RAILWAY, L.P.**
- ACQUISITION AND OPERATION EXEMPTION -
CSX TRANSPORTATION, INC.
STB Docket No. FD 36221

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of a Notice of Exemption of Seminole Gulf Railway, L.P. ("SGLR"). Also enclosed is our check in the amount of \$2,000 representing the filing fee for this Notice.

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

FILED
September 7, 2018
SURFACE
TRANSPORTATION BOARD

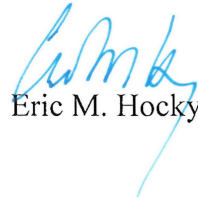
FEE RECEIVED
September 7, 2018
SURFACE
TRANSPORTATION BOARD

Cynthia T. Brown
September 6, 2018
Page 2

Please let me know if there are any questions regarding this filing. Thank you for your assistance.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e
Encls.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36221



SEMINOLE GULF RAILWAY, L.P.
- ACQUISITION AND OPERATION EXEMPTION -
CSX TRANSPORTATION, INC.

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

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

Dated: September 6, 2018

Attorneys for Seminole Gulf Railway, L.P.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36221

**SEMINOLE GULF RAILWAY, L.P.
- ACQUISITION AND OPERATION EXEMPTION –
CSX TRANSPORTATION, INC.**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902**



Seminole Gulf Railway, L.P. (“SGLR”), a Class III railroad, files this Notice of Exemption under 49 USC § 10902 to exempt from regulation, SGLR’s acquisition from CSX Transportation, Inc. (“CSXT”), and the operation of, the approximately 2.25-mile line of railroad between milepost SVC 880.75 and milepost SVC 883.0 (the “Line”). The Line is located in Desoto County, Florida. A map of the Line is attached as Exhibit A.

Notice

In accordance with the requirements of 49 C.F.R. §1150.43, SGLR hereby provides the following information:

(a) The full name and address of Applicant are: Seminole Gulf Railway, L.P., 4110 Centerpointe Drive, Suite 207, Fort Myers, FL 33916.

(b) The name, address and telephone number of the representative of SGLR who should receive correspondence are: Eric M. Hocky, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

(c) SGLR and CSXT expect to enter into a Purchase and Sale Agreement before this exemption becomes effective.

(d) The full name and address of operator of the Line will be: Seminole Gulf Railway, L.P., 4110 Centerpointe Drive, Suite 207, Fort Myers, FL 33916.

(e) Brief Summary of the Proposed Transaction:

SGLR is acquiring this Line to extend its current ownership.

(1) The name and address of the railroad transferring the Line are: CSXT, 500 Water Street – J 180, Jacksonville, FL 32202.

(2) The acquisition is expected to close on or after October 8, 2018.

(3) The mileposts of the Line being acquired are between milepost SVC 880.75 and milepost SVC 883.0.

(4) The total route miles to be acquired and operated are approximately 2.25 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Line.

(g) SGLR certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier.

(h) SGLR certifies that the acquisition does not impose or include an interchange commitment.

Labor Notice Certification

In addition to the information set forth above, SGLR certifies that its total annual freight revenues after the transaction will not exceed \$5,000,000. Accordingly, no advance notice to employees of CSXT is required under 49 C.F.R. §1150.42(e).

Labor Protection

SGLR is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), exemption of this transaction may not be subjected to labor protection conditions.

Environmental and Historic Reports

This is an acquisition of a rail line for continued rail operations that will not result in changes in carrier operations that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for SGLR to discontinue or abandon service, or to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(1); 49 C.F.R. §1105.8(b)(1).

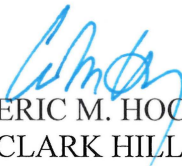
Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.44.

Conclusion

Accordingly, SGLR requests that the Board issue a notice permitting the transaction to close at any time after thirty days from the filing of this notice of exemption.

Respectfully submitted,



ERIC M. HOCKY
CLARK HILL PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

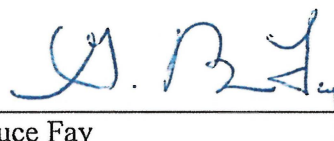
Attorneys for Seminole Gulf Railway, L.P.

Dated: September 6, 2018

VERIFICATION

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

Executed on September, 6, 2018.

A handwritten signature in blue ink, appearing to read "G. Bruce Fay", is written over a horizontal line.

G. Bruce Fay
President of Seminole Gulf Railway, Inc.,
general partner

EXHIBIT A

MAP

EXHIBIT A

GIS #
04512-001
04514-001

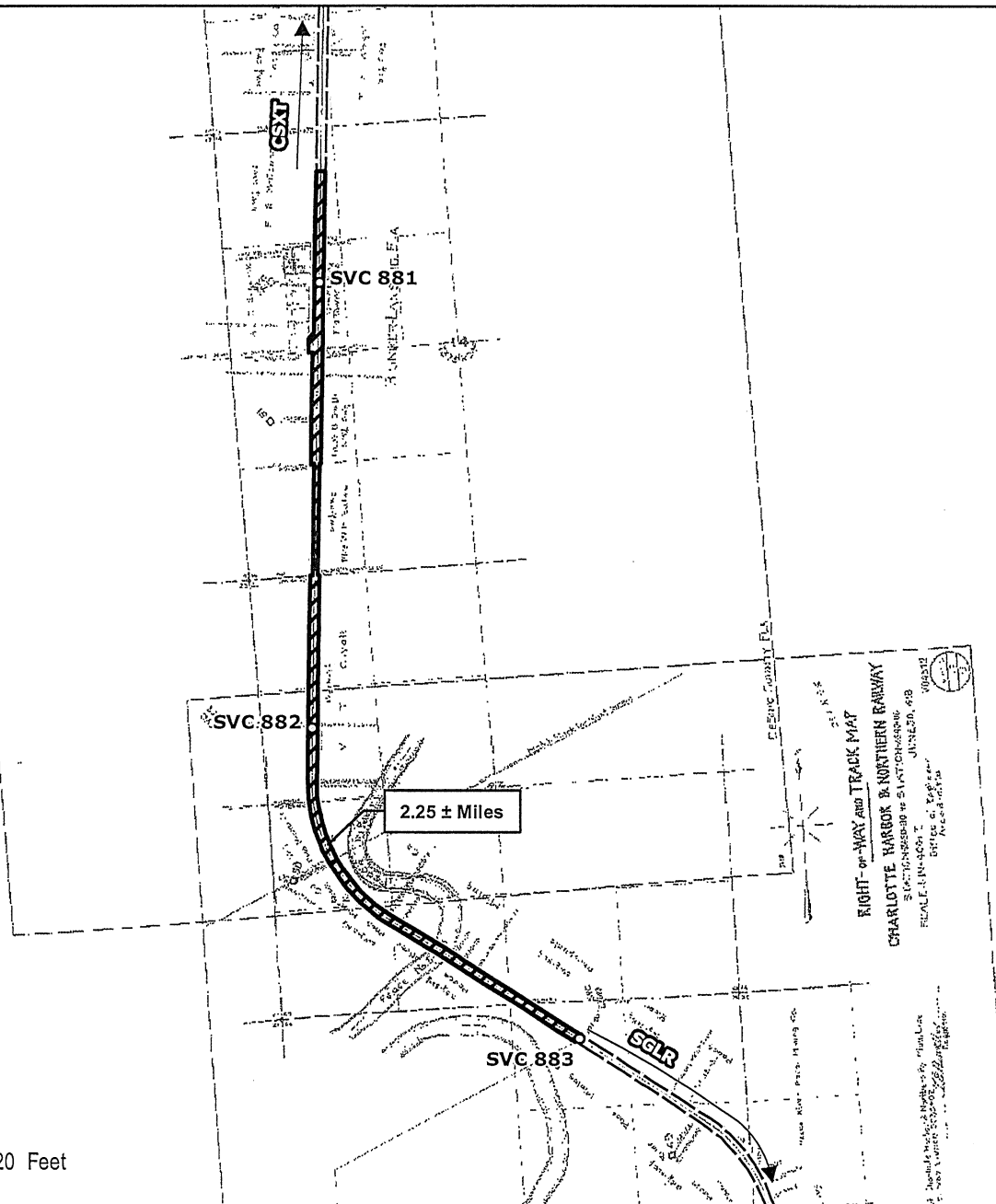
INTEL #
V11/L2/13
V11/L2/14

PIN #
12027 0015
12027 0018



1" = 2,000'

0 490 980 1,960 2,940 3,920 Feet



CSX TRANSPORTATION, INC.
POTENTIAL SALE TO SGR - ADDITIONAL LINE
SITE: FL-027-1084471
DE SOTO COUNTY - ARCADIA, FL
MILEPOST: SVC 880.75 - SVC 883

DIVISION: JACKSONVILLE
SUBDIVISION: BREWSTER
DATE: 09/05/2018
REVISED: 09/05/2018
DRAWN BY: 07525

- Engineering Milepost
-  Premises 27.91 ± Acres
-  CSX Real Estate

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

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. FD 36221

**SEMINOLE GULF RAILWAY, L.P.
- ACQUISITION AND OPERATION EXEMPTION –
CSX TRANSPORTATION, INC.**

Seminole Gulf Railway, L.P. (“SGLR”) has filed a Notice of Exemption to exempt its acquisition from CSX Transportation, Inc. (“CSXT”), and the operation of, the line of railroad between milepost SVC 880.75 and milepost SVC 883.0 (the “Line”), a total of approximately 2.25 miles. The Line is located in Desoto County, Florida. The current owner of the Line is CSX Transportation, Inc.

Comments must be filed with the Board and served on SGLR’s representative, Eric M. Hocky, Esquire, Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.