



SARASOTA COUNTY
"Dedicated to Quality Service"

BOARD OF COUNTY COMMISSIONERS

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ENTERED
Office of Proceedings
April 22, 2019
Part of
Public Record

March 12, 2019

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. - Exempt Abandonment - In Sarasota County, Florida, STB Docket No. AB 400 (Sub No. 7X)***

Dear Ms. Brown:

This request is filed on behalf of Sarasota County, which is a political subdivision of the State of Florida, hereinafter referred to as "proponent." Proponent understands that in accordance with the Board's policy as set forth in 49 C.F.R. 1002.2(e)(1), any applicable filing fees will be waived by the Board for filings made by a local government entity such as Sarasota County.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the rail line between Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 on the north side of State Highway 780 (Fruitville Road), partly lying within the City of Sarasota, Sarasota County, Florida, with the remainder lying within unincorporated Sarasota County, Florida, identified on Exhibit "A" attached.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides open space

FILING FEE WAIVED

and its preservation as a recreational trail is consistent with those purposes. Further, the proposed trail would extend an inter regional trail network from the City of Sarasota, to the City of Venice as part of an existing 14.14 mile rails-to-trails facility to the south (The Legacy Trail). The time period sought is 180 days from the effective date of the abandonment authorization in order to allow time to consummate a trail use agreement with Seminole Gulf Railway on this rail corridor.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use.

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR 1152.29, Sarasota County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer of use of *(unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability)*, and for payment of any and all taxes that may be levied or assessed against the right-of-way leased and operated by Seminole Gulf Railway, L.P. (and owned by CSX Transportation, Inc. and its affiliate The Atlantic Land and Improvement Company).

The property, known as the North Legacy Trail Extension, Phase 2, extends between railroad Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 on the north side of State Highway 780 (Fruitville Road), partly lying within the City of Sarasota, Sarasota County, Florida, with the remainder lying within unincorporated Sarasota County, Florida, a total distance of 7.68 miles. The right-of-way is all of the line of railroad proposed for abandonment in STB Docket No. AB- 400 (Sub No. 7X).

A map depicting the right-of-way is attached as Exhibit A.

Sarasota County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Cynthia T. Brown
March 12, 2019

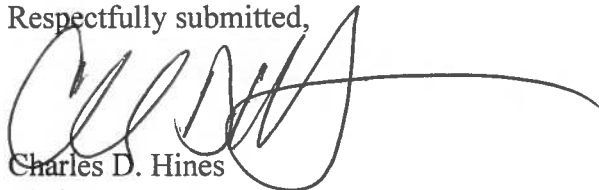
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By my signature below, I certify service of a copy of this request upon:

Seminole Gulf Railway, L.P.
4110 Center Pointe Drive, Suite 207 Ft. Myers, Florida 33916

CSX Transportation, Inc. 500 Water Street, 1915
Jacksonville, Florida 32202

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles D. Hines', with a long horizontal flourish extending to the right.

Charles D. Hines
Chair

c: Seminole Gulf Railway, L.P.
CSX Transportation, Inc.
Sarasota County Commissioner
Jonathan R. Lewis, County Administrator
Brad E. Johnson, Assistant County Administrator
Hayley A. Baldinelli, Manager, Property Management

EXHIBIT "A"

