

210159

DAVID H. ANDERSON

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FILED

FEB 25 2004

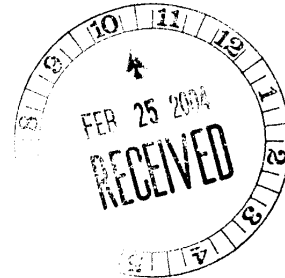
**SURFACE
TRANSPORTATION BOARD**

February 24, 2004

ENTERED
Office of Proceedings

FEB 25 2004

Part of
Public Record



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

**Re: Florida West Coast Railroad Company, Inc. – Abandonment and
Discontinuance of Service – In Alachua and Gilchrist Counties, Florida –
Surface Transportation Board Docket No. AB-347 (Sub-No. 3X)**

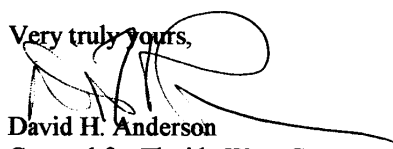
Dear Mr. Williams:

Enclosed for filing in the above-referenced proceeding please find an executed original and ten (10) copies of the Petition for Exemption of Florida West Coast Railroad, Inc.

A check in the amount of \$4,700 covering the requisite filing fee is also enclosed.

Should any questions arise regarding this filing, please feel free to contact me.
Thank you for your consideration in this matter.

Very truly yours,


David H. Anderson
Counsel for Florida West Coast
Railroad Company, Inc.

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FEB 25 2004

**SURFACE
TRANSPORTATION BOARD**

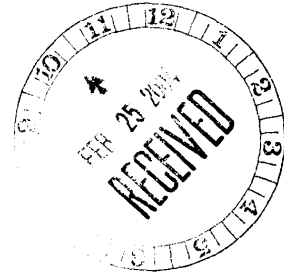
Enclosures

210159
DID# 01040225007001

Before the
SURFACE TRANSPORTATION BOARD
Washington, DC

DOCKET NO. AB-347 (Sub-No. 3X)

FLORIDA WEST COAST RAILROAD COMPANY, INC. --
ADANDONMENT AND DISCONTINUANCE OF SERVICE
IN ALACHUA AND GILCHRIST COUNTIES, FLORIDA



PETITION FOR EXEMPTION

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TRANSPORTATION BOARD

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Part of
Public Record

David H. Anderson, Esq.
Law Office of David H. Anderson
288 Littleton Road, Suite 21
Westford, MA 01450
(978) 392-9995

Counsel for the Florida West
Coast Railroad Company, Inc.

Dated: February 24, 2004

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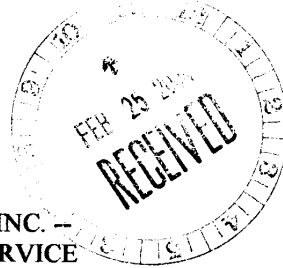
FEB 25 2004

SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD
Washington, DC

DOCKET NO. AB-347 (Sub-No. 3X)

FLORIDA WEST COAST RAILROAD COMPANY, INC. --
ADANDONMENT AND DISCONTINUANCE OF SERVICE
IN ALACHUA AND GILCHRIST COUNTIES, FLORIDA



PETITION FOR EXEMPTION

INTRODUCTION

Pursuant to 49 U.S.C. 10505, Florida West Coast Railroad Company, Inc. ("FWCR") seeks an exemption from the prior approval requirements of 49 U.S.C. 10903-10904, in order to abandon and discontinue service over approximately thirteen (13) miles of railroad between railroad milepost 734.0 in Trenton, Florida and railroad milepost 721.0 in Newberry, Florida, located in Alachua and Gilchrist Counties (the "Line").

COMPLIANCE WITH STB REGULATIONS

In accordance with the regulations of the Surface Transportation Board ("STB" or the "Board"), FWCR hereby submits the following information:

1. Exact Name of Applicant; Common Carrier Status – 49 C.F.R. 1152.22(a)(1)-(2)

FWCR is a Class III common carrier by railroad subject to the jurisdiction of the Board. FWCR commenced its operations in December 1987 on approximately 44 miles of track obtained from CSX Transportation, Inc. ("CSXT"). See, Finance Docket No. 31178, Florida West Coast Railroad Company -- Acquisition & Operation Exemption -- Certain Rail Lines of CSX Transportation, Inc. (not printed), served January 4, 1988.

2. Relief Sought -- 49 C.F.R. 1152.22(a)(3)

FWCR seeks authority to abandon and discontinue service over the Line.

3. Map -- 49 C.F.R. 1152(a)(4)

Attached as Exhibit A to this Petition is a map depicting the Line and its relationship to cities, towns, nearby rail lines and highways.

4. Petitioner's Representative -- 49 C.F.R. 1152.22(a)(7)

Any questions concerning this Petition should be sent to FWCR's representative at the following address:

David H. Anderson, Esq.
Law Office of David H. Anderson
288 Littleton Road, Suite 21
Westford, MA 01886
(978) 392-9995

5. Zip Codes of the Line -- 49 C.F.R. 1152.22(a)(8)

The Line traverses United States Postal Service ZIP codes 32669 and 32693.

6. Qualification for Class Exemption by Merits -- 49 C.F.R. 1152.50(a)(2)

Under 49 U.S.C. 10903-10904, a rail line may not be abandoned without prior Board approval. Under 49 U.S.C. 10505, however, the Board must exempt a transaction or service from regulation when the Commission finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a and (2) either (a) the transaction or service is of limited scope or (b) regulation is not necessary to protect shippers from the abuse of market power.

The Line represents the remaining portion of FWCR's main line. FWCR seeks to abandon the Line because rail traffic on the Line has dwindled to a trickle, and FWCR is losing money on the Line. No overhead traffic exists on the Line. No formal complaint

by a rail user (or by a state or local government acting on behalf of such a user) regarding cessation of service over the Line has been filed with or is pending before the Board or any U.S. District Court, nor has any such complaint been decided in favor of any such complainant at any time during FWCR's operation of the Line.

Only two (2) local customers remain on the Line: Southern States Coop, Inc., Highway 47 North, Trenton, Florida 32693 ("SSC") receiving fertilizer; and GroMore Farm Service, Inc., 617 Northeast Lancaster Street, Trenton, Florida 32693 ("GMFS") receiving feed. As indicated below, SSC and GMFS have received only a trickle of carloads over the past years. Despite extensive marketing efforts by FWCR during its operation of the Line, all current indications are that carloadings by these two (2) remaining shippers will remain at these anemic levels, or drop off entirely. (See, Verification of Clyde S. Forbes, Jr. attached hereto as Exhibit B.)

Actual/Forecast Carloadings for SSC and GMFS

<u>Year</u>	<u>SSC</u>	<u>GMFS</u>	<u>Total</u>
2003	27	6	33
2004 (to date)	7	2	9
2004* (remainder)	20	4	24
2005*	0 to 27	0 to 6	0 to 33

* Forecast

With a mere trickle of traffic on the Line and little likelihood of any future traffic growth on the Line, the operating deficit and the capital and maintenance costs being incurred by FWCR cannot be justified. If the exemption becomes effective, FWCR will

be able to salvage the track, ties and other railroad appurtenances, and will be able to reduce its costs for leasing the Line's underlying real estate from CSXT.

The area served by the Line is rural in nature with a very low population density. Numerous transportation alternatives exist along the Line, including several motor carriers. The affected communities are served by a network of well maintained state and federal highways, including: US Route 19-98 providing access to southern Florida; US Route 27 which links the affected area with nearby Ocala, Florida; Interstate 75 providing routes to Atlanta, Georgia and Tampa-St. Petersburg, Florida; as well as State Highway 26 providing easy access to Gainesville, Florida. CSXT operates a system of rail lines serving northwest Florida, including a main line between Jacksonville and Miami, Florida, which services both Gainesville and Ocala, Florida.

FWCR submits that detailed scrutiny, under 49 U.S.C. 10903-10904, of the proposed abandonment is not necessary to carry out the National rail transportation policy. By minimizing the administrative time and expense of considering abandonment of this Line, an exemption will expedite regulatory decisions and reduce barriers to exit (49 U.S.C. 10101a(2) and (7)). By allowing FWCR to avoid the maintenance and operating expenses on a Line that now carries a mere trickle of traffic, and apply its assets more productively elsewhere, exemption will foster sound economic conditions and encourage efficient management (40 U.S.C. 10101a(3), (5) and (10)). Further, other aspects of the rail transportation policy will not be adversely affected. By granting the exemption, competition and continuation of a sound rail transportation system will be preserved (49 U.S.C. 10101a(4)), and unnecessary regulatory expenses will be avoided.

FWCR further submits that the transaction is limited in scope. The abandonment involves only approximately thirteen (13) miles of a Line in a single state with no remaining traffic. A mere trickle of local traffic remains on the Line. Were any significant traffic to exist along the Line, regulation would not be necessary to protect shippers from the abuse of market power, since numerous motor carriers serve the affected area using a well maintained network of state and federal highways.

7. Proposed Consummation Date – 49 C.F.R. 1152.50(d)(2)

FWCR intends that the abandonment and discontinuance shall be effective fifty (50) days following the filing of this Petition.

8. Suitability for Other Public Purposes – 49 C.F.R. 1152.22(e)(4)

FWCR's Environmental and Historic Report in this matter was previously filed with the Board on or about January 21, 2004. A copy of that Report is attached to this Petition as Exhibit C. As indicated in that Report, FWCR believes that the Line may be suitable for conversion to certain public purposes, including recreational uses.

Based on information in FWCR's possession, the Line does not contain federally granted rights-of-way. Any documentation in Petitioner's possession in this regard will be made available promptly to those requesting it.

9. Notice Requirements – 49 C.F.R. 1152.50(d)(2), 1105.11 and 1105.12

A certificate that the agencies designated in 49 C.F.R. 1152.50(d)(1) were served with written pre-filing notice of this abandonment and discontinuance of service is attached hereto as Exhibit D. A certificate that the previously-filed Environmental and Historic Report, was served on the agencies designated in 49 C.F.R. 1105.7(b) is attached to that Report. A copy of that Environmental and Historic Report is attached to this

Petition as Exhibit C. A certification in accordance with 49 C.F.R. 1105.12 that the Petitioner has published notice of the proposed abandonment and discontinuance in newspapers of general circulation in each county through which the Line passes is attached hereto as Exhibit E.

10. Labor Protection

FWCR understands that, under 49 U.S.C. 10505(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect employee interests. Accordingly, FWCR anticipates that the Board will impose the employee protective conditions prescribed in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). Nevertheless, FWCR does not anticipate that any employees will be adversely impacted by the abandonment.

11. Environmental and Historic Report -- 49 C.F.R. 1105

Again, the Environmental and Historic Report in this matter was previously filed with the Board on or about January 21, 2004. A copy of that Report is attached to this Petition as Exhibit C.

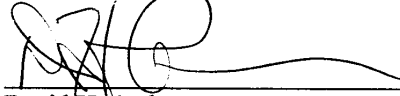
CONCLUSION

For all the reasons set forth herein, FWCR respectfully requests that the Board exercise its authority under 49 U.S.C. 10505 to exempt from the prior approval requirements of 49 U.S.C. 10903-10904 FWCR's abandonment of and discontinuance of service over the Line.

Respectfully submitted,

FLORIDA WEST COAST RAILROAD
COMPANY, INC.

By its Attorney

A handwritten signature in black ink, appearing to read 'D. Anderson', is written over a horizontal line.

David H. Anderson, Esq.
Law Office of David H. Anderson
288 Littleton Road, Suite 21
Westford, MA 01886
(978) 392-9995

Dated: February 24, 2004

EXHIBIT A

MAP OF RAILROAD LINE TO BE ABANDONED

Please see the map which is attached as Exhibit A to the Environmental and Historic Report (which is attached to this Petition as Exhibit C).

Topographical features and related references can be found by accessing the following topographical map web site.

WWW.TOPOZONE.COM

EXHIBIT C
ENVIRONMENTAL AND HISTORIC REPORT

Please see attached Report.

Please note that a map of the Line is attached as Exhibit A to this Report.

FLORIDA WEST COAST RAILROAD COMPANY

416 MAIN STREET
P.O. BOX 1267
TRENTON, FL 32693
(352) 463-1103

January 21, 2004

**TO: ALL PARTIES ON THE ATTACHED SERVICE LIST --
PURSUANT TO 49 C.F.R. 1105.7(b)**

**Re: *Florida West Coast Railroad Company, Inc. -- Abandonment and
Discontinuance of Service -- In Alachua and Gilchrist Counties, Florida --
Surface Transportation Board Docket No. AB-347 (Sub-No. 3X)***

Dear Sir/Madam:

In connection with the preparation of the Environmental and Historic Report in the above referenced matter, by notice dated November 6, 2003, the Florida West Coast Railroad Company solicited commentary from the parties identified on the attached service list.

On or about February 15, 2004, the Florida West Coast Railroad Company expects to file a Petition for Exemption with the United States Surface Transportation Board pursuant to the provisions of 49 CFR 1152.50, Subpart F, seeking authority to abandon and discontinue service over a line of railroad between approximately railroad milepost 734.0 in Trenton, FL and railroad milepost 721.0 in Newberry, FL. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental impact and/or historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Surface Transportation Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Energy and Environment (SEE), Room 3219, Surface Transportation Board, Washington, DC 20423, telephone number (202) 927-6211, and refer to the above Docket Number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEE (with a copy to our representative) would be appreciated within three (3) weeks.

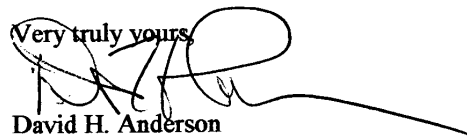
January 21, 2004

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action.

If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Attorney David H. Anderson, who may be contacted at 288 Littleton Road, Suite 21, Westford, MA 01886, Telephone: (978) 392-9995.

Very truly yours,

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

David H. Anderson
Counsel for the
Florida West Coast
Railroad Company, Inc.

Enclosure

Before the
SURFACE TRANSPORTATION BOARD
Washington, DC

DOCKET NO. AB-347 (Sub-No. 3X)

FLORIDA WEST COAST RAILROAD COMPANY, INC. --
ADANDONMENT AND DISCONTINUANCE OF SERVICE
IN ALACHUA AND GILCHRIST COUNTIES, FLORIDA

**ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 C.F.R. 1105.7 AND 1105.8**

INTRODUCTION

The Florida West Coast Railroad Company, Inc. ("FWCR"), a Class III common carrier by railroad, intends to file a Petition for Exemption with the United States Surface Transportation Board pursuant to the provisions of 49 C.F.R. 1152.50, Subpart F, seeking authority to abandon and discontinue service over a line of railroad between approximately railroad milepost 734.0 in Trenton, FL and railroad milepost 721.0 in Newberry, FL (the "Line"). A map depicting the Line is attached as Exhibit A to this Report.

Pursuant to the requirements set forth at 49 C.F.R. 1105.7 and 1105.8, LVRC hereby submits its Environmental and Historic Report (the "Report"). In preparing this Report, FWCR consulted with certain federal, state and local agencies, as indicated on the Service List that accompanies this Report. All representations made herein are made to the best of FWCR's knowledge, information and belief, and are based upon information from such correspondence and materials that was otherwise available to FWCR as of the date of this Report.

ENVIRONMENTAL REPORT

1. Proposed Action and Alternatives - Section 1105.7(e)(1)

Describe the proposed action, including commodities transported, the planned disposition, if any, of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawing clearly delineating the project.

The proposed abandonment will eliminate a Line that no longer carries any traffic. No arrangements to reroute overhead traffic over other lines are necessary, as the Line does not carry overhead traffic. The only alternative to this action would be to not abandon the Line and to pass the costs of retaining the Line on to all other FWCR shippers, resulting in an inefficient use of FWCR's assets. FWCR plans to salvage the rail, ties, OTM and other railroad appurtenances located along the Line, leaving the right of way in a neat, clean, smooth and safe condition for future use by third parties. In response to the preliminary environmental notices in this matter, FWCR was contacted by telephone by Doug Hathaway (850-222-7911) of the Trust for Public Land, a non-profit organization with an interest in trails use of abandoned rail lines. For this reason, FWCR believes that the Line may be suitable for conversion to certain public purposes, including recreational uses. A map of the Line is attached as Exhibit A to this Report.

2. Transportation System - Section 1105.7(e)(2)

Describe the effects of the proposed action on regional or local transportation systems or patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

As no traffic currently exists on the Line, the proposed action will have no effect on regional or local transportation systems or patterns, and no diversion of either passenger or freight traffic will result.

3. Lane Use - Section 1105.7(e)(3)

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

By letters dated November 6, 2003, FWCR addressed the Alachua County Commissioners and the Gilchrist County Commissioners, seeking information as to their current land use plans. To date, no reply has been received from either agency. For the reasons to be set out in FWCR's Petition for Exemption, FWCR believes that continued rail use of the Line would not be economically viable. Accordingly FWCR concludes that the proposed action is consistent with local and regional land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

By letter dated November 6, 2003, FWCR addressed the State Conservationist, USDA Soil Conservation Service in Bronson, FL. To date, no response has been received from this agency. Accordingly, FWCR concludes that the proposed action will not impact local soil.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Section 1105.9

The Line is located inland, and the proposed action will not affect land or water uses within a designated coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

FWCR believes that the Line is suitable for public purposes, including roads, highways and recreation.

4. Energy - Section 1105.7(e)(4)

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed action will not affect transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed action will not affect recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will result in an increase in energy efficiency, as FWCR will be permitted to better utilize its assets, including energy resources, to serve its remaining railroad line and customers.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than (a) 1,000 rail carloads per year or (b) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

No diversion of traffic from rail to motor carriage will result from the proposed action.

5. Air - Section 1105.7(e)(5)

(i) If the proposed action will result in either (a) an increase in rail traffic of at least 100 percent or an increase of at least eight train miles a day on any segment of rail line affected by the proposal, or (b) an increase in rail yard activity of at least 100 percent, or (c) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The proposed action will not result in such increases in rail or truck traffic.

(ii) If the proposed action affects a class I or nonattainment areas under the Clean Air Act, and will result in either (a) an increase in rail traffic of at least 50 percent of an increase of at least three trains a day on any segment of rail line, or (b) an increase in rail yard activity of at least 20 percent, or (c) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles on an given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The proposed action will not result in such increases in rail or truck activity.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity, the frequency of service, safety practices, the applicant's safety record on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of accidental release of ozone depleting materials in the event of a collision or derailment.

The transportation of such materials is not contemplated.

6. Noise - Section 1105.7(e)(6)

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more or (ii) an increase to a noise level of 65 decibels Ldn or greater.

None of the thresholds identified in Section 1105.7(e)(5)(i) will be surpassed.

7. Safety - Section 1105.7(e)(7)

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

FWCR believes that public health and safety (including vehicle delay time at railroad grade crossings) will be improved due to the elimination of the Line.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including speed restrictions); the applicant's safety record on derailments, accidents and hazardous spills; contingency plan to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Hazardous materials are not expected to be transported.

- (iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

FWCR is not aware of any such sites on the Line.

8. Biological Resources - Section 1105.7(e)(8)

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, describe the effects.**

By letter dated November 6, 2003, FWCR addressed the U.S. Fish and Wildlife Service office in Panama City, FL to determine whether any such species or habitats might be so affected. To date, FWCR has received no reply to that correspondence. For that reason, FWCR believe that the proposed action will not adversely affect any endangered or threatened species or areas designated as critical habitats.

- (ii) State whether wildlife sanctuaries or refuges, National or state parks or forests will be affected, and describe any effects.**

No wildlife sanctuaries or refuges, National or state parks or forests will be affected by the proposed action.

9. Water - Section 1105.7(e)(9)

(i) Based on consultation with State water officials, state whether the proposed action is consistent with applicable federal, state or local water quality standards. Describe any inconsistencies.

By letters dated November 6, 2003, FWCR solicited comments from the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection. To date, no response has been received from these agencies. Accordingly, FWCR has no reason to believe that the proposed action is inconsistent with applicable federal, state and local water quality standards.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects.

By letter dated November 6, 2003, FWCR addressed the Jacksonville, Florida office of the Army Corps of Engineers in these regards. To date, no response has been received from this agency. For this reason, and based on FWCR's limited plan to remove salvageable materials from the Line without disruption to the right of way or adjacent lands, FWCR does not believe that any permit would be required with respect to the proposed action. Similarly, FWCR does not believe that any designated wetlands or 100 year flood plains will be affected by the proposed action.

(iii) State whether permits under Section 402 of the Clean Water Act are required for the proposed action.

Please see responses above.

10. Proposed Mitigation - Section 1105.7(e)(10)

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

FWCR has not prepared a plan to mitigate adverse environmental impacts of the proposed abandonment and salvage activities because no adverse environmental impact will result from the proposed action. Again, FWCR has no plans to disrupt the railroad right of way or adjacent lands. In the event that any concerns arise regarding adverse environmental impacts, FWCR will work with the appropriate federal, state and local authorities in order to mitigate the effects, if any, of the abandonment and salvage activities on the environment.

11. Additional Information for Rail Constructions - Section 1105.7(e)(11)

Not applicable.

12. National Geodetic Survey – Section 1105.7(b)(10)

The National Oceanic and Atmospheric Administration was contacted by letter dated November 6, 2003. The response received from that Agency is attached hereto at Exhibit B.

HISTORIC REPORT

1. Maps - Section 1105.8(d)(1)

A map depicting the Line is attached as Exhibit A to this Report. No significant bridges or other significant structures are located on the Line.

2. Right of Way - Section 1105.8(d)(2)

The right of way comprising the Line is typically 60 to 100 feet in width. The Line passes primarily through farm lands and small towns, with customary private and public vehicular crossings. The Line possesses no other significant features.

3. Photographs - Section 1105.8(d)(3)

Please see responses above.

4. Description of Structures - Section 1105.8(d)(4)

Please see responses above.

5. History of Operations - Section 1105.8(d)(5)

The Line extends between Trenton and Newberry, FL. The Line was purchased by FWCR in 1987 from CSX Transportation, Inc., which had determined that the Line was no longer viable for CSX's operations. Since that time, FWCR has attempted to revive traffic on the Line with little success. Over the past number of years, rail traffic on the Line has dwindled to only a few carloads per year.

6. Documents - Section 1105.8(d)(6)

Please see responses above.

7. National Register of Historic Places - Section 1105.8(d)(7)

By letter dated November 6, 2003, FWCR solicited comments on the proposed abandonment from the State Historic Preservation Officer ("SHPO") at Tallahassee, FL. To date, no reply to that letter has been received. Accordingly, to FWCR's knowledge, information and belief, the Line does not meet the criteria for listing on the National Register of Historic Places. Abandonment of the Line and salvage of the track materials would not affect archeological evidence, as the Line will be left in good, clean, neat and smooth condition, and any damage done by railroad activities at the site would have been done during the original construction of the Line.

8. Environmental Conditions - Section 1105.8(d)(8)

FWCR knows of no prior subsurface ground disturbances, fills or environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy condition or the presence of toxic wastes) and the surrounding terrain.

**CERTIFICATION OF DELIVERY OF INITIAL
ENVIRONMENTAL NOTICES – Section 1105.7(c)**

As required by Section 1105.7(c), FWCR hereby certifies that, by letters dated November 6, 2003, it solicited comments from the agencies identified in Section 1105.7(b). The Service List for such notices is attached hereto.

**CERTIFICATION OF DELIVERY OF ENVIRONMENTAL AND
HISTORIC REPORT – Section 1105.7(b)**

FWCR hereby further certifies that copies of this Environmental and Historic Report have also been sent to the agencies identified in Section 1105.7(b). The Service List for such notices is attached hereto.

**CERTIFICATION OF PUBLICATION OF
NEWSPAPER NOTICES – Sections 1105.7(c) and 1105.12**

As required by Section 1105.7(c), FWCR hereby certifies that a copy of the preliminary environmental notice that was sent to the agencies identified in Section 1105.7(b) was also published in the Gilchrist County Journal, a newspaper of general circulation in Alachua and Gilchrist Counties, on or about November 16, 2003.

FWCR further certifies that, as of the date of this Environmental and Historic Report, it forwarded the public notice, in the form specified by Section 1105.12, for publication in a newspaper of general circulation in Alchua and Gilchrist Counties. FWCR's Petition for Exemption shall not be filed less than twenty (20) after such publication.

Further certification of these publications shall be provided at the time of FWCR's filing of its Petition for Exemption.

Respectfully submitted,

Dated: January 21, 2004

**FLORIDA WEST COAST
RAILROAD COMPANY, INC.**

EXHIBIT A

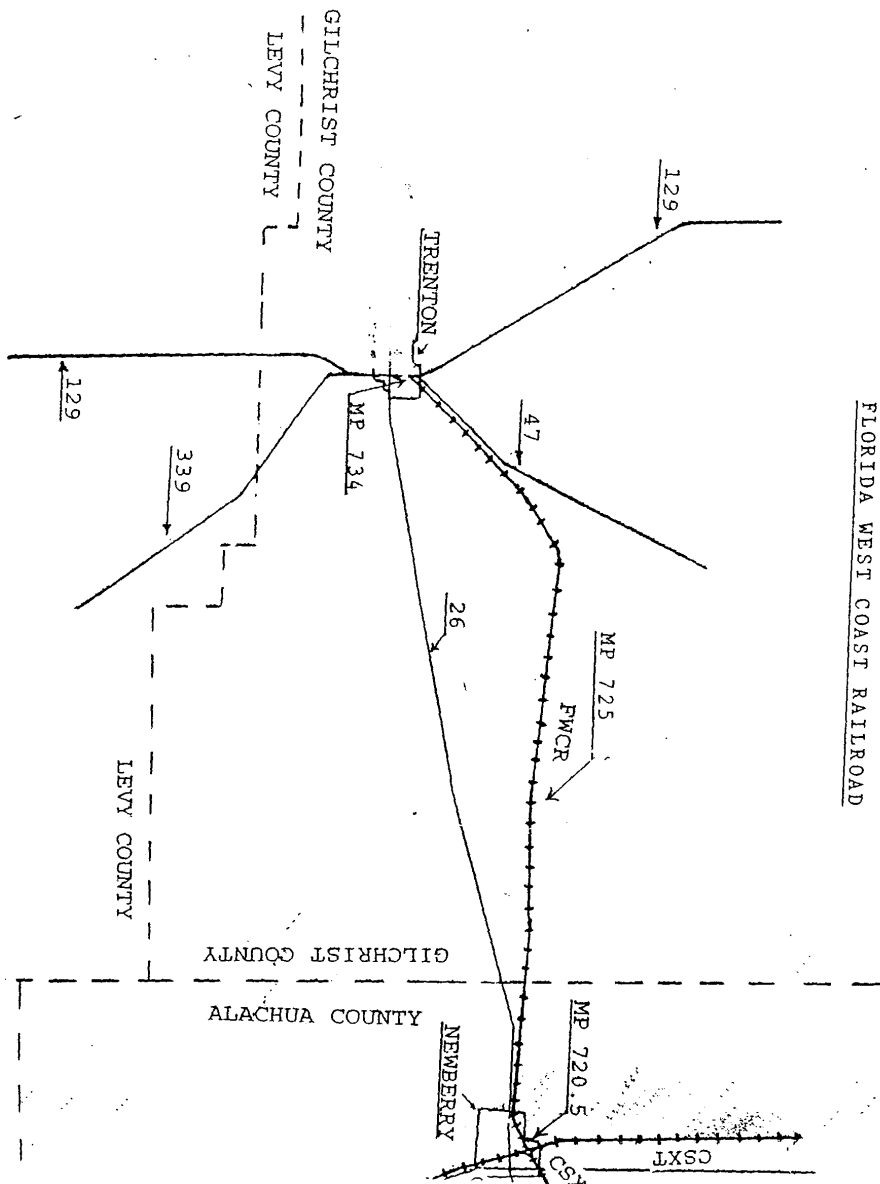
MAP OF RAILROAD LINE TO BE ABANDONED

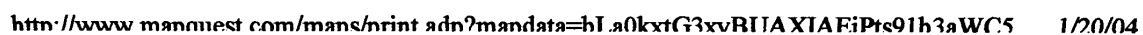
Please see attached map.

Topographical features and related references can be found by accessing the following
topographical map web site.

WWW.TOPOZONE.COM

FLORIDA WEST COAST RAILROAD







[Send To Printer](#) [Back to Map](#)

Trenton FL
US

Notes:

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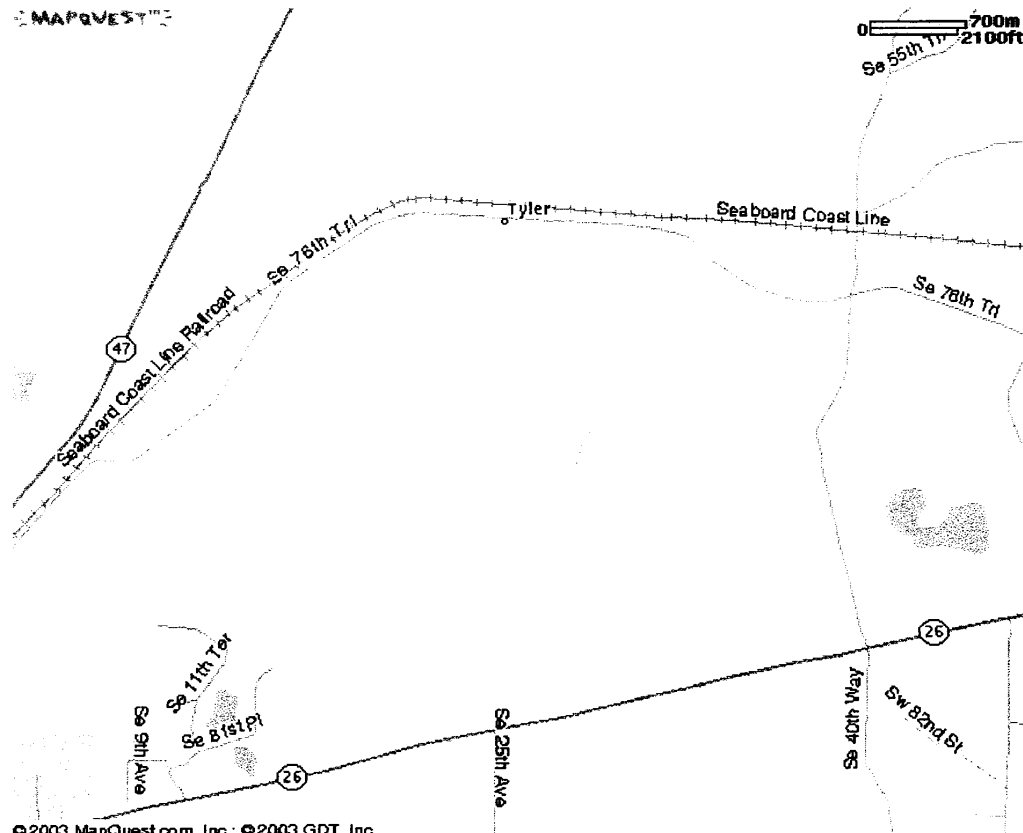
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Trenton FL
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Notes:

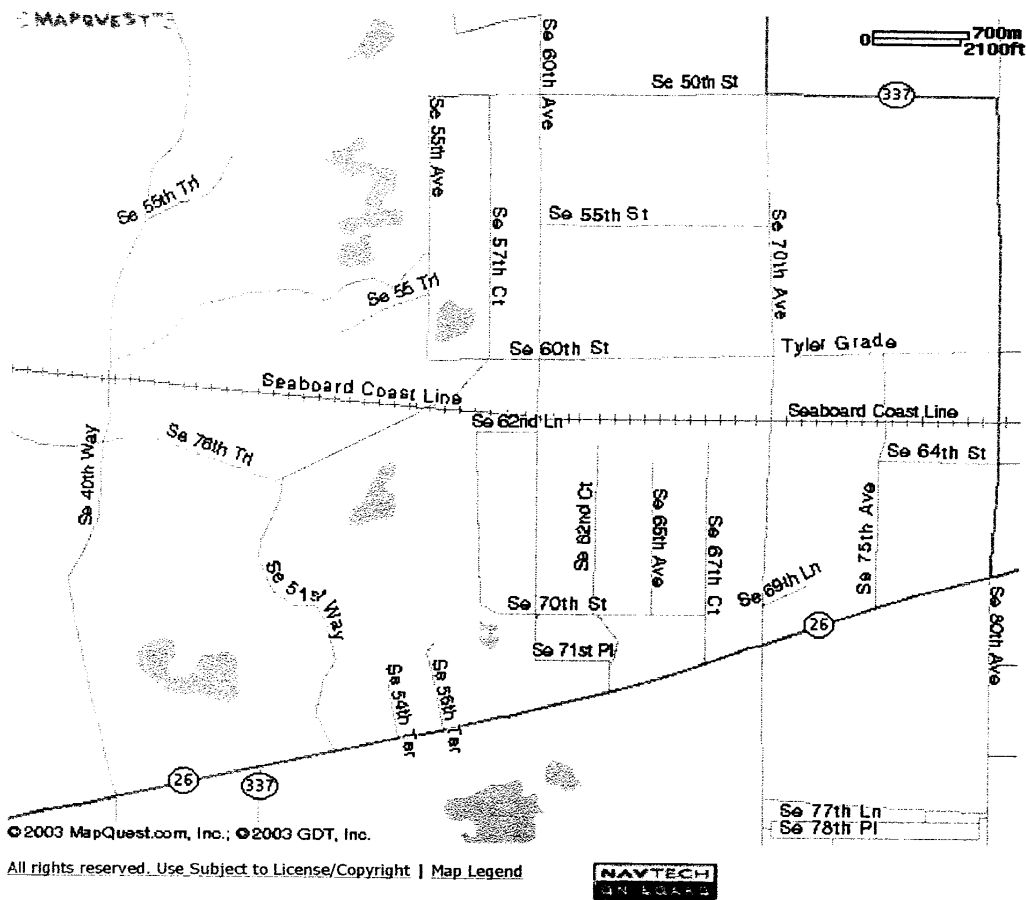
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Trenton FL

US

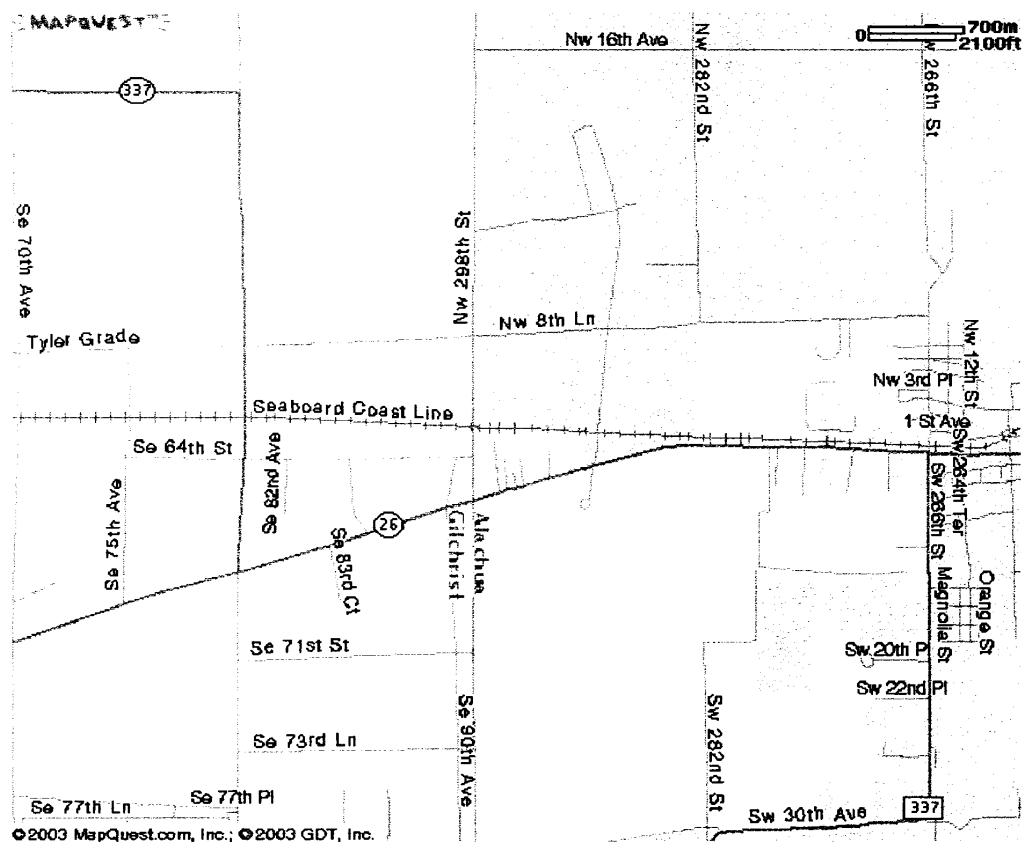
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Trenton FL

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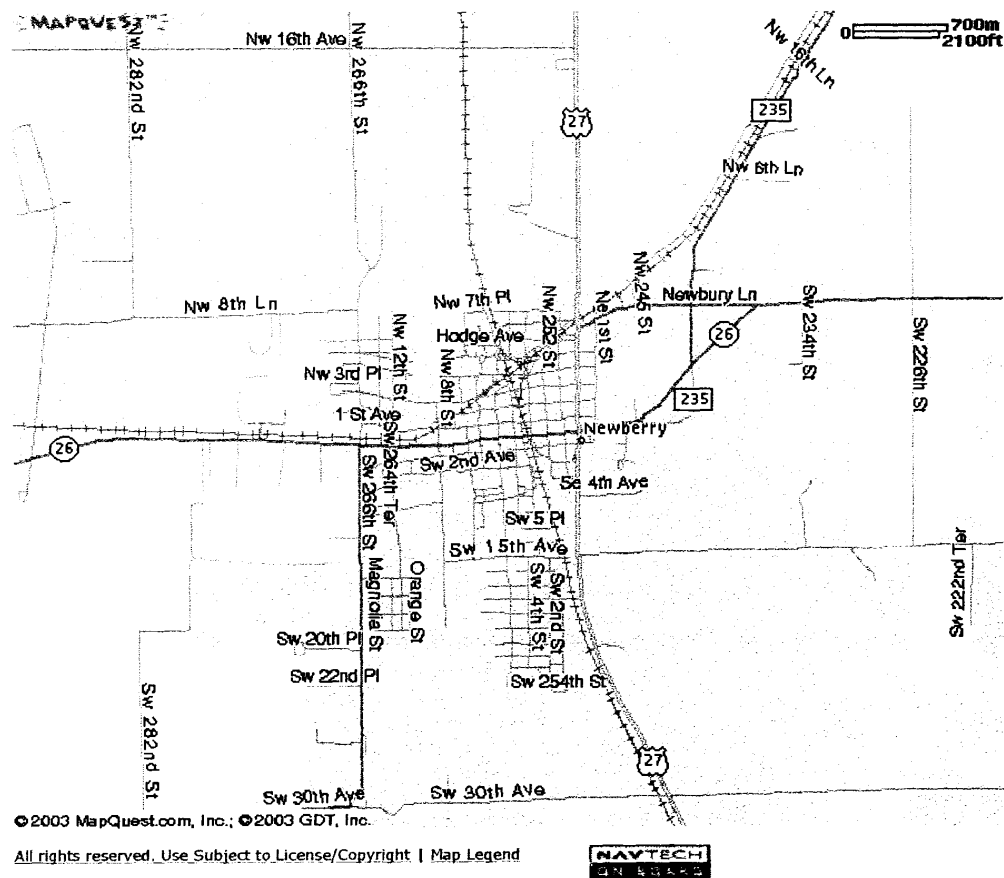
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EXHIBIT B

GEODETIC SURVEY RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

NOV 26 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Florida West Coast Railroad Company, Inc., for a line of railroad between approximately railroad milepost 734.0 in Trenton, Florida, and railroad milepost 721.0 in Newberry, Florida, STB Docket No. AB-347 (Sub-No. 3X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 8 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - R. Taylor
David H. Anderson, Florida West Coast Railroad Co., Inc.



Printed on Recycled Paper



FLORIDA WEST COAST RAILROAD COMPANY, INC.
IN ALACHUA AND GILCHRIST COUNTIES, FLORIDA
BETWEEN TRENTON AND NEWBERRY
DOCKET NO. AB-347 (SUB-NO. 3X)

8 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
AR0190	T 50	N293853	W0824225
AR0189	S 50	N293901	W0824432
AR0186	TYLER 2 RM 3	N293907	W0824549
AR0187	TYLER RM 2	N293908	W0824548
AR0184	R 50	N293906	W0824550
AR1569	TYLER	N293907	W0824551
AR0185	TYLER 2	N293907	W0824551
AR0221	P 50	N293700	W0824905



National Geodetic Survey - News Flash!



GEODETTIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- The geodetic coordinates and the orthometric height for each point
- The horizontal and vertical datums on which the information is based
- State plane coordinates and Universal Transverse Mercator coordinates
- Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:
NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910
Telephone: (301) 713-3242; Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time
<http://www.ngs.noaa.gov>



NGS: Tying America Together

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT (49 CFR 1105.7(b))
Florida West Coast Railroad Company, Inc. — Abandonment and Discontinuance of
Service — In Alachua and Gilchrist Counties, Florida
Docket No. AB-347 (Sub-No. 3X)

FEDERAL AGENCIES CONSULTED:

U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Region IV
Mail Code APT-AE
345 Courtland Street, NE
Atlanta, GA 30365

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service
1612 June Avenue
Panama City, FL 32405

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019
Attention: SAJRD

National Park Service

National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

U.S. Soil & Conservation Service

USDA Natural Resources Conservation Service
P.O. Box 37
Bronson, FL 32621

National Geodetic Survey

National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
(301) 713-3425

STATE AGENCIES CONSULTED:

State Clearinghouse

Florida State Clearinghouse
Executive Office of the Governor / OPB
The Capitol
Tallahassee, FL 32399-0001

State Agency of Transportation

Rail Office
Department of Transportation
State of Florida
605 Suwannee Street - Mail Sta. 25
Tallahassee, FL 32399-0450

State Environmental Protection Agency

Department of Environmental Protection
State of Florida
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

State Historic Preservation Office

Office of the Director
State Historic Preservation Officer
Florida Department of State
Capitol Building
Tallahassee, FL 32301-8020

State Coastal Zone Management Agency

Florida Coastal Program Manager
Department of Environmental Reg.
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32301

REGIONAL PLANNING COMMISSIONS:

Gilchrist County

Gilchrist County Board of Commissioners
P.O. Box 37
Trenton, FL 32693

Alachua County

Alachua County Board of Commissioners
P.O. Box 2877
Gainesville, FL 32602-2877

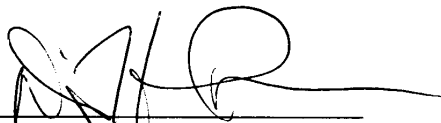
EXHIBIT D

CERTIFICATION OF NOTICES PROVIDED PURSUANT TO
49 C.F.R. 1152.50(d)

I, David H. Anderson, hereby certify that, on November 2, 2003, a written notice containing the information specified in 49 C.F.R. 1152.50(d)(1) was served by United States first class mail, postage-prepaid, on the agencies and offices identified in that section.

A copy of that notice is attached hereto.

Dated: February 24, 2004


David H. Anderson

FLORIDA WEST COAST RAILROAD COMPANY, INC.

416 MAIN STREET
P.O. BOX 1267
TRENTON, FL 32693
(352) 463-1103

November 2, 2003

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST --
PURSUANT TO 49 C.F.R. 1152.50(d)

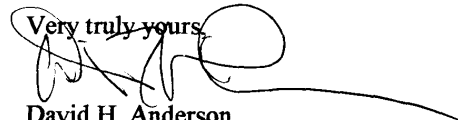
Re: *Florida West Coast Railroad Company, Inc. -- Abandonment and
Discontinuance of Service -- In Alachua and Gilchrist Counties, Florida --
Surface Transportation Board Docket No. AB-347 (Sub-No. 3X)*

Dear Sir/Madam:

The purpose of this letter is to advise you that, on or about December 15, 2003, the Florida West Coast Railroad Company, Inc. intends to file a Petition for Exemption with the United States Surface Transportation Board pursuant to the provisions of 49 CFR 1152.50, Subpart F, seeking authority to abandon and discontinue service over a line of railroad between approximately railroad milepost 734.0 in Trenton, FL and railroad milepost 721.0 in Newberry, FL.

Pursuant to the above referenced regulations, please be advised that, based on information in our possession, the subject railroad 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 railroad's representative in this matter is Attorney David H. Anderson, 288 Littleton Road, Suite 21, Westford, MA 01886, (978) 392-9995.

Very truly yours,



David H. Anderson
Counsel for the
Florida West Coast
Railroad Company, Inc.

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT (49 CFR 1152.50(d))
Florida West Coast Railroad Company, Inc. -- Abandonment and Discontinuance of
Service -- In Alachua and Gilchrist Counties, Florida
Docket No. AB-347 (Sub-No. 3X)

FEDERAL AGENCIES CONSULTED:

U.S. Department of Defense

U.S. Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
5611 Columbia Pike
Falls Church, VA 22041
Attn: Railroads for National Defense Program

National Park Service

National Park Service
Recreation Resources Assistance Division
1100 Ohio Drive, SW
Washington, DC 20242

U.S.D.A. Forest Service

U.S.D.A. Forest Service
Auditor's Building
201 14th Street, SW
Washington, DC 20250

STATE AGENCIES CONSULTED:

State Public Service Commission

Florida Public Service Commission
Fletcher Building
101 E. Gaines Street
Tallahassee, FL 32399-0850

State Clearinghouse

Florida State Clearinghouse
Executive Office of the Governor / OPB
The Capitol
Tallahassee, FL 32399-0001

Office of the Governor

Office of the Governor
Capitol Building
Tallahassee, FL 32399-001

State Agency of Transportation

Rail Office
Department of Transportation
State of Florida
605 Suwannee Street - Mail Sta. 25
Tallahassee, FL 32399-0450

EXHIBIT E

**CERTIFICATION OF PUBLICATION OF LEGAL NOTICES PURSUANT TO
49 C.F.R. 1105.12**

I, David H. Anderson, hereby certify as follows:

1. I contacted newspapers of general circulation within the counties through which the rail line to be abandoned and discontinued in the proceeding are located, and arranged for the publication of a Notice of Intent to File pursuant to 49 C.F.R. 1105.12.

2. As evidenced by the attached affidavits of publication, copies of the Notice of Intent to File were published in the following newspapers on the following dates: (a) the Gilchrist County Journal (publication on January 29, 2004) and (b) the Gainesville Sun (publication on January 24, 2004).

Dated: February 24, 2004



David H. Anderson

GILCHRIST COUNTY JOURNAL

PUBLISHED WEEKLY

TRENTON, GILCHRIST COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF GILCHRIST:

Before the undersigned authority personally appeared JOHN M. AYERS II, who on oath says he is Editor and Publisher of the GILCHRIST COUNTY JOURNAL, a newspaper published at Trenton, in Gilchrist County, Florida; that the attached copy of advertisement, being a

Notice of Intent to File

Petition for Exemption

was published in said newspaper in the issues of _____
January 29, 2004

Affiant further says that the said GILCHRIST COUNTY JOURNAL is a newspaper published at Trenton, in said Gilchrist County, Florida, and that the said newspaper has heretofore been continuously published in said Gilchrist County, Florida, each week and has been entered as second class mail matter at the post office in Trenton, in said Gilchrist County, Florida, for a period of one year next preceeding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Editor and Publisher.

Sworn to and subscribed before me, and is personally known to me, appeared John M. Ayers II, who did take an oath,

this 29 day of January

A.D. 2004

(SEAL)

Notary Public

(Print Name)



Before the
Surface Transportation Board
Washington, D.C.

Docket No. AB-347 (Sub-No. 3X)

FLORIDA WEST COAST
RAILROAD COMPANY, INC. --
ABANDONMENT AND
DISCONTINUANCE OF
SERVICE --
IN GILCHRIST AND
ALACHUA COUNTIES,
FLORIDA

NOTICE OF INTENT TO FILE

The Florida West Coast Railroad Company, Inc. gives notice that on or about February 15, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Petition for Exemption under 49 CFR 1152.50, Subpart F, seeking authority to abandon and discontinue service over a line of railroad between approximately railroad milepost 734.0 in Trenton, FL and railroad milepost 721.0 in Newberry, FL. The proceeding will be docketed as either No. AB-347 (Sub-No. 3X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: Attorney David H. Anderson, 288 Littleton Road, Suite 21, Westford, MA 01886, Telephone: (978) 392-9995. Pub. January 29, 2004b.

0001
LEGAL NOTICES

Before the
Surface Transportation
Board
Washington, D.C.
Docket No.
AB-347 (Sub No. 3X)

FLORIDA WEST COAST
RAILROAD COMPANY,
INC. ABANDONMENT
AND DISCONTINU-
ANCE OF SERVICE IN
GILCHRIST AND ALA-
CHUA COUNTIES,
FLORIDA

NOTICE OF
INTENT TO FILE

The Florida West Coast Railroad Company, Inc. gives that on or about February 15, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Petition for Exemption under 49 CFR 1152.50, Subpart F, seeking authority to abandon and discontinue service over a line of railroad between approximately railroad milepost 734.0 in Trenton, FL and railroad milepost 721.0 in Seaberry, FL. The proceeding will be docketed as either No. AB-347 (Sub-No. 3X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

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25918 1/24/04

2204438

NO _____

THE GAINESVILLE SUN
Published Daily and Sunday
GAINESVILLE, FLORIDA

STATE OF FLORIDA
COUNTY OF ALACHUA

NAOMI WILLIAMS-JORDAN

Before the undersigned authority appeared.....

Classified Assistant Manager

Who on oath says that he/she is.....of THE GAINESVILLE SUN, a daily
newspaper published at Gainesville in Alachua County, Florida, that the attached copy of advertisement, being a
LEGAL ADVERTISEMENT, DAVID H. ANDERSON

Before the Surface Transportation Board, Washington, D.C. Docket No. AB-347 (Sub No. 3X)
FLORIDA WEST COAST RAILROAD COMPANY, INC. ABANDONMENT AND DISCONTINUANCE
OF SERVICE IN GILCHRIST AND ALACHUA COUNTIES, FLORIDA
in the matter of

in the.....Court, was published in said newspaper in the issues of

JANUARY 24

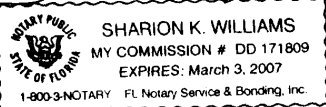
..... 2004

Affidavit further says that the said THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, each day, and has been entered as second class mail matter at the post office in Gainesville, in Said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy Of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in the said newspaper.

Sworn to and subscribed before me this

3...day of Feb...A.D., 2004

Sharon K Williams



Naomi Williams-Jordan