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SERVICE DATE - OCTOBER 14, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-400 (Sub-No. 3X)

SEMINOLE GULF RAILWAY, L.P.—ABANDONMENT EXEMPTION—
IN SARASOTA COUNTY, FL

Decided: October 13, 2004

A decision and notice of interim trail use or abandonment (NITU) served on April 2, 2004, authorized Seminole Gulf Railway, L.P. (SGLR) to abandon a portion of its Venice Branch between milepost SW 892 outside the city limits of the City of Sarasota, FL, and milepost 904.4 near the City of Venice, FL, a distance of approximately 12.43 miles, in Sarasota County, FL.¹ The exemption was subject to public use, trail use, environmental, and standard employee protective conditions. Under the NITU, Sarasota County, FL (the County), was authorized to negotiate an interim trail use/rail banking agreement with SGLR for the right-of-way involved in this proceeding. The negotiating period under the NITU was scheduled to expire on September 29, 2004.

On September 29, 2004, the County filed a request for an extension of the NITU for 3 months. The County states that it is currently in the process of finishing all of the acquisition due diligence requirements and negotiations, and has a closing date set for December 1, 2004. SGLR agrees to a 90-day extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² The County has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 90 days from September 29, 2004, until December 28, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The line includes a “wye” and stub at approximately milepost SW 904.2 and side tracks.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The County's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until December 28, 2004.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary