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SERVICE DATE - APRIL 13, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-325 (Sub-No. 1X)

FLORIDA MIDLAND RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN POLK COUNTY, FL

Decided: April 8, 1999

Florida Midland Railroad Company (FMID) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 0.18-mile line of railroad on the Lake Wales Spur from what was identified as milepost SV-967.47 at Scenic Highway to what was identified as milepost SV-967.65 at Fourth Street, in Lake Wales, Polk County, FL. Notice of the exemption was served and published in the Federal Register on February 18, 1999 (64 FR 8161-62). The exemption became effective on March 20, 1999.

By decision served March 19, 1999, the exemption was made subject to the condition that FMID consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers.

On April 5, 1999, FMID filed a petition noting that, in its verified notice, the mileposts had been incorrectly identified as mileposts SV-967.47 and SV-967.65, and that the correct mileposts are SV-867.47 and SV-867.65. FMID therefore requests that the Board modify the notice to correct the error. This decision is being issued to provide the correct milepost designations.

This decision 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 published in the Federal Register on February 18, 1999, exempting the abandonment of the line described above is modified as requested to change the referenced mileposts from SV-967.47 and SV-967.65 to mileposts SV-867.47 and SV-867.65.

STB Docket No. AB-325 (Sub-No. 1X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary