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SEC

SERVICE DATE – AUGUST 23, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-400 (Sub-No. 4)

SEMINOLE GULF RAILWAY, L.P. – ADVERSE ABANDONMENT – IN LEE COUNTY, FL

Decided: August 20, 2004

On June 16, 2004, Lee County, FL (Lee County) filed an adverse application under 49 U.S.C. 10903 requesting that the Board authorize the abandonment by Seminole Gulf Railway, L.P. (SGLR) of a portion of the Baker Spur in Lee County, FL. Lee County states that it is in the process of widening Alico Road, and that a Board grant of the adverse abandonment would allow Lee County to avoid the expense of constructing a new grade crossing where the Baker Spur crosses Alico Road. Notice of the filing was served and published in the Federal Register on July 6, 2004 (69 FR 40718). By decision served July 30, 2004, the due date for SGLR to file a protest was extended to August 9, 2004, with Lee County's rebuttal due by August 24, 2004. On August 9, 2004, SGLR filed a protest and the American Short Line and Regional Railroad Association (ASLRRA) filed comments in opposition to the adverse abandonment application. SGLR filed a supplemental statement on August 18, 2004.

By motion filed on August 19, 2004, Lee County requests that the Board extend the current August 24 deadline for filing its rebuttal by 6 days. Lee County states that Hurricane Charley struck southwest Florida on August 13, 2004, which caused offices in Lee County to be closed for several days and made substantive analysis of SGLR's filing and communications between Lee County officials and counsel impossible. Lee County indicates that counsel for SGLR and ASLRRA have consented to the sought extension.

Lee County has shown good cause for its extension request, and the Board will extend until August 30, 2004, the due date for Lee County's rebuttal.

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

It is ordered:

1. The deadline for Lee County to file its rebuttal to SGLR's protest and ASLRRA's comments is extended to August 30, 2004.

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary