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ATTORNEYS AT LAW

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June 16, 2016

AUDREY L. BRODRICK
(312) 252-1518
abrodrick@fletcher-sippel.com

240933

VIA FEDERAL EXPRESS

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

ENTERED
Office of Proceedings
June 17, 2016
Part of
Public Record



Re: **Docket No. AB-319 (Sub-No. 5X)**
Florida Central Railroad Company, Inc. – Discontinuance
of Service Exemption – In Lake County, Florida

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Florida Central Railroad Company, Inc. Pursuant to 49 C.F.R. § 1152.50**. A check in the amount of \$3,900, representing the appropriate fee for this filing, is attached.

The proposed action entails the discontinuance of rail common carrier service over the subject rail line, rather than abandonment of that line. Accordingly, no environmental/historic report has been prepared as part of this proceeding.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,

A handwritten signature in blue ink that reads "Audrey L. Brodrick".

Audrey L. Brodrick
Attorney for Florida Central Railroad
Company, Inc.

ALB:dg

Enclosures

FILED
June 17, 2016
Surface Transportation Board

FEE RECEIVED
June 17, 2016
Surface Transportation Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN LAKE COUNTY, FLORIDA

**VERIFIED NOTICE OF EXEMPTION OF
FLORIDA CENTRAL RAILROAD COMPANY, INC.
PURSUANT TO 49 C.F.R. § 1152.50**

Thomas J. Litwiler
Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR FLORIDA CENTRAL
RAILROAD COMPANY, INC.**

Dated: June 16, 2016

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN LAKE COUNTY, FLORIDA

**VERIFIED NOTICE OF EXEMPTION OF
FLORIDA CENTRAL RAILROAD COMPANY, INC.
PURSUANT TO 49 C.F.R. § 1150.50**

Florida Central Railroad Company, Inc. ("Florida Central") hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the discontinuance of service over Florida Central's line of railroad extending approximately 4.4 miles from Eustis to Umatilla in Lake County, Florida (the "Line"). A map showing the Line is attached hereto as Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), Florida Central submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

Florida Central is a Class III common carrier by rail subject to the jurisdiction of the Surface Transportation Board under the Interstate Commerce Act, Subtitle IV, Chapter 105 of Title 49 of the United States Code. Florida Central operates approximately 64 miles of rail line in central Florida, and commenced operations in 1986 after acquiring several lines (including the line over which service is to be discontinued) from CSX Transportation, Inc. ("CSXT"). Florida Central Railroad Company -- Exemption, Acquisition and Operation -- Seaboard System Railroad, Inc., Docket No. FD 30923 (ICC served December 10, 1986). Florida Central later leased an additional, connecting line from CSXT. Florida Central Railroad

Company -- Lease and Operation Exemption -- CSX Transportation, Inc., Docket No. FD 31642
(ICC served September 5, 1990).

Florida Central is a wholly-owned subsidiary of Pinsly Railroad Company, a non-carrier holding company which also controls three other Class III rail carriers in Florida and Massachusetts. See Pinsly Railroad Company -- Continuance in Control Exemption -- Florida Northern Railroad Company, Inc., Docket No. FD 31369 (ICC served December 23, 1988).

The complete name and address of Florida Central is:

Florida Central Railroad Company, Inc.
3001 Orange Avenue
P.O. Box 967
Plymouth, FL 32768-0967

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the discontinuance out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), Florida Central seeks to discontinue service over its line of railroad extending from milepost ASD 818.1 in Eustis, Florida through a milepost equation at the Eustis Canal Bridge where milepost ASD 817.0 = milepost ASC 815.1 to the end of the line at milepost ASC 818.4 in Umatilla, Florida, a distance of approximately 4.4 miles in Lake County, Florida.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Line and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed abandonment should be sent to Florida Central's representative at the following address:

Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Line traverses United States Postal Service ZIP Codes 32726 and 32784.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Florida Central certifies that no local traffic has moved over the Line for at least two years and that there is no overhead traffic on the stub-ended Line to be rerouted over other lines. Florida Central further certifies that no formal complaint by a user of rail service on the Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of Tom Owen, attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

Florida Central intends to consummate the proposed discontinuance on or shortly after August 6, 2016.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The informational requirement of Section 1152.22(e)(4) (alternative public uses of rail property) is pertinent only where a railroad proposes to abandon rail property, not where

(as here) the railroad proposes solely to discontinue service over a line.¹ In addition, while Florida Central acquired the track assets comprising the Line from CSXT in 1986, CSXT retained ownership of the underlying right-of-way of the Line. In such circumstances, agency precedent indicates that a public use condition would be unavailable in any event. E.g., Florida Central Railroad Company, Inc. -- Abandonment Exemption -- In Seminole County, FL, Docket No. AB-319X (ICC served December 20, 1989).² Florida Central is unaware of any alternative public use for which the subject rail property might be appropriate.

Notice Requirement: 49 C.F.R. §§ 1152.50(d)(1), 1105.12

Certificates that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written pre-filing notice of the proposed discontinuance and that the newspaper notice required by 49 C.F.R. § 1105.12 has been published are attached hereto as Exhibit C. For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is inapplicable here.

¹ See, e.g., Columbus and Greenville Railway Company -- Discontinuance of Service Exemption -- In Greenwood, MS, Docket No. AB-297 (Sub-No. 103X) (STB served July 3, 2007) at 2 n.2 (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company -- Discontinuance Exemption -- In Mahoning County, OH, Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007) at 2 n.2 (same); Chillicothe-Brunswick Rail Maintenance Authority -- Discontinuance Exemption -- In Livingston, Linn and Chariton Counties, MO, Docket No. AB-1001X (STB served February 23, 2007) at 2 n.3 (same).

² Agency precedent also confirms that CSXT did not, through its mere ownership of the right-of-way, retain any residual common carrier obligation on such lines. E.g., Seminole Gulf Railway, Inc. -- Abandonment Exemption -- In Lee County, FL, Docket No. AB-400 (Sub-No. 2X) (ICC served December 22, 1994) at 4-5 (citing Florida Central Railroad Company, Inc. -- Abandonment Exemption -- In Lake City, FL, Docket No. AB-319 (Sub-No. 2X) (ICC served June 14, 1993)).

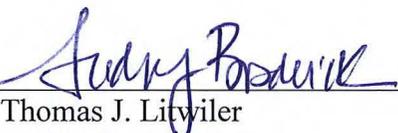
Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the transaction proposed herein is that set forth in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). No Florida Central employees will be adversely affected by the proposed abandonment.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad that has been out of service for more than two years does not require the preparation or submission of an Environmental/Historic Report.³

Respectfully submitted,

By: 

Thomas J. Litwiler
Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEYS FOR FLORIDA CENTRAL
RAILROAD COMPANY, INC.**

Dated: June 16, 2016

³ See, e.g., Everett Railroad Company -- Discontinuance of Service Exemption -- In Blair County, PA, Docket No. AB-721X (STB served Nov. 16, 2007) at 2 n.2 (STB served Nov. 16, 2007) (“Because this is a discontinuance proceeding and not an abandonment . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.”) and cases cited supra at note 1.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN LAKE COUNTY, FLORIDA

EXHIBIT A

MAP

Docket No. AB-319 (Sub-No. 5X)

Florida Central Railroad Company, Inc. —
Discontinuance Exemption —
In Lake County, Florida

— = Line to be Discontinued

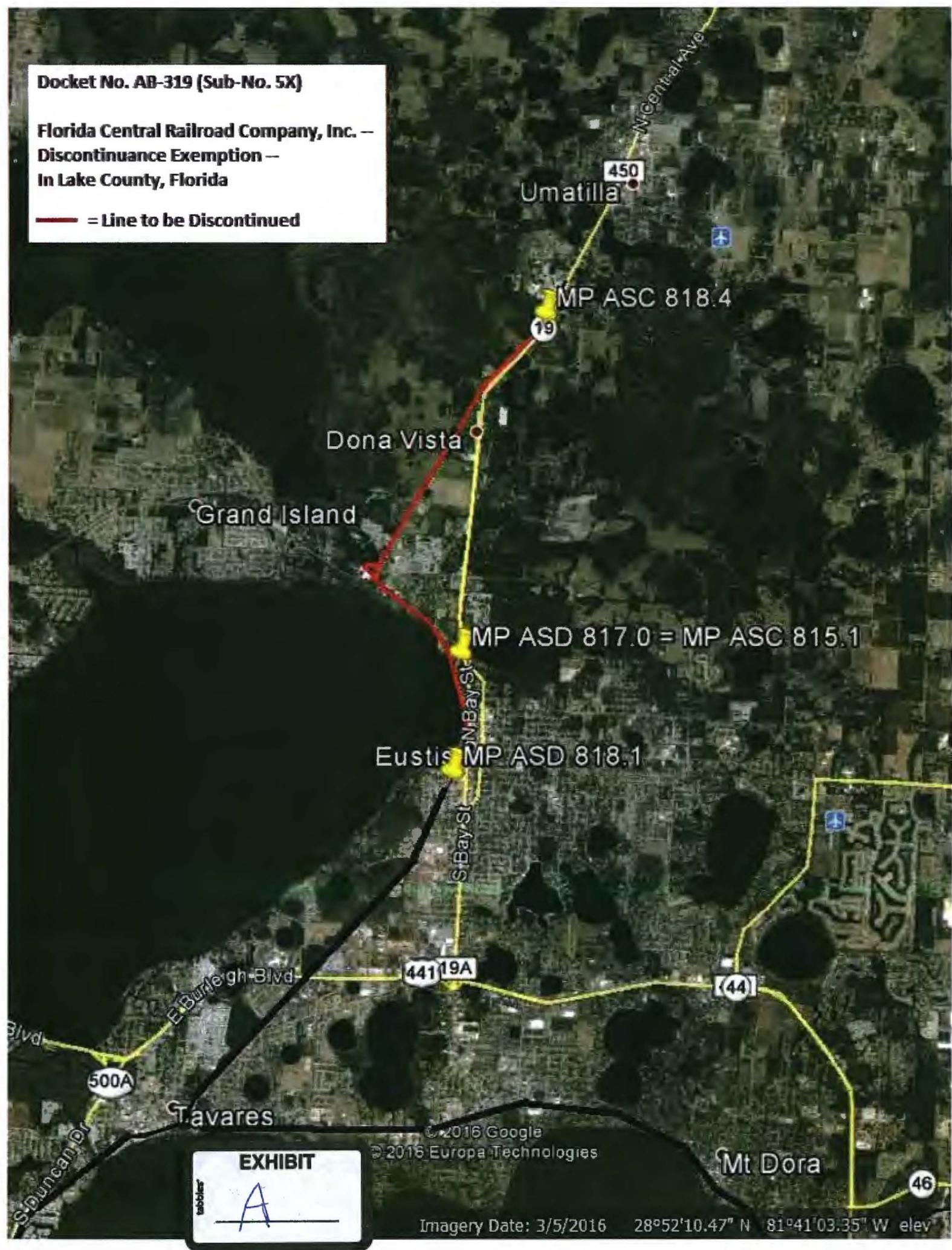


EXHIBIT
tabbies
A

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN LAKE COUNTY, FLORIDA

EXHIBIT B

VERIFICATION OF TOM OWEN

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
- DISCONTINUANCE EXEMPTION -
IN LAKE COUNTY, FLORIDA

CERTIFICATION AND VERIFICATION

STATE OF FLORIDA)
) ss
COUNTY OF LAKE)

Tom Owen, being duly sworn, deposes and says:

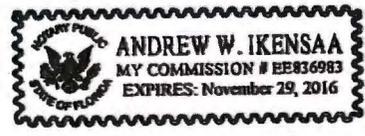
1. Florida Central Railroad Company, Inc., ("Florida Central") proposes to discontinue common carrier service over approximately 4.4 miles of railroad line starting at MP ASD 818.1 in Eustis, Florida through a milepost equation at the Eustis Canal Bridge where MP ASD 817.0 = MP ASC 815.1 to the end of the line at MP ASC 818.4 in Umatilla, Florida ("the Line"). The entirety of the Line is located in Lake County, Florida.
2. No local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted over other lines; and
3. No formal complaint filed by a user of rail service (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the past two years.
4. I have read the foregoing discontinuance of service notice of exemption; know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief; and state that I am duly authorized to make such verification on behalf of Florida Central.

Date: 6/14/16

Tom Owen
Tom Owen
President, Florida Central Railroad Company, Inc.

Subscribed and sworn to before me this 14 day of June, 2016

Andrew W. Ikensaa
Notary Public



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-319 (SUB-NO. 5X)

FLORIDA CENTRAL RAILROAD COMPANY, INC.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN LAKE COUNTY, FLORIDA

EXHIBIT C

**CERTIFICATES OF SERVICE AND
PUBLICATION**

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2016, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), notice in the attached form was served by first class mail, postage prepaid, upon the following parties:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Florida Department of Transportation
Rail and Motor Carrier Office
605 Suwannee Street
Tallahassee, Florida 32399

National Park Service
Attention: Charlie Stockman
Org: 2220
1201 I (Eye) Street N.W.
Washington, D.C. 20005

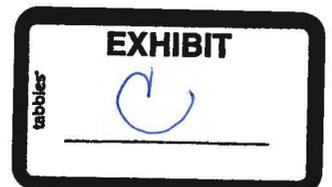
Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
14000 Independence Avenue, S.W.
Washington, D.C. 20250-0003

Railroads for National Defense Program
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-5006

June 16, 2016



Audrey L. Brodrick
Attorney for Florida Central Railroad
Company, Inc.



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

June 2, 2016

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

AUDREY L. BRODRICK

(312) 252-1518

abrodrick@fletcher-sippel.com

National Park Service

Attention: Charlie Stockman

Org: 2220

1201 I (Eye) Street N.W.

Washington, D.C. 20005

Re: **Docket AB-319 (Sub No. 5X) – Florida Central Railroad Company, Inc.
– Discontinuance Exemption – in Lake County, Florida**

Dear Sir/Madam:

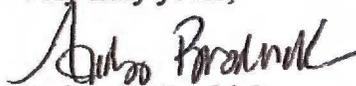
On or after June 13, 2016, Florida Central Railroad Company, Inc., ("Florida Central") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption ("Notice") pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, to discontinue common carrier service over approximately 4.4 miles of railroad line starting at MP ASD 818.1 in Eustis, Florida through a milepost equation at the Eustis Canal Bridge where MP ASD 817.0 = MP ASC 815.1 to the end of the line at MP ASC 818.4 in Umatilla, Florida ("the Line"). The entire Line is located in Lake County, Florida. A map depicting the Line is enclosed. The Line traverses United States Postal Service ZIP Codes 32726 and 32784.

This proceeding involves the discontinuance of common carrier service over the subject rail line and not the abandonment of that line, and accordingly, Florida Central understands that the question of whether the Line contains federally-granted rights-of-way is inapplicable. The Line is not suited at this time for alternative public use. Any documentation in Florida Central's possession will be made available promptly to those requesting it.

If you have any questions about the Notice that Florida Central plans to file, please review the applicable regulations or contact me or the Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001; TEL: (202) 245-0230.

Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick

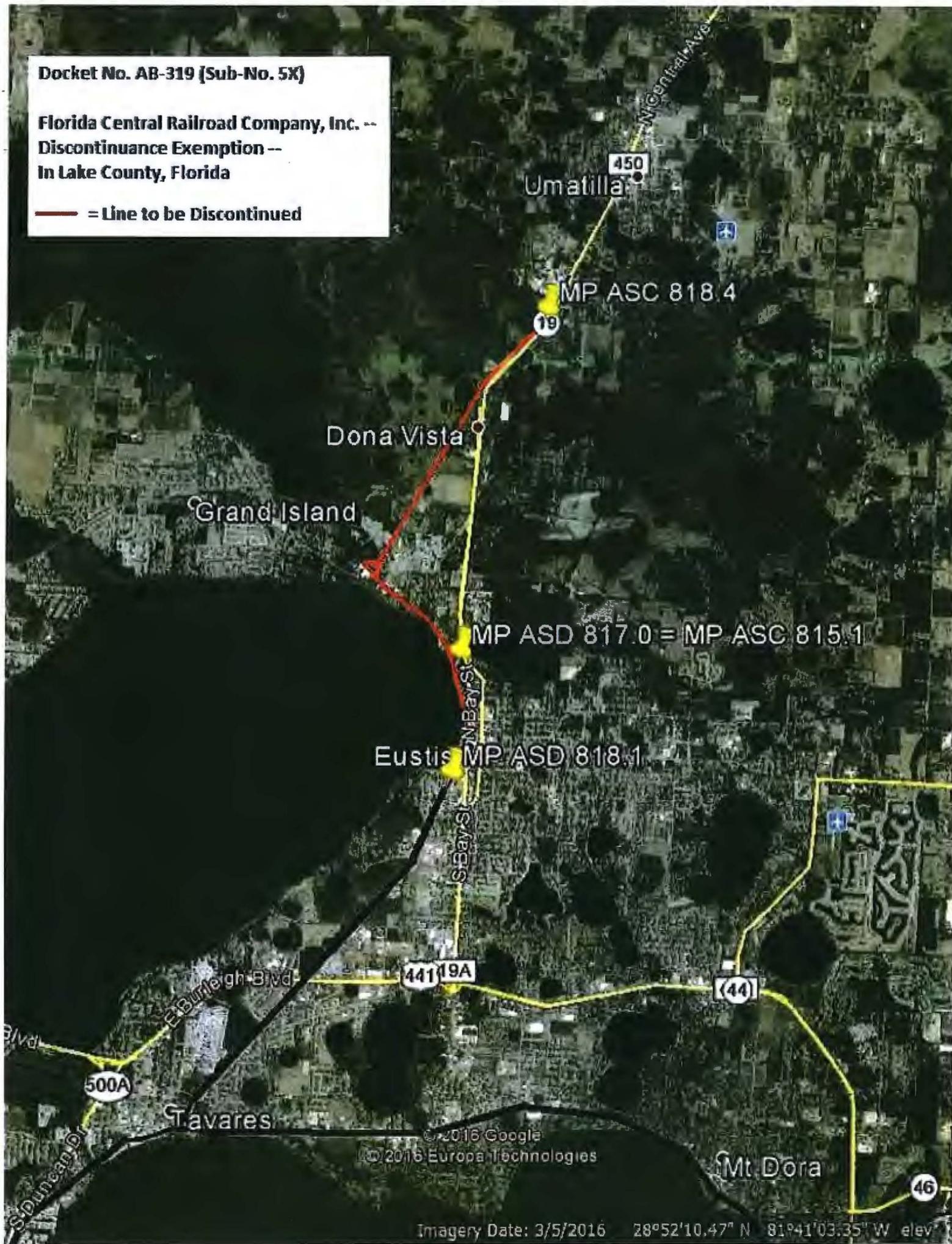
Counsel for Florida Central Railroad Company, Inc.

ALB:dg
Enclosure

Docket No. AB-319 (Sub-No. 5X)

Florida Central Railroad Company, Inc. --
Discontinuance Exemption --
In Lake County, Florida

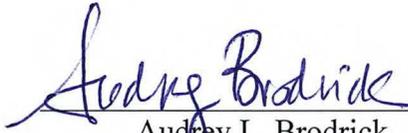
— = Line to be Discontinued



CERTIFICATE OF NEWSPAPER PUBLICATION

I certify that a "Notice of Intent to Discontinue Rail Service," in the form prescribed by the Surface Transportation Board and as attached hereto, was published on June 8, 2016 in *The Daily Commercial*, a newspaper of general circulation in Lake County, Florida, where the subject rail line is located.

June 16, 2016



Audrey L. Brodrick
Attorney for Florida Central Railroad
Company, Inc.

Affidavit of Publication

DAILY COMMERCIAL

Leesburg, Lake County Florida
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

RAIL SERVICE STB

was published in said newspaper in the issues of:

JUNE 08, 2016

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake 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, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 8 day of June A.D., 2016.

Joanne French
Notary Public



Joanne French
(Print, Type or Stamp Name of Notary Public)

AD# 10050933

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE STB DOCKET NOS. AB-319 (Sub-No. 5X),
Florida Central Railroad Company, Inc. ("Florida Central") gives notice that on or after June 13, 2016, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments and Discontinuances of Service and Trackage Rights permitting Florida Central to discontinue common carrier service over approximately 4.4 miles of railroad line (herein after the "Line") starting at MP ASD 818.1 in Eustis, Florida through a milepost equaton at the Eustis Canal Bridge where MP ASD 817.0 = MP ASC 815.1 to the end of the line at MP ASC 818.4 in Umatilla, Florida, in Lake County, Florida. The Line traverses United States Postal Service ZIP Codes 32726 and 32784. The proceedings will be docketed as STB Docket No. AB- 319 (Sub- No. 5x).
The proposed action entails the discontinuance of rail common carrier service over the Line, but not abandonment. Accordingly, no environmental and/or historic report will be prepared as part of this proceeding.
Appropriate offers of financial assistance to subsidize Florida Central rail service can be filed with the Board. An original and 10 copies of any pleading pertaining to offers of financial assistance or responding generally to the proposed discontinuance of service must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and a copy must be served on Florida Central's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on Florida Central's representative: Audrey L. Brodrick, FLETCHER & SIPLELL LLC, 29 North Wacker Drive, #920, Chicago, IL 60606 (phone: 312-252-1500; fax 312-252-2400).
Ad No: 10050933
June 08, 2016