



JONATHAN C. GOLD  
Counsel

**FILED**

MAR - 1 2004

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Jacksonville, FL 32202  
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**(904) 366-4228**

**SURFACE  
TRANSPORTATION BOARD** February 27, 2004

**VIA AIRBORNE EXPRESS**

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20006



**Re: STB Docket No. AB-55 (Sub-No. 646X)  
CSX Transportation, Inc. - Abandonment  
Exemption in Pinellas County, Florida**

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of CSX Transportation, Inc.'s Petition for Exemption in the above-captioned proceeding. A check in the amount of \$4,700.00 to cover the filing fee is also enclosed. Finally, I am enclosing the original and ten copies of a draft Federal Register notice along with a computer diskette compatible with the Board's current word processing capabilities. I would appreciate your acknowledgment of receipt of these documents by stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Jonathan C. Gold

ENTERED  
Office of Proceedings

MAR - 1 2004

Part of  
Public Record

JCG/lcf

Enclosures

**FEE RECEIVED**  
MAR - 1 2004  
**TRANSPORTATION BOARD**

210192



BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 646X)

**FILED**  
MAR - 1 2004  
SURFACE  
TRANSPORTATION BOARD

CSX TRANSPORTATION, INC.  
ABANDONMENT EXEMPTION  
IN PINELLAS COUNTY, FLORIDA

ENTERED  
Office of Proceedings  
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Part of  
Public Record

P E T I T I O N   F O R   E X E M P T I O N

**FEE RECEIVED**

MAR - 1 2004

SURFACE  
TRANSPORTATION BOARD

JONATHAN C. GOLD  
500 Water Street - J150  
Jacksonville, Florida 32202  
(904) 366-4228

Counsel for  
CSX TRANSPORTATION, INC.

Dated: February 27, 2004

Exhibit A



**ST. Petersburg**

**AREA MAP  
STATE OF FLORIDA**

**Proposed Abandonment - 1.85 Miles  
Pinellas County  
St. Petersburg, Florida**

**SOUTHERN REGION - JACKSONVILLE DIVISION - CLEARWATER SUBDIVISION**

**ST. PETERSBURG  
PINELLAS COUNTY**



**BEGIN PROPOSED  
ABANDONMENT**  
Milepost SY 893.60

**END PROPOSED  
ABANDONMENT**  
Milepost SY 895.65  
720 S. OF ARE-898

<b>CSX TRANSPORTATION</b>	
Proposed Abandonment of 1.85 Miles	
Line Name: Clearwater Subdivision County: Pinellas State: Florida Fips: 12103 Site ID: FL-103-0997393	VAL: SAL V12FL/L1/S-13, S13A, S13B GIS: 03765, 03766, 03767 Scale: 1" = 1000' Date: 09/22/03 Drawn By: J.H. Sullivan

<b>LEGEND</b>
PROPOSED ABANDONMENT XXXXXXXXXXXXXXXXXX
Total Distance = 1.85 Miles +- Southern Region Jacksonville Division Clearwater Subdivision

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-55 (SUB-NO. 646X)

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CSX TRANSPORTATION, INC.  
ABANDONMENT EXEMPTION  
IN PINELLAS COUNTY, FLORIDA

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P E T I T I O N   F O R   E X E M P T I O N

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CSX Transportation, Inc. ("CSXT") proposes to abandon a line of railroad in its Southern Region, Jacksonville Division, Clearwater Subdivision, extending from Milepost SY 893.80 to Milepost SY 895.65, a total distance of approximately 1.85 miles, in St. Petersburg, Pinellas County, Florida (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Codes 33712 and 33705. Maps showing the trackage proposed for abandonment, as well as the location of the trackage in the State of Florida, are attached to this petition as Exhibit A. CSXT files this petition under 49 U.S.C. 10502 for an exemption from the provisions of 49 U.S.C. 10903, with regard to

the proposed abandonment. In support of its petition, CSXT states the following:

1. CSXT proposes to abandon a 1.85 mile portion of its Southern Region, Jacksonville Division, Clearwater Subdivision, extending from Milepost SY 893.80 to SY 895.65 in Pinellas County, Florida.

There are two rail patrons currently located on the line: Labar, Inc. ("Labar"), located in Sarasota, and Cox Lumber Co. ("Cox"), located in Lakeland. CSXT has notified Labar and Cox of the proposed abandonment, and has reached agreements with Labar and Cox for rail transportation service at alternate locations. Consequently, both Labar and Cox have indicated that they are unopposed to the proposed abandonment. Letters from Labar, Inc. and Cox Lumber Co. confirming their non-opposition are attached as Exhibit B.

2. Under 49 U.S.C. 10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. 10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers from the abuse of market power. The proposed abandonment falls squarely within the statutory standards requiring exemption.

3. The rail transportation policy set forth in 49 U.S.C. 10101 requires, as relevant here, that in exercising its

regulatory authority, the Board will minimize the need for Federal regulatory control over the rail transportation system and, when regulation is necessary, render fair and expeditious regulatory decisions; reduce barriers to exit from the industry; foster sound economic conditions and encourage efficient management; ensure the operation of transportation facilities and equipment without detriment to the public health and safety; and promote a sound transportation system meeting the needs of the public and the national defense.

Exemption of the proposed abandonment well serves all of these elements of the rail policy. Specifically, by minimizing the regulatory expense and time lag inherent in a full abandonment application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions and encourage efficient management. As earlier indicated, the rail patron located on the line makes minimal use of the line. Finally, the proposed abandonment will relieve CSXT from the costs of owning and maintaining an under-utilized line of railroad.

The line does not serve a military facility. Given this fact, it seems very unlikely that the line proposed for abandonment is necessary for the national defense. Nevertheless, CSXT has served a copy of this petition on the Military Traffic Management Command, which shall advise the Board of any national defense concerns about the line.

In short, full abandonment proceedings are unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. 10101. No vital interest of shippers, competitors or communities will be adversely affected, and the abandonment exemption CSXT seeks here will free it from the burdens associated with ownership and maintenance of the line.

4. The Environmental Report required by 49 C.F.R. Section 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits C and D, respectively, to this petition for exemption. Attached as Exhibit E is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11. Attached as Exhibit F is a letter from the Florida State Historic Preservation Officer ("SHPO") opining that no historic properties will be affected by the proposed abandonment.

5. CSXT understands that the Board will impose labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979), to satisfy the requirements of 49 U.S.C. 10502(g).

6. The rail patrons located on the line make somewhat minimal use of rail transportation. Furthermore, CSXT has agreed to provide alternative rail transportation satisfactory to the patrons, and the patrons have accordingly stated that they are unopposed to this Petition. It is therefore clear that the proposed abandonment presents no opportunity for an abuse of market power. Further, the proposed abandonment is of limited scope, because it involves only 1.85 miles of trackage.

7. All communications with respect to this petition should be directed to:

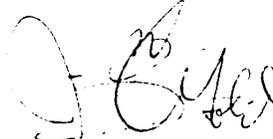
Jonathan C. Gold  
Counsel  
500 Water Street - J150  
Jacksonville, Florida 32202  
(904) 366-4228

8. Based on information in our possession, the line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

9. The newspaper notice required by 49 C.F.R. 1105.12 was published in the *St. Petersburg Times*, St. Petersburg, Florida on February 26, 2004. An Affidavit of publication from the newspaper will be forwarded to the Board as soon as it is received by CSXT.

CSXT accordingly requests that the Board grant an exemption from the provisions of 49 U.S.C. 10903, with regard to the proposed abandonment of that portion of its Southern Region, Jacksonville Division, Clearwater Subdivision, extending from Milepost SY 893.80 to Milepost SY 895.65, a total distance of approximately 1.85 miles, in St. Petersburg, Pinellas County, Florida.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Gold", written over a horizontal line.

JONATHAN C. GOLD  
500 Water Street  
Jacksonville, Florida 32202

Counsel for  
CSX Transportation, Inc.

Dated: February 27, 2004

Exhibit B

# LABAR, INC.

2231 Whitfield Park Ave.  
Sarasota, FL 34243  
Ph 941-758-0181  
Fx 941-739-1666

January 7, 2004

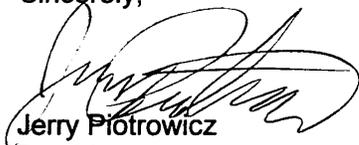
Edward W. Pollock  
CSX Transportation  
5656 Adamo Drive  
Tampa, FL 33619

Dear Mr. Pollock;

Labar, Inc. enjoys the current rail delivery service we receive from CSX. However we understand that CSX wishes to abandon it's current service to our location. Although this move will cause a hardship on our company, I will not appose the move by CSX if it will help our company in two ways. Number one, CSX will find us another location ( in close proximity) to receive from. Secondly if CSX will pay fifty thousand dollars (\$50,000) toward the purchase of a truck with a fork lift. This would allow us the opportunity to receive from off site.

I believe this to be a win, win for both companies to achieve their objective. If this can be accomplished our company will not be apposed to the track removal.

Sincerely,



Jerry Piotrowicz  
President



2836 Prestwick Drive  
Lakeland, FL 33803  
Phone: 863-688-8452  
Fax: 863-688-0903  
Cell: 863-660-9725  
E-mail: [Bgrimes2P@aol.com](mailto:Bgrimes2P@aol.com)

January 8, 2004

Mr. Edward W. Pollock  
Director-Industrial Development  
CSX Transportation  
5656 Adamo Drive  
Tampa, FL 33619

Dear Mr. Pollock:

**Subject: St. Petersburg Track Abandonment:**

Pursuant to our discussions and with reference to page 2, paragraph 1 of my communication to you dated December 8, 2003, Cox Lumber Co. will agree to not contest the subject abandonment.

In consideration thereof, CSX will agree to compensate Cox Lumber Co. for the entire cost of installation of new rail service to its Tampa facility, per Railroad Engineering, Inc. drawing DSL 7189.36, dated 11-26-03.

Additionally, CSX will deed to Cox Lumber Co. or its assigns, the rail spur owned by CSX crossing Cox property at 800 31<sup>st</sup> Street South, St. Petersburg, FL. This property dissects the Cox property at that address and, with the abandonment, serves no useful purpose to CSX.

Per our conversations, CSX agrees that it will maintain continuous service to Cox Lumber Co.'s St. Petersburg facility until the completion of the proposed rail service to Cox Lumber Co.'s Madison Avenue, Tampa facility or one year, whichever is later.

If the foregoing is acceptable to CSX, please provide appropriate documentation to formalize the agreement at your earliest convenience.

Sincerely,

William A. Grimes  
Expansion & Acquisitions

Cc: Mr. Robert E. Fehr



Exhibit C

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ENVIRONMENTAL REPORT

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**CSX TRANSPORTATION, INC.  
ST. PETERSBURG, PINELLAS COUNTY, FLORIDA  
DOCKET AB-55 (SUB-NO. 646X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

**(1) PROPOSED ACTION AND ALTERNATIVES**

**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 drawings clearly delineating the project.**

CSX Transportation, Inc. (CSXT) proposes to abandon 1.85 miles of its rail line in St. Petersburg, Pinellas County, Florida. There are two patrons on the line, Cox Lumber, whose principal commodity is lumber, and Labar Enterprises, whose principal commodity is bagged/palletized concrete, has generate minimal traffic over the last several years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

**(2) TRANSPORTATION SYSTEM**

**Describe the effects of the proposed action on regional or local transportation systems and 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.**

There will be no effect on existing regional or local transportation systems or patterns.

**(3) LAND USE**

- (i) Based on consultation with local and/or regional planning agencies and/or a 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.**

On November 5, 2003, the Pinellas Planning Council forwarded the attached response to Applicant's inquiry of October 6, 2003 requesting information regarding this statement. (See Attachment 3.)

On November 4, 2003, the City of St. Petersburg forwarded the attached response to Applicant's inquiry of October 6, 2003 requesting information regarding this statement (See Attachment 4.)

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

On October 16, 2003, the Natural Resources Conservation Service, Plant City Field Office, advised, "There is no prime agricultural land in the area contiguous to the proposed abandonment..." (See Attachment 5.)

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

Applicant has not received responses to its inquiries of October 6, 2003 and October 29, 2003 to the Florida Coastal Management Program, seeking information regarding this statement. (See Attachments 6 and 7.)

- (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.

The properties located within the proposed abandonment may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

**(4) ENERGY**

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

The proposed action will have no effect on the transportation of energy resources.

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

The proposed action will have no effect on the movement and/or recovery of 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 not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a 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.

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

**(5) AIR**

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase

in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (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 (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

**(6) NOISE**

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. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

**(7) SAFETY**

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

There will be no effect on public health and safety as a result of the proposed action. The removal of 12 grade crossings and the associated signs and structures will enhance public safety by eliminating distractions to vehicular traffic crossing 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 any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

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

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

**(8) BIOLOGICAL RESOURCES**

- (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.

Applicant has not received responses to its inquiries of October 6, 2003 and October 29, 2003 to the U.S. Fish and Wildlife Service, Jacksonville, Florida, seeking information regarding this statement. (See Attachments 8 and 9.)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe

that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

**(9) WATER**

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

On October 6, 2003, the Florida Department of Environmental Protection advised, "Your request for determination...has been forwarded to the Southwest Florida Water Management District (SWFWMD), who has responsibility for this authority..." (See Attachment 10.)

On November 7, 2003, Applicant received a response from the SWFWMD indicating that no Environmental Resource Permit will be required for the removal of track materials on the subject property. (See Attachment 11.)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

On January 30, 2004, the Department of the Army, Jacksonville District Corps of Engineers advised, "the project as proposed will not require a Department of the Army permit...Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act..." (See Attachment 12.)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying road bed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

On October 22, 2003, the U.S. Environmental Protection Agency, Region 4, provided the following response to our October 6, 2003 inquiry seeking information regarding this statement:

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land is disturbed by clearing or grading and if storm water discharges from this disturbance enter a surface water body, either by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. The State of Florida Department of Environmental Protection (FDEP) has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program,

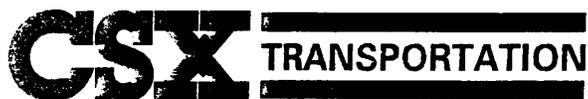
under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

(See Attachment 13.) Applicant has not received a final determination of this matter from the State of Florida.

**10. MITIGATION**

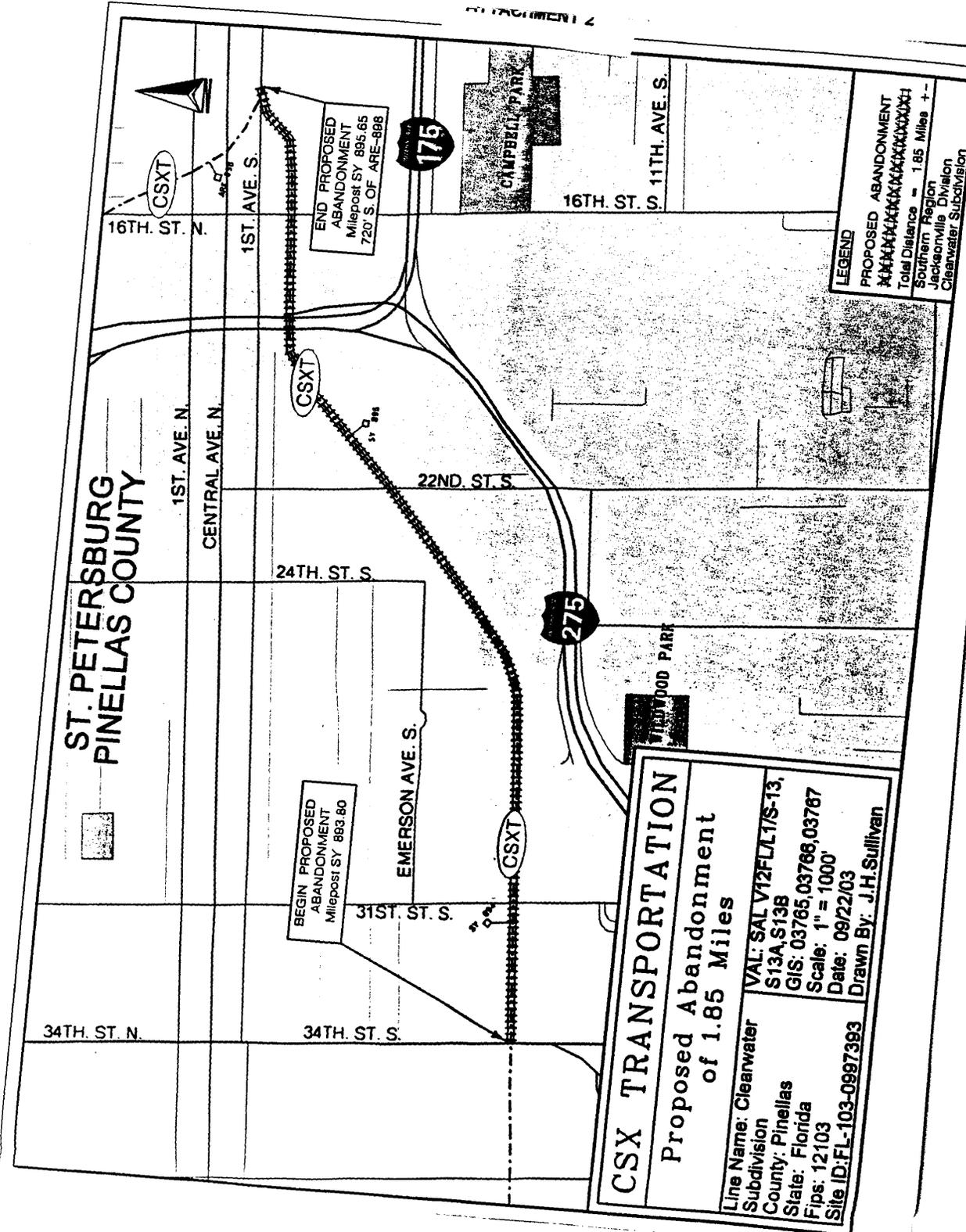
**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

To mitigate any adverse environmental impact in the project area, Applicant will comply with State and Federal regulations and obtain any necessary permits required.



**AREA MAP**  
**STATE OF FLORIDA**  
**Proposed Abandonment - 1.85 Miles**  
**Pinellas County**  
**St. Petersburg, Florida**

SOUTHERN REGION - JACKSONVILLE DIVISION - CLEARWATER SUBDIVISION



ST. PETERSBURG  
PINELLAS COUNTY

BEGIN PROPOSED  
ABANDONMENT  
Milepost SY 893.80

END PROPOSED  
ABANDONMENT  
Milepost SY 895.65  
720' S. OF AFE-898

**CSX TRANSPORTATION**  
Proposed Abandonment  
of 1.85 Miles

Line Name: Clearwater  
Subdivision  
County: Pinellas  
State: Florida  
Fips: 12103  
Site ID: FL-103-0997393

VAL: SAL V12FL17S-13,  
S13A, S13B  
GIS: 03765, 03766, 03767  
Scale: 1" = 1000'  
Date: 09/22/03  
Drawn By: J.H. Sullivan

**LEGEND**  
PROPOSED ABANDONMENT  
Total Distance = 1.85 Miles +-  
Southern Region  
Jacksonville Division  
Clearwater Subdivision



# PINELLAS PLANNING COUNCIL

## COUNCIL MEMBERS

Mayor Robert H. DiNicola, Chm.  
Mayor Robert Jackson, Ph.D., Vice Chm.  
Mayor Frank DiDonato, D.C., Treas.  
Commissioner Calvin D. Harris, Sec.  
Councilor Pete Bengston  
Mayor Jerry Beverland  
Vice-Mayor Sandra L. Bracbury  
Mayor Tom De Casare  
Councilmember Bill Foster  
School Board Member Jane Gallucci  
Vice-Mayor Bob Hackworth  
Vice-Mayor Hoyt Hamilton  
Commissioner Nadine S. Nickeson

November 5, 2003

Stephanie M. Lemmon, Project Manager  
CSX Transportation  
Asset Management  
500 Water Street (J200)  
Jacksonville, Florida 32202

David P. Healey, AICP  
Executive Director

Dear Ms. Lemmon:

My apologies for not responding sooner to your letter of October 6<sup>th</sup>.

Please find enclosed a copy of our Countywide Future Land Use Plan map in accord with your request. The CSXT line on the map you sent us does not show as a separate Land Use Plan category on the Plan map and is located within the City of St. Petersburg Central Business District (CBD) category.

By copy of this response, I am forwarding your letter to David Goodwin, Assistant Director Development Services Department with the City of St. Petersburg for his information and consideration.

Sincerely,

David P. Healey, AICP  
Executive Director

cc: David Goodwin, Assistant Director Development Services Department

# COUNTYWIDE FUTURE LAND USE PLAN MAP

FINELLS PLANNING COUNCIL

COUNTYWIDE PLANNING AUTHORITY

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS  
JANUARY 19, 1994

BASE MAP INFORMATION

SCALE: 1" = 1/4"



PROJECT NO. 93-001  
DATE: 1/19/94  
BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

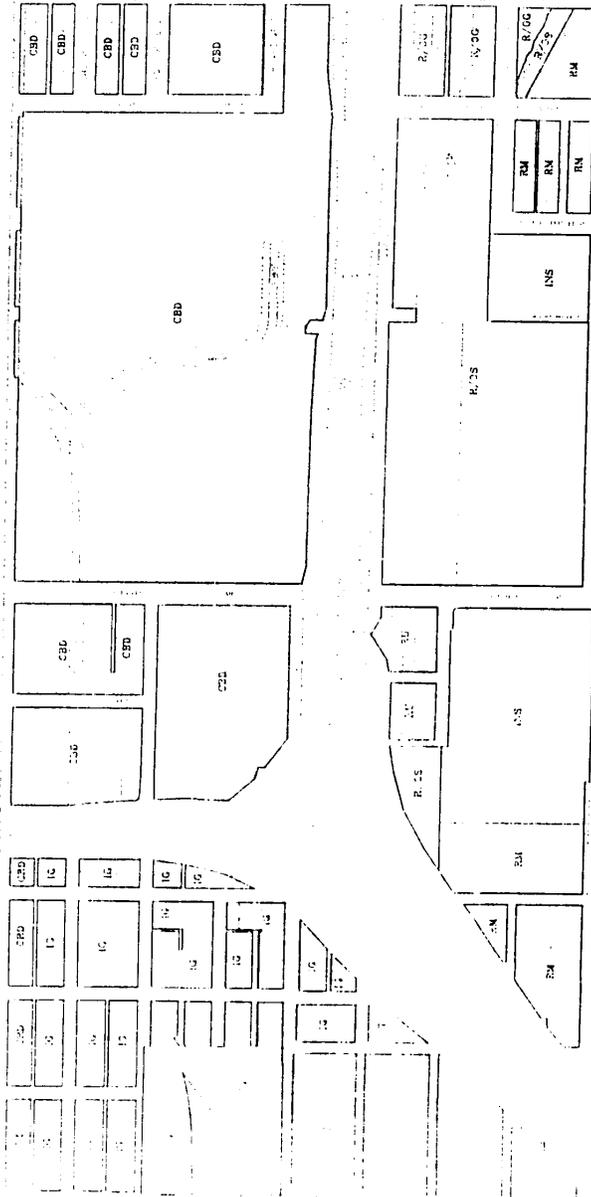
REVISIONS

REVISION RECORD

NO.	DATE	DESCRIPTION
1	1/19/94	ISSUED FOR PUBLIC COMMENT
2	1/19/94	ISSUED FOR PUBLIC COMMENT
3	1/19/94	ISSUED FOR PUBLIC COMMENT
4	1/19/94	ISSUED FOR PUBLIC COMMENT
5	1/19/94	ISSUED FOR PUBLIC COMMENT
6	1/19/94	ISSUED FOR PUBLIC COMMENT
7	1/19/94	ISSUED FOR PUBLIC COMMENT
8	1/19/94	ISSUED FOR PUBLIC COMMENT
9	1/19/94	ISSUED FOR PUBLIC COMMENT
10	1/19/94	ISSUED FOR PUBLIC COMMENT

DATE OF PUBLICATION

NO.	DATE	DESCRIPTION
1	1/19/94	ISSUED FOR PUBLIC COMMENT
2	1/19/94	ISSUED FOR PUBLIC COMMENT
3	1/19/94	ISSUED FOR PUBLIC COMMENT
4	1/19/94	ISSUED FOR PUBLIC COMMENT
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9	1/19/94	ISSUED FOR PUBLIC COMMENT
10	1/19/94	ISSUED FOR PUBLIC COMMENT



LEGEND

**MIXED USE**

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**SPECIAL DESIGNATIONS**

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ATTACHMENT 4

CITY OF ST PETERSBURG

Post Office Box 2342, St. Petersburg, Florida 33731-2342

Web Site: [www.stpete.org](http://www.stpete.org) Channel 35 WSPF-TV

Telephone: 727-893-7171

November 4, 2003

Ms. Stephanie M. Lemmon, Project Manager  
CSX Transportation, Inc.  
Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202

Dear Ms. Lemmon:

Your letter of October 6, 2003, advised the City that CSX Transportation, Inc. is considering abandoning a portion of its rail line in St. Petersburg and requested a review for consistency with the City's long-range plans. The affected portion of the line, from 34<sup>th</sup> Street South to east of 16<sup>th</sup> Street South, was depicted on a map attached to the subject letter.

The City's Future Land Use Plan designations around the subject rail line are Industrial General from 34<sup>th</sup> Street South to I-275 and Central Business District from I-275 to the end of the rail line just east of 16<sup>th</sup> Street South. Comprehensive Plan Future Land Use Element policies LU2.21 and LU2.22 seek to preserve and increase our supply of industrial land in order to diversify and expand the employment base. Although the abandonment of this section of rail line would not decrease the supply of industrially designated land, it would negatively impact a major employer in the City's Midtown district, Cox Lumber, and one other business. Cox is dependent on CSX for delivery of lumber products. The City's Midtown Strategic Planning Initiative has as its highest priority the economic development of the area which would include retaining existing jobs and businesses. Cox Lumber employs 140 people in an area of Midtown that is critical to the City's efforts for economic revitalization. The City has invested millions of dollars in trying to attract employers to this area. The loss of a major employer would be devastating to those efforts.

Comprehensive Plan Transportation Element policies T4.5 and T16.3 support an increase in bicycle and pedestrian travel throughout the city for commuting to work and school as well as for recreational purposes. In addition, this element encourages the development of bicycle trails to provide public access to existing and planned recreation areas. Moreover, Bicycle/Pedestrian Master Plan objectives 1.4 and 1.5 propose, in part, to expand the Pinellas Trail and provide increased linkages to major attractors such as the downtown and waterfront. If abandoned, the CSX rail line could become an extension to the Pinellas Trail.

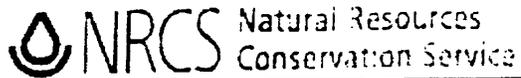
The preservation of Cox Lumber at their current location is vital. If they can be accommodated, the City will work with CSX on alternatives for this right-of-way corridor.

If you have any questions, please contact me at (727) 893-7868.

Sincerely,

David S. Goodwin  
Assistant Director  
Development Services

cc: Mike Dove                      Kevin Dunn  
Rick Mussett                      Bruce Grimes  
Ron Barton  
Joe Kubicki



Plant City Field Office • 201 South Collins St. • Plant City, FL 33563 • Tel. 813-759-6450 x-3 • FAX 813-759-6530

October 16, 2003

Attn: Stephanie M. Lemmon  
CSX Transportation, Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202

Re: Prime Farmland

There is no prime agricultural land in the area contiguous to the proposed abandonment of the CSX rail line in St. Petersburg, Pinellas County, Florida as depicted on the attached map.

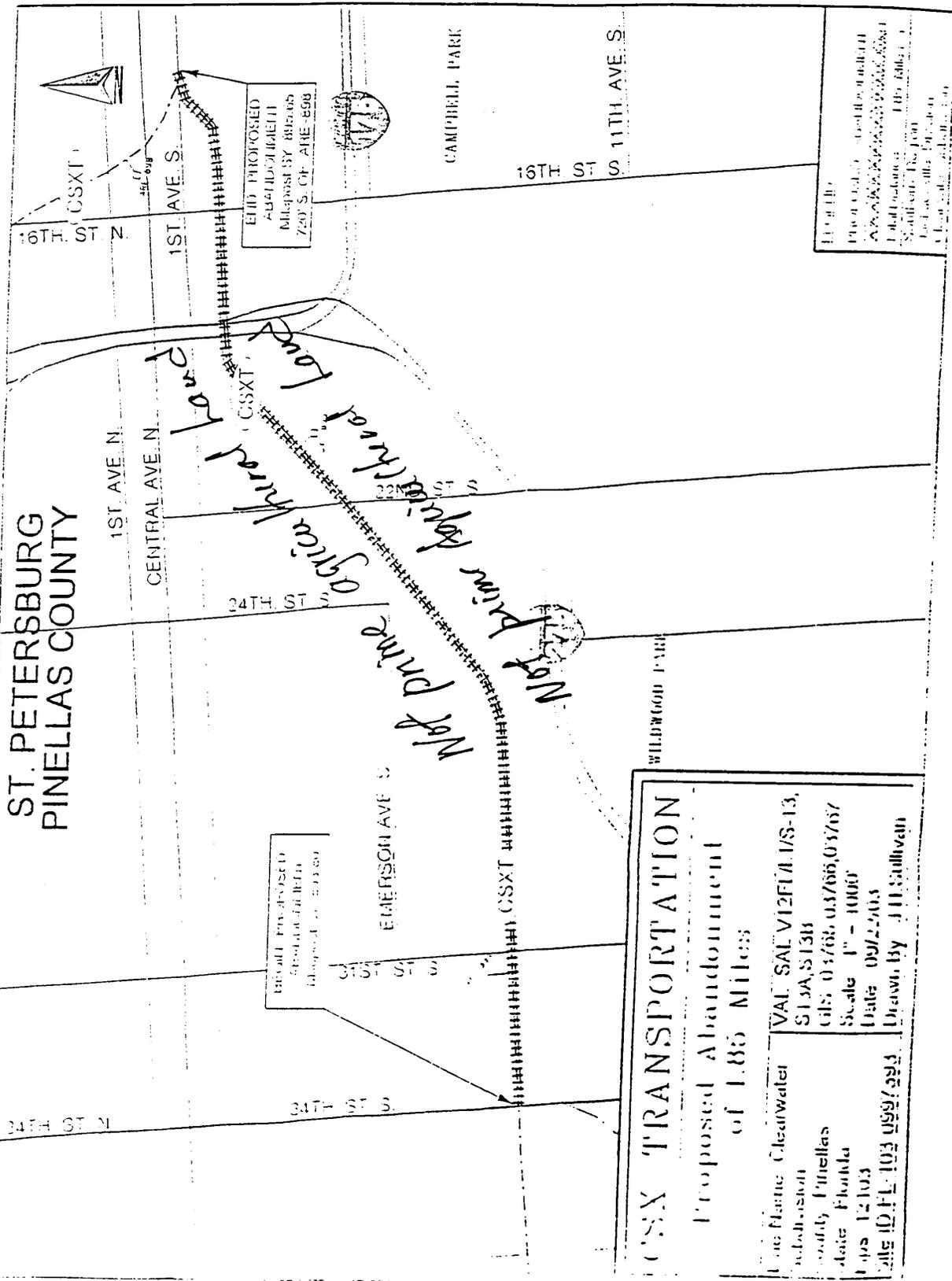
A handwritten signature in black ink, appearing to read "Juan A. Vega".

Juan A. Vega  
District Conservationist

The Natural Resources Conservation Service works in partnership with the American people to protect and sustain natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

ST. PETERSBURG  
PINELLAS COUNTY



EMILY PROPOSED  
ADRIAN GIURETTI  
Mapquest 37 882205  
720 S. OF AHE-898

EMILY PROPOSED  
ADRIAN GIURETTI  
Mapquest 37 882205

**CSX TRANSPORTATION**  
Proposed Abandonment  
of 1.85 Miles

Line Name: Clearwater	VAL: SAL V12FL/11S-13,
Subdivision:	S13A,S13B
County: Pinellas	GIS: 03/03,03/06,03/07
State: Florida	Scale: 1" = 1000'
Date: 12/03	Date: 09/22/03
File ID: FL-103-0597-093	Drawn By: JH Sullivan

EMILY  
Project No.: 05090000000000000000  
Mapquest 37 882205  
720 S. OF AHE-898  
Southwest: The Joint  
East: South: The Joint  
North: The Joint

ATTACHMENT 6



Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

October 6, 2003

Mr. Ralph Cantral, Executive Director  
Florida Coastal Management Program  
Florida Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, FL 32399-2100

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in St. Petersburg, Pinellas County, Florida, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations require expanded environmental information in connection with rail lines, which are subject to abandonment. One of these is to determine if a designated coastal zone management area is involved, and, if so, if the proposed action is consistent with the affected State's Coastal Zone Management Program.

I would appreciate your advising if the removal of the rail would have an effect on your program. It is CSXT's intention to simply remove the metal material from the top layer of gravel ballast, and to preserve the existing routes of water flow and drainage. We do not anticipate any dredging or use of fill in the removal of the track material.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie M. Lemmon".

Stephanie M. Lemmon

ATTACHMENT 7



Asset Management  
500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
Email: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

October 29, 2003

Mr. Ralph Cantral, Executive Director  
Florida Coastal Management Program  
Florida Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, FL 32399-2100

Re: Docket No. AB-55 (Sub. No. 646X)  
CSX Transportation, Inc. - Proposed Abandonment  
St. Petersburg, Pinellas County, Florida

Dear Mr. Cantral:

Please be advised that on November 21, 2003, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 1.85 miles of railroad in St. Petersburg, Pinellas County, Florida.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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 Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon".

Stephanie M. Lemmon

Attachment  
Copy:  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street NW - Suite 534  
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Sr. Counsel  
CSX Transportation, Inc.  
500 Water Street, J150  
Jacksonville, FL 32202

ATTACHMENT 8



Asset Management  
500 Water Street (J200)  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
E-Mail: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

October 6, 2003

U.S. Department of the Interior  
Fish and Wildlife Service  
Endangered Species Field Station  
6620 Southpoint Drive, South, Suite 310  
Jacksonville, FL 32216-0912

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line in St. Petersburg, Pinellas County, Florida, as depicted on the attached map.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we develop responses to the following statements:

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

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment



ATTACHMENT 9

Asset Management  
500 Water Street - J200  
Jacksonville, FL 32202  
Phone: (904) 359-3311  
FAX: (904) 245-2848  
Email: Stephanie\_Lemmon@csx.com

Stephanie M. Lemmon  
Project Manager

October 29, 2003

U. S. Fish & Wildlife Service  
Endangered Species Field Station  
6620 Southpoint Drive, South, Suite 310  
Jacksonville, FL 32216-0912

Re: Docket No. AB-55 (Sub. No. 646X)  
CSX Transportation, Inc. - Proposed Abandonment  
St. Petersburg, Pinellas County, Florida

Gentlemen:

Please be advised that on November 21, 2003, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Petition for Exemption seeking authority to abandon approximately 1.85 miles of railroad in St. Petersburg, Pinellas County, Florida.

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental effects. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is 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 Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423, telephone (202) 565-1545 and refer to the above Docket Number(s). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 359-3311, or by mail at the above address.

Sincerely,

Stephanie M. Lemmon

Attachment  
Copy:  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street NW - Suite 534  
Washington, DC 20423-0001

Ms. N. S. Rosenberg, Sr. Counsel  
CSX Transportation, Inc.  
500 Water Street, J150  
Jacksonville, FL 32202



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

October 20, 2003

Stephanie M. Lemmon  
Project Manager  
CSX Transportation  
Asset Mangement  
500 Water Street  
Jacksonville, FL 32202

Dear Ms. Lemmon:

Your request for a determination of the need for a permit and compliance with water quality standards has been forwarded to the Southwest Florida Water Management District (SWFWMD), who has responsibility for this authority under the Operating Agreement concerning regulation under Part IV, Chapter 373, F.S., between the Department and the SWFWMD. We have also forwarded your request to the National Pollutant Discharge Elimination System (NPDES) Section in the Department, so that they may determine if your project requires a federal stormwater permit. Thank you for your attention to this matter.

Sincerely,

Douglas Fry  
Environmental Administrator  
Florida Department of Environmental Protection  
Program Development & Support Section  
Bureau of Beaches and Wetland Systems, MS 2500

cc: Michael Bateman, NPDES, w/enclosure  
John Heuer, SWFWMD, w/enclosure

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# Southwest Florida Water Management District

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)  
SUNCOM 578-2070

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)  
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: WaterMatters.org

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)  
SUNCOM 531-6900

**Lecanto Service Office**  
3600 West Sovereign Path  
Suite 226  
Lecanto, Florida 34461-8070  
(352) 527-8131  
SUNCOM 667-3271

**Thomas G. Dabney, II**  
Chair, Sarasota  
**Watson L. Haynes, II**  
Vice Chair, Pinellas  
**Janet D. Kovach**  
Secretary, Hillsborough  
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Treasurer, Hillsborough  
**Edward W. Chance**  
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Pinellas  
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Highlands  
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**Heidi B. McCree**  
Hillsborough  
**T. G. "Jerry" Rice**  
Pasco  
**Judith C. Whitehead**  
Hernando

**David L. Moore**  
Executive Director  
**Gene A. Heath**  
Assistant Executive Director  
**William S. Blenky**  
General Counsel

November 7, 2003

Ms. Stephanie M. Lemmon  
CSX Transportation  
500 Water Street (J200)  
Jacksonville, FL 32202

Subject: **Project Evaluation - Permit Not Required**  
Project Name: CSX Abandonment - From Milepost SY 839.80 to  
Milepost SY 895.65  
Inquiry Number: 121594  
County: Pinellas  
Sec/Twp/Rge: 24/31S/16E  
Latitude/Longitude: 27° 46' 03.48"/82° 39' 41.17"

Reference: Rule 40D-4.041, Florida Administrative Code (F.A.C.)  
Subsection 373.406(6), Florida Statutes (F.S.)

Dear Ms. Lemmon:

The District has reviewed the information you submitted on October 28, 2003 for the project referenced above and has determined that an Environmental Resource Permit (ERP) will not be required for the track and crosstie removal.

The information received by the District will be kept in the Tampa Service Office to support the District's determination regarding your project. The District's determination that your project does not require an ERP is only applicable pursuant to the statutes and rules in effect at the time the information was submitted and may not be valid in the event subsequent changes occur in the applicable rules and statutes. Additionally, this notification does not mean that the District has determined that your project is permanently exempt from permitting requirements. Any subsequent change you make in the project's operation may necessitate further evaluation or permitting by the District. Therefore, you are advised to contact the District before beginning the project and before beginning any activity which is not specifically described in your submittal. Your timely pursuit of this activity is encouraged to avoid any potential rule changes that could affect your request.

This letter constitutes notice of Final Agency Action of the project listed above. A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference.

Permit No.: 121594  
November 7, 2003  
Page 2

A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available.

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

If you have questions regarding this matter, please contact Richard M. Alt, P.E., at the Tampa Service Office, extension 2045. Please reference the Project Name and Inquiry Number in future communications concerning this project.

Sincerely,



Alba E. Más, P.E., Director  
Tampa Regulation Department

AEM:RMA:yvv

Enclosures: Noticing Packet (42.00-047)  
Section 28-106.201 and 28-106.301. F.A.C.

cc: Inquiry No. 121594  
US Army Corps of Engineers



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# Southwest Florida Water Management District

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)  
SUNCOM 578-2070

**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)  
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)  
SUNCOM 531-6900

**Lecanto Service Office**  
3600 West Sovereign Path  
Suite 226  
Lecanto, Florida 34461-8070  
(352) 527-8131  
SUNCOM 667-3271

## NOTICING PACKET PUBLICATION INFORMATION

### PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR A LIST OF FREQUENTLY ASKED QUESTIONS (FAQ)

- Thomas G. Dabney, II**  
Chair, Sarasota
- Watson L. Haynes, II**  
Vice Chair, Pinellas
- Janet D. Kovach**  
Secretary, Hillsborough
- Maggie N. Dominguez**  
Treasurer, Hillsborough
- Edward W. Chance**  
Manatee
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- William S. Bilenky**  
General Counsel

The District's action regarding the issuance or denial of a permit or qualification for an exemption only becomes closed to future legal challenges from members of the public ("third parties"), if 1.) "third parties" have been properly notified of the District's action regarding the permit or exemption, and 2.) no "third party" objects to the District's action within a specific period of time following the notification.

Notification of "third parties" is provided through publication of certain information in a newspaper of general circulation in the county or counties where the proposed activities are to occur. Publication of notice informs "third parties" of their right to challenge the District's action. If proper notice is provided by publication, "third parties" have a 21-day time limit in which to file a petition opposing the District's action. A shorter 14-day time limit applies to District action regarding Environmental Resource Permits linked with an authorization to use Sovereign Submerged Lands. However, if no notice to "third parties" is published, there is no time limit to a party's right to challenge the District's action. The District has not published a notice to "third parties" that it has taken or intends to take final action on your application. If you want to ensure that the period of time in which a petition opposing the District's action regarding your application is limited to the time frames stated above, you may publish, at your own expense, a notice in a newspaper of general circulation. A copy of the Notice of Agency Action the District uses for publication and guidelines for publishing are included in this packet.

#### Guidelines for Publishing a Notice of Agency Action

1. Prepare a notice for publication in the newspaper. The District's Notice of Agency Action, included with this packet, contains all of the information that is required for proper noticing. However, you are responsible for ensuring that the form and the content of your notice comply with the applicable statutory provisions.
2. Your notice must be published in accordance with Chapter 50, Florida Statutes. A copy of the statute is enclosed.
3. Select a newspaper that is appropriate considering the location of the activities proposed in your application, and contact the newspaper for further information regarding their procedures for publishing.
4. You only need to publish the notice for one day.
5. Obtain an "affidavit of publication" from the newspaper after your notice is published.
6. Immediately upon receipt send the ORIGINAL affidavit to the District at the address below, for the file of record. Retain a copy of the affidavit for your records.

Southwest Florida Water Management District  
Records and Data Supervisor  
2379 Broad Street  
Brooksville, Florida 34604-6899

Note: If you are advertising a notice of the District's proposed action, and the District's final action is different, publication of an additional notice may be necessary to prevent future legal challenges. If you need additional assistance, you may contact Myra Ford at ext. 4338, at the Brooksville number listed above. (Your question may be on the FAQ list).

**NOTICE OF FINAL AGENCY ACTION BY  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

Notice is given that the District has determined that no \_\_\_\_\_ is required on \_\_\_\_\_ acres to serve \_\_\_\_\_ known as \_\_\_\_\_. The project is located in \_\_\_\_\_ County, Section(s) \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East. The permit inquiry was submitted by \_\_\_\_\_ whose address is \_\_\_\_\_. The permit inquiry number is \_\_\_\_\_.

The file(s) pertaining to the project referred to above is available for inspection Monday through Friday except for legal holidays, 8:00 a.m. to 5:00 p.m., at the Southwest Florida Water Management District (District) \_\_\_\_\_.

**NOTICE OF RIGHTS**

Any person whose substantial interests are affected by the District's action may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), and Chapter 28-106, Florida Administrative Code (F.A.C.), of the Uniform Rules of Procedure. ***A request for hearing must (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or final action; (2) state all material facts disputed by each person requesting the hearing or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C.*** A request for hearing must be filed with and received by the Agency Clerk of the District at the District's Brooksville address, 2379 Broad Street, Brooksville, FL 34604-6899 within 21 days of publication of this notice. Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District's final action may be different from the position taken by it in this notice of final agency action. Persons whose substantial interests will be affected by any such final decision of the District on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's final action in this matter is not available prior to the filing of a request for hearing.

NAME OF NEWSPAPER  
Published (Weekly or Daily)  
(Town or City) (County) FLORIDA

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_:

Before the undersigned authority personally appeared \_\_\_\_\_, who on oath says that he or she is \_\_\_\_\_ of the \_\_\_\_\_, a \_\_\_\_\_ newspaper published at \_\_\_\_\_ in \_\_\_\_\_ County, Florida; that the attached copy of advertisement, being a \_\_\_\_\_ in the matter of \_\_\_\_\_ in the \_\_\_\_\_ Court, was published in said newspaper in the issues of \_\_\_\_\_.

Affiant further says that the said \_\_\_\_\_ is a newspaper published at \_\_\_\_\_, in said \_\_\_\_\_ County, Florida, and that the said newspaper has heretofore been continuously published in said \_\_\_\_\_ County, Florida, each \_\_\_\_\_ and has been entered as 'second-class mail matter at the post office in \_\_\_\_\_, in said \_\_\_\_\_ County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced (type of identification) as identification.

\_\_\_\_\_(Signature of Notary Public)\_\_\_\_\_

\_\_\_\_\_(Print, Type, or Stamp Commissioned Name of Notary Public)\_\_\_\_\_

\_\_\_\_\_(Notary Public)\_\_\_\_\_

History.—s. 2, ch. 19290, 1939; CGL 1940 Supp. 4668(2); s. 6, ch. 67-254; s. 1, ch. 93-62; s. 291, ch. 95-147.

'Note.—Redesignated as "Periodicals" by the United States Postal Service, see 61 F.R. 10123-10124, March 12, 1996.

Note.—Former s. 49.05.

**50.061 Amounts chargeable.—**

(1) The publisher of any newspaper publishing any and all official public notices or legal advertisements shall charge therefor the rates specified in this section without rebate, commission or refund.

(2) The charge for publishing each such official public notice or legal advertisement shall be 70 cents per square inch for the first insertion and 40 cents per square inch for each subsequent insertion, except that:

(a) In all counties having a population of more than 304,000 according to the latest official decennial census, the charge for publishing each such official public notice or legal advertisement shall be 80 cents per square inch for the first insertion and 60 cents per square inch for each subsequent insertion.

(b) In all counties having a population of more than 450,000 according to the latest official decennial census, the charge for publishing each such official public notice or legal advertisement shall be 95 cents per square inch for the first insertion and 75 cents per square inch for each subsequent insertion.

(3) Where the regular established minimum commercial \_\_\_\_\_ inch of the newspaper publishing such official public notices or legal advertisements is in excess of the rate herein stipul: \_\_\_\_\_ num commercial rate per square inch may be charged for all such legal advertisements or official public notices for each insertion, except that a governmental agency publishing an official public notice or legal advertisement may procure publication by soliciting and accepting written bids from newspapers published in the county, in which case the specified charges in this section do not apply.

(4) All official public notices and legal advertisements shall be charged and paid for on the basis of 6-point type on 6-point body, unless otherwise specified by statute.

(5) Any person violating a provision of this section, either by allowing or accepting any rebate, commission, or refund, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Failure to charge the rates prescribed by this section shall in no way affect the validity of any official public notice or legal advertisement and shall not subject same to legal attack upon such grounds.

History.—s. 3, ch. 3022, 1877; RS 1298; GS 1729; RGS 2944; s. 1, ch. 12215, 1927; CGL 4668; ss. 1, 2, 2A, 2B, ch. 20264, 1941; s. 1, ch. 23663, 1947; s. 1, ch. 57-160; s. 1, ch. 63-50; s. 1, ch. 65-569; s. 6, ch. 67-254; s. 15, ch. 71-136; s. 35, ch. 73-332; s. 1, ch. 90-279.

Note.—Former s. 49.06.

**50.071 Publication costs; court docket fund.—**

(1) There is established in Broward, Dade, and Duval Counties a court docket fund for the purpose of paying the cost of the publication of the fact of the filing of any civil case in the circuit court in those counties by their counties by their style and of the calendar relating to such cases. A newspaper qualified under the terms of s. 50.011 shall be designated as the record newspaper for such publication by an order of a majority of the judges in the judicial circuit in which the subject county is located and such order shall be filed and recorded with the clerk of the circuit court for the subject county. The court docket fund shall be funded by a service charge of \$1 added to the filing fee for all civil actions, suits, or proceedings filed in the circuit court of the subject county. The clerk of the circuit court shall maintain such funds separate and apart, and the aforesaid fee shall not be diverted to any other fund or for any purpose other than that established herein. The clerk of the circuit court shall dispense the fund to the designated record newspaper in the county on a quarterly basis. The designated record newspaper may be changed at the end of any fiscal year of the county by a majority vote of the judges of the judicial circuit of the county so ordering 30 days prior to the end of the fiscal year, notice of which order shall be given to the previously designated record newspaper.

(2) The board of county commissioners or comparable or substituted authority of any county in which a court docket fund is not specifically established in subsection (1) may, by local ordinance, create such a court docket fund on the same terms and conditions as established in subsection (1).

(3) The publishers of any designated record newspapers receiving the court docket fund established in subsection (1) shall, without charge, accept legal advertisement for the purpose of service of process by publication under s. 49.011(4), (10), and (11) when such publication is required of persons authorized to proceed as insolvent and poverty-stricken persons under s. 57.081.

History.—s. 1, ch. 75-206.

**PART II HEARINGS INVOLVING  
DISPUTED ISSUES OF MATERIAL FACT**

**28-106.201 Initiation of Proceedings.**

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/4 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

*Specific Authority 120.54(3), (5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.*

**PART III PROCEEDINGS AND HEARINGS  
NOT INVOLVING DISPUTED ISSUES OF  
MATERIAL FACT**

**28-106.301 Initiation of Proceedings**

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/4 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

*Specific Authority 120.54(5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.*



**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**TAMPA REGULATORY OFFICE**  
**P.O. BOX 19247**  
**TAMPA, FLORIDA 33686-9247**

January 30, 2004

CESAJ-RD-SW-T  
SAJ-2004-1018-MEP

CSX Transportation  
C/o Ms. Stephanie M. Lemmon  
Asset Management  
500 Water Street - J200  
Jacksonville, Florida 32202

Dear Ms. Lemmon,

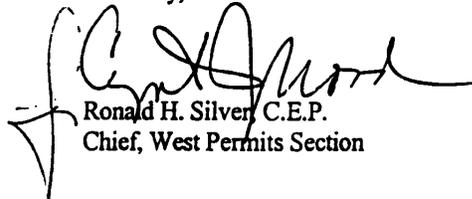
This letter is in response your letter dated October 29, 2003, and the preliminary environmental report included therein, requesting comments concerning the proposed abandonment of 1.85 miles of railroad line in St. Petersburg, Pinellas County, Florida, as depicted in the enclosed drawing.

Upon review of the information and drawings that you submitted, we have determined that project as proposed will not require a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 as it is not located within the navigable waters of the United States. Furthermore, a permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States.

This decision is valid for 5 years from the date of this letter. Additional information regarding this determination is noted <http://www.saj.usace.army.mil/permit/permitting/npr.htm>. (If you are unable to access the internet site provided, please contact Mark E. Peterson by phone at 813-840-2908, ext. 246, or e-mail at [Mark.E.Peterson@saj02.usace.army.mil](mailto:Mark.E.Peterson@saj02.usace.army.mil)).

Thank you for your cooperation with our regulatory program.

Sincerely,



Ronald H. Silver, C.E.P.  
Chief, West Permits Section

Enclosures



ATTACHMENT 13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

OCT 22 2003

Ms. Stephanie M. Lemmon, Project Manager  
CSX Transportation  
500 Water Street  
Jacksonville, Florida 32202

Dear Ms. Lemmon:

This letter is in response to your letter of October 6, 2003, requesting comments from the Environmental Protection Agency (EPA) on the abandonment of a portion of CSX Transportation, Inc., rail line in St. Petersburg, Pinellas County, Florida.

Please be aware that this activity would be subject to the requirements of the Clean Water Act (CWA) if, in the process of dismantling the track, one acre or more of land is disturbed by clearing or grading and if storm water discharges from this disturbance enter a surface water body, either by direct conveyance (pipe, ditch, etc.), or through a municipal separate storm sewer system. The State of Florida Department of Environmental Protection (FDEP) has been authorized to implement the National Pollutant Discharge Elimination System (NPDES) permit program, under Section 402 of the CWA. Please rely on the response you receive from the State for a final determination in this matter.

If EPA can be of further assistance to you in this matter, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roosevelt Childress".

Roosevelt Childress, Chief  
NPDES & Biosolids Permits Section  
Permits, Grants, and Technical Assistance Branch

cc: Tim Parker, FDEP, Tampa District Office

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## HISTORIC REPORT

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**CSX TRANSPORTATION, INC.  
ST. PETERSBURG, PINELLAS COUNTY, FLORIDA  
DOCKET AB-55 (SUB-NO. 646X)**

**1105.7(e)(1)**

**PROPOSED ACTION AND ALTERNATIVES.** 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 drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 1.85 miles of its rail line in St. Petersburg, Pinellas County, Florida. There are two patrons on the line, Cox Lumber, whose principal commodity is lumber, and Labar Enterprises, whose principal commodity is bagged/palletized concrete, has generate minimal traffic over the last several years.

Abandonment of this line will result in the removal of the rail, crossties, and upper layer of ballast; and operations and maintenance of this line will cease. The only alternative would be not to abandon and to pass the operating and capital costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

**1105.8(d)**

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached is a copy of the Saint Petersburg quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachment 3.) There is one (1) CSXT-owned structure that is 50 years old or older.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:

The right-of-way varies from approximately 15 feet to 50 feet from

the centerline of track.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Photographs of the bridge located at SY 895.30 are attached hereto as Attachment 4.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

The bridge located at Milepost SY 895.30 is a 130-foot timber pile trestle bridge. It was built in 1931.

Although CSXT has listed one timber trestle bridge within this historic report because it was originally constructed over 50 years ago, Applicant does not believe that this timber trestle bridge is a historically significant structure since timbers and other components are typically replaced over the years for general maintenance needs.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

Portions of this line segment originated from the following railroad companies: The Orange Belt Railway Company, The Sanford and St. Petersburg Railway Company and the Tampa & Gulf Coast Railroad Company. The Orange Belt Railway Company was conveyed by foreclosure to John P. Isley and Joseph Clark and subsequently conveyed to the Sanford and St. Petersburg Railway in 1894. The Sanford and St. Petersburg Railway Company was conveyed to the Atlantic Coast Line Railroad Company (ACL) in 1903.

The ACL was incorporated on March 14, 1836, as the Richmond and Petersburg Railroad Company, and on April 23, 1900, the name was changed to Atlantic Coast Line Railroad Company. From 1902 through 1912, the ACL merged with a number of small railroads extending from Virginia to Florida. Four more mergers occurred during and immediately after World War II, and two in the 1950's. At the time of the ACL's merger with the Charleston and Western Carolina in 1959, the railroad owned 5,325 miles of line and leased additional lines, for a system total of 5,742 miles. On July 1, 1967, the Seaboard Air Line (SAL) and ACL merged to form the Seaboard Coast Line (SCL). In 1972, the Family Lines was adopted to identify the Louisville and Nashville Railroad and the SCL.

In 1976, the SCL acquired by indenture all of the interests in the Tampa and Gulf Railroad. On November 1, 1980, Seaboard Coast Line Industries Inc. (which was formed in May 1969) and Chessie System Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., which name was changed on July 1, 1986 to CSX Transportation Inc.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:**

Engineering Sketches and Valuation Maps,  
Office of Chief Engineer, Jacksonville, FL.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there is one CSXT-owned structures over 50 years old on this line segment.

Although CSXT has listed one timber trestle bridge within this historic report because it was originally constructed over 50 years ago, Applicant does not believe that this timber trestle bridge is a historically significant structure since timbers and other components are typically replaced over the years for general maintenance needs.

We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or was not associated with lives of persons significant to our past; does not embody the distinctive characteristics of a type, period or method of construction and does not represent a significant and distinguishable entity whose component may lack individual distinction and has not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

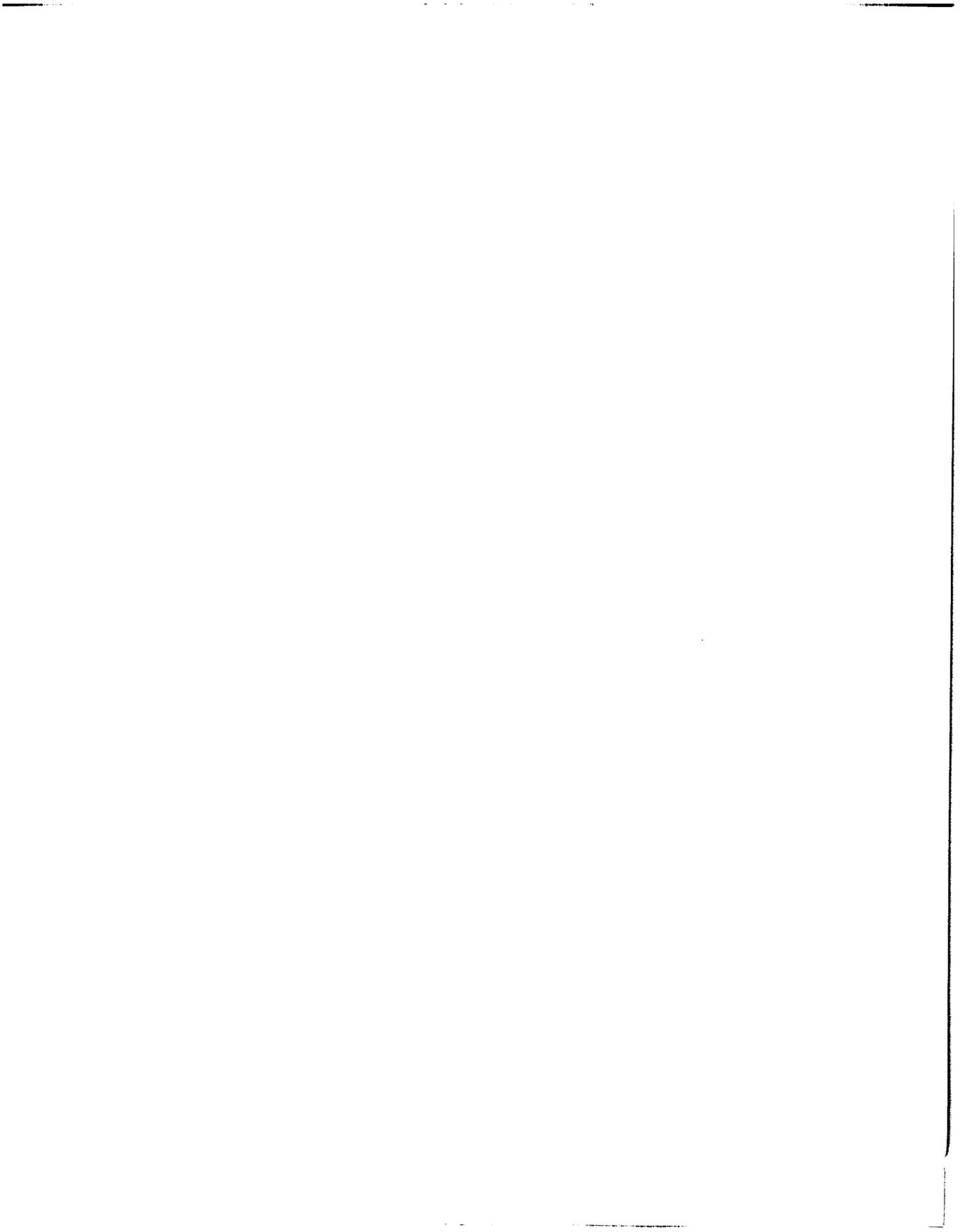


**ST. Petersburg**

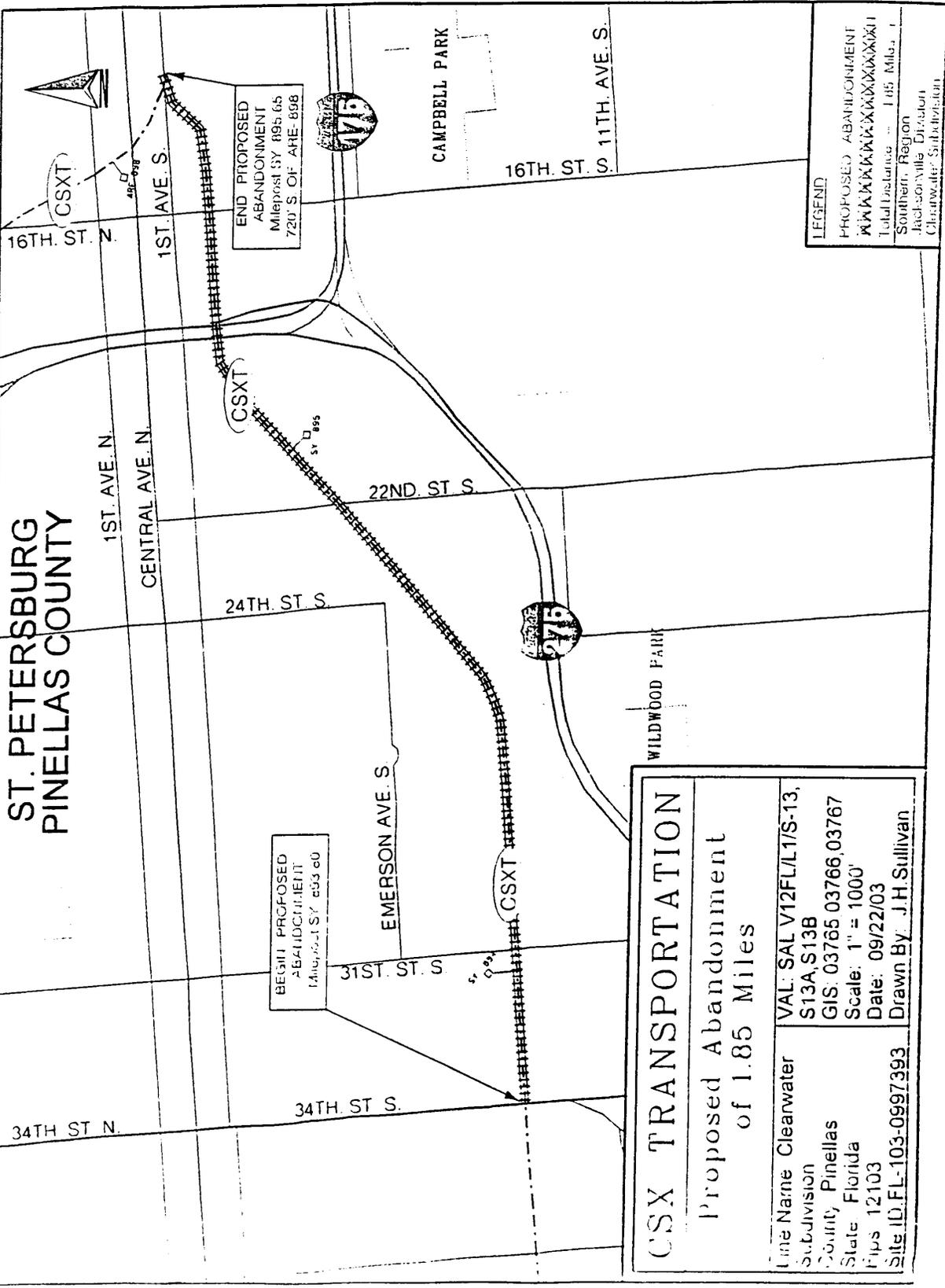
AREA MAP  
STATE OF FLORIDA

Proposed Abandonment - 1.85 Miles  
Pinellas County  
St. Petersburg, Florida

SOUTHERN REGION - JACKSONVILLE DIVISION - CLEARWATER SUBDIVISION



ST. PETERSBURG  
PINELLAS COUNTY

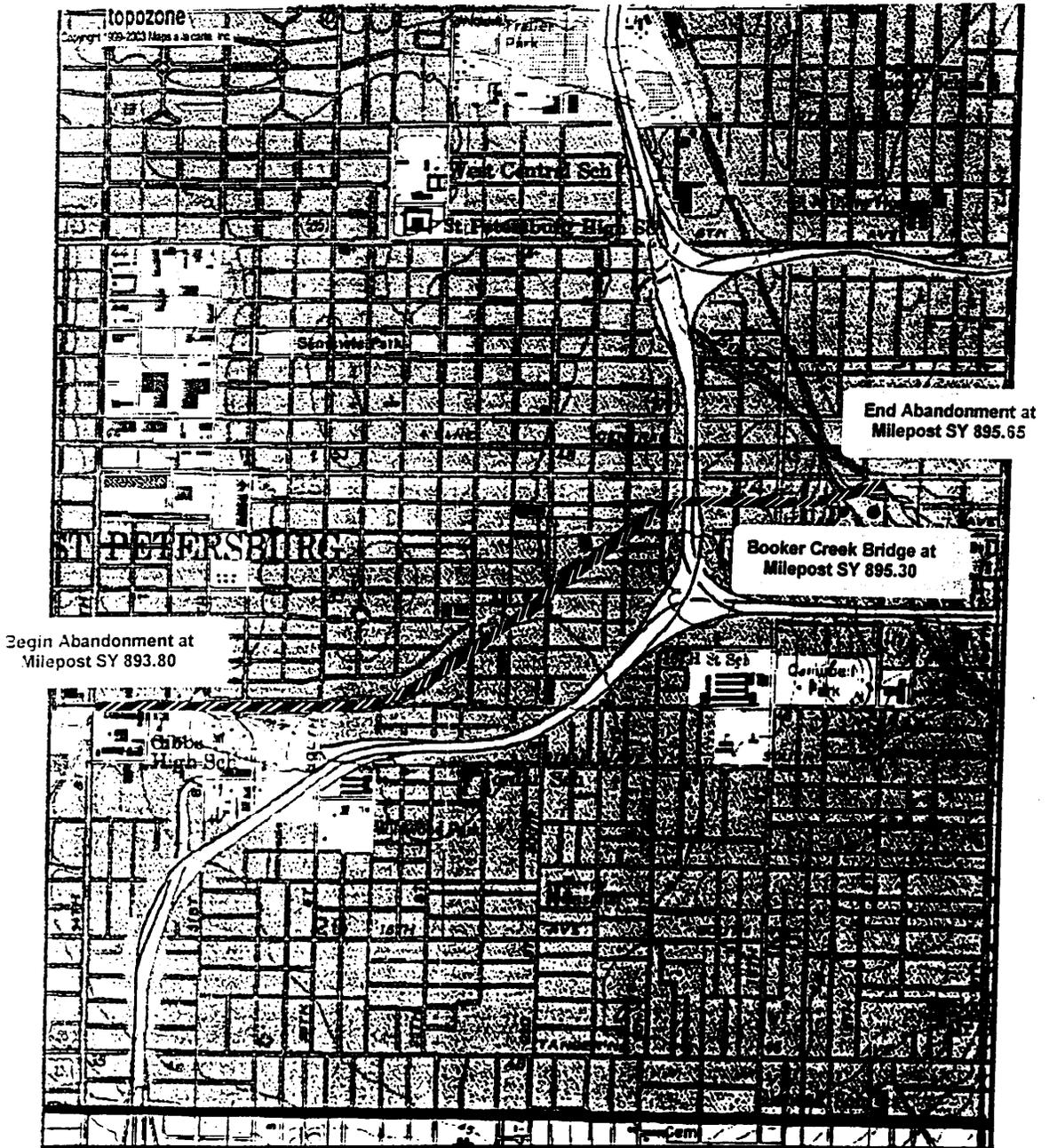


END PROPOSED  
ABANDONMENT  
Milepost SY 895.65  
720' S. OF ARE-898

BEGIN PROPOSED  
ABANDONMENT  
Milepost SY 893.80

LEGEND  
PROPOSED ABANDONMENT  
XXXXXX  
Total Distance = 1.85 Miles  
Southern Region  
Jacksonville Division  
Clearwater Subdivision

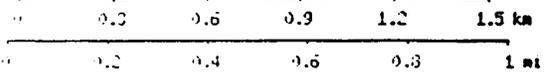
<b>CSX TRANSPORTATION</b>	
Proposed Abandonment of 1.85 Miles	
Line Name	Clearwater
Subdivision	VAL: SAL V12FL/L1/S-13, S13A,S13B
County	Pinellas
State	Florida
Files	03765 03766,03767
Site ID	FL-103-0997393
Date	09/22/03
Drawn By	J.H. Sullivan
Scale	1" = 1000'



Begin Abandonment at  
Milepost SY 893.80

End Abandonment at  
Milepost SY 895.65

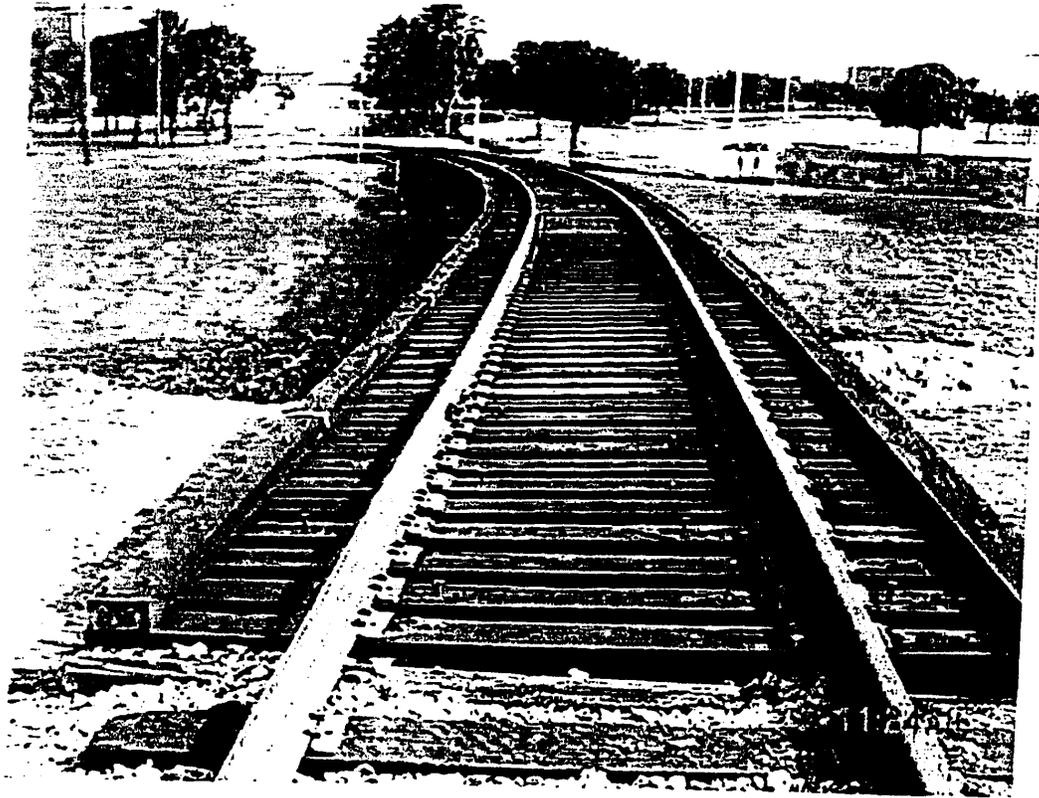
Booker Creek Bridge at  
Milepost SY 895.30

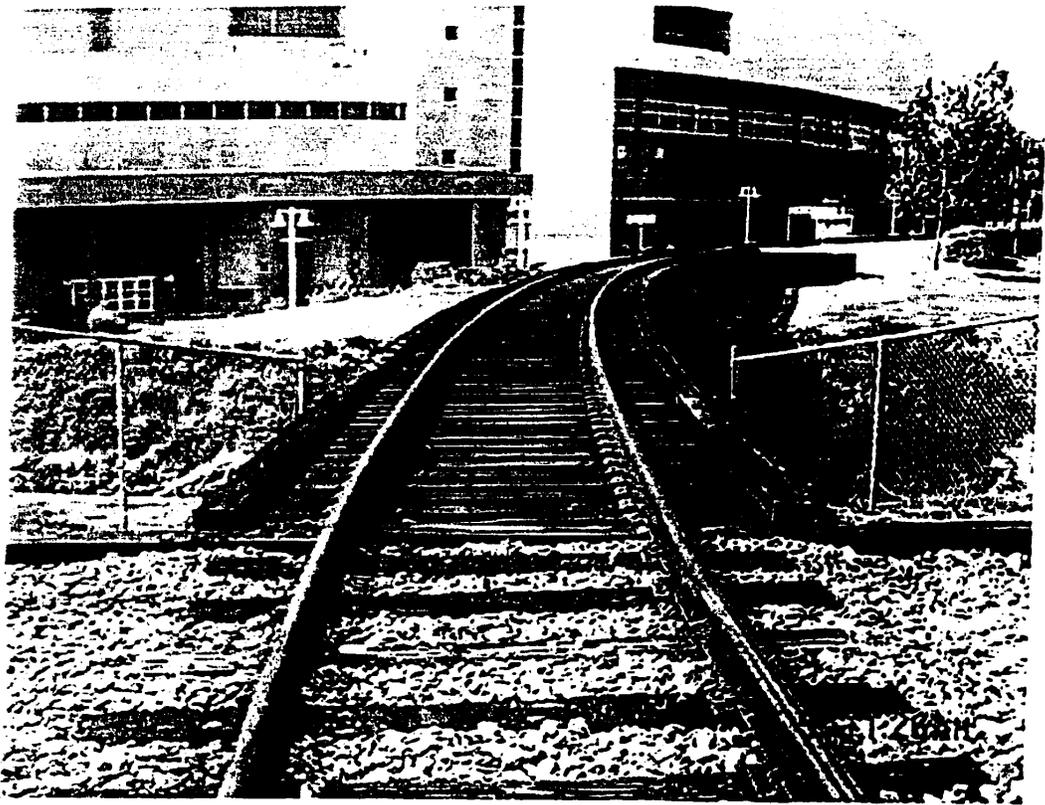


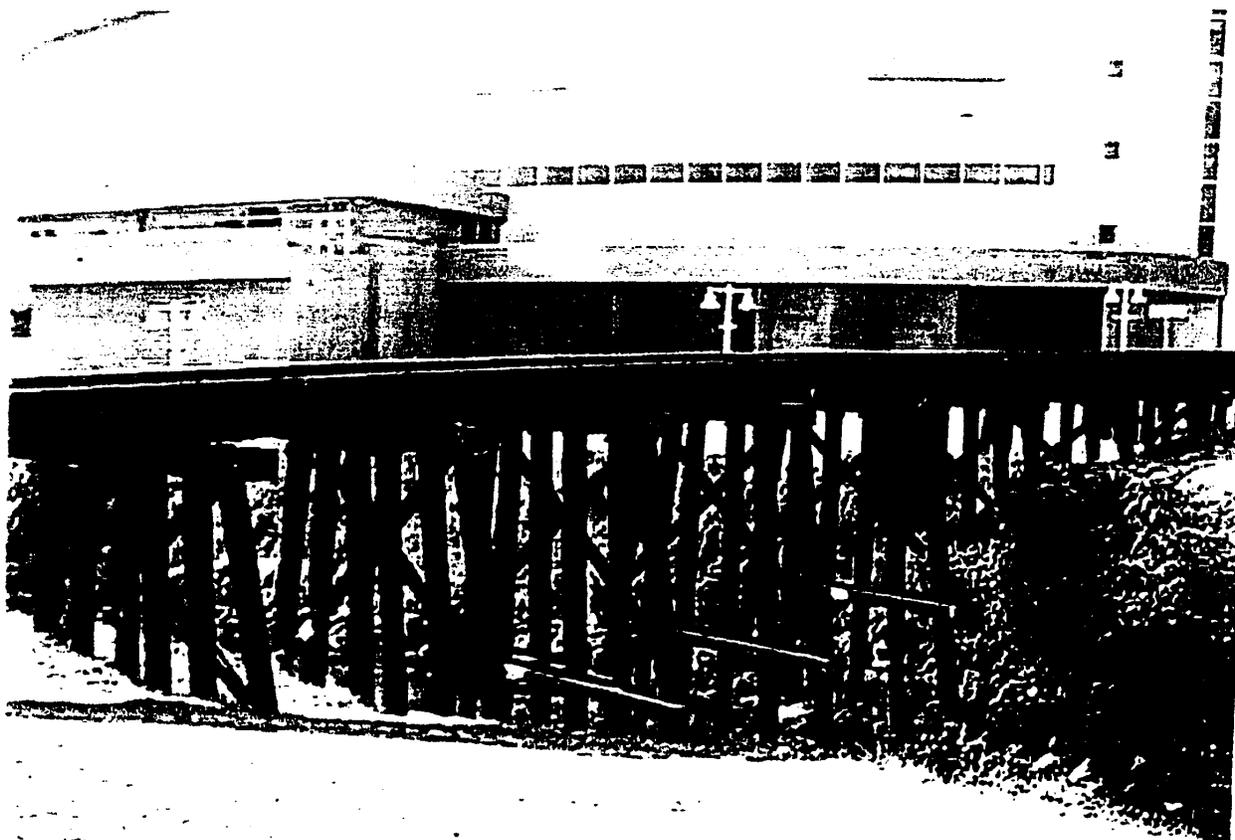
Map center is UTM 17 336032E 3072313N (NAD27)  
Saint Petersburg quadrangle  
Projection is UTM Zone 17 NAD83 Datum



ATTACHMENT 4







5 11:27 AM



**Exhibit E**

EXHIBIT E

**CERTIFICATE OF COMPLIANCE  
WITH NOTICE REQUIREMENTS OF  
49 C.F.R 1105.11**

In accordance with 49 C.F.R. § 1105.7(b), I hereby certify that on October 29, 2003, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Pinellas County Economic Development  
14010 Roosevelt Blvd., Suite 704  
Clearwater, FL 33762

City of St. Petersburg  
Economic Development Dept.  
P.O. Box 2842  
St. Petersburg, FL 33731

Roosevelt Childress, Chief  
U.S. Environmental Protection Agency  
Region 4  
Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta, GA 30303-3104

Douglas Fry, Environmental Administrator  
Florida Dept. of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

U.S. Fish & Wildlife Service  
Endangered Species Field Station  
6620 Southpoint Drive South, Suite 310  
Jacksonville, FL 32216-0912

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

Ms. Janice L. Hatter, Director  
Florida State Clearinghouse  
The Department of Community Affairs  
Executive Office of the Governor - OPB  
2555 Shumard Oak Boulevard

Tallahassee, FL 32399-2100

Mr. Juan A. Vega - District Conservationist  
Natural Resources Conservation Service  
Plant City Field Office  
201 South Collins Street  
Plant City, FL 33563

Mr. Edward J. McKay  
Chief Spatial Reference System Division  
DOC/NOAA  
National Geodetic Survey N/NGS2  
1315 East West Highway Station 8813  
Silver Spring, MD 20910-3282

National Park Service  
Regional Director - Southeast Region  
100 Alabama Street SW  
1924 Building  
Atlanta, GA 30303

Mr. Ralph Cantral, Executive Director  
Florida Coastal Management Program  
Florida Department of community Affairs  
2740 Centerview Drive  
Tallahassee, FL 32399-2100

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on October 17, 2003, a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Dr. George W. Percy, Director  
Division of Historical Resources  
and State Historic Preservation Officer  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250



Jonathan E. Gold

February 27, 2004



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Ms. Stephanie M. Lemmon  
CSX Transportation  
500 Water Street - J200  
Jacksonville, Florida 32202

October 27, 2003

RE: DHR Project File Number: 2003-9156  
Received by DHR October 15, 2003 *JAK 10/28/03*  
Surface Transportation Board - Line Abandonment  
Docket No. AB-55 (Sub-No. 646X)  
St. Petersburg, Pinellas County

Dear Ms. Lemmon:

Our office received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended and *36 CFR Part 800: Protection of Historic Properties*. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties (listed or eligible for listing, in the *National Register of Historic Places*), assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Based on the information provided, it is the opinion of this office that no historic properties will be affected by this undertaking.

This office would like to compliment you and your office on the thoroughness of the information presented in the "historic report." If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail [sedwards@dos.state.fl.us](mailto:sedwards@dos.state.fl.us), or at 850-245-6333 or 800-847-7278.

Sincerely,

  
Janet Snyder Matthews, Ph.D., Director and  
State Historic Preservation Officer

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

<input type="checkbox"/> Director's Office (850) 245-6300 • FAX: 245-6435	<input type="checkbox"/> Archaeological Research (850) 245-6444 • FAX: 245-6436	<input checked="" type="checkbox"/> Historic Preservation (850) 245-6333 • FAX: 245-6437	<input type="checkbox"/> Historical Museums (850) 245-6400 • FAX: 245-6433
<input type="checkbox"/> Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476	<input type="checkbox"/> St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044	<input type="checkbox"/> Tampa Regional Office (813) 272-7843 • FAX: 272-2340	

CERTIFICATE OF SERVICE

I certify that on February 27, 2004, I served by first-class mail, postage prepaid, a copy of the foregoing Petition for Exemption on the following:

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, Virginia 23606-2574

National Park Service  
Recreation Resources Division  
1849 C Street NW  
Washington, D.C. 20240-0001

National Park Service  
Land Resources Division  
1849 C Street NW  
Washington, D.C. 20240-0001

U. S. Department of Agriculture  
Chief of the Forest Service  
1849 C Street NW  
Washington, D.C. 20240-0001

Florida Department of Transportation  
Rail Office  
Attn: Mr. J. Fred Wise, Manager  
605 Suwannee St., MS-25  
Tallahassee, FL 32399-0450

Cox Lumber Co.  
Attn: Mr. William A. Grimes  
2836 Prestwick Drive  
Lakeland, FL 33803

Labar, Inc.  
Attn: Mr. Jerry Piotrowicz  
2100 3<sup>rd</sup> Avenue South  
St. Petersburg, FL 33712



Jonathan C. Gold

STB Docket No. AB-55 (Sub-No. 646X)

Notice of Petition for Exemption to Abandon

On February 27, 2004, CSX Transportation, Inc. filed with the Surface Transportation Board, Washington, DC 20006, a petition for exemption to abandon a line of railroad in the Southern Region, Jacksonville Division, Clearwater Subdivision, extending from Milepost SY 893.80 to Milepost SY 895.65 (hereinafter referred to as "the line"). The line traverses through United States Postal Service ZIP Codes 33712 and 33705.

The 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 interest of railroad employees will be protected by the labor protective conditions imposed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.