

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

TOTAL PETROCHEMICALS, INC.)	
)	
Complainant,)	
)	
)	Docket No. NOR 42121
)	
CSX TRANSPORTATION, INC., et al)	
)	
Defendants)	
)	

**ANSWER OF SEMINOLE GULF RAILWAY, L.P.
TO SECOND AMENDED COMPLAINT**

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Dated: December 8, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

TOTAL PETROCHEMICALS, INC.)	
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Complainant,)	
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**ANSWER OF SEMINOLE GULF RAILWAY, L.P.
TO SECOND AMENDED COMPLAINT**

Seminole Gulf Railway, L.P (“SGLR”) hereby responds to the Second Amended Complaint filed by Total Petrochemicals, Inc. (“TPI”) against CSX Transportation, Inc. (“CSXT”) and 11 short line railroad defendants (including SGLR), as follows:

Background

By decision served November 19, 2010, the Board permitted TPI to file a Second Amended Complaint in this proceeding. The Second Amended Complaint joins 11 short lines as defendants. The Second Amended Complaint includes reference to a single lane in which SGLR participates, identified in Exhibit B as lane 12 from New Orleans, Louisiana to Sarasota, Florida. The route is described as BNSF – NEWOR – CSXT – Oneco – SGLR. Although listed as a railroad in the interline move between origin and destination, BNSF Railway Company (“BNSF”) is not named as a defendant, nor are there any allegations with respect to whether TPI has a contract with BNSF for its portion of the move.

Although a participant to the CSXT-TPI contracts which expired as of June 30, 2010, as a mere short line delivering carrier, SGLR was not party to and has no knowledge of the negotiations that took place prior to the expiration of the contracts or thereafter, and has no knowledge regarding the movements or rates in any of the lanes other than lane 12.

SGLR has been negotiating with TPI to provide a contract rate for its portion of the movement in lane 12 between Oneco and Sarasota, and to be dismissed from this case. However, since negotiations are not yet complete, SGLR is filing this answer in accordance with the Board's November 19 decision.

Answer

SGLR is a Class III carrier subject to the jurisdiction of the Surface Transportation Board.

SGLR is without knowledge of the negotiations between CSXT and TPI, and of any lanes identified in the Second Amended Complaint other than lane 12, and all allegations relating to matters outside of its knowledge are denied.

SGLR denies the allegations set forth in paragraph 12 of the Second Amended Complaint. SGLR's correct mailing address is 4110 Centerpointe Drive, Suite 207, Fort Myers, Florida 33916.

SGLR denies all of the allegations of the Second Amended Complaint except where this Answer specifically states otherwise. Further, SGLR hereby adopts and incorporates by

reference all defenses raised by CSXT in its previous filings in this matter.

Respectfully submitted,



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Dated: December 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2010, I caused a copy of the foregoing answer of Seminole Gulf Railway, L.P.; to be served on the following parties by email where indicated, or by first class mail, postage prepaid:

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