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SEC

SERVICE DATE - JULY 30, 2004

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 29, 2004

On June 16, 2004, Lee County, FL (Lee County) filed an adverse application under 49 U.S.C. 10903 requesting that the Board authorize the abandonment by Seminole Gulf Railway, L.P. (SGLR) of a portion of the Baker Spur in Lee County, FL. Lee County states that it is in the process of widening Alico Road, and that a Board grant of the adverse abandonment would allow Lee County to avoid the expense of constructing a new grade crossing where the Baker Spur crosses Alico Road. Notice of the filing was served and published in the Federal Register on July 6, 2004 (69 FR 40718).

By motion filed on July 27, 2004, SGLR requests that the Board extend the current August 2 deadline for filing protests and comments by 7 days (and that the date for Lee County's rebuttal also be extended by 7 days).¹ SGLR states that, because Lee County submitted three new verified statements in support of its application on July 23, 2004, it needs additional time to consider the effects of these statements prior to filing its protest. SGLR indicates that Lee County has agreed to the sought extension.

SGLR has shown good cause for its extension request, and the Board will extend until August 9, 2004, the due date for SGLR's protest. The due date for Lee County's rebuttal will be extended to August 24, 2004.

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

It is ordered:

1. The deadline for SGLR to file its protest to Lee County's adverse abandonment application is extended to August 9, 2004, and the deadline for Lee County's rebuttal is extended to August 24, 2004.

¹ Included in the filing was a motion for protective order. That request will be dealt with in a separate decision.

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary