



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

TO: Matthew Guy Minter, County Attorney
FROM: Linda G. Blackburn, Assistant County Attorney
DATE: April 1, 2026
SUBJECT: *Marion County v. Track Line Rail, LLC, Florida Northern Railroad Company, LLC and CSX Transportation, Inc. – Case No. 2026CA0496*

On March 3, 2026, after direction from the Board of County Commissioners, Marion County filed the above-referenced lawsuit. No summons to serve the filed Complaint were issued because the sole purpose and intent of the lawsuit was always to have ready an additional tool available to force by injunction, if necessary, the immediate removal of the railroad ties remaining after the Dunnellon Railroad Ties Fire, as well as perform any necessary remediation following the removal of the hazardous materials. Although there were discussions on the subject, the City of Dunnellon never directed its attorney to join in the lawsuit. Therefore, the lawsuit would only address railroad ties situated in the unincorporated County.

In accordance with the Florida Rules of Civil Procedure 1.070, a lawsuit must be served within 120 days after initiating suit, unless an extension is sought. In this instance, the 120 days will run on July 1, 2026. As such, there is no detriment to Marion County in leaving this lawsuit in a “filed but not served” status until such time as the Board of County Commissioners is satisfied that the clearing and cleaning is complete.

In fact, it does appear that filing the lawsuit, albeit not serving it, was an appropriately measured approach that may have motivated all involved entities to expeditiously proceed with the removal and clean-up, while avoiding the expense of actually litigating the matter.

As of March 10, 2026, Aaron Watkins with the Florida Department of Environmental Protection (“FDEP”) advised Marion County that the cleanup operations at the CSX site in Dunnellon were complete for the railroad ties and the soil impacted by the fire, which were removed and clean soil was brought in. Mr. Watkins further advised that they sampled surface water from nearby water bodies, as well as soil samples from residential properties and no fire-related impacts were found. Finally, Mr. Watkins advised that the FDEP would continue to monitor the removal of the remaining stockpiles of unburned railroad ties.

The City of Dunnellon reported that on March 30, 2026, 17 empty rail cars arrived at the CSX site. On March 31, 2026, Marion County's Code Enforcement Supervisor confirmed that the removal of the railroad ties from the County was actively in progress. He observed approximately three piles remaining and a clam truck removing the railroad ties.

After taking into consideration that Track Line Rail, LLC and Florida Northern Railroad Company, LLC, spent approximately 6 months moving the over one-hundred thousand railroad ties onto the CSX property, CSX's efforts in the previous 2 months since the fire, both in remediating the property and removing the vast majority of the railroad ties, is notable.

Therefore, there appears to be no basis, at this time, to advance the pending lawsuit. The question remains, however, as to whether the Board of County Commissioners wishes to immediately dismiss, or delay dismissal until the removal is 100% complete.

It would be my recommendation that dismissal not be immediate so as to allow the City of Dunnellon time if they need to join in the lawsuit or until Marion County is satisfied that the clean-up and removal in the unincorporated County is complete.



