



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 9, 2015

Kathryn Kusske Floyd
Venable LLP
575 Seventh Street NW
Washington, DC 20004

Re: Docket No. FD 35852, Canaveral Port Authority — Construction and
Operation Exemption — Rail Line Extension to Port Canaveral, Florida;
Applicant's Request to Temporarily Suspend OEA's Environmental Review

Dear Ms. Floyd:

The Board's Office of Environmental Analysis (OEA) has received your October 29, 2015 letter requesting that OEA temporarily suspend its environmental review of the proposed project while the Canaveral Port Authority (CPA) further evaluates a potential rail alternative through the Cape Canaveral Air Force Station (CCAFS). As discussed below, OEA will grant your request for temporary suspension.

Background

A potential CCAFS rail alternative for this project would originate at Port Canaveral, extend north through CCAFS (generally parallel to Phillips Parkway), turn west to cross the Banana River to Kennedy Space Center (KSC) via NASA Parkway East, and finally connect with KSC's existing rail line. To assist in OEA's evaluation of this potential rail alternative, Dave Navecky of my staff traveled to CCAFS in July 2015, met with U.S Air Force 45th Space Wing (45 SW) personnel to discuss the potential alternative, and received a tour of the CCAFS grounds encompassing the corridor of the potential alternative.

Following this site visit, OEA sent an August 10, 2015 letter to 45 SW requesting written confirmation of information conveyed during the July 2015 45 SW meeting and site visit and requesting additional information OEA needed to complete a feasibility evaluation of this potential alternative. A written reply from 45 SW's was received on October 6, 2015.

Based on OEA's July 2015 site visit and 45 SW's October 6, 2015 written reply, OEA is concerned that numerous and substantial constraints would be associated with siting, constructing and operating a common carrier rail line through CCAFS. The siting constraints identified to date at CCAFS include:

- Historic cemeteries and Native American burial sites including recently repatriated remains;
- National Historic Landmark designation;
- Several Federally listed threatened and endangered species and associated critical habitats;
- Wetlands;
- Stormwater management ponds that assist in managing contaminated groundwater and reducing nonpoint source pollution;
- Facilities essential to CCAFS's mission that are sensitive to potential vibration impacts including satellite-payload processing facilities, munitions storage sites, and rocket launch and satellite communication buildings;
- Utility lines including water, sewer, natural gas, electric, telephone, mission-critical communication, high-pressure helium and nitrogen gas; and
- Explosive Quantity Distance (EQD) arcs; that is, defined zones within which activities are temporarily or permanently prohibited for safety and security purposes.

There appear to be other constraints to constructing and operating a potential rail line through CCAFS. Numerous mission-critical activities take place at CCAFS, including activities related to 45 SW and commercial rocket launches and to U.S. Navy operations at the CCAFS-located submarine turning basin and wharf. During these activities, all rail construction activities and train movements likely would have to stop. The days during which these prohibitions would occur apparently are so-called "mission critical" or "no dig" days. The types of activities that would result in mission critical/no dig days include rocket launches, national disaster/national security exercises, naval ordnance movements and other naval operations, rocket payload movements, and prescribed burns for Florida scrub jay (a Federally listed threatened species) habitat maintenance. The duration of the prohibition of rail-related activities would range from several hours to several weeks, but the majority of the prohibitions are likely to extend for approximately five days per event. Based on the information supplied in 45 SW's October 6, 2015 letter, OEA estimates that future mission critical/no dig days could reach or exceed 200 days annually in the foreseeable future.

Feasibility of a Potential CCAFS Rail Alternative

Collectively, these above-mentioned constraints suggest that it is not reasonable or feasible to site, construct or operate a common carrier rail line through CCAFS, and that a potential CCAFS alternative should not be studied in the Draft Environmental Impact Statement (EIS). However, your October 29, 2015 letter indicates that CPA intends to further evaluate a potential CCAFS route with a new project partner, the Gilbane-Renuart-Larkin-Mid-Atlantic Railway Services Group. OEA believes it is appropriate to temporarily suspend the Board's environmental review process so that CPA and its new partner can attempt to resolve or mitigate the numerous constraints associated with routing a common carrier rail line through CCAFS.

CPA should notify the Board when it has completed its further evaluation and request that the temporary suspension of the environmental review process should be lifted. If, after

completing its further review, CPA believes that a potential rail line through CCAFS remains potentially reasonable and feasible, OEA asks that CPA provide OEA with specific details on where and how a common carrier rail line through CCAFS could be successfully sited, constructed and operated. These details should include a preliminarily engineered route through the CCAFS that addresses the siting constraints mentioned above and should provide a thorough explanation of how the potential common carrier rail line could successfully operate (and be constructed) given the large number of mission critical/no dig days that are expected to occur, if the Board were to authorize a common carrier rail line through CCAFS.

Once OEA has received CPA's request to resume the EIS process and a detailed accounting (if any) of how CPA believes a potential rail line through CCAFS could be successfully sited, constructed and operated, OEA will consider CPA's response. OEA will then complete the Final Scope of Study for the Draft EIS with the assistance of the five Federal cooperating agencies. The Final Scope of Study will identify the alternatives being carried forward in the Draft EIS for detailed study and the alternatives being dismissed based on all the information that is available at that time.

We look forward to receiving CPA's evaluation of a potential CCAFS rail alternative. Please send your evaluation to Dave Navecky at 395 E Street, SW, Washington, DC, 20423, 202-245-0294 (David.Navecky@stb.dot.gov). Please feel free to contact Mr. Navecky if you have any questions. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Director
Office of Environmental Analysis

cc: Jay Johnson