



Re: STD Docket No. FD 35852 
David Navecky to: Mary Hillberg

09/28/2015 09:54 AM

From: David Navecky/STB
 To: "Mary Hillberg" <hillberg@earthlink.net>

Mary -

The STB's legal authority and jurisdiction are complex, and because the Larkin Group has not filed anything officially with the STB and the Larkin Group has not informed me of its intentions, I cannot say with certainty whether STB approval would be required for any potential Larkin Group rail proposal.

Generally speaking, STB approval is required before the introduction of rail service into new territory or markets (which is how the Canaveral Port Authority has structured its proposal). However, STB approval is not required to construct spur, industrial, team, switching or side track so long as the purpose and effect is not to extend the railroad's territory.

Dave

Dave Navecky
 Office of Environmental Analysis
 Surface Transportation Board
 395 E Street SW
 Washington, DC 20423
 202-245-0294
www.stb.dot.gov

"Mary Hillberg"

Hi Dave,

09/26/2015 10:53:01 PM

From: "Mary Hillberg" <hillberg@earthlink.net>
 To: <David.Navecky@stb.dot.gov>
 Date: 09/26/2015 10:53 PM
 Subject: STD Docket No. FD 35852

Hi Dave,

Thank you again for the below letter of explanation. I have one question. In the first paragraph, 10th word, do you mean "could" and in might, or is it more of a "would" and a mandatory requirement that the Larkin Group have approval from the STB to build and operate a rail?

I am so looking forward to the Air Force's response to your letter that you may send to me when you get it.

Please find attached a PP presentation from the Larkin group. It is more complete than the one they just presented to the Port Commission on Wednesday, but says the same with the same maps, etc. It mentions their proposal "...addresses the specific points made by the STB" on page 19 of the

presentation.

Is it possible for them to do it without the STB approval or process? I have been repeatedly pounced on with that question and need to be able to respond.

Thanks,

Mary
321-453-0220

Sent from my iPad

Begin forwarded message:

From: David.Navecky@stb.dot.gov
Date: September 17, 2015 at 1:33:20 PM EDT
To: "Mary Hillberg" <hillberg@earthlink.net>
Subject: RE: NEWS on the Freight Train!
Mary -

Any independent rail line proposal from the Larkin Group could require the approval from the STB to construct and operate. To date, the Larkin Group has not come to the STB with any written concept or proposal to construct and operate a rail line. If the Larkin Group approaches the STB formally, we will address the proposal at that time.

Meanwhile, the STB's environmental review process will continue on its present course, that is, to complete its identification of feasible alternatives to include in the EIS. To assist in our independent feasibility evaluation of a potential alternative through the Cape Canaveral Air Force Station, I met with staff from the Air Force's 45th Space Wing and got a tour of the Air Force Station in July (this trip was unrelated to any potential project of the Larkin Group). After that visit, the STB sent an August 2015 letter to the 45th Space Wing with follow-up questions, the answers to which will assist in our feasibility evaluation of a potential Air Force Station alternative in the EIS. The reply from the 45th Space Wing is expected in the next two weeks. Upon receipt of the 45th Space Wing's reply, my office will review the information and will then reach a conclusion on the feasibility of a potential Air Force Station alternative.

[For your convenience, I have attached the main body of the August 2015 letter to the 45th Space Wing. If you are interested, the lengthy attachments can be found on the STB's web site at www.stb.dot.gov, click on "Environmental Correspondence" under the "Environmental Matters" drop down menu, select "Outgoing by Docket Number" in the upper left hand corner, go

to the second page listing "FD_35852_0" and click on the blue arrow. The subject attachments are provided with "Document # EO-2636."]

Our conclusion on a potential Air Force Station alternative - whether it's feasible and should be studied in the EIS - will be presented as a recommendation to the five federal agencies that are assisting the STB in the preparation of the EIS. I'm anticipating that this group of agencies, the five cooperating agencies and the STB, will reach an agreement on whether to study a potential Air Force Station alternative in the next couple of months.

Thanks,

Dave

Dave Navecky
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(See attached file: PCRE Letter with Questions for 45 SW_August 10 2015.pdf)

From: "Mary Hillberg" <hillberg@earthlink.net>
To: <David.Navecky@stb.dot.gov>
Date: 09/15/2015 05:21 PM
Subject: RE: NEWS on the Freight Train!

Me either. Let's see what it says. When you said you came down to talk to the AF, I thought that's what you were talking to them about. But then when you didn't talk about it, I thought it should stay a secret.

Some are celebrating already, but I don't celebrate until it is in stone. It is never over until it is over, for me.

How can the EIS include this new development?

Mary

-----Original Message-----

From: David.Navecky@stb.dot.gov [<mailto:David.Navecky@stb.dot.gov>]

Sent: Tuesday, September 15, 2015 4:02 PM
To: Mary Hillberg <hillberg@earthlink.net>
Subject: RE: NEWS on the Freight Train!

Yes, I have heard of the Larkin proposal, but have not seen any written plan or proposal.

Dave

Dave Navecky
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From: "Mary Hillberg" <hillberg@earthlink.net>
To: <David.Navecky@stb.dot.gov>
Date: 09/15/2015 03:56 PM
Subject: RE: NEWS on the Freight Train!

It is a big deal here. The rumble is that Walsh may be on the edge of having to play elsewhere. Perhaps he was not fully informative to the port Commission about the Larkin proposal. Did you know about it?

Mary

-----Original Message-----

From: David.Navecky@stb.dot.gov [<mailto:David.Navecky@stb.dot.gov>]
Sent: Tuesday, September 15, 2015 8:06 AM
To: Mary Hillberg <hillberg@earthlink.net>
Subject: Re: NEWS on the Freight Train!

Thanks for the article Mary, I had not seen it yet.

Dave,

Dave Navecky
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[Attachment "What Love Industrial Park EIS.pdf" deleted by David Henrichy (278)]