

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

ENTERED
Office of Proceedings
September 18, 2019
Part of
Public Record

STB Docket No. AB-55 (Sub-No. 794X)

CSX TRANSPORTATION INC. — ABANDONMENT EXEMPTION
IN PINELLAS COUNTY, FL

RESPONSE TO ENVIRONMENTAL ASSESSMENT DATED SEPTEMBER 13, 2019.

The City of St. Petersburg, FL (“City”), by and through the undersigned counsel, responds to the Environmental Assessment, dated September 13, 2019 (“Assessment”). In response to the Assessment, the City states as follows:

I. RESPONSE

The City responds that two facts stated in the Assessment are inaccurate. Specifically, CSX Transportation Inc. (“CSXT”) has not agreed to negotiate a trail use with the City or any other legitimate third party and parts of the subject line are adjacent to a waterway.

First, under the “*Land Use*” subheading, the Assessment correctly notes that trail use would be consistent with existing land use plans, but then states “St. Petersburg has filed a request with the Board for a Notice of Interim Trail Use, and CSXT has agreed to enter trail use negotiations with St. Petersburg.” This is not accurate as, though the City has filed a request for Interim Trail Use, CSXT has specifically stated it does not agree to enter into trail use negotiations with the City (*see* Letter from Louis E. Gitomer on behalf of CSX Transportation, dated September 3, 2019 and filed with the Surface Transportation Board (“Board”)).

The importance of this inaccuracy is that CSXT, as discussed more thoroughly in the City's Response to Petitioner CSX Transportation, Inc.'s Letter of Intent to Negotiate with Georgetown and High Line Railway Company, LLC, filed with the Board on September 9, 2019 ("Response"), does not actually appear to be attempting to negotiate a trail deal. Georgetown and High Line Railway Company, LLC ("Georgetown") is a separate entity in name only, i.e., it is made up entirely of CSXT employees and, despite numerous filing with the Board on various matters, has never entered into a trail agreement with anyone. As also noted in the Response, CSXT has demonstrated an intent to sell the subject property for development and not trail use. Furthermore, and as also discussed in the Response, the terminus of the subject line abuts the largest redevelopment project in the City, which could realistically benefit from the continued integrity of the subject line in some form. CSXT's apparent intent is therefore not consistent with local and county land use plans.

The City believes, in the event the abandonment is granted, that mitigation is absolutely necessary to protect the integrity of local land use planning, particularly due to CSXT's demonstrated intentions. As also set forth in other motions and responses filed by the City in this matter, CSXT's ability to abandon the line and transfer its rights is likely to lead to a litany of issues related to title and therefor productive use. Though the City has requested documentation from CSXT in this regard, as set forth in the City's Motion to Compel, the City is unable to ascertain the likely ancillary impacts of the abandonment due to CSXT's refusal to produce the documents as promised in the Notice of Abandonment Exemption filed with this Board. Though perhaps not a primary concern regarding whether abandonment of the line is reasonable, such concerns are vital to the City being able to determine the actual impact of the abandonment in regard to local land use planning and transportation infrastructure – notwithstanding the direct

impact to the City as a presumed holder of reversionary interests. Accordingly, the City respectfully requests the Board utilize its authority to require appropriate mitigation steps by CSXT to protect the interests of the general public in the area of the proposed abandonment.

Second, under the “*Water Resources*” subheading, the Assessment states: “Based on OEA’s review of available satellite imagery and the U.S. Fish and Wildlife’s (USFWS) National Wetlands Inventory, the Line does not cross and is not immediately adjacent to areas containing waterways or wetlands.” This is inaccurate, as portions of the line are immediately adjacent to Booker Creek – specifically the portion of rail running generally north-south between 1st Ave. N and Central Ave. currently housing a former police station (“Police Property”) (*see* Exhibit “A” – Booker Creek Street View *and* Exhibit “B” – Booker Creek Satellite View¹)

Booker Creek is a natural-flowing waterway connecting Booker Lake to Tampa Bay (*See* Exhibit “C” – Path of Booker Creek). Records show the waterway and its importance as far back as the founding of the City, including references to creation of a bridge in 1919 immediately adjacent to and south of the Police Property. (*See* Exhibit “D” – Bridge Article *and generally* Exhibit “E” – Creek Article). Only a few blocks south of the Police Property and before entering Tampa Bay, Booker Creek is the primary feature of the Historic Roser Park neighborhood (*See* Exhibit “F” – Excerpts from Roser Park Plan² *and* Exhibit “G” – Bridge Post Card). It has historically been used for a variety of water-dependent functions, including flood and storm water relief, and formerly some industrial use (*See* Exhibit “H” – Power Plant Postcard). Though it is objectively not a large waterway, it continues to provide an important function for the city to this day.

¹ Both Exhibits are marked with a red square depicting the location where the subject line directly abuts Booker Creek.

² In the interest of space and relevancy, this exhibit includes only 4 pages from a 15 page document.

As the waterway flows directly from the Police Property – a location of the proposed abandonment and salvage - through the City and into Tampa Bay, the City respectfully requests the Board require CSXT to take steps to preserve the quality and integrity of the waterway. Though the City does not believe that removal of the rails, crossties, and other rail-related items in itself would result in an adverse impact on the waterway, the City believes certain mitigation-related requirements from the Board would guarantee that the physical process of removal would not negatively impact the waterway or bay, while not unduly burdening CSXT.

In summary, the City requests the Board require CSXT to mitigate the adverse impacts to local land use planning and water quality as set forth above.

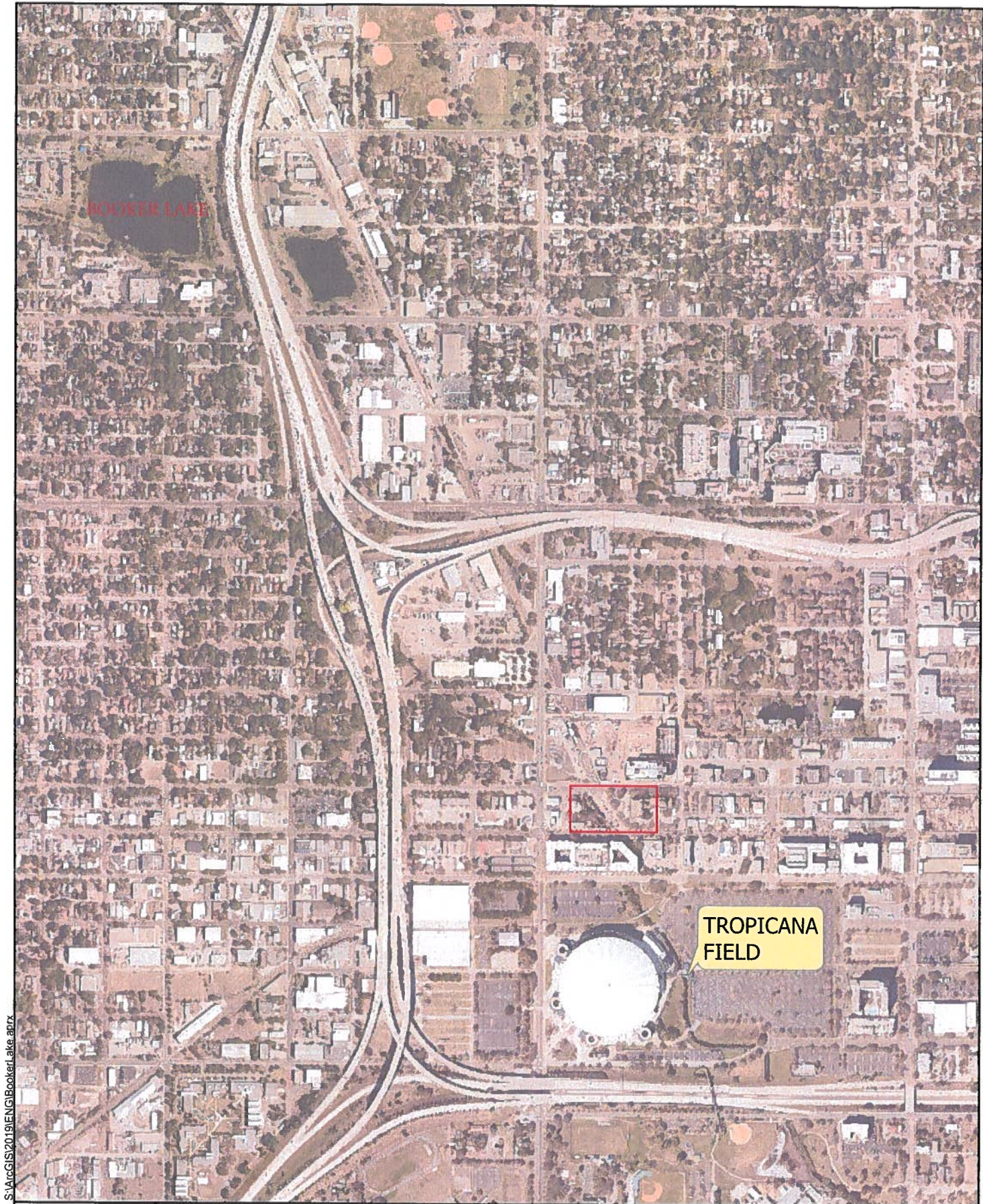
Respectfully submitted this 18th day of September, 2019.

OFFICE OF THE CITY ATTORNEY
FOR THE CITY OF ST. PETERSBURG

By: /s/ Bradley S. Tennant _____
BRADLEY S. TENNANT
FBN: 123942
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731
Telephone: (727) 893-7401
Primary Email: eservice@stpete.org
Secondary Emails:
Bradley.tennant@stpete.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail service or U.S. Postal Service, first class, to all parties in the instant action.



Document Path: S:\ArcGIS\2019\ENGINE\BookerLake.aprx

THE INFORMATION IS PROVIDED FOR YOUR PERSONAL USE AS IS, WITHOUT WARRANTY OF ANY KIND. THE CITY OF ST. PETERSBURG MAKES NO REPRESENTATION OR WARRANTY OF THE ACCURACY, COMPLETENESS, OR QUALITY OF THE DATA PRESENTED. THE CITY OF ST. PETERSBURG MAKES NO WARRANTY OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS, OR COMPLETENESS OF ANY OF THE DATA PROVIDED AND ASSUMES NO LIABILITY FOR THE USE OF THESE MAPS AND DATA.

0 0.01 0.03
Miles
1:3,317

Booker Lake

ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT
CITY OF ST. PETERSBURG

TROPICANA
FIELD

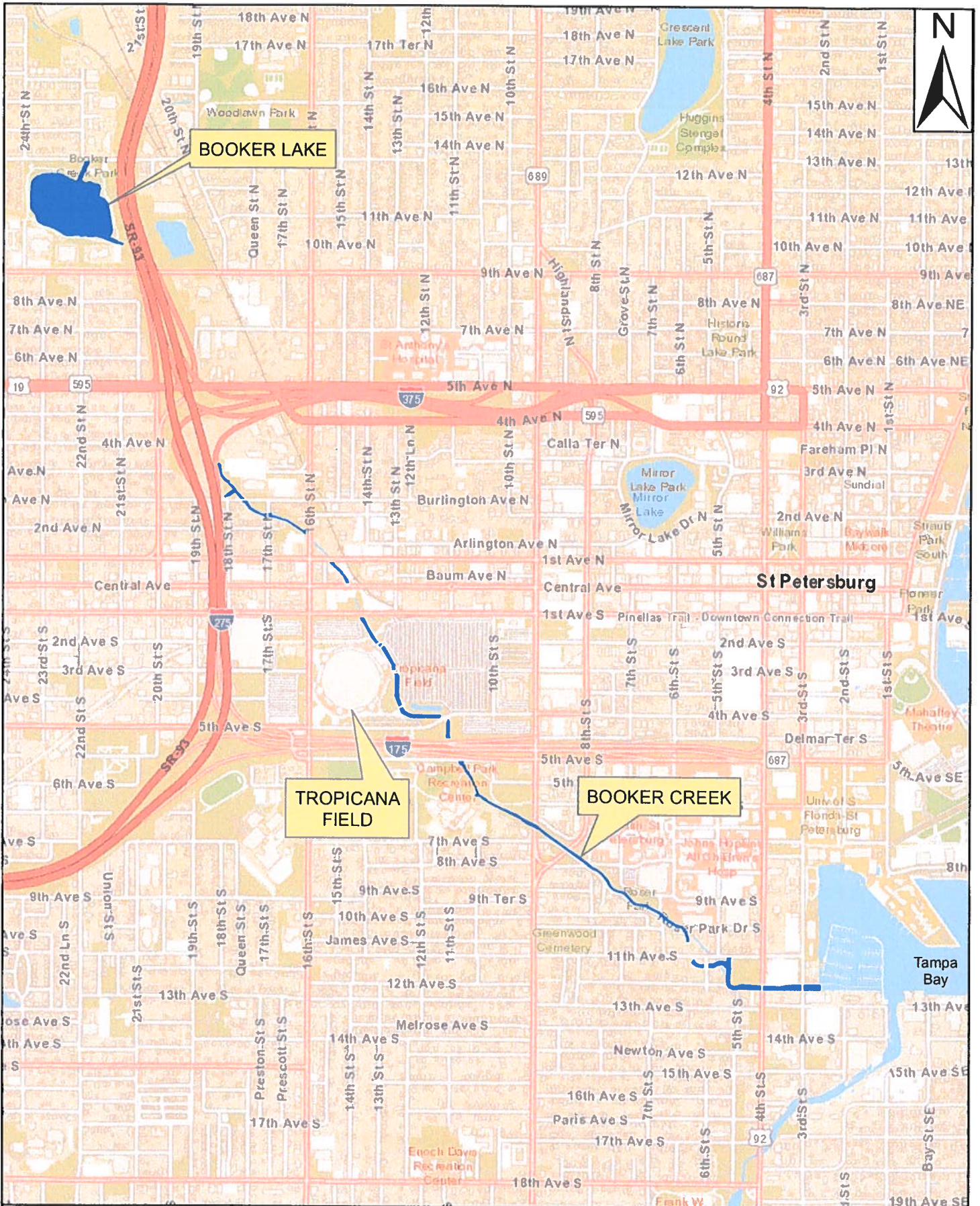
ate: 9/16/2019



EXHIBIT

ibbles

12



ENGINEERING AND CAPITAL IMPROVEMENTS DEPARTMENT CITY OF ST PETERSBURG	
APPROVED BY:	DATE
	9/18/2019

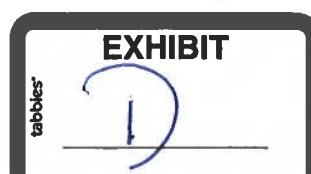
Booker Creek
From Booker Lake to Tampa Bay



Booker Creek Bridge.

The director of finance was instructed to ask for plans and specifications for an 80 foot bridge across Booker creek on West Central avenue. The commission is willing to pay \$100 for a good set of plans. The body expects to get all data ready including an estimate of the cost of the work in time for the August budget. The commission is unanimous in believing a new Booker creek bridge is the most pressing need of the city and judging from its attitude last night that Booker bridge item will be about the first entered in the 1919 budget.

It is planned to build a bridge, probably of concrete, the full width of the 60 foot pavement with 10 foot sidewalks on each side. The engineers department will be among those to submit plans. During the absence of W. J. Overman, director of public works, Engineer Nelson was appointed last night to serve as acting director in his stead. Mr. Overman is in the mountains of North Carolina seeking health. Mr. Nelson is in St. Petersburg nursing a broken arm, a gift from a balking Ford.



Report Paints Dismal Image Of Two Jails

By MARTIN DYCKMAN

TALLAHASSEE — Gov. Reubin Askew's inspectors have reported a dismal picture of Sheriff Willis V. McCall's notorious Lake County jail.

Hernando County's jail got much better marks.

The report, still under official wraps, describes pervasive neglect and perjury as the attitudes of the Lake County jail staff — so much of the latter that one official refused to shake hands with an inspector who is black . . . and no matter that the governor of Florida sent him.

NEGLECTED plumbing, poor sanitation, a monotonous diet, enforced religion, bedding shortages, insufficient ventilation and outright lack of concern for prisoners were noted. The inspectors found mental patient cells — admittedly used on occasion for discipline — that have no plumbing, not even the "Chinese toilet" hole in the floor that most discipline cells feature. Instead, the violent mental patient or "bad" prisoner in Lake County must urinate and defecate on the floor. His body wastes drain down the sloping floor into plumbing beyond his cell walls.

But if you think that is depressing, wait for the conclusion: "THE CONSENSUS of opinion from members of the team who visited county and municipal facilities is that this facility is no better and no worse than the majority of others," the report ends. "The same conditions exist in most local jails. Even if other municipal and county facilities are better than the Lake County facility, most would be considered to be inadequate for the same factual and conclusive reasons."

The high ranking team, led by David Bachman, deputy director of corrections, was sent to the jail last week after Askew

(See TALLAHASSEE REPORT, 5-B)



report from
TALLAHASSEE
Martin
Dyckman



Booker Creek's Junk-Laden Drift Through Roser Park Area

An Urbanized Ode To Booker Creek

By PEGGY VLEREBOME

OF THE TIMES STAFF

Trek the banks of Booker Creek and meet a creek that is sometime gentle, sometimes beautiful, always moving.

It's been a force to reckon with and has been taken for granted in the countless years since it carved a 6½-mile southeasterly path through St. Petersburg.

In the course of urban development, the creek has been bridged, culverted and girdled with concrete and steel walls and, some say, raped in the process of urban development.

Booker Creek — Believed named for a post-Civil War settler — is best known in the hilly, picturesque Roser Park area east of Ninth Street S near Sixth Avenue, far from its mysterious beginning and near its unglamorous end.

The creek has been marshaled most there, though times when narrowed it is held by girdling it with concrete walls probably had good intentions, wanting only to add to the beauty of an unusual terrain and to keep it from eroding that terrain.

It rebels, of course, by overflowing during very heavy rains and by eroding the help of nearby roots to push and distort the retaining walls.

IT'S HELPLESS, however, in rebelling against the grocery carts, tires, beer cans and even a typewriter that have been discarded in its waters.

Booker Creek is equally if not more beautiful upstream in the less-visited area south of Fifth Avenue N west of 16th Street, where it winds through shady ravines rich with lush tropical growth. One hardly notices that a mobile home park on the north and a row of houses on the south sit atop the banks, so far away-seeming is the area.

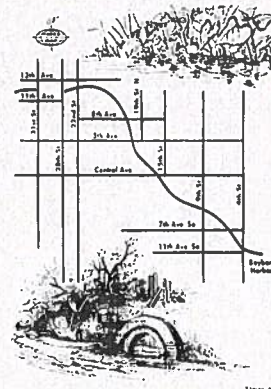
Booker Creek's presence on earth is first marked by Bridge No. 36 north of Ninth Avenue near 25th Street N, close to where it first trickles from underground sources.

SIX AND A HALF miles later (the bridge numbers have no significance) Booker Creek passes, under Third Street and 13th Avenue S, and loses its freshwater identity in Bayboro Harbor on the north side of the Florida Power generating plant.

For some reason, perhaps because it isn't a wide and swift-moving river and isn't navigable, people just happened to settle on Booker

(See QUINCY 5, 10-B)

(See BOOKER CREEK, 5-B)



Booker Creek's Path Through City

State Funds Moved To Rutland's Bank

Times Staff

TALLAHASSEE — A profitable bank account comprised of funds collected at the Sunshine Skyway bridge was transferred last summer from one St. Petersburg bank to another owned by a supporter of Gov. Reubin Askew, millionaire banker and merchant Robert Rutland.

No reason other than convenience was given for the transfer, which was ordered by the Department of Transportation, an agency controlled directly by the governor.

Deane Bradford, a reporter

(See BANKS, 5-B)

Quincy Five Verdict: Innocent

By MARTIN DYCKMAN

Times Staff

TALLAHASSEE — David Charles Smith, seen by the state as the leader of a robbery gang that the defense said didn't exist, was found innocent of murder Saturday night in the climactic trial of Tallahassee's "Quincy 5."

An all-black jury trying the black defendants needed less than two hours to acquit him

of killing a white deputy sheriff.

IT HAD been a grueling six-day trial in which the memories of five white eyewitnesses and the fairness of police identification procedures were challenged by the defense — and, obviously, by the jury as well.

Lawyers for the 2-year-old Quincy man depicted him as a scapegoat for mistakes by

witnesses, deputies and the state.

"There's no question that this is a tragic case," defense attorney Wilfred Varn told the jury. "Equally tragic, however, is the fact this man has to be battling for his life."

IN A TRIAL within a trial, Varn had insisted that three Jacksonville men — already convicted in separate trials — were the only defendants guilty of a 1970 robbery-

murder for which Smith and four other young men from Quincy were the first charged.

Circuit Judge Guyte McCord Jr. warned against courtroom demonstrations as the verdict came — and three armed deputies guarded the doors. There was no outburst — only muffled sobs of joy from black people and silent tears by the mother of the deputy who had died.

Smith, calm and unruffled through six days of sitting at the same table with state attorneys who were trying to take his life, showed no emotion — at first.

ONE OF HIS white lawyers, tears of relief and fatigue streaming from his eyes, was embraced by weeping black spectators.

In an elevator, out of the public's sight, Smith lost his

Editor's Note

The St. Petersburg City Council on May 9 abolished its five-member planning commission and decided to replace it with a seven-member environmental planning and development commission.

Openly in conflict with the old commission, several council members contended that the group that reviewed zoning changes and site plans for buildings leaned too far in favor of

developers to the detriment of other residents of the city. Provided here are the seven members of the new commission. Alternate members are Howard Harris, who works for Honeywell Inc., and Israel Hertz, manager of a men's store. A third alternate remains to be selected.

The new commission will hold a workshop session at 7:30 p.m. Tuesday and a regular business meeting at 2 p.m. June 6.

A Sketch Of The New City Planners



Walter P. Bobbitt

"We can't go all for the birds and bees and we can't go all for iniquity," St. Petersburg banker Walter P. Bobbitt says. "We can't stop growth, but we can give it direction to protect both the environment and the economy."

With that caveat, Bobbitt should give some practical businessman's balance to the

(See BOBBITT, 5-B)



John C. Ferguson

A college professor who spent the last 10 years studying the lives of starfish, Dr. John C. Ferguson plans to use much of the next few years also concentrating on humans. And the transition, for a man with a deep scientific knowledge of the sea, sky and land around him, may bring shudders to developers who plan to appear before St. Pe-

(See FERGUSON, 5-B)



David Fischer

St. Petersburg — now hitting the 230,000 mark — could grow to 2-million people, David Fischer told reporters this week after the new planning commission met Tuesday.

But if the newly-elected chairman of the environmental planning and development commission has anything to do with it, St. Petersburg

(See FISCHER, 5-B)



Sanford M. Goldman

Architect Sanford M. Goldman doesn't think of himself as an environmentalist, but it is evident from some of his work that he believes that man should be in harmony with his surroundings.

That's only natural since Goldman, a 35-year-old native of St. Petersburg, once was a protégé of the late Frank Lloyd Wright, the foremost

(See GOLDMAN, 5-B)



Helen Thompson

Mrs. Thomas F. (Helen) Thompson Jr. is not in the least awed by the fact that she is the only woman member of St. Petersburg's new environmental development and planning commission.

There's no reason for her to be. The Florida State University graduate not only was a member of one of the commission's predecessor groups,

(See THOMPSON, 5-B)



Henry E. Woodward

Henry E. Woodward makes his living as a consulting engineer, but is no stranger to planning and zoning. He planned all of the utilities in the Ridgecrest housing development near Largo and was one of those who rose up in arms years ago when the city fathers in Norwalk, Conn., tried to alter zoning so a new city hall could be built

(See WOODWARD, 5-B)

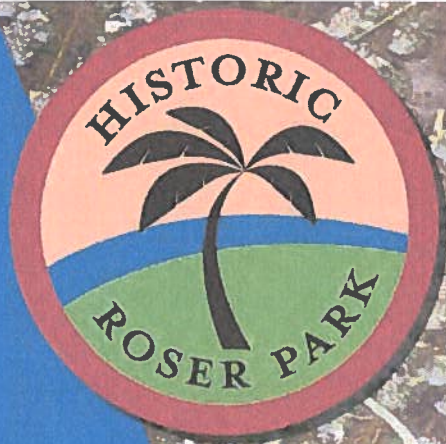


Robert D. Wray

Robert D. Wray, a new breed of land developer as St. Petersburg tries to cope with its rapid population growth, may wield a stronger influence on the city's future than any other member of the new environmental planning and development commission.

The ruddy-faced, rough-handed outdoorsman with a toothy grin and a forest of

(See WRAY, 5-B)



HISTORIC ROSER PARK
Neighborhood Plan Update

**(RE)IMAGINE
HISTORIC
ROSER PARK**

July 2014



st.petersburg
www.stpete.org

EXHIBIT

tabbles

F

INTRODUCTION

A rich history, unique landscape, and involved residents are components of what makes the Historic Roser Park Neighborhood a desirable place to live. Working together, neighborhood stakeholders have a strengthened sense of community and place in an effort to enhance Historic Roser Park's livability, economic viability, and long-term sustainability. The community's most recent accomplishment, the Historic Roser Park Neighborhood Plan update, marks a significant milestone in the neighborhood's long history and tradition of community involvement.

The Historic Roser Park Neighborhood Plan represents an update to the original neighborhood plan adopted in 1993. The Historic Roser Park Neighborhood includes the area between DR MLK St/9th St S and 4th St S, and 6th Ave S and 11th Ave S. The planning process was initiated by the City of St. Petersburg in mid 2013 to engage current residents, businesses and other stakeholders in refreshing the neighborhood vision, action strategies and priorities, and continue the momentum that started with the adoption of the 1993 plan.

HISTORIC ROSER PARK

Historic Roser Park is primarily a residential neighborhood with neighborhood-scale business districts and close proximity to Downtown St. Petersburg, a thriving urban center. North-south thoroughfares 4th St and DR MLK St/9th St S, 11th Ave S, and Roser Park Drive form the neighborhood boundaries. Development in Historic Roser Park dates back to the turn of the 20th century in the early days of the City of St. Petersburg. It is St. Petersburg's first historic district, designated in 1987, and was listed on the National Register of Historic Places in 1998.

The neighborhood has many assets and attributes that appeal to a wide array of residents, businesses, and visitors. Family-friendly and cultural activities, parks, a lush and hilly landscape, historic structures and settings, and mature tree cover are some of the reasons that people are attracted to Historic Roser Park. Nearby neighbors such as All Children's Hospital and Bayfront Medical Center, University of South Florida, museums, and close proximity to downtown are all attributes attracting people to Historic Roser Park.

Like many urban neighborhoods, especially ones having endured a century, Historic Roser Park is not without challenges. Aging infrastructure, negligent landlords, street crime, and economic and social disinvestment are issues that are typical at some point in time in urban neighborhoods. Historic Roser Park is overcoming these issues with the help of a small but effective neighborhood association working hard to preserve and enhance the distinct character of the neighborhood.



Booker Creek is the symbolic heart of the neighborhood and the feature most identified with the Historic Roser Park Neighborhood.



Mature tree canopy and elegantly restored bungalows make neighborhood streets unique and charming.



Opportunities to expand commercial development for the neighborhood exist along Dr. MLK St/9th St S and along 4th St South.



All Children's Hospital and Bayfront Medical Center are major regional institutions and strong neighborhood partners.



RESTORE

Preserve and enhance unique character

The Historic Roser Park Neighborhood is a hidden jewel among the many neighborhoods of St. Petersburg. Distinguished by multiple assets including a natural creek, hilly and lush landscapes, and a rich cultural history, Historic Roser Park has a unique character not found in other parts of Florida's west coast. Preserving and enhancing its unique character is at the heart of this neighborhood plan update.

A great neighborhood is safe, walkable and inviting, and has attractive and comfortable spaces for playing, relaxing, and socializing. Complete streets accommodate multiple forms of travel throughout the neighborhood. Beautiful brick streets are part of the historic fabric of the neighborhood, but as the ground shifts over time, the bricks have become uneven creating hazards for pedestrians and bicyclists. Converting neighborhood streets to green, complete streets that preserve the historic brick will improve circulation, safety, and access, while beautifying the street environment with landscaping and stormwater management. Trees, natural drainage ways, and other green infrastructure provide a range of ecosystem services to the neighborhood including assimilating pollution, managing stormwater, and supporting wildlife, while also creating beauty.

Events, such as the Art Fair and the Tour of Homes, embody the spirit of the neighborhood. Reviving these events and establishing new ones will help reinforce the neighborhood's brand and promote the neighborhood citywide. Booker Creek and its park and trail are the anchor of the neighborhood, and represent ideal locations for future neighborhood events.



REDEVELOP

Encourage infill commercial and residential development

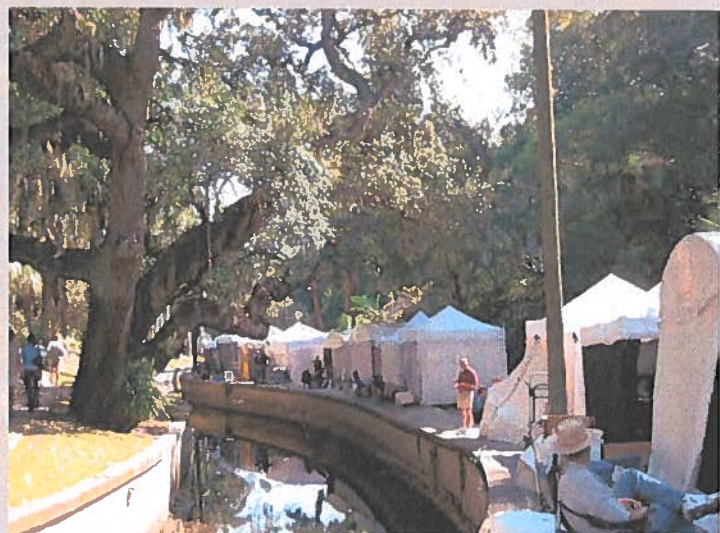
A great neighborhood has resources that allow all residents to live active, healthful, and fulfilling lives. It has conveniently and thoughtfully located commercial development oriented to neighborhood needs and a variety of housing options for residents in different stages of life. Vibrant business districts are destinations for shopping, dining, and gathering and are sources of tax revenue for funding public infrastructure projects and services. Local businesses create jobs for the neighborhood's workforce.

To accommodate existing and new residents at different stages of life, expand the types of housing available. Advocate for new housing and restorations that are consistent with historic character of the neighborhood. Address problems associated with vacant homes and lots by working together to monitor activity and develop strategies for the benefit of the entire neighborhood. Support new commercial development and redevelopment that contributes to neighborhood aesthetics, social interaction, and economic well-being.

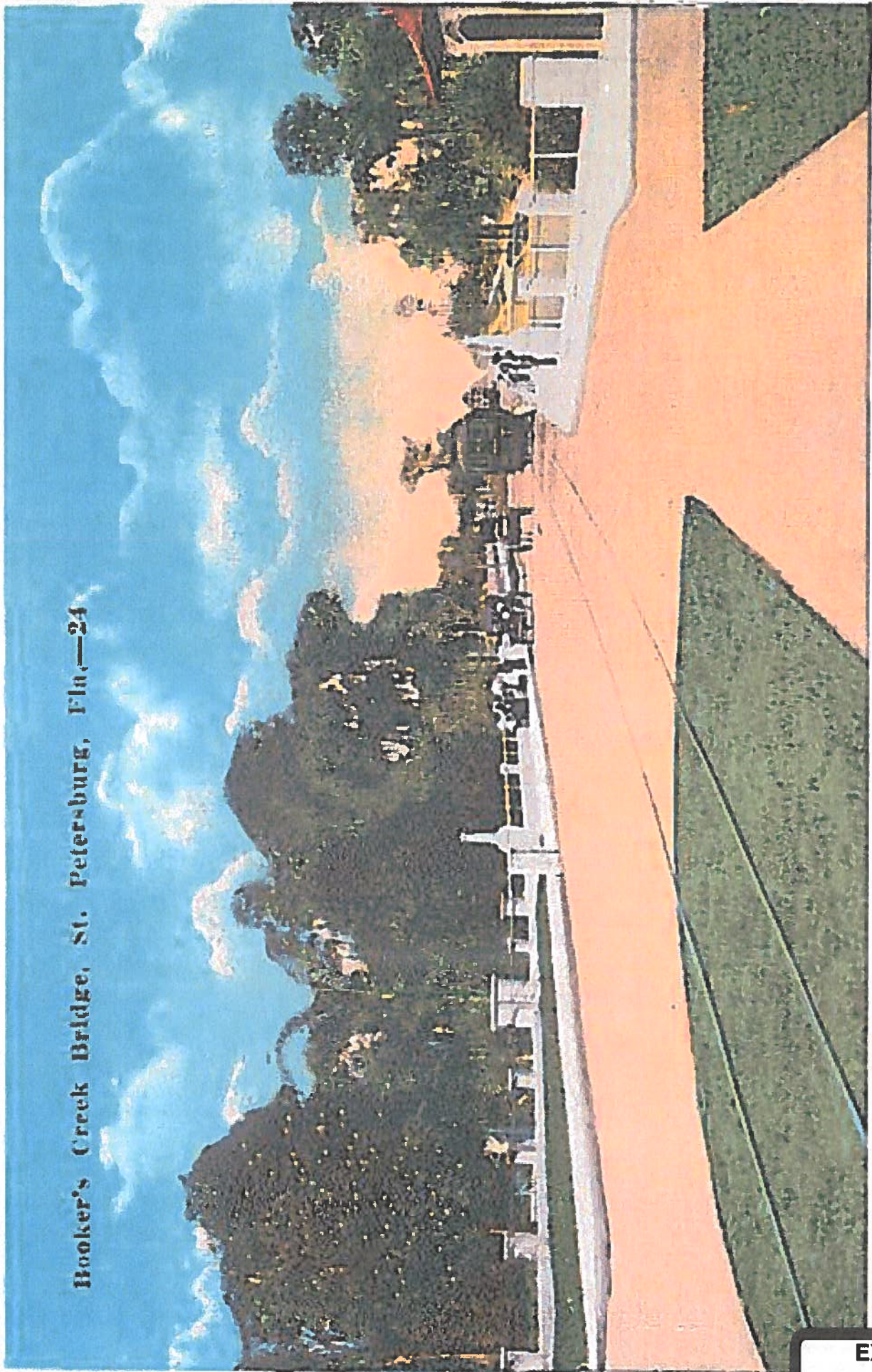
RECONNECT

Foster collaboration with neighbors

Strong relationships among neighborhood residents and stakeholders are the foundation of great communities. Strengthening existing relationships and creating new partnerships within and outside of the neighborhood are the key to achieving the vision created through the Historic Roser Park Neighborhood Plan Update. Through involvement of residents, business owners, other stakeholders, and partners in neighborhood matters, the sense of neighborhood ownership and pride is expanded and strengthened and more action and accomplishment are possible. In a community that works together toward shared goals, people feel acknowledged, valued and cared for, and yearn to give back to their community. As a result, the community becomes greater than the sum of the parts.



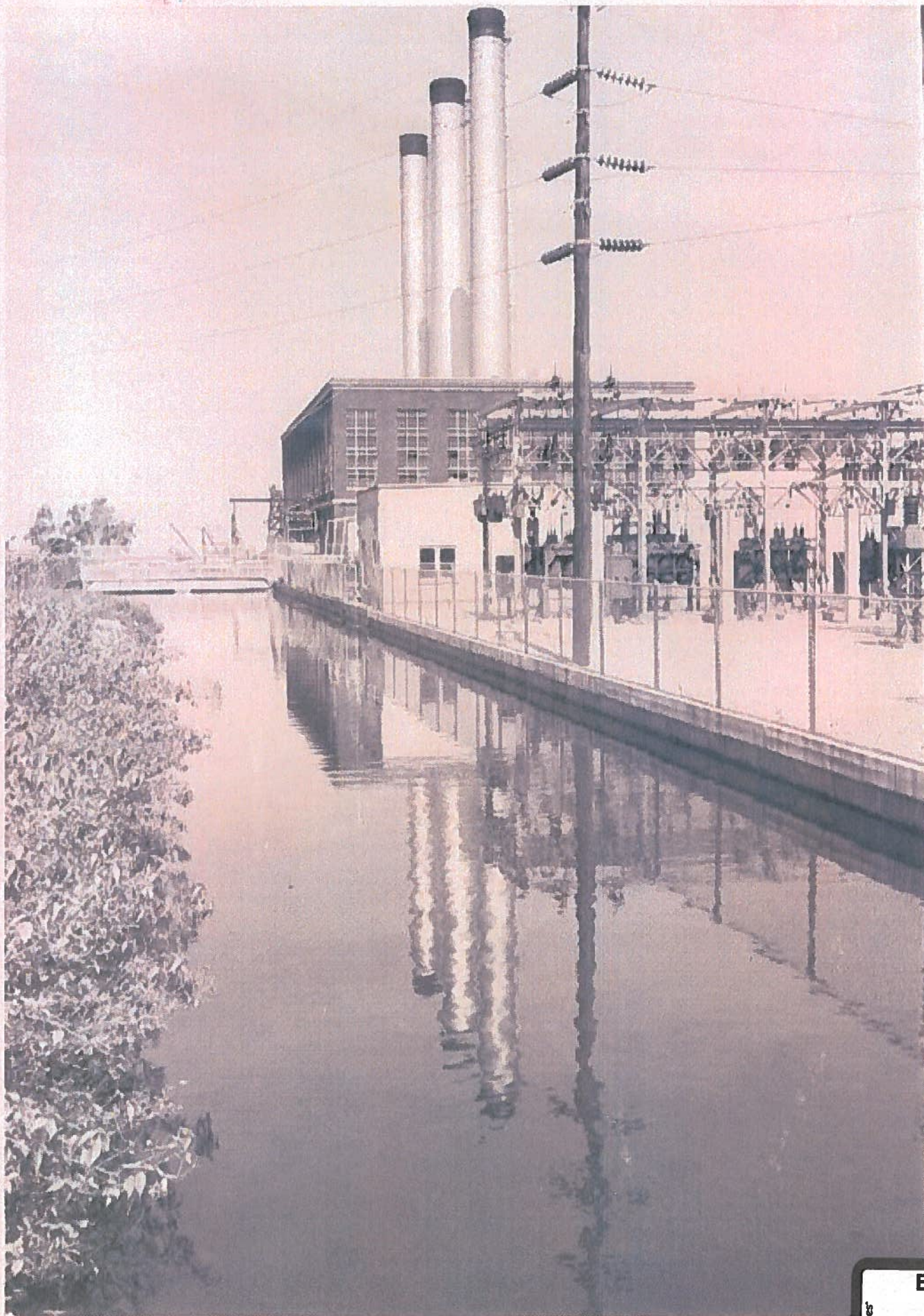
Booker's Creek Bridge, St. Petersburg, Fla.—24



EXHIBIT

C

tabbles



EXHIBIT

H

tabbles