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FD 35852: CPA Responses to Information Request No. 3

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06/22/2015 03:28 PM

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4 Attachments



9842706-v1-Response to STB Information Request No. 3.pdf 9839362-v1-Exhibit 3-2 -- Response to STB Info Request No.3.pdf



9842600-v1-Exhibit 3-3 -- Response to STB Info Request No.3.pdf 9839650-v1-Exhibit 3-7 -- Response to STB Info Request No.3.pdf



Dear Ms. Rutson,

On behalf of the Canaveral Port Authority, I am attaching the responses to your Request for Information No. 3, with corresponding exhibits.

If you have any questions, please do not hesitate to contact me.

Regards,

Jay Johnson

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**Canaveral Port Authority's Response to the
Surface Transportation Board's June 9, 2015
Information Request No. 3
Finance Docket No. 35852
June 22, 2015**

STB Information Request No. 3-1. *On CPA's website, the Cruise Master Plan includes a potential new channel to and new turning basin within the Banana River. The proposed open channel depicted in the master plan diagram would cross several potential PCRE alternatives including the State Route (SR) 528 alignments and CPA's Option B. Please report on the status of current cruise master planning and discuss whether the potential new open channel and turning basin could affect the viability of Option B and the SR 528 alignments.*

Response to STB Information Request No. 3-1. The diagram shown on CPA's website as part of its Cruise Master Planning project is from a draft report analyzing the viability of various alternatives for expanding cruise operations at the Port. One of the alternatives considered in the report was an expansion to the north side of the Port into the Banana River. The report ultimately concluded that an expansion to the north is not viable and should not be considered at this time. The draft report further recommended that additional cruise terminals on the south side of the Port be studied in more detail.

The draft report and associated recommendations for expanding CPA's cruise operations was presented to the Port Canaveral Commissioners in November 2014 and was subsequently discussed at a public cruise development workshop on December 11, 2014. During the December workshop, the Commissioners agreed that expanding cruise operations to the north of the Port (*i.e.*, the building of a new channel to and new turning basin in the Banana River illustrated in the draft master plan diagram that appears on the website) was not a viable option. Subsequent study into expanded cruise operations has focused on the south side of the Port.

In short, CPA does not have any plans to build a new channel opening to or turning basin in the Banana River. As noted in CPA's March 26, 2015 response to Information Request 2-11, CPA plans to develop this year a new Master Plan that will integrate its four major business lines, including its cruise business. That plan will incorporate the findings and recommendations from the ongoing Cruise Master Planning process.

STB Information Request No. 3-2. *In the April 30, 2015 community meeting and in the "Port Canaveral Rail Extension Myths vs. Facts" document, CPA notes that the PCRE would not be built on an earthfilled causeway or berm but would be constructed on an elevated trestle. Confirm that CPA proposes to use a trestle-only design for any Banana River crossing. Provide the current conceptual design of the Banana River crossing.*

Response to STB Information Request No. 3-2. Although its original plans called for a partial earth-filled causeway across the Banana River, CPA does not now plan to construct any part of the Banana River crossing, between the northwestern corner of the West Turning Basin and Merritt Island, on such a causeway. Instead, the Banana River crossing is now planned to be made entirely on an elevated trestle—with a bascule bridge at the navigation channel to provide

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unimpeded passage for vessels traveling in that channel. The current conceptual design is attached to this response as Exhibit 3-2.

STB Information Request No. 3-3. *In the April 30, 2015 community meeting, CPA officials noted that the U.S. Air Force provided CPA with “58 reasons why it was not a good idea to go through the Air Force base.” Does CPA have any publicly available documentation of these reasons? If yes, please provide OEA with a copy of the documentation.*

Response to STB Information Request No. 3-3. As the Board is aware, CPA conducted a Phase I feasibility assessment for the Port Canaveral Rail Extension during 2012. That assessment included possible routes through Cape Canaveral Air Force Station (CCAFS).

CPA’s Phase I feasibility assessment of routes through CCAFS culminated in August 2012, when representatives from CPA met with senior CCAFS planning staff. During this meeting, CCAFS staff presented CPA with numerous reasons why routing a commercial rail line through CCAFS property would be problematic, and outlined the various operational conflicts, security concerns, and environmental and historic preservation issues that such an alignment would present. As a result of these discussions and the information it received in connection with this meeting, CPA concluded that a CCAFS route would not be feasible and it was excluded from additional study.

The materials CPA received from CCAFS have been designated by CCAFS as “For Official Use Only” (FOUO). As such, release of this information is governed by Department of Defense Manual (DoDM) 5200.01, Volume 4, which states:

No person may have access to information designated as FOUO unless that person has been determined to have a valid need for such access in connection with the accomplishment of a lawful and authorized Government purpose.

The U.S. Air Force has the final responsibility for determining whether an individual has a valid need for access to the information. See DoDM 5200.01, Volume 4, p. 16. DoDM 5200.01 also states:

FOUO information may be shared with State, local, or tribal official, provided a specific need to know has been established and the information is shared in furtherance of an official governmental purpose. In all cases, the recipient must agree to the stipulation that the information shall be withheld by the recipient from public release.

In an effort to assist the Board in its consideration of the feasibility of potential routes through the CCAFS, CPA is providing a publicly available map of facilities at the John F. Kennedy Space Center and CCAFS (see Exhibit 3-3).¹ CPA believes that this map illustrates the many difficulties the alignment proposed in 1c of STB Information Request No. 2 would face—particularly the close proximity of several fuel storage areas and other CCAFS facilities. In

¹ KSC Form 38-21, May 2011.

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addition, route 1c runs directly through the CCAFS Industrial Area, a highly concentrated area of CCAFS facilities directly east of NASA Causeway East (the proposed crossing of the Banana River for route 1c). These are some of the same factors that led CPA in 2012 to conclude—after discussions with CCAFS staff—that a route through CCAFS was infeasible. CPA is not aware that any of these factors have become less of a concern over the last three years. Indeed, CPA's recent experience with CCAFS "critical days," which was described in a prior information request response, has reinforced CPA's conclusion that a CCAFS route would be infeasible.

STB Information Request No. 3-4. *Question number 1 in the Second Information Request dated February 5, 2015, asked CPA to comment about the feasibility of alignments through the Canaveral Air Force Station (CCAFS) including an alignment labeled "1d", which would enter the Kennedy Space Center (KSC) from the east on NASA Parkway East and exit the KSC on the west following NASA Parkway West (see Enclosure). In the response to the Second Information Request dated March 26, 2015, CPA noted that all alignments through CCAFS (including 1d) are not operationally feasible. However, other alignments that do not cross CCAFS—including CPA's Option A and Option B—could utilize the segment of 1d that follows NASA Parkway West across the Indian River. Please state whether CPA considers a potential crossing of the Indian River along NASA Parkway West as feasible or infeasible. If CPA considers such a crossing to be infeasible, please provide OEA with documentation for this finding.*

Response to STB Information Request No. 3-4. Utilizing NASA Parkway West with Route Options A and B to travel from the FEC mainline south of Titusville across the Indian River to the KSC was considered in CPA's Phase I study. (CPA provided a copy of this Phase I study in response to STB Information Request No. 2-3.) Route 1d, as depicted on the Proposed CCAFS & SR 528 Rail Alignment map, is referred to as Route 3 in the Phase I report and alignment evaluation. It was evaluated using a number of criteria against a route—referred to as Route 3A—that utilizes the Jay-Jay Bridge and existing KSC plant rail to connect to the FEC mainline north of Titusville. That evaluation determined that a route alignment utilizing the Jay-Jay Bridge and the existing, underutilized plant rail infrastructure on the KSC was clearly superior to the route indicated as 1d on the Proposed CCAFS and SR 528 Alignments map.

As described in the Phase I report, the alignment now identified as 1d would require a complicated, costly merging with the FEC mainline immediately to the west of US 1. Such a junction would require grade separation of US 1 and the new rail line by either:

- elevating the rail line up and over US 1, then constructing an elevated Y that descends in northbound and southbound spurs to join the FEC mainline; or
- elevating US 1 to pass over northbound and southbound rail spurs.

In CPA's view, the cost and engineering difficulties of these two options—not to mention the potential disruption of US 1 vehicular traffic during construction—renders alignment 1d infeasible.

In addition, alignment 1d would require the construction of rail on the NASA Parkway West causeway and construction of a bascule bridge to cross the Intracoastal Waterway in the Indian River, instead of using an existing and highly serviceable crossing of the Indian River (Jay-Jay

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Bridge). Finally, alignment 1d would not utilize the existing and underutilized KSC plant rail, which both reduces costs and reduces the project's environmental footprint. In other words, alignment 1d (Route 3 in the Phase I report) would require significantly more new rail construction on Merritt Island than CPA's proposed alignment, which utilizes approximately 17 miles of existing rail and water crossing infrastructure at KSC.

STB Information Request No. 3-5. *In the April 30, 2015 community meeting, CPA officials explained that, "the northern route has some conflict with equipment that the Air Force has in launch operations." Confirm that the "northern route" identified in the meeting corresponds to CPA's Option A and, if possible, provide further documentation or information about this conflict.*

Response to STB Information Request No. 3-5. The "northern route" discussed during the April 30, 2015 community meeting refers to the Banana River crossing utilized by CPA's Option A alignment. During preparation of the Phase II report for the rail extension—which provided more detailed planning and design of the optimal alignment identified in the Phase I report—Kennedy Space Center staff notified CPA that this crossing could potentially interfere with line-of-sight launch tracking operations performed by the U.S. Air Force using the Range Safety Radar Site. This Range Safety Radar Site is located on Merritt Island, south of the Option A crossing.

The Port conferred with staff at both KSC and CCAFS but was unable to determine the exact extent of that interference that would be created by the trestle crossing and/or rail cars utilizing the crossing. In response to this potential issue, a more operationally feasible location for the crossing was developed to the south of the Range Safety Radar Site (Option B). Because the line-of-sight launch tracking activities are aimed northeast from the Range Safety Radar Site (in order to track launches from the CCAFS), a crossing to the south of the Range Safety Radar Site would not cause any interference with those tracking activities.

CPA does not possess any correspondence or other written documentation of its discussions with KSC and CCAFS, but notes that CCAFS mentioned this issue in paragraph 2 of its December 9, 2014 scoping letter. It is possible that KSC corresponded with CCAFS in writing, but CPA does not have access to any such correspondence.

STB Information Request No. 3-6. *In CPA's supplemental response to the Second Information Request received by OEA on May 22, 2015, there is no discussion of the feasibility of alignment 2b. As described in the Second Information Request dated February 5, 2015, 2b is "an alignment that would run due west from the Port, parallel to the barge canal to the Indian River, then parallel to SR 528 at the Indian River crossing until reaching the FEC." The enclosure provided with this letter provides a depiction of alignment 2b. Please state whether CPA considers potential alignment 2b listed above as feasible or infeasible. If CPA considers alignment 2b to be infeasible, please provide OEA with documentation for this finding.*

Response to STB Information Request No. 3-6. Alignment 2b has a number of feasibility problems as compared to 2a, the proposed SR 528 alignment. Those problems include:

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- CPA does not have access to the right-of-way that would be necessary to construct a new rail line along alignment 2b.
- Even if CPA could acquire the required right-of-way to construct alignment 2b, it would require the removal of a number of existing homes.
- Alignment 2b would also require construction of a new Banana River crossing and a new crossing of Courtenay Parkway

By contrast, alignment 2a would be built within the existing Florida Department of Transportation (FDOT) right-of-way, would require removal of fewer existing homes, and could utilize the existing SR 528 bridge to cross the Banana River and Courtenay Parkway.

STB Information Request No. 3-7. *CPA noted in the supplemental response to the Second Information Request received by OEA on May 22, 2015 that thorough discussions had taken place with the Florida Department of Transportation (FDOT) leading up to CPA's determination that a SR 528 rail alignment would be feasible. Please clarify the following. Is FDOT receptive to placing the proposed PCRE within the SR 528 right-of-way? Does FDOT have a preference between the north shoulder alignment and median alignment for SR 528? Please provide any documentation of these discussions with FDOT. Also, does CPA have a preference between the north shoulder alignment and the median alignment for SR 528?*

Response to STB Information Request No. 3-7. CPA and its consultants worked with FDOT during the development of the SR 528 route to ensure that FDOT was aware of and comfortable with the alignment. On June 9, 2015, Jim Dubea from CPA spoke with officials at FDOT regarding the agency's receptiveness to placing the PCRE within the SR 528 right-of-way. During that conversation, FDOT indicated that it would be open to such an alignment. CPA asked FDOT to confirm those statements in writing. On June 16, CPA received a letter from FDOT indicating that "FDOT is receptive" to an alignment within the SR 528 right-of-way. That letter is attached as Exhibit 3-7.

Neither CPA nor FDOT currently has a preference between an alignment on the north shoulder of SR 528 and an alignment in the median. CPA will continue working with FDOT to determine the best alignment.