



SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Environmental Analysis

November 14, 2017

Jay Johnson
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, Fla;
Clarification of Proposed Construction Timing

Dear Mr. Johnson:

I am writing to request clarification from the Canaveral Port Authority (CPA) on the general timeframe in which it intends to begin construction of the proposed rail line if it were to obtain construction authority from the Surface Transportation Board (Board) and any other applicable permits and approvals.

This inquiry is in response to a recent posting on CPA's website: *Port Canaveral, Strategic Master Plan, Public Meeting, October 16, 2017*. Slides 45 through 52 of the presentation provide the proposed phasing or timing of the various components in the strategic master plan. Although new rail construction is not directly addressed in these slides, Slide 51 sets forth the strategic master plan components that would be implemented in the year 2040. It includes the relocation of State Route 401 as occurring in 2040.

Based on CPA's feasibility study for a potential rail route through the Cape Canaveral Air Force Station (CCAFS)¹, the relocation of State Route 401 would be a critical infrastructure component of CPA's preferred rail line alternative through CCAFS. The road's relocation would enable construction of a rail yard to proceed, and the rail yard would be needed to ensure operability of the proposed rail line (i.e., it would enable CPA to assemble and breakdown trains after and before transit through CCAFS, respectively). Therefore, by stating a timeframe of 2040 for the relocation of State Route 401, Slide 51 implies that CPA does not plan on acting on any authority it may receive from the Board to construct a new rail line until 2040. If this timeframe is correct, it calls into question why we are conducting the requisite environmental review now.

¹ *Cape Canaveral Air Force Station (CCAFS) – Kennedy Space Center (KSC), Freight Rail Extension Alignment, Feasibility Study, December 2016* (Note: details of the proposed State Route 401 realignment were provided in the digital mapping files submitted to the Board with the feasibility study).

Please explain whether it is CPA's intent to defer construction of the proposed rail line to 2040 or beyond. If the year 2040 represents CPA's general timing for constructing the proposed rail line, the Board believes that it is premature to conduct an environmental review at this time because the information in the environmental document would become outdated many years before construction would begin.² If CPA's construction timing is well into the future, the Board would halt its current environmental review process to avoid the preparation of an untimely environmental document and the inappropriate use of limited federal resources.

Conversely, if this information is erroneous, please clarify for us the timeframe when CPA plans to construct the rail line, assuming that the Board ultimately approves CPA's petition to permit this rail line construction.

Thank you for your assistance. We look forward to receiving CPA's clarification at its earliest convenience but no later than December 1, 2017. Please provide your response to Dave Navecky of my staff at 395 E Street, SW, Washington, DC, 20423, 202-245-0294 (David.Navecky@stb.gov). Please feel free to contact Mr. Navecky if you have any questions.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

cc: Kathryn Kusske Floyd

² For example, the President's Council on Environmental Quality notes that an environmental impact statement that is more than five years old should be carefully reexamined to determine if a supplemental document is needed (*Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*). Here, construction of the proposed rail line 20 or more years out would likely merit an entirely new environmental review prior to construction.