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December 19, 2014

Mr. Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
Attention: Environmental Filing, Docket No. FD 35852
395 E. Street SW
Washington D.C. 20423-0001

Re: Surface Transportation Board Notice Docket Number FD 35852

Dear Mr. Navecky:

Indian River County respectfully submits these comments to the Surface Transportation Board with regard to the Notice of Intent to Prepare an Environmental Impact Statement, Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement ("Draft Scope of the EIS") Notice of Scoping Meetings and Request for Comments on Draft Scope (collectively referred to as "Notice"), dated October 27, 2014.

The Notice was prepared by the Surface Transportation Board in response to a request made by the Canaveral Port Authority (the "CPA") to construct, operate and connect approximately 11 miles of new rail from Port Canaveral in Brevard County to an existing rail that is approximately 17 miles long and that merges into the Florida East Coast Railroad corridor ("Proposed Extension"). The Notice specifically states that the construction and operation of the Proposed Extension has the potential to result in significant environmental impacts to Brevard County. Therefore, an Environmental Impact Statement ("EIS") must be prepared to satisfy the Surface Transportation Board's obligations under the National Environmental Policy Act ("NEPA").

NEPA requires that "to the fullest extent possible" an EIS must: (i) disclose and assess the impacts of major federal actions significantly affecting the environment; and (ii) consider the reasonable mitigation measures and alternatives to such actions that would avoid or minimize those impacts. *See* 42 U.S.C. § 4332; 40 C.F.R. § 1502.1. The fundamental purpose of these requirements is to ensure that federal decision-makers understand the short and long-term impacts of their actions, and how such impacts might be addressed, before they take action.

However, prior to preparing a draft EIS, a federal agency must use the scoping process to engage State, local and tribal governments and the general public in the early identification of concerns, potential impacts, relevant effects of past actions and possible alternative actions. See 43 CFR § 46.235. The scoping process is also an opportunity for an agency to integrate other environmental reviews. For the reasons detailed below, Indian River County is concerned that the declared purpose of the Proposed Extension is inaccurate, and therefore cumulative and secondary impacts will not be properly analyzed.

1. The Declared Purpose of the Draft Scope of the EIS is Inaccurate Because it Fails to Include the Likelihood that the Proposed Extension Will Be Utilized by a High-Speed Passenger Rail Service.

On page 3 of the Draft Scope of the EIS, the CPA states that the purpose of the Proposed Extension is to provide it with the “capability to transport primarily bulk, break bulk (i.e., packaged, non-containerized cargo), and containerized goods to and from Port Canaveral by rail.” This purpose, however, is contradicted by the CPA’s actions subsequent to filing its request with the Surface Transportation Board. In October of 2014, the CPA publically stated that it has not only commissioned a passenger rail study to analyze what Port Canaveral would need to do to accommodate a rail service, but that it is in the beginning stages of negotiations with All Aboard Florida- Operations, Inc. (“AAF”), a proposed high-speed passenger rail service, to construct and operate a passenger train station at Port Canaveral. Exhibits A and B. It is therefore highly likely that if the Surface Transportation Board approves the Proposed Extension, the CPA will grant AAF permission to utilize the Proposed Extension to transport passengers at a very high speed from the Florida East Coast Railway corridor to Port Canaveral. Consequently, the Surface Transportation Board needs to include high-speed passenger rail into the declared purpose of the Proposed Extension. Additionally, the Surface Transportation Board needs to analyze the environmental impacts the Proposed Extension will have if and when it is utilized by AAF’s high-speed rail service.

2. The EIS Needs to Include an Independent Utility Analysis.

Considering that there is a high likelihood that the Proposed Extension will be utilized as a part of the AAF high-speed passenger rail service, the Surface Transportation Board needs to conduct an independent utility analysis and include it in its EIS. The Proposed Extension is connected to AAF’s high-speed passenger rail service and therefore is not a “stand alone” project. If the Surface Transportation Board determines that the Proposed Extension is not a “stand alone” project, then the Draft EIS that was prepared by the Federal Railroad Administration needs to be integrated into the underlying analysis in accordance with 43 CFR § 46.235.

Respectfully,



Dylan Reingold
County Attorney

Enclosures: (2)

From the Orlando Business Journal

:<http://www.bizjournals.com/orlando/blog/2014/10/port-canaveral-commissioning-rail-study-related-to.html>

Port Canaveral commissioning rail study related to All Aboard Florida, Orlando airport

Oct 29, 2014, 10:41am EDT



Richard Bilbao

Reporter- *Orlando Business Journal*

[Email](#) | [Twitter](#)

Port Canaveral expects to see passenger traffic double within four to five years, and that's why it is commissioning a study on what it will take for statewide rail to find a stop at the cruise terminals.

During a Canaveral Port Authority Commission meeting on Oct. 29, Port Canaveral CEO John Walsh updated the authority on port business that included the study. In his description, Walsh said the port is communicating with Orlando International Airport and All Aboard Florida to see how cruise passengers traveling into Central Florida can avoid the road way for "greener alternatives" like rail.

The study also will look into what the port will need to accommodate rail, which could include determining the land and size of a facility needed for rail.

See Also

- [Port Canaveral eyes 270 acres for cargo growth](#)
- [Port commissioners give conditional OK on \\$75M auto complex plan](#)
- [Disney Cruise Line adding new destinations for 2016](#)

Port Canaveral is [undergoing a \\$500 million-plus cruise and cargo expansion](#) aimed to revolutionize the port and bring its cargo business up to its passenger business, netting billion of dollars in new economic impact and 15,000 jobs in Central Florida.

In September, [the port signed a 35-year partnership with Gulftainer](#), a United Arab Emirates-based cargo operator, which is considered a big business win for the port, as well as boon as it is expected to create 2,000 direct and indirect jobs once operational.



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All Aboard Florida stop in Port Canaveral?

Author: Justin Warmoth, Reporter, jwarmoth@wkmg.com

Published On: Oct 30 2014 06:34:55 PM EDT | Updated On: Oct 31 2014 06:08:57 AM EDT

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All Aboard Florida stop in Port Canaveral?

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PORT CANAVERAL, Fla. - All Aboard Florida promises to link Orlando to Miami by rail, but some critics have been trying to derail their plans.

However, something could be changing that could give a big boost to the Space Coast.

Right now the company plans to start at Orlando International Airport, cross to the coast, then travel south down to West Palm Beach, Fort Lauderdale and Miami without making any stops in Brevard County.

But Local 6 has learned All Aboard Florida is in talks to add a stop at Port Canaveral.

Canaveral Port Authority CEO John Walsh said talks to have a train station at Port Canaveral are in the beginning stages.

Walsh added having a stop at the port would be huge for local restaurants and shops.

"I would prefer to leave the car in Orlando and come directly by train," said Scotland native Tom Bruce.

Bruce flew into Orlando International Airport, rented a car, and then drove to Port Canaveral where he boarded a Carnival Cruise ship. He said he wished the process would be easier for him and other

Where are you doing most of your holiday shopping?

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- ☐ At a mall - I can get everything in one place.
- ☐ At 'big box' stores like Target, Best Buy.
- ☐ At local shops in my community.
- ☐ In my home - I'm making gifts.

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The origins of holiday traditions

Have you ever wondered where the tradition of putting up a tree for

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EXHIBIT "B"

tourists visiting the area.

Because All Aboard Florida doesn't make any stops in Brevard County, residents are upset that their tax dollars are going to a project that doesn't benefit them directly.

But officials hope a stop at the port could change that opinion.

Local 6 called several taxi and rental car companies and no one would comment on the affect this could have on their business. However, one driver said having a train station at the port would definitely hurt his employer's bottom line.



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doug4447 • 2 months ago

Usually I'm not a fan of high-speed rail adding stops. A large number of stops pretty much eliminates the "high-speed" aspect. But in this case where the stop being added is another transportation hub, I'll consider this a great idea.

The high-speed rail between Tampa and Orlando quickly became bogged down by every community en route demanding a stop. One or two stops may have been beneficial, but soon so many stops were being added that it would have been a commuter train instead.

1 • Share



jgcat • 2 months ago

whinners in brevard deserve butter on thier toast.

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orlandodown • 2 months ago

Orlando will suffer, everyone will live at beach, commute to the cesspool

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William Holt • orlandodown • 2 months ago

I don't think it would be a commuter rail, would it?

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BruntLIVE • 2 months ago

Again old white conservatives scared of change and fear what they don't understand. The train will happen, they have trains in NYC and it's not a bad idea. Fear of demographic changes again.

• Share



12SilverBullets • BruntLIVE • 2 months ago

Or just people with some business sense.

NYC has a population of 8.5 million. Florida has 19.5 million spread over how many more square miles? A thousand times as many?

A parking spot in NYC? About \$5,000 a square foot. Florida? Free.

Trains need to be cost effective and more convenient than auto travel to

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