



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

10/15/2015 02:20 PM

Mary -

You are correct that no formal Larkin Group proposal is currently before the STB. However, numerous alternative routes for the proposed rail line were identified in scoping comments including potential routes through the Cape Canaveral Air Force Station, routes that parallel State Route 528, and routes with alternative crossings of the Banana River. These are in addition to the original two alternatives proposed by the Canaveral Port Authority; that is, Options A and B, both of which cross the Banana River and then head north through Merritt Island.

I'm not certain what the "3 . . . original options" you are referring to in your question. Nevertheless, the STB has not made any decisions on which of the alternatives summarized in the paragraph above will be studied in the Draft EIS and which alternatives will be discarded. Once my office reaches a conclusion on which alternatives it believes should be studied in the Draft EIS, we will take that conclusion to the five federal cooperating agencies as a recommendation (i.e., a recommendation on which alternatives to study in the Draft EIS and which to discard from study in the Draft EIS). The goal is to reach a consensus among the STB and the five cooperating agencies on this topic.

The Canaveral Port Authority (CPA) could have a preferred alternative at the Draft EIS stage and that would be briefly mentioned in the document. The STB does not generally identify a preferred alternative at the Draft EIS stage. However, if STB were to identify a preferred alternative in the Draft EIS, it would be a preliminary conclusion. Regardless of any expressed preferences at the Draft EIS stage, however, all alternatives studied in the Draft EIS will be treated equally.

The Draft EIS will be made available for a minimum 45-day public comment period. The Draft EIS will not only solicit public comments on the potential impacts on the proposed rail line, but will also solicit public comments on what constitutes the preferred alternative. After the close of the comment period on the Draft EIS, the STB and the cooperating agencies will prepare the Final EIS. The Final EIS will address the comments received on the Draft EIS and will also identify the preferred alternative considering the purpose and need of the proposed action, potential impacts of the alternatives studied, and public comments.

Regarding your petition, the STB appreciates all forms of public input during its environmental review and decision making processes. In reaching the final decision in this case, the STB's decision makers (i.e., the Board members) will consider the transportation merits and the entire environmental record including public comments and petitions.

Thanks,

Dave

Dave Navecky
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"Mary Hillberg"

Thank you, Dave. Not exactly answering my qu...

10/13/2015 12:57:51 PM

From: "Mary Hillberg" <hillberg@earthlink.net>
To: <David.Navecky@stb.dot.gov>
Date: 10/13/2015 12:57 PM
Subject: RE: STD Docket No. FD 35852

Thank you, Dave. Not exactly answering my question but let me see if I can ask it better: Since you are not including the Larkin EUL in your study, the only options the Draft EIS CAN choose are the 3 from the original options. Is that correct? Then when you send out the draft EIS, it would be with one of those 3 options listed as a preferred alternative? Am I incorrect that rather than "choosing", you show how anything can be done?

Another question: A petition is being circulated for many people who do not feel comfortable writing the STB, but want their voices to be heard. They are generally older, less able to work well on a computer and are perplexed with all the CPA activities of firing, hiring, changing focus, etc. They asked for a simple sign-on petition so that their opinions would be considered by your board. It currently has over 2K signatures and will have many more by the time next year rolls around. How much weight does such a petition have with the final EIS decision?

Hope I am not being too bothersome, but it is very hard to answer so many questions from the community when I don't have a firm grip on the subject.

Mary

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

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]
Sent: Tuesday, October 13, 2015 10:15 AM
To: Mary Hillberg <hillberg@earthlink.net>
Subject: RE: STD Docket No. FD 35852

Mary -

Regarding your questions:

Question 1 - "Were the AF route by the Larkin Group to be excluded for whatever reason, would that mean the STB would be forced to endorse one of the other 2 routes under consideration?"

Answer - The STB's Office Of Environmental Analysis (OEA) typically identifies a preferred alternative at the Final EIS stage. Identifying OEA's preferred alternative at the Final EIS stage allows it to consider comments on the Draft EIS, including comments from federal, state and local agencies, the public, and other interested parties on the potential preferred alternative. Therefore, whether we have one, two, three or more alternatives in the Draft EIS, including the no-action alternative, they are treated equally in the Draft EIS without preference, or in your terms, an

endorsement.

Question 2 - " . . . is it possible for the STB to choose the NO ACTION alternative? Have you ever recommended that alternative?"

The Final EIS is not the decision making document. Rather, the Final EIS is intended to inform the decision makers (in the STB's case, the three Board members) of the potential environmental impacts of constructing and operating a proposed rail line. The Final EIS typically identifies OEA's preferred project alternative and recommends that the Board select that alternative if it decides to grant final approval of the project. Generally speaking, OEA could recommend that the proposed project be denied based on potential environmental impacts (i.e., recommend that the Board approve the no-action alternative). However, I do not recall an instance when OEA made such a recommendation. In making its final decision on the project, the Board members will consider the transportation merits of the proposed project and the entire environmental record including public comments.

Thanks,

Dave

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