

**U.S. Department of Transportation
Federal Railroad Administration**

Record of Decision/Section 4(f) Determination

FLORIDA HIGH SPEED RAIL

Tampa to Orlando

Hillsborough, Polk, Osceola and Orange Counties, Florida

Financial Project ID No.: 411253 1 94 03

Federal Aid Project No.: N/A

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1. SUMMARY

This document records the decision of the Federal Railroad Administration (FRA) regarding the Florida High Speed Rail Project from Tampa to Orlando proposed by the Florida Department of Transportation (FDOT). In making this decision, the agency considered the information, analysis and public comments contained in the 2005 Final Environmental Impact Statement (FEIS) and the more recent 2009 FEIS Reevaluation (2009) to determine the alignment location and station sites for further project development into design and construction. Additional coordination between FDOT, FRA and the Federal Highway Administration (FHWA) will be carried out in the design phase with respect to emergency and maintenance access, safety and security in accordance with FRA standards through the development of a Safety Plan.

This Record of Decision (ROD) has been drafted in accordance with the regulations implementing the National Environmental Policy Act (NEPA) (40 CFR Part 1505.2) and FRA's Procedures for Considering Environmental Impacts (64 Fed Reg 28545 (May 26, 1999)). Specifically, this ROD:

- Provides a background of the NEPA process for the Final Environmental Impact Statement (FEIS) and the 2009 FEIS Reevaluation
- States and reaffirms the Purpose and Need
- Presents the alternatives considered in the 2005 FEIS
- Presents the alternatives considered and dismissed in the 2005 FEIS
- Identifies the selection of the preferred alternative for the 2005 FEIS
- Identifies the environmentally preferable alternative
- Presents the Affected Environment summarizing the findings of the 2009 FEIS Reevaluation
- Presents means to avoid and minimize environmental harm
- Presents the FRA Decision, determinations and findings
- Provides a summary of the public involvement and agency coordination for the 2005 FEIS and the 2009 FEIS Reevaluation

2. INTRODUCTION

The FDOT is proposing to develop a high speed rail passenger system in the Tampa-Orlando-Miami corridor, with future extensions to other major urban areas in the state. This Tampa-Orlando-Miami corridor is a federally designated high speed rail corridor. The first phase of Florida High Speed Rail is the Tampa to Orlando project and is the subject of this ROD.

The Florida High Speed Rail (FHSR) project from Tampa to Orlando would be developed on new track, with the majority of the system located within the existing right-of-way (ROW) of Interstate 4 (I-4) and the Beachline Expressway (S.R. 528), formerly the Bee Line Expressway, a distance of 88 miles. As shown on **Figure 1**, five (5) stations are proposed and would be located in Tampa, Polk County (Lakeland), Walt Disney World, Orange County Convention Center and Orlando International Airport (OIA). The 2005 FEIS and 2009 FEIS Reevaluation includes analyses for a proposed station at the western terminus of SR 570 (Polk Parkway) and a potential station at Kathleen Road in Lakeland. Only one station site will be identified for continued development and design in coordination with Polk County and the local cities.

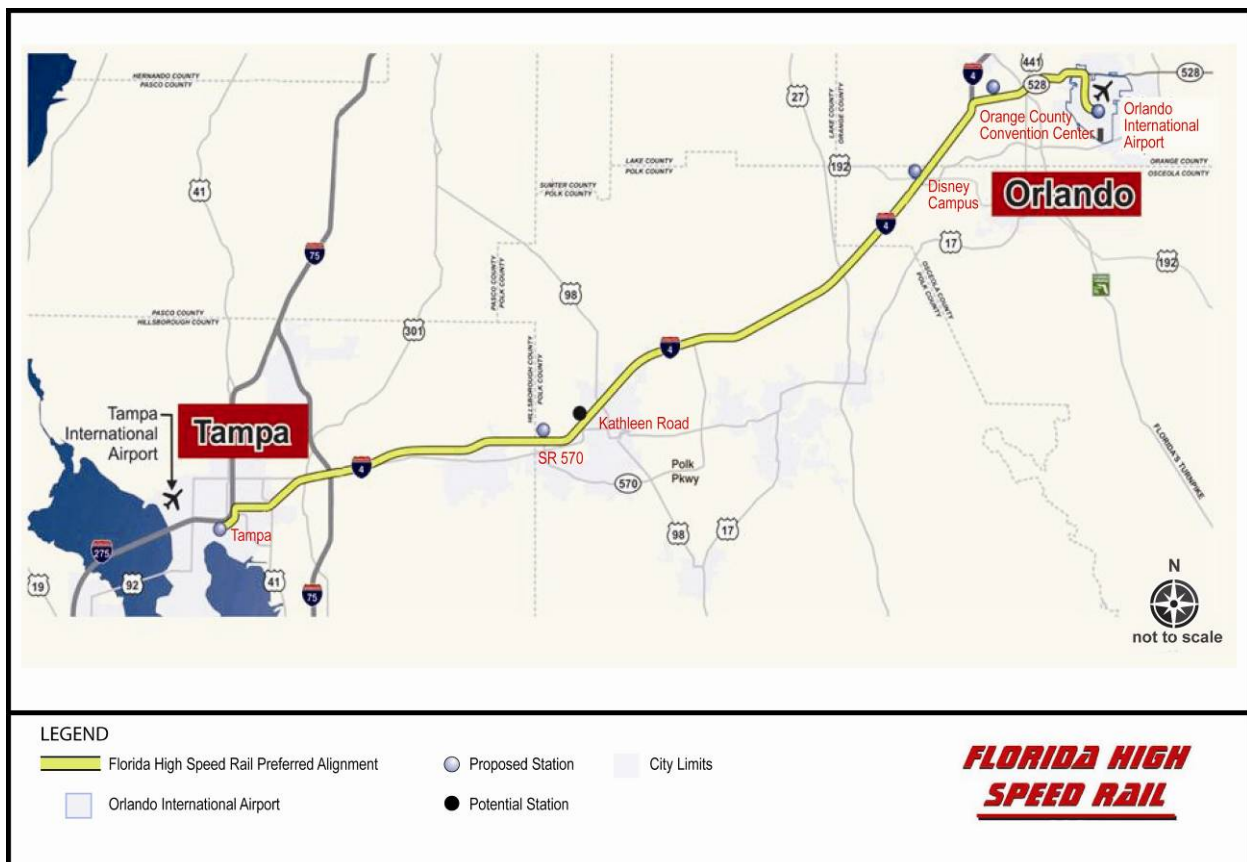


Figure 1 Project Location Map

FDOT proposes the high speed passenger rail system would operate 16 intercity round trips per day with additional frequent shuttle service from OIA to the tourist destinations in the Orlando area. The maximum travel time will be 64 minutes with stops between Tampa and Orlando. The maximum operating speed will be 168 mph.

The initial environmental document was completed under the direction of the Florida High Speed Rail Authority (FHSRA), which was under a state constitutional mandated directive to expedite the implementation of the system. In order to complete the project in a timely manner, FHSRA selected a Design, Build, Operate, Maintain, and Finance (DBOM&F) process for implementing the project. Proposals were solicited and two were selected for evaluation in the FEIS published in 2005. The 2009 FEIS Reevaluation builds on the use of a DBOM&F process for advancing the project.

On October 2, 2009, FDOT submitted an application to the FRA under the High Speed Intercity Passenger Rail Program (HSIPR) for \$2.624B to fund the development of the Tampa-Orlando high speed rail corridor project. On January 28, 2010, FRA announced that FDOT had been selected for an award of up to \$1.25B for the Tampa-Orlando corridor. The funds will be used to complete any additional corridor level analysis respective to station sites, complete final design, and initiate construction of the FHSR project from Tampa to Orlando.

3. BACKGROUND

Following its creation in 2001, the FHSRA, with guidance from the FRA as the lead federal agency, took a number of steps to implement high speed rail within the state of Florida. The FHSRA began the planning, environmental studies, and engineering needed to prepare a Draft Environmental Impact Statement (DEIS) for the Tampa to Orlando corridor in 2002, focused on independent utility and logical termini. FRA approved the DEIS in August 2003, and signed and circulated the FEIS in 2005. However, due to the project being suspended, the FRA never issued a Record of Decision (ROD) for the project.

The major NEPA milestones are summarized in **Table 1**.

Table 1: Summary of Major NEPA Milestones

Milestone	Date
Notice of Intent	March 2002
Advance Notification and Scoping	April 2002
Draft EIS Signed and Circulated	August 2003
Draft EIS Notice of Availability	September 5, 2003
Public Hearings	October 7-9, 2003
FEIS Signed and Circulated	July 2005
FEIS Notice of Availability	August 5, 2005
<i>Source: Florida High Speed Rail Tampa to Orlando FEIS Reevaluation, October, 2009</i>	

Independent documentation in support of the findings of the 2005 FEIS includes:

- The *Tampa Interstate Study Environmental Impact Statement*, November 1996 - which includes ultimate improvements to I-4/I-275 that accommodate the high speed rail alignment
- The *Intermodal Station at Orlando International Airport Environmental Assessment*, September 2005 – planned an intermodal station at both the OIA North Terminal and the future OIA South Terminal, and updated the HSR and light rail alignments through OIA property
- The *Greater Orlando Aviation Authority Master Plan*, August 2004 – most current master plan incorporating multimodal station at the North Terminal, future South Terminal, and HSR rail alignments
- The *Tampa Bay Intermodal Center*, October 2005 – multimodal station site study consistent with the location of the Tampa HSR station area that provided for the FHSR alignment
- The *Canadian Court Intermodal Transportation Center Study*, April 2007 - multimodal station site consistent with the proposed Orange County Convention Center station that accommodates the FHSR alignment

3.1. FEIS REEVALUATION

In October 2008, a federal program to advance high speed rail corridor development was authorized under Section 501 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). The *America Recovery & Reinvestment Act of 2009* (ARRA) then made \$8 billion available for High Speed Rail (HSR). In April 2009, President Barack Obama's Administration unveiled its HSR Vision, initially highlighting federally-designated high speed rail corridors, including Tampa-Orlando-Miami in Florida. This began a national competition for federal funding.

Given this new prospect for federal funding, the Florida Department of Transportation (FDOT) began work to determine the extent of changes in potential environmental impacts and commitments since the FEIS was circulated in 2005.

FRA met with FDOT representatives on June 12, 2009 to discuss the project and the status of the NEPA documentation. FRA determined that a reevaluation of the 2005 FEIS was needed to satisfy NEPA requirements (the FEIS Reevaluation). This reevaluation was prepared in conformance with FDOT's Project Development and Environment (PD&E) Manual.

While there have been no major changes to the project location and design since the FEIS was published, several years have elapsed since publication of the FEIS, triggering the need for a reevaluation. According to FRA's Procedures for Considering Environmental Impacts (64 FR 28545 (May 26, 1999)) and FDOT's PD&E Manual, reevaluations are to be conducted under the following circumstances:

- Approval of document and authorization of the next phase is greater than one year
- A major change in the project's location or design has occurred
- If more than three (3) years have lapsed since the date of approval of the final EIS without a decision

In May 2009, FDOT initiated a qualitative review of the project to determine the level of assessment required to complete the NEPA/PD&E process and support the issuance of a ROD. The findings of this assessment were summarized in a technical memorandum, *Basis for FEIS Reevaluation Technical Memorandum* (June 29, 2009), presented and discussed with FRA. This document is located as an appendix to the FEIS Reevaluation Report. The FEIS Reevaluation is in **Appendix A** of this ROD.

The qualitative assessment indicated that minor changes in the project definition are required and small changes in the affected environment have occurred, and that a reevaluation was an appropriate course of action to determine the potential changes in environmental impacts, mitigation and commitments since the FEIS was published in 2005. Accordingly, the reevaluation focused on the following:

- Changes in the preferred technology from the gas turbine-powered technology as identified in the 2005 FEIS to the electric powered technology. Under the FEIS Reevaluation, the electric-powered technology has emerged as the preferred technology, on the same alignment, based on the current initiatives to reduce carbon emissions and dependency on foreign oil

- Design changes needed based on surrounding infrastructure and right-of-way
- Changes in the affected environment that have occurred since the 2005 FEIS
- Changes in potential environmental impacts since the 2005 FEIS
- Changes in the mitigation and commitments compared to the 2005 FEIS
- Changes in permits needed since the 2005 FEIS
- Need for updated coordination with local jurisdictions, stakeholders, and environmental review agencies
- Need for updated public involvement
- Changes in laws, rules, and regulations since 2005

A draft FEIS Reevaluation was completed by FDOT and submitted to FRA on October 1, 2009.

4. PURPOSE AND NEED

The Purpose and Need for the FHSR project was established in the 2005 FEIS and was confirmed by the 2009 Reevaluation. The purpose of FHSR is to enhance intercity passenger mobility in Florida by expanding passenger transportation capacity and providing an alternative to highway and air travel. Increased mobility is viewed as essential for the sustained economic growth of the region, as well as the quality of life of the region's residents and visitors. Presently, passenger mobility in the Tampa-Orlando corridor is provided primarily by highways, particularly I-4. Projected transportation demand and travel growth, as prompted by social demand and economic development and compared to existing and future roadway capacity, show a serious deficit in available capacity. In addition, increasing population, employment, and tourism rates continue to elevate travel demand in the study corridor.

Although capacity improvements to the interstate system along the corridor have either recently been completed or are planned for the near future, they are not adequate to accommodate future travel demand. This need is further emphasized by high traffic volumes, congestion, and accident rates in the study corridor. Further, social and economic demands will continue to call for provision of alternative transportation choices for those individuals who cannot or choose not to drive, as well as those travelers looking for alternatives to congested highways.

4.1. Florida Passenger Rail Legislation of 2009

On December 16, 2009 Governor Charlie Crist signed legislation specifically to support the development of passenger rail systems in the state of Florida. This includes the creation of the Florida Rail Enterprise and other steps including potential funding support for a high speed rail system in the state. The passage of this legislation demonstrates Florida's commitment to work with Federal agencies and private sector partners to advance high speed rail and other passenger rail systems as an integral component of statewide transportation systems.

5. ALTERNATIVES

5.1. ALTERNATIVES CONSIDERED AND DISMISSED IN THE 2005 FEIS

The FHSRA considered several routes between Tampa and Orlando. In order to identify reasonable alternatives that could satisfy the identified project purpose and need, the FHSRA conducted a study to identify, quantify, and compare various HSR route locations. The results of the screening process are documented in the *Florida High Speed Rail Screening Report*, which was completed in October 2002. This evaluation was built on the studies undertaken for high speed rail in the Tampa – Orlando corridor since the mid 1980s. Forty-seven alignments were reduced to 20 as a result of this evaluation. **Figure 2** identifies the various segments that were eliminated from continued study and the retained alignments that were analyzed as the viable alternatives in the 2005 FEIS.

Tampa area: The FHSR study team developed 21 alignments to connect the downtown Tampa station eastward to I-75 with alignments in the I-4 and CSX rail corridors. Ten alignments were eliminated for reasons including engineering constraints, disruption of access to low-income housing and community facilities, disruption of the Ybor City National Historic Landmark District (NHL), and causing relatively greater environmental impacts than retained alignments.

Hillsborough County: Two alignments were evaluated in rural Hillsborough County: one along the I-4 corridor and the other parallel to the CSX rail line. The CSX rail alignment was eliminated from further consideration due to proximity impacts to a significant number of community facilities in Plant City along the railroad.

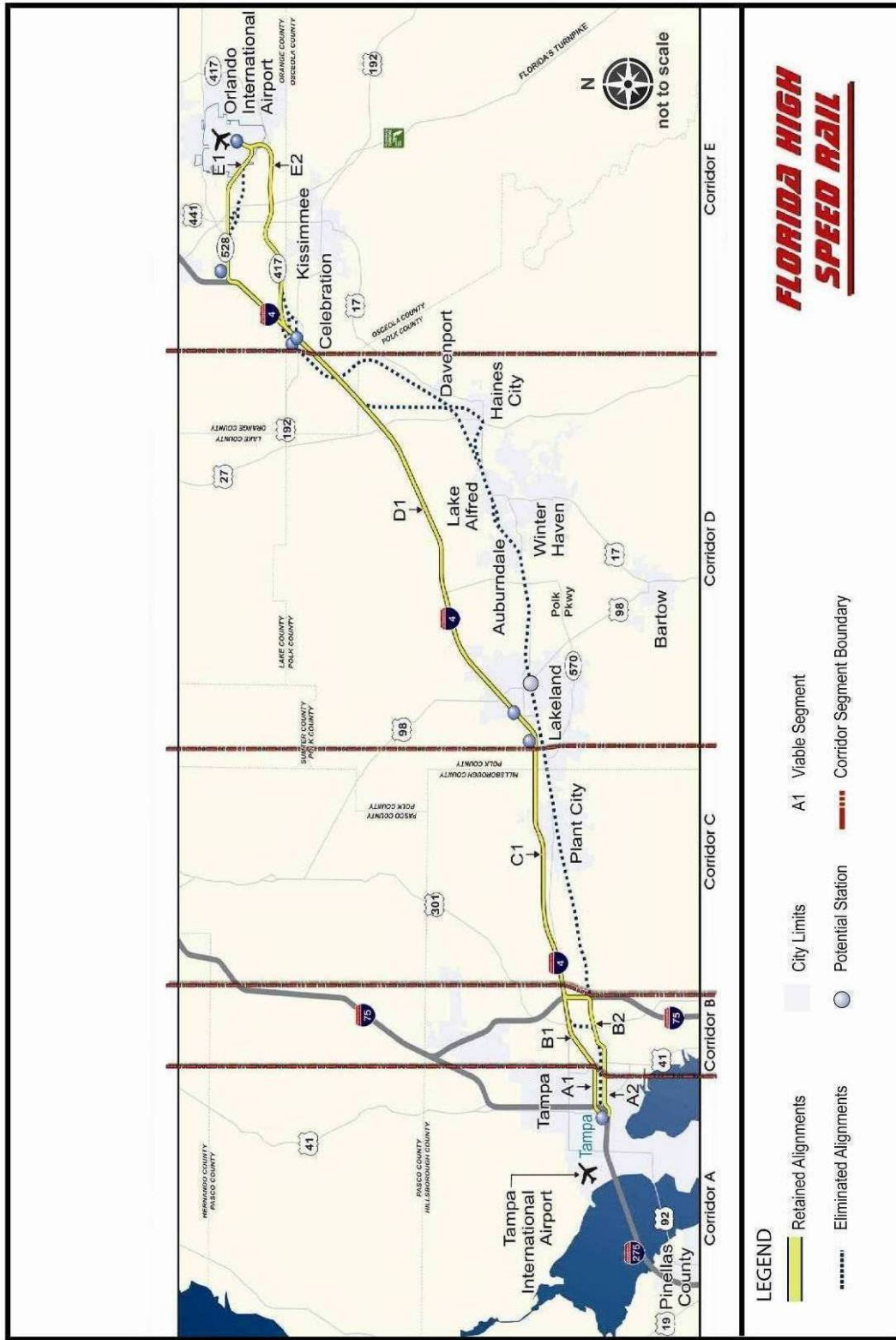
Polk County: Nine alignments were evaluated in Polk County. The alignments included the I-4 and CSX rail corridors, as well as connections between the two corridors. The CSX corridor was eliminated due to proximity impacts to community facilities in Lakeland, Auburndale, Haines City, and Davenport. With the elimination of the CSX alignment, connecting alignments to the I-4 corridor were no longer viable.

Orlando area: Fifteen alignments were evaluated in Osceola and Orange counties in the Orlando area. Seven alignments were eliminated. Some of the alignments connected to eliminated alignments in Polk County and would have disrupted existing commercial development along the alignment. A new terrain connection between I-4 and the Central Florida Greenway (S.R. 417) had the greatest amount of potential wetland and wildlife habitat impact and limited access to alternative station sites. Other alignments were eliminated due to engineering constraints.

5.2. ALTERNATIVES CONSIDERED IN THE 2005 FEIS

The alternatives selected for evaluation in the EIS include:

- No-Build Alternative, consisting of no FHSR service between Tampa and Orlando.
- Two technology alternatives, the gas-turbine powered locomotive-hauled and the electric-powered locomotive-hauled trains, reflecting the responsive proposals to the FHSRA DBOM&F solicitation. These technologies are further described below.



Source: Florida High Speed Rail Tampa to Orlando Final Environmental Impact Statement, May 2005.

Figure 2: Corridors / Stations Considered

- Four alignment alternatives per each technology, or a total of eight design/build alternatives. A detailed summary of each alignment is available in the 2005 FEIS.

Each Alternative carried forward for consideration in the 2005 FEIS is summarized below.

5.2.1. No-Build Alternative

The No-Build Alternative assumes that a FHSR system would not be built between Tampa and Orlando. Passenger service between the two cities would instead consist of various existing bus services between Tampa and Orlando and automobile use on I-4, I-75, the Bee Line Expressway (S.R. 528), and the Central Florida Greenway (S.R. 417). The No-Build Alternative assumes that certain planned and funded highway improvements would be undertaken between Tampa and Orlando.

The No-Build Alternative does not envision providing an alternative transportation mode between Tampa and Orlando for daily commuters, visitors, and residents of the area, and existing modes would have to satisfy all travel demand. The potential of the FHSR project to improve public transportation and increase the efficient use of the transportation system, both intercity and locally, would not be realized.

5.2.2. Technology Alternatives

The FHSRA determined that two proposals were responsive to its solicitation for DBOM&F proposals. These represented different technologies with different track systems, rail locations, maintenance facilities and station sites.

Fluor Bombardier proposed a gas turbine-powered locomotive-hauled train technology, developed by Bombardier and FRA with the trademark name of “Jet Train”. The gas turbine train has passenger equipment similar to Amtrak’s Acela Express trains presently operating between Washington, D.C. and Boston, Massachusetts.

The Global Rail Consortium (GRC) proposed using an electric-powered locomotive-hauled train technology, powered from an overhead catenary system similar to that in use on the Acela system and the electric train uses the French designed TGV Atlantique train sets.

Table 2 summarizes the operating features of the two proposed technologies.

Table 2: Summary of Operations by Technology

Feature (FHSRA minimums)	Gas Turbine Train	Electric Train
Speed (120 mph)	125 mph	160 mph
Round trips per day (12)	14	16
Shuttle trips between Orlando International Airport and Disney (not required)	8	17
Trip time (1 hour, 10 minutes)	65–70 minutes	54-55 minutes
Seating capacity (250)	292	250
Source: Florida High Speed Rail Tampa to Orlando Final Environmental Impact Statement, May, 2005.		

5.2.3. Alignment Alternatives

The alignment alternatives used varying combinations of the I-275 and CSX corridors in downtown Tampa, the I-4 corridor between Tampa and Orlando, and either the Bee Line

Expressway (S.R. 528) or Central Florida Greenway (S.R. 417) corridor in Orlando. Design/Build Alternatives 1 through 4 consist of gas turbine technology, while Design/Build Alternatives 5 through 8 consists of the electric train technology.

The eight alternatives use varying combinations of the same alignment. The alignments associated with each alternative are illustrated in **Figure 3** and briefly summarized as follows:

Tampa area: I-275/I-4 corridor – This is a new, grade-separated alignment that runs south of and parallel to I-275 and I-4 to approximately 14th/15th Streets where the alignment crosses into the I-4 median.

Tampa area: CSX “S” line/CSX “A” line/I-75 – This is a new, grade-separated alignment that leaves the downtown station southeasterly through a commercial area to connect into the former CSX “S” line. The alignment runs eastward to connect to the existing CSX “A” line, running along the north side of the rail line to I-75. At I-75, the alignment runs in the interstate median northward to connect into the I-4 median.

Between I-75 to the Osceola/Orange County line: I-4 – This alignment between the Tampa and Orlando urban areas would use the I-4 median for the entire length.

Orlando area: Bee Line Expressway (S.R. 528)/Taft-Vineland Road – This grade-separated alignment would leave the I-4 median and follow along the north side of the Bee Line Expressway (S.R. 528), then along the median of Taft-Vineland Road, crossing new ROW to connect into a station at Orlando International Airport.

Orlando area: S.R. 536/Central Florida Greenway (S.R. 417) – This grade-separated alignment leaves the I-4 median to run along the south side of S.R. 536, connecting to either the north side or the median of the Central Florida Greenway (S.R. 417). From the Central Florida Greenway (S.R. 417), the alignment would run along the east side of the South Access Road to a station at Orlando International Airport.

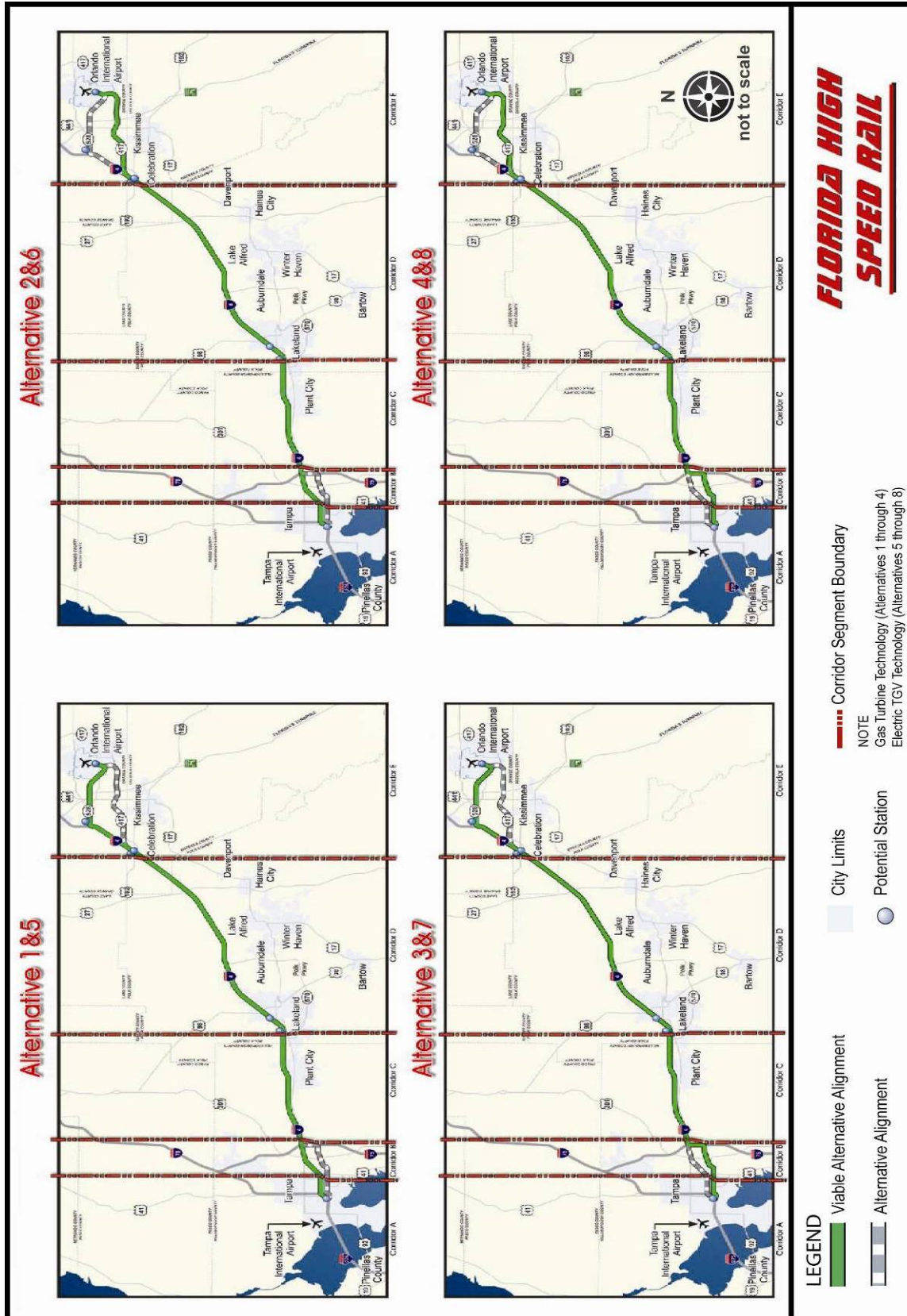
Station locations evaluated in the study included:

- Tampa Central Business District (CBD), south of Interstate 275 (I-275)
- I-4/Polk Parkway, west entry
- I-4/Kathleen Road (S.R. 539) in the City of Lakeland
- I-4 near Walt Disney World
- I-4 near Orange County Convention Center (OCCC)/Multi-Modal Station
- Orlando International Airport

An operation and maintenance (O&M) facility is proposed at one of two locations near the Orlando International Airport.

5.2.4. Summary of Alternatives Identified

The FEIS thus evaluated a total of eight design/build alternatives consisting of four different alignment options with two different technologies, as offered by the two proposers. **Figure 3** displays the eight design/build alternatives and the station locations considered. **Table 3** provides a summary of the design/build alternatives by alignment and technology.



Source: Florida High Speed Rail Tampa to Orlando Final Environmental Impact Statement, May 2005

Figure 3: Design Build Alternatives

Table 3: Summary of Design/Build Alternatives by Alignment and Technology

	Alternative							
	1	2	3	4	5	6	7	8
TECHNOLOGY								
Gas turbine	X	X	X	X				
Electric train					X	X	X	X
ALIGNMENT								
I-275/I-4 in Tampa	X	X			X	X		
CSX Line/I-75 in Tampa			X	X			X	X
I-4 between Tampa & Orlando	X	X	X	X	X	X	X	X
SR 528/Taft-Vineland Road in Orlando	X		X		X		X	
S.R. 536/SR 417 in Orlando		X		X		X		X
<i>Source: Florida High Speed Rail Tampa to Orlando Final Environmental Impact Statement May 2005.</i>								

The evaluation matrix in **Table 4** summarizes the quantifiable impacts of the proposed FHSR Design/Build Alternatives 1 through 8. The matrix provides an assessment of potential impacts for each alternative, providing the opportunity to effectively evaluate the consequences of each alternative.

Design/Build Alternatives 1 through 4 represent the four alignment combinations with the gas turbine technology. Design/Build Alternatives 5 through 8 represent the four alignment combinations with the electric train technology. The potential impacts for the FEIS Preferred Alternative, Design/Build Alternative 1, are highlighted in **Table 4**.

Physical impacts, such as wetland, wildlife, and floodplain impacts are technology neutral. The differences in impacts are due to alignment location, station sites, and O&M facility sites. In general, there are slightly more natural impacts associated with the Central Florida Greenway (S.R. 417) alignment due to crossing relatively undisturbed land. Noise, vibration, air quality, and energy impacts are more associated with the technology. In some cases though, the technology and alignment combinations will have varying effect such as with noise and vibration.

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**Table 4: Design/Build Alternatives Evaluation Matrix
(2005 FEIS Preferred Alternative Highlighted)**

	Alternatives							
	1	2	3	4	5	6	7	8
NATURAL ENVIRONMENT IMPACTS (AC.)								
Total Wetland Impacts (AC.)	40	31.3	39.2	30.5	25.6	24.4	30.5	23.6
High Quality Wetlands (AC.)	11	2	11	2	11	2	11	2
Protected Species Sites	9	15	10	16	9	15	10	16
FLOODPLAIN AND FLOODWAY (AC.)								
Base Floodplain Encroachment	56.88	54.54	61.04	58.70	56.88	54.54	61.04	58.70
Base Floodway Encroachment	9.45	6.47	9.45	6.47	9.45	6.47	9.45	6.47
CONTAMINATION SITES (RANKED H)								
Potential Petroleum Sites	2	0	7	5	2	0	7	5
Potential Hazardous Materials Sites	5	5	12	12	5	5	12	12
SECTION 4(f) IMPACTS								
Recreation Facilities	1	1	0	0	1	1	0	0
Historic/Archaeological Sites	0	0	2	2	0	0	2	2
COMMUNITY SERVICES								
Schools	8	12	5	9	8	12	5	9
Community Facilities	10	9	6	5	10	9	6	5
Parks & Recreation	5	7	5	6	5	7	5	6
Cemeteries	4	6	6	6	4	6	6	6
Churches	15	16	12	13	15	16	12	13
NOISE IMPACTS (MODERATE & SEVERE)								
Category 1 (Buildings and/or parks)	0	0	0	0	0	0	0	0
Category 2 (Residences, hospitals, and hotels)	15	5	16	6	53	105	38	90
Category 3 (Institutional – schools, libraries, churches, active park)	0	0	0	0	1	2	0	1
VIBRATION IMPACTS								
Category 1 (Buildings and/or parks)	1	0	1	0	1	0	1	0
Category 2 (Residences, hospitals, and hotels)	44	20	40	16	13	5	9	1
Category 3 (Institutional – schools, libraries, churches, active park)	0	0	0	0	0	0	0	0
AIR QUALITY EMISSIONS (Net Change in Tons/Year)								
CO	-101.7	-64.7	-100.9	-63.8	-152.0	-114.3	-151.8	-114.1
NOX	+189.0	+188.2	+191.4	+190.6	+23.3	+24.1	+23.7	+24.5
VOC	+8.9	+10.6	+9.2	+10.9	-8.1	-6.1	-8.1	-6.1
ENERGY CONSUMPTION (Change from 2010 No-Build)								
Millions BTU	498,855	507,770	505,658	514,574	239,820	243,623	243,314	247,124
SECTION 106 IMPACTS								
Historic Sites	5	5	7	7	5	5	7	7
Archaeological Sites	0	0	0	0	0	0	0	0
RELOCATIONS								
Residential	3	3	0	0	3	3	0	0
Business	3	8	15	23	3	8	15	23
COST								
ROW (Non-public)	\$118M	\$149M	\$150M	\$181M	\$101M	\$128M	\$134M	\$161M
Infrastructure	\$1,900M	\$2,033M	\$1,881M	\$2,015M	\$2,177M	\$2,306M	\$2,154M	\$2,284M
Mitigation	\$30M	\$30M	\$30M	\$30M	\$30M	\$30M	\$30M	\$30M
TOTAL COST	\$2.048B	\$2.212B	\$2.061B	\$2.226B	\$2.308B	\$2.464B	\$2.318B	\$2.476B

Source: Florida High Speed Rail Tampa to Orlando Final Environmental Impact Statement, May, 2005.

5.3. 2005 FEIS PREFERRED ALTERNATIVE

The 2005 FHSR FEIS resulting from the Project Development and Environment (PD&E) Study investigated the eight design/build alternatives, evaluating not only the technological differences, but also engineering, environmental impacts, costs, and other factors impacting the selection of the alignment. Development of alignments provided an analysis of socio-economic, natural, and physical environmental impacts within the proposed corridors. The potential impacts of the design/build alternatives and the No-Build Alternative are documented in Section 4 of the FEIS.

The FHSRA considered the alternatives in Tampa and Orlando in identifying a Preferred Alternative. All alternative alignments are located along I-4 through Polk and Osceola counties. Two separate alignments were considered in Tampa (Hillsborough County): the CSX and I-4 alignments. Similarly, two alternatives were considered in Orlando (Orange County): the Florida Turnpike's Bee Line Expressway (S.R. 528) and the Central Florida Greenway (S.R. 417) alignments.

The FHSRA unanimously passed a motion identifying the I-4 alignment in Hillsborough County as the preferred alignment. Additionally, the FHSRA ranked the Fluor Bombardier Team (gas turbine technology) as the preferred proposer.

On October 27, 2003, the FHSRA originally identified the Central Florida Greenway (S.R. 417) alignment as the preferred alignment in Orange County. The vote was subject to the following two condition Memorandums of Agreement (MOA):

- Subject to an acceptable agreement between the FHSRA and Walt Disney Company related to donation of ROW and commitments to support ridership for the project.
- Subject to an acceptable agreement between the FHSRA and OOCEA related to use of the Central Florida Greenway (S.R. 417) ROW.

On November 10, 2004, the FHSRA revised the recommendation of the Preferred Alternative because the two conditional MOAs had not been executed. With this action, the FHSRA recommended Alternative 1 (gas turbine technology), which is the combination of the I-4 alignment in Hillsborough County and the Bee Line (now the Beachline) Expressway (S.R. 528) alignment in Orange County, as the Preferred Alternative. While the FEIS environmental analysis provided for either technology to be selected as the preferred technology to be used on the corridor, the FEIS identified Alternative 1 as the Preferred Alternative. The FEIS identified the No Build Alternative as the environmentally preferable alternative because it would result in less direct and indirect impact to the environment. However, the FEIS also noted that the No Build Alternative would fail to meet the Project purpose and need.

5.4. 2009 FEIS REEVALUATION PREFERRED ALTERNATIVE

In the 2005 FEIS gas turbine-powered technology was selected as the Preferred Alternative. FDOT now prefers the electric-powered technology on the same alignment, based on the current initiatives to reduce carbon emissions and dependency on foreign oil. The 2009 FEIS Reevaluation addresses environmental impacts resulting from the change in the preferred technology, any changes to existing conditions and the minor changes to the 2005 Preferred Alternative alignment to further reduce the potential for environmental impacts.

The FHSR Preferred Alternative resulting from both the 2005 FEIS and 2009 Reevaluation would begin at the downtown Tampa station to be located between Tampa Street and Marion Street, I-275, and Fortune Street. The FHSR alignment would follow I-275 along the south and east right-of-way (ROW). The alignment would cross into the I-4 median in the area of 15th Street. The majority of the FHSR alignment would be within the ultimate ROW identified in the *Tampa Interstate Study* (TIS) for future interstate improvements; however some additional ROW would be required and has been coordinated with the City of Tampa.

The alignment would continue east within the I-4 median through Hillsborough and Polk counties. One station would be located in Polk County, where two locations were under consideration.

Entering Osceola County, the high speed rail alignment remains within the I-4 median. The proposed Walt Disney World Station would be located north of U.S. 192. The station platform would be located in the median and station facility would be located west of I-4 between U.S. 192 and the Osceola Parkway.

The alignment would continue into Orange County in the I-4 median until the I-4/Beachline Expressway (S.R. 528) interchange, where it would elevate and leave the I-4 median and run along the north side of S.R. 528 within existing ROW. The Orange County Convention Center multi-modal center site is located in the northeast quadrant of the International Drive/S.R. 528 Interchange. The Orange County Convention Center station would be located within the ROW of the interchange area.

The alignment would continue on the north side of S.R. 528 until east of the John Young Parkway (S.R. 423) Interchange where it would leave S.R. 528 and run on new alignment east to Taft-Vineland Road. The alignment would continue along Taft-Vineland Road and enter the City of Orlando property near Tradeport Drive. It would then follow the Orlando Utilities Commission rail line as a new alignment turning north crossing the Orlando International Airport (OIA) South Access Road and traversing through the limits of OIA from south to north, east of the proposed South Terminal.

The 2009 FEIS Reevaluation has determined that overall the preferred alternative alignment documented in the 2005 FEIS remains substantially unchanged; however, the preferred technology has changed. Investigation of current conditions and planned projects has resulted in some minor adjustments to the horizontal and vertical alignment. Supporting engineering plans and profiles are provided in FEIS Reevaluation. Areas where changes have occurred are:

- Station Areas: Tampa – Downtown, Walt Disney World/Celebration; Orange County Convention Center; Orlando International Airport – additional right of way and some relocation required for various stations (see Station discussion)
- I-4/I-275 Interchange Ramp D adjacent to Perry Harvey Senior Park – improvement to I-275 widened the existing roadway for ramp auxiliary lanes
- I-4/I-275 Proposed Flyover Ramp widening adjacent to Ybor City National Historic Landmark District – FDOT identified that the existing single lane flyover ramp needs to be widened to two lanes

- Transition to I-4 Median and Crosstown Connector – minimize structure length based on the construction of the ultimate I-4 improvements
- Columbus Avenue Relocation – improvements to I-4 realigned Columbus Avenue
- Emergency Median Crossovers – FDOT has established emergency evacuation crossovers through the I-4 corridor that will need to be relocated
- Tradeport Drive Area – minimize impacts to continued commercial development
- Orlando International Airport – continue HSR alignment to the north terminal consistent with OIA Master Plan.

The above changes to the conceptual engineering plans for the Preferred Alternative as described in the 2005 FEIS are included in the FEIS Reevaluation.

5.4.1. 2009 Reevaluation Preferred Alternative Station / Maintenance Facility Areas

The 2005 FEIS initially evaluated 20-acre study areas for each of the proposed station locations. As each site was identified, the station area was finalized to take into account property lines and existing features. The following modifications to the FEIS station study areas were assessed and included in the conceptual plan revisions as part of the FEIS Reevaluation.

- **Tampa – Downtown Station** - The Tampa station area was expanded to include the 3.2-acre former jail site which was purchased by FDOT for use as an intermodal center. The building is currently being demolished.
- **Walt Disney World Station** - The Disney station area was shifted to the west to include a 5.6-acre area of open land in order to maintain a total 20-acre station area. The shift was necessary as a result of the construction of the Osceola Parkway Interchange and ramps within the 20-acre area identified in the 2005 FEIS.
- **Polk County (Lakeland) Station** – The 2005 FEIS and the 2009 FEIS Reevaluation includes two sites for environmental analysis, west of the Polk Parkway and at Kathleen Road – only one is to be selected for continued development. Included in the 2009 FEIS Reevaluation is a request by the City of Lakeland, Polk County and the University of South Florida Polytechnic for continued coordination into the design phase to verify the optimal location of a Polk County Station site to best serve Lakeland and the surrounding communities. FDOT is committed to continued coordination with the county, cities and local stakeholders in the continued project development phases. Should a station site other than the sites located at west SR 570 (Polk Parkway) or Kathleen Road be advanced, additional environmental analysis will be required.
- **Orange County Convention Center Station** – The Orange County Convention Center station area was expanded to the east to the existing parcel property line, an additional 2.0-acre area to provide maximum flexibility and proximity for the HSR station.
- **Orlando International Airport (OIA)** – In conformance with the OIA Master Plan, two station locations are considered under the Preferred Alternative: the future South Terminal Intermodal Center and the North Terminal Intermodal Center. The North and

South Terminal Intermodal Centers are included in the Airport Master Plan as approved through the Federal Aviation Administration (FAA). The North and South Terminal Intermodal Centers received FTA NEPA clearance under the *OIA Intermodal Station Environmental Assessment*, September 2005.

- **Maintenance Facility** – The Preferred Alternative identified a preference for two alternative sites for the FHSR maintenance facility site: one site located directly south of OIA (Site 3) and a site southeast of OIA, north of Boggy Creek Road (Site 2). These two sites were included in the 2005 FEIS for the gas turbine train. The 2005 FEIS also included two sites for the electric powered train: Site 3 and a site located southeast of OIA and south of Boggy Creek Road (Site 1). With continued commercial development south of Boggy Creek Road and the increase of relocations, Site 1 is removed from consideration, with Sites 2 and 3 remaining as alternative sites as analyzed in the 2005 FEIS and included in the 2009 FEIS Reevaluation.

5.4.2. Preferred Alternative Ridership

The ridership estimates for the 2005 FEIS Preferred Alternative were updated for 2009 based on the two independent, investment-grade models developed in 2002 and documented in the 2005 FEIS. The ridership estimates were based on the alignments for the Project and were not sensitive to the technologies. The models were updated to reflect the changes in the transportation network, growth and local land uses that have occurred since the 2005 FEIS was completed. Captive ridership/riders currently taking shuttle services provided by Disney and I-Drive destinations were separated from choice ridership (trips that would be diverted from other modes, such as private or rented autos, and public transit).

The results of the updated ridership and revenue forecasts are shown in **Table 5**. Annual ridership is not anticipated to change significantly from the previous 2002 forecasts. Annual revenue for the system is expected to increase.

Table 5: Changes in 2010 Tampa-Orlando Ridership and Revenue for the Preferred Alternative

Market	2010 Annual Ridership (millions)			2010 Annual Revenue (\$ millions)		
	2002 Study/2005 FEIS	2009 Reevaluation	Change	2002 Study/2005 FEIS	2009 Reevaluation	Change
CHOICE MARKET	1.9 to 2.3	1.9 to 2.4	+0.0 to +0.1	32.9 to 35.4	40.5 to 46.4	+7.6 to +11.0
CAPTIVE						
OIA to International Drive	0.5	0.6	+0.1	6.3	8.0	+1.7
OIA to Disney	<u>2.1</u>	<u>1.9</u>	<u>-0.2</u>	<u>26.3</u>	<u>27.2</u>	<u>+0.9</u>
Subtotal: Captive	0.5*	0.6*	+0.1*	6.3*	8.0*	+2.6*
Total:	2.4 to 2.8	2.5 to 3.0	+0.1 to +0.2	39.3 to 41.8	48.5 to 54.5	+10.2 to +13.6

*The 2002 Study (included in the 2005 FEIS) assumed that captive ridership associated with the OIA-Disney market would not be included, as Disney's participation in the preferred alignment was still under negotiation.

6. AFFECTED ENVIRONMENT

The changes to the 2005 Preferred Alternative were primarily to accommodate the current as-built conditions within the improved interstate corridor and changes to minimize potential impacts to continued development within the corridor. These changes, as stated in Chapter 2 of the FEIS Reevaluation and illustrated in the revised plans included in Appendix B of the FEIS Reevaluation and discussed in the 2009 FEIS Revaluation Preferred Alternative (Section 6.4) section of this document, are minimal within the 88-mile alternative and concentrated within the immediate Tampa CBD and in the Tradeport Drive industrial park area in Orange County.

The changes in existing conditions identified in Chapter 3 of the FEIS Reevaluation resulting in changes to the potential environmental impacts are summarized below:

- Relocations: reduction of one business impact in Tampa CBD and 3 additional business impacts in Tradeport Drive industrial area.
- Section 106: reduction of one historic structure with relocation by FDOT complete.
- Recreation and Park/Section 4(f): Changes to the City of Tampa's Perry Harvey Sr. Park boundaries since the 2005 FEIS and changes to the alternative reduce overall area of use.
- Air Quality, Noise, Vibration, Visual/Aesthetic, and Energy Consumption: changes based on technology preference from gas turbine-powered to electric-powered locomotive-hauled train.
- Contamination: additional sites resulting in the same number of sites with high risk ranking and an additional one site each for medium and low risk ranking.
- Wildlife and Habitat: one additional species (Everglades snail kite) afforded protection since 2005.

The above changes to the environmental impacts do not change the mitigation and commitments identified in the 2005 FEIS with the exception of regulatory changes in the permitting of wetlands, water quality, and wildlife and habitat.

Table 6 identifies comparative analysis factors between the 2005 FEIS Preferred Alternative (gas turbine powered technology, Alternative 1) and the electric powered technology on the same alignment (Alternative 5) with the updated potential impacts assessed in the FEIS Reevaluation for the Revised Preferred Alternative (RPA).

Table 6: Change in Potential Environmental Impacts

Resource	2005 FEIS Impacts Gas Turbine FEIS Preferred Alternative (Alternative 1)	2005 FEIS Impacts Electric Technology (Alternative 5)	Change in Impacts?	Revised Preferred Alternative (RPA) Impacts Electric Technology
COMMUNITY IMPACTS				
Community Cohesion	Minimal impacts to adjacent neighborhoods along I-4 in Tampa and to the south of the Tradeport Industrial Park	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Community and Land Use Impacts	Consistent with local land use plans Minimal impacts to existing land uses	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Economic Impacts	Benefits in excess of costs	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Safety and Public Health	No adverse impacts	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Relocation and Right-of-Way Impacts	3 residential relocations 3 business relocations See Section 4(f) below.	Same as 2005 FEIS Preferred Alternative	Yes	3 residential relocations 5 business relocations
Environmental Justice	No disproportionate impacts	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Section 106 - Archeological and Historical Resources	<u>Conditional Adverse Effect</u> North Franklin Street Historic District (visual) St. Paul AME Church Parsonage (visual) Oaklawn Cemetery (visual construction vibration) Ybor City NHL (direct taking of two contributing buildings; visual, construction vibration) German American Club – Visual impacts, construction vibration	Same as 2005 FEIS Preferred Alternative	Yes*	Same impacts as listed for FEIS Preferred Alternative, less direct impact of one contributing building in Ybor City NHL do to relocation per TIS project*
Recreation and Parkland	Use of 0.184 acres, Perry Harvey Sr. Park	Use of 0.184 acres, Perry Harvey Sr. Park	Yes	Use of 0.05 acres, Perry Harvey Sr. Park

Table 6: Change in Potential Environmental Impacts

Resource	2005 FEIS Impacts Gas Turbine FEIS Preferred Alternative (Alternative 1)	2005 FEIS Impacts Electric Technology (Alternative 5)	Change in Impacts?	Revised Preferred Alternative (RPA) Impacts Electric Technology
Section 4(f) Impacts	Use of 0.184 acres, Perry Harvey Sr. Park	Use of 0.184 acres, Perry Harvey Sr. Park	Yes	Use of 0.05 acres, Perry Harvey Sr. Park
Secondary and Cumulative Impacts	No adverse impacts	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
NATURAL AND PHYSICAL IMPACTS				
Visual/Aesthetic	No adverse impacts	Same as 2005 FEIS Preferred Alternative	No	Same as 2005 FEIS Preferred Alternative
Air Quality	Emissions (tons/year):	Emissions (tons/year):	Yes	Same as 2005 FEIS Alternative 5
	CO : -101.7 tons/year	CO: -152.0		
	NO _x : +189.0	NO _x : +23.3		
	VOC: +8.9	VOC: -8.1		
Noise ¹	Cat. 1: 0	Cat. 1: 0	Yes	Cat. 1: 0
	Cat. 2: 15 (7 moderate, 8 severe)	Cat. 2: 52 (24 moderate, 28 severe)		Cat. 2: 30 (13 moderate, 17 severe)
	Cat. 3: 0	Cat. 3: 1 (Perry Harvey Sr. Park)		Cat. 3: 1
Vibration ¹	Cat 1: 1	Cat 1: 1	Yes	Cat. 1: 1
	Cat. 2: 44	Cat. 2: 13		Cat. 2: 8
	Cat. 3: 0	Cat. 3: 0		Cat. 3: 0
Wetlands	40 acres (total impacts) 11 high quality wetlands impacted	25.6 acres (total impacts) 11 high quality wetlands impacted	Yes	35.8 acres (total impacts) 11 high quality wetlands impacted.
Aquatic Preserves	No impacts	No impacts	No	No impacts
Water Quality	No adverse impacts	No adverse impacts	No	No adverse impacts
Outstanding Florida Waters	No impacts	No impacts	No	No impacts
Contamination	Risk Ranking High : 7	Risk Ranking High : 7	Yes	Risk Ranking High : 7
	Medium: 0	Medium: 0		Medium: 1
	Low: 0	Low: 0		Low: 1

Table 6: Change in Potential Environmental Impacts

Resource	2005 FEIS Impacts Gas Turbine FEIS Preferred Alternative (Alternative 1)	2005 FEIS Impacts Electric Technology (Alternative 5)	Change in Impacts?	Revised Preferred Alternative (RPA) Impacts Electric Technology
Wild and Scenic Rivers	No impacts	No impacts	No	No impacts
Floodplain and Floodway Impact	Base Floodplain Encroachment: 56.88 acres Base Floodway Encroachment: 9.45 acres	Base Floodplain Encroachment: 56.88 acres Base Floodway Encroachment: 9.45 acres	No	Base Floodplain Encroachment: 56.88 acres Base Floodway Encroachment: 9.45 acres
Coastal Zone Consistency	No impacts	No impacts	No	No impacts
Coastal Barrier Resources	No impacts	No impacts	No	No impacts
Wildlife and Habitat, including Protected Species	9 Protected Species No adverse impacts	9 Protected Species No adverse impacts	Yes	10 Protected Species No adverse effects
Farmlands	No impacts	No impacts	No	No impacts
Energy Consumption	498,855 Million BTU	239,820 Million BTU	Yes	Same as 2005 FEIS Alternative 5
Utilities	No adverse impacts	No adverse impacts	No	No adverse impacts
TRANSPORTATION				
Freight Rail Operations Impacts	No impacts	No impacts	No	No impacts
Highway Operations Impacts	Net reduction in VMT: 21,080,963 miles No adverse impacts	Net reduction in VMT: 21,080,963 miles No adverse impacts	No	Net reduction in VMT: 21,080,963 miles No adverse impacts
Station Access and Traffic Impacts	No adverse impacts	No adverse impacts	No	No adverse impacts
Airport Operations	No impacts	No impacts	No	No impacts
CONSTRUCTION IMPACTS				
Construction impacts	No adverse impacts	No adverse impacts	No	No adverse impacts

Source: Parsons, PBS&J, HMMH September 2009

¹Notes: Category 1 receptors are buildings and/or parks; Category 2 receptors are residences, hospitals, hotels; Category 3 receptors are schools, libraries, churches, and active parks.

6.1. Relocation and Right of Way

The 2005 FEIS indicated that the Preferred Alternative and the Revised Preferred Alternative (RPA) (Alternative 5 in the 2005 FEIS) would both require three (3) residential relocations located in two (2) structures near I-4 and 12th Avenue in the Ybor City area and three business relocations including the City of Tampa Recreation Department, the former Hillsborough County Sheriff's Office and Jail Complex, and a bail bondsman office.

Since publication of the 2005 FEIS, redevelopment of the former Hillsborough County Sheriff's Office and Jail Complex site has begun and the buildings are no longer present. Therefore, these relocations are no longer needed.

Further, since 2005 additional development has occurred in the Tradeport Industrial Park. The alignment was optimized to reduce additional right-of-way needs in this area to the extent practicable. However, three (3) additional business relocations would be needed for the project, as follows:

- At the northwest corner of Tradeport Drive and Ringhaver Drive, a large commercial distribution building (10260 Tradeport Drive) was constructed and does not appear on the project aerials. As of September 2, 2009, the building is vacant. The FHSR alignment clips the northeast corner of this building and the operation of the rear loading bays.
- Two commercial structures located in the Atlas Commercial Park (11128 and 11112 Boggy Creek Road) are also impacted. As of September 2, 2009, these building are vacant.

The ROW and relocation program will be carried out in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

6.2. Section 106 Consultation and Memorandum of Agreement

The FDOT coordinated the historic resources impact analysis with the Florida State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (Council).

The coordination with the SHPO and Council during analysis of the 2005 FEIS Preferred Alternative resulted in a "conditional no adverse effect" on the following five historic resources:

- North Franklin Street Historic District – Visual impacts
- St. Paul AME Church Parsonage – Visual impacts
- Oaklawn Cemetery – Visual impacts, construction vibration
- Ybor City NHL - Direct taking of two contributing buildings: 8HI4174/916 E. 12th Avenue, and the rear building at 8HI4178/1006 E. 12th Avenue; Visual, Construction Vibration
- German American Club – Visual impacts, construction vibration

The 2009 FEIS Reevaluation Revised Preferred Alternative verified that there are no changes to the impacts identified in the 2005 FEIS. The commitments stated in the 2005 FEIS remain valid.

Since publication of the 2005 FEIS, FDOT began the right-of-way acquisition process for the *Tampa Interstate Study* (TIS). As a result many of the historic structures along 12th Avenue in the Ybor City NHLD have been relocated, including the property at 1006 E. 12th Avenue (8HI4178) which was listed as a direct taking in the 2005 FEIS.

It is important to note that these impacts to historic resources were evaluated as part of a *Cultural Resource Assessment Survey* (July 2003) prepared to identify and evaluate cultural resources (historic structures and archaeological sites) within the project's Area of Potential Effect (APE). Further, a *Section 106 Consultation Case Report* (December 2003) was then prepared to evaluate potential effects for the Preferred Alternative and extensive coordination occurred with SHPO. As a result of this coordination, it was determined that the Preferred Alternative, based on a set of stipulated conditions, would have a "conditional no adverse effect" on the resources listed above.

Even though the impacts within the Ybor City NHLD included a direct taking of contributing historic resources, the SHPO determined that there would be no adverse effect because these buildings were previously identified as being acquired by the *Tampa Interstate Study Final Environmental Impact Statement and Section 4(f) Evaluation* (1996) and are located within the TIS Ultimate ROW. A Memorandum of Agreement (MOA) was prepared at that time to mitigate adverse effects to the Ybor City NHLD.

During the consultations with the SHPO, it was determined that the FHSR project would follow the requirements of this MOA. The mitigation and commitments are consistent with this MOA.

6.3. Section 4(f) Determination

Section 4(f) of the US Department of Transportation (DOT) Act of 1966 stipulates that DOT agencies cannot approve the use of land from publicly owned parks, recreation areas, wildlife refuges, or public and private historical sites unless there is no feasible and prudent alternative to such use and the project includes all possible planning to minimize the harm to the property resulting from use.

The Section 4(f) evaluation for the potential HSR alignments and stations documented in Section 5 of the FEIS and Section 4.4 of the FEIS Reevaluation indicates that one Section 4(f) resource, Perry Harvey Sr. Park, will be used by the project. The supporting information in the 2005 FEIS and the 2009 FEIS Reevaluation, summarized below, demonstrates that there are unique problems or unusual factors involved with any alternative that would avoid this Section 4(f) property. Potential avoidance alternatives fail to meet the project purpose and need, fail to meet the objectives of those responsible for the resource used, or result in impacts of extraordinary magnitude to the environment or the community.

Based on the documentation presented in the FEIS and updated in the FEIS Reevaluation, the FRA has determined that:

- The Project is a feasible and prudent alternative with the least harm to Section 4(f) resources;
- There is no feasible or prudent alternative to the use of the above Section 4(f) resources; and

- The Project includes all possible planning to minimize harm to the resources resulting from such use. These measures are identified in the Project mitigation and commitments attached as Appendix B.

During the reevaluation process, the preferred alignment shifted slightly in the vicinity of the Ybor City NHLD and Perry Harvey Sr. Park, both of which are Section 4(f) resources. Right-of-way requirements were minimized in the vicinity of these resources.

In the case of the Ybor City NHLD, the right-of-way required by the FHSR project is still within the TIS Ultimate ROW which was cleared as a part of the *Tampa Interstate Study Final Environmental Impact Statement and Section 4(f) Evaluation* (1996). Further, a Memorandum of Agreement (MOA) was negotiated with the SHPO for that project to mitigate the adverse effects to the Ybor City NHLD from taking the right-of-way. Therefore there are no changes to the Section 4(f) evaluation for the Ybor City NHLD.

In the case of Perry Harvey Sr. Park, as stated in the original Section 4(f) Evaluation in the 2005 FEIS, the FHSR project will comply with the specific commitments and stipulations identified in the existing Tampa Interstate Study (TIS) FEIS for the Ultimate ROW requirements. The commitment is based on the assumption that the FHSR will be constructed prior to the construction of the Ultimate TIS.

Since the approval of the 2005 FHSR FEIS, the interim reconstruction of I-275/I-4 interchange has occurred. In addition, FDOT has proposed a safety improvement requiring an additional lane be constructed to the outside of the ramp running from SB I-275 to EB I-4. As a result of the safety improvement, the FHSR ROW has been minimized to a ROW width of 44 feet and relocated slightly to the south and west. The FHSR ROW remains within the TIS Ultimate ROW footprint. It is anticipated that FHSR will run 18 to 24 feet above the park on an elevated track as it enters the Tampa Central Business District (CBD) station. Initial calculations indicate the potential impact to the park will be reduced from the amount of land to be acquired from 0.184 acres (2005 FEIS) to .05 acres (FEIS Reevaluation).

During the 2005 FEIS it was determined that there would be a potential for moderate noise level increases (proximity effects). An evaluation of vibration, access, aesthetics, and ecological encroachment indicates that the project will not substantially impair or diminish the use of the park, and a determination was made that there will be no constructive use. These conclusions have not changed. Coordination with the City of Tampa includes memorandum in the FEIS Reevaluation identifying the City's continued support of the project with commitment of FDOT to meet the specific commitments and stipulations identified in the TIS FEIS.

6.4. Air Quality

The US Environmental Protection Agency (EPA) regulation implementing the Clean Air Act (40 CFR Parts 51 and 93) establishes criteria for demonstrating that a federally assisted project is in conformity with the State Implementation Plan or maintenance plans developed for Hillsborough, Polk, Osceola and Orange Counties. This Project is identified in the Long Range Transportation Plans for the three Metropolitan Planning Organizations that represent the various local governments through the Project area. The General Conformity Rule (40 C.F.R. Part 93, Subpart B) is applicable to areas that have been designated as non-attainment or maintenance with respect to the National Ambient Air Quality Standards (NAAQS). Polk, Osceola and

Orange Counties were designated as in attainment of the NAAQS in the 2005 FEIS. The FEIS Revaluation identified that Hillsborough County was re-designated in attainment of the NAAQS in 2005 following completion of the 2005 FEIS. Thus, all counties in the Project are in attainment and determination of conformity with the State Implementation Plan or plan to maintain the NAAQS is not required.

The Revised Preferred Alternative would result in a net decrease in regional emissions of carbon monoxide (CO) and volatile organic compounds (VOC) and a small increase in regional emissions of nitrogen oxides (NOX). The net increase in emissions of NOX is a result of the emission rate of this pollutant from power plants that produce electricity through the combustion of fossil fuels. The emissions analysis is based on use of coal as the source for power generation; a worst case scenario.

6.5. Noise

The noise impact assessment was updated along the entire corridor to account for land use and alignment changes since the 2005 FEIS was published. In summary, there are substantially fewer predicted noise impacts than projected in the FEIS.

The 2005 FEIS predicted that the Preferred Alternative would have impacts at a total of 15 residential buildings (eight with severe impact and seven with moderate impact), one hotel (moderate impact) and one park (Perry Harvey Sr.). The FEIS also documented the impacts of Alternative 5 (the comparable alternative given the change in the preferred technology), which was predicted to have noise impacts at a total of 52 residential buildings (24 with severe impact and 28 with moderate impact), one hotel (moderate impact), and one park (Perry Harvey). The factors attributing less impact by the gas turbine-hauled train include track proximity and height as well as train speed.

The updated analysis of the Revised Preferred Alternative predicts fewer impacts when compared to the electric-hauled train (Alternative 5) in the 2005 FEIS, including 30 residential buildings (13 with moderate impacts and 17 with severe impacts); one hotel (moderate impact) and one park (Perry Harvey). Importantly, none of the newly identified sensitive receptors along the corridor were predicted to have impacts.

The lower number of predicted impacts is a result of alignment shifts away from sensitive receptors near Station 6010 (in the vicinity of the I-4/I-275 interchange in Tampa) and between Stations 7670 and 7700 in the Taft area near Orlando.

6.6. Vibration

The vibration impact assessment was updated along the entire corridor to account for land use and alignment changes since the 2005 FEIS was published. In summary, the Revised Preferred Alternative vibration impacts are expected at three residences, five hotels, and one commercial building that houses vibration sensitive equipment. In comparison, the 2005 FEIS Preferred Alternative was predicted to have 33 residences, 11 hotels, and the same commercial building and Alternative 5 was predicted to have impacts at one residence, 13 hotels and the commercial building.

The large reduction in the total number of vibration impacts is due to changes in existing conditions and the difference between the vibration characteristics of the electric and the gas turbine trains. Not only are some of the residences and hotels previously affected no longer present but new receptors were also identified, particularly in the middle section of the alignment. None of the new receptors were predicted to have vibration impacts.

Gas turbine trains have higher vibration levels at lower frequencies than electric trains. This is likely due to the difference in weight between the two vehicles; the gas turbine train consists almost twice as much as the electric train. Furthermore, when the ground exhibits more efficient vibration propagation characteristics at low frequencies, there is a greater difference in vibration impact between the two technologies.

6.7. Wetlands

The Preferred Alternative (Alternative 1) documented in the 2005 FEIS would result in a total of 40 acres of wetland impacts to 11 high quality wetlands, while Alternative 5 was predicted to result in 25.6 acres of impacts to 11 high quality wetlands. Even though these alternatives share the same alignment and station locations, they each assumed a different maintenance facility.

The Revised Preferred Alternative would result in 35.8 acres of impacts to 11 high quality wetlands. This accounts for changes in existing conditions with the revised location for the maintenance facility for Alternative 5 since the FEIS was published and the design changes documented in Chapter 2 of the FEIS Reevaluation. The Revised Preferred Alternative with the same maintenance facility location, as identified with the 2005 FEIS Preferred Alternative 1, reduces impacts by 4.2 acres.

The 2005 FEIS indicates that either FDEP (Florida Department of Environmental Protection) or the Water Management Districts (WMD) may be the reviewing agency for the Environmental Resource Permit. Because this project crosses multiple WMD districts, the FDEP will likely take the lead on permitting so that a comprehensive review of the entire corridor can occur. However, this decision will be made during the final design and permitting phase.

The 2005 FEIS also states that “Any project which results in the disturbance of five or more acres of land would require a National Pollutant Discharge Elimination System (NPDES) permit from FDEP, pursuant to 40 C.F.R Parts 122 and 124.” The regulations governing the NPDES have been modified since 2005 such that any project that results in the disturbance of one or more acre of land will require a NPDES permit. Also, because a General Permit exists for this type of work, a permit application for a NPDES will not be required. Instead, a Notice of Intent to utilize the General Permit is required to be submitted by the construction contractor 48 hours prior to construction commencement.

6.8. Contamination

The 2005 FEIS Preferred Alternative identified five potentially hazardous material contaminated sites and two potentially petroleum contaminated sites within the alignment. There are no potentially contaminated sites associated with the preferred station locations and maintenance yard.

Based on the design modifications of the Revised Preferred Alternative, a review of the potential for additional hazardous materials sites that could potentially be encountered during construction was assessed. Five additional sites were identified. Given the contamination concern at these sites and their location relative to the FHSR project, three of these sites were found to pose no risk to the project, one was found to pose a low risk and one was found to pose a medium risk.

The sites identified will be investigated further prior to any construction. Investigative work will include visual inspection, monitoring of ongoing cleanups, and possible subsurface investigations. At known contamination sites, estimated areas of contamination will be marked on design drawings. Prior to construction, any necessary cleanup plans will be developed. Actual cleanup will take place during construction, if feasible. Special provisions for handling unexpected contamination discovered during construction will be included in the construction plans package.

6.9. Floodplains

The Preferred Alternative from 2005 and the Revised Preferred Alternative would potentially impact approximately 56.88 ac. of floodplain and approximately 9.45 ac. of floodway. Subsequent to final design, during which impacts would be avoided or minimized, floodplain and floodway impacts would again be calculated and the amount of mitigation would be determined. Coordination with the water management districts will identify areas appropriate for mitigation of the volumetric impacts of the preferred alternative that will not increase or significantly change the flood elevations and/or limits.

6.10. Wildlife and Habitat, Protected Species

The expansion of the Tampa, Disney and Orange County Convention Center station areas do not result in additional protected species concern. The Tampa Jail Site is urban and developed and provides no protected species habitat. The area of expansion of the Disney Station Area does not result in a new habitat type or protected species concerns. The new additional area for the OCCC site is minimal and does not provide different habitat than what has already been considered.

Since the 2005 FEIS, the bald eagle was delisted (with the exception of the desert bald eagle in Arizona) and is no longer protected under the Endangered Species Act as of June 28, 2007. However, the bald eagle is still provided protection by two other federal laws, the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act, as amended. The state of Florida also delisted the bald eagle.

An additional species, the Everglades snail kite (*Rostrhamus sociabilis*) has been afforded additional protection since the 2005 FEIS. A consultation area for the snail kite is now in place over Polk County and much of Osceola County. Although it is unlikely that this species will be affected by the project as habitat in the area is suboptimal, consultation with and concurrence from the U.S. Fish and Wildlife Service (USFWS) will be required because the corridor is within the snail kite's designated consultation area.

The Revised Preferred Alternative will have no effect on the following federally protected species with potential habitat in the project vicinity: American alligator, Florida scrub-jay, Florida panther, and Florida manatee. It is also anticipated to have no effect on the following

state-only protected species: Florida pine snake, Florida burrowing owl, Southeastern American kestrel, Florida black bear, and protected plant species. The Revised Preferred Alternative may affect, but is not likely to adversely affect the following federally protected species: Eastern indigo snake, sand skink, Everglade's snail kite, and wood stork. The project may affect but is not likely to adversely affect the following state-only protected species: gopher tortoise, Florida mouse, gopher frog, Florida sandhill crane, Sherman's fox squirrel, and state protected wading bird species. As part of mitigation commitments, FDOT will continue to coordinate with the U.S. Fish and Wildlife Service (USFWS), the Water Management Districts (WMDs), and Florida Fish and Wildlife Conservation Commission (FFWCC) to develop design and construction methods to avoid and minimize impacts to these species.

6.11. Energy

The switch to the electric train technology results in an overall lower net energy consumption since the consumption is considerably lower than the gas turbine train technology. The 2005 FEIS shows the net energy consumption dropping from 498,855 million BTU (2005 FEIS Preferred Alternative) to 239,820 million BTU (2005 Alternative 5, Revised Preferred Alternative).

These predictions factor in the reduction of gasoline consumption by diverting automobile ridership, the power required to propel the train, operate and maintain the new system and thermal losses for electric power generation. As a part of the reevaluation effort, the ridership projections were updated and show a slight increase in riders. This increase would lower VMT only slightly resulting in a negligible decrease in the energy demands of the Revised Preferred Alternative. The slight shifts in alignment and station locations also would not affect the energy consumption predictions listed above.

The total change is a very small fraction (less than 1/20th of one percent) of Florida's total energy consumption for surface transportation (all non-military vehicle operation on highways, railroads, and fixed-guideway public transportation), which is estimated to reach one quadrillion BTUs (i.e., 1,000,000,000 MBTU) by 2010.

6.12. Means to Avoid and Minimize Environmental Harm

FRA and FDOT are committed to working with our partners and stakeholders in the development of this project, and will continue to coordinate the required mitigation and commitments for the FHSR project as a means to avoid and minimize environmental harm. **Appendix B** documents the commitments and mitigation from the 2005 FEIS and any changes or updates needed based on changes in potential impacts or regulations based on the FEIS Reevaluation.

6.13 Environmentally Preferable Alternative

The environmentally preferable alternative resulting from the FEIS Reevaluation remains the same as the environmentally preferable alignment identified in the 2005 FEIS (the No Build Alternative). The No Build Alternative still has less direct and indirect impact to the environment than the build alternatives. However, as noted in the FEIS, the No Build Alternative does not

meet the project purpose and need. It fails to enhance intercity passenger mobility in Florida by expanding passenger transportation capacity or by providing an alternative to highway and air travel. Congestion on Interstate 4 can be expected to continue to grow under the No Build Alternative.

The Revised Preferred Alternative assessed in the FEIS Reevaluation, as described above, has been developed in a manner so as to minimize environmental impacts. It would use existing transportation corridors to minimize environmental impacts and provides environmental and transportation benefits in the form of increased efficiency in energy use for transportation, decreased energy consumption, increased mobility, safety, reliability, travel times and accessibility, and reduced vehicle miles travelled for intercity trips.

The changes in existing conditions identified in Chapter 3 of the attached 2009 FEIS Reevaluation (Appendix A) of this document resulted in changes to the environmental impacts as summarized in the following:

- Relocations: reduction of one business impact in Tampa CBD and 3 additional business impacts in Tradeport Drive industrial area.
- Section 106: reduction of one historic structure with relocation by FDOT complete.
- Recreation and Park/Section 4(f): Changes to the City of Tampa's Perry Harvey Sr. Park boundaries since the 2005 FEIS and changes to the alternative reduce overall area of use.
- Air Quality, Noise, Vibration, Visual/Aesthetic, and Energy Consumption: changes based on technology preference from gas turbine-powered to electric-powered locomotive-hauled train.
- Contamination: additional sites resulting in the same number of sites with high risk ranking and an additional one site each for medium and low risk ranking.
- Wildlife and Habitat: one additional species (Everglade's snail kite) afforded protection since 2005.

The above changes to the environmental impacts do not change the mitigation and commitments identified in the 2005 FEIS and included as Appendix B in this document with the exception of regulatory changes in the permitting of wetlands, water quality, and wildlife and habitat.

7. DECISION

7.1. Basis for Decision

FDOT, in coordination with FRA, proposes to implement HSR service in the initial segment of the Florida High Speed Rail Corridor between Tampa and Orlando. The purpose of FHSR is to enhance intercity passenger mobility in Florida by expanding passenger transportation capacity and providing an alternative to highway and air travel. Increased mobility is viewed as essential for the sustained economic growth of the region, as well as the quality of life of the region's residents and visitors. Presently, passenger mobility in the Tampa-Orlando corridor is provided primarily by highways, particularly I-4. Projected transportation demand and travel growth, as prompted by social demand and economic development and compared to existing and future roadway capacity, show a serious deficit in available capacity. In addition, increasing population, employment, and tourism rates continue to elevate travel demand in the study corridor. Implementation of the FHSR project will help address these needs. In addition, the Passenger Rail Investment and Improvement Act of 2008 established high-speed rail corridor development as an important component of the Nation's transportation policy. Implementation of the FHSR Project is consistent with the Department of Transportation and FRA's vision of the important role high-speed intercity passenger rail can play in certain travel markets (see *Vision for High-Speed Rail in America*, April 2009 <http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf>) In the 2005 FEIS, gas turbine-powered technology was identified as the Preferred Alternative. Since then, the electric-powered technology has emerged as the preferred technology, on the same alignment, based on the current initiatives to reduce carbon emissions and dependency on foreign oil. The 2005 FEIS and the 2009 Reevaluation have shown that environmental impacts have been minimized with the selection of the alignment along existing transportation corridors.

The FRA, in accordance with NEPA and the NEPA implementing regulations (40 CFR Parts 1500-1508; 64 FR 28545 and 23 CFR Part 771), finds that the requirements of NEPA have been satisfied for FHSR Rail Tampa – Orlando project.

The environmental record for FHSR Tampa-Orlando Corridor includes the Draft EIS (August 2003), the Final EIS (July 2005), the Reevaluation to the FEIS (October 2009), and the comments from the circulation of the 2005 Final EIS. These documents represent the detailed analysis and findings required by NEPA on:

- The environmental impacts of the proposed project
- Alternatives to the proposed project
- Irreversible and irretrievable impacts on the environment which may be involved in the proposed project should it be implemented.

On the basis of the evaluation of social, economic, and environmental impacts contained in the DEIS, FEIS, FEIS Reevaluation and the written and oral comments offered by the public and by other agencies, the FRA determines that:

- Adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration was given

to the preservation and enhancement of the environment and to the interest of the communities in which the proposed project is located and

- All reasonable steps were taken to minimize adverse environmental effects of the proposed project, and where adverse environmental effects remain, they have been fully reported in the DEIS, FEIS and FEIS Reevaluation.

The extensive opportunities provided for public and other stakeholder involvement in Project planning and decision-making are described in Chapter 6 of the 2005 FEIS and summarized in **Appendix C** of this ROD. The reasonable steps to minimize adverse environmental effects are described in Chapter 4 of the 2005 FEIS, Chapter 4 of the FEIS Reevaluation and are summarized in Appendix B of this ROD.

This ROD also documents compliance with other applicable federal environmental laws, rules and regulations as follows:

7.2. Section 106 of the National Historic Preservation Act

Section 106 of the NHPA of 1966 requires that any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking take into account the effect of the undertaking on any district, site, building, structure, or other object that is listed or eligible for listing on the National Register of Historic Places. Under this provision, the NEPA lead agency, the State Historic Preservation Officer (SHPO), affected Native American tribes, and other “consulting” parties participate in a consultation process regarding the potential effects of the undertaking on historic resources. Coordination with the Florida SHPO includes:

- Concurrence with Cultural Resource Assessment Survey (CRAS) Methodology and Area of Potential Effect (APE), March, 2003
- SHPO Concurrence with Corridor Study CRAS Findings, April 15, 2003
- SHPO Concurrence for PD&E CRAS Findings, September 15, 2003
- SHPO Concurrence on Section 106 Findings, January 5, 2004

Through this coordination it was determined that the Revised Preferred Alternative, based on a set of stipulated conditions, would have a “conditional no adverse effect” on historic resources.

7.3. Floodplains and Floodways Finding

DOT Order 5620.2 implements Executive Order 11988, *Floodplain Management and Protection*. These orders state that FRA may not approve an alternative involving a significant encroachment unless FRA can make a finding that the proposed encroachment is the only practicable alternative. The major purposes of Executive Order 11988 are to avoid Federal support for floodplain development; to prevent uneconomic, hazardous, or incompatible use of floodplains; to restore and preserve the natural and beneficial floodplain values; and to be consistent with the standards and criteria of the National Floodplain Insurance Program.

FRA concludes that the Project will not result in any substantial adverse impact on natural and beneficial values of the floodplains, will not result in a substantial change in flood risks or

damage, and will not have a substantial potential for interruption or termination of emergency service and evacuation routes.

7.4. Wetlands Finding

Presidential Executive Order 11990, “Protection of wetlands,” directs federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The following sets forth the basis for this finding for the Project.

The Revised Preferred Alternative (Alternative 5) would result in 35.8 acres of potential wetland impacts resulting from the electric powered technology, of which 11 are considered high quality wetlands. Wetland impacts, which would result from the construction of FHRSR, are proposed to be mitigated pursuant to S. 373.4138 F.S. to satisfy all mitigation requirements of Part IV, Chapter 373, F.S. and 33 U.S.C.1344. Impacts to wetlands by the Project cannot be practicably avoided or minimized beyond present efforts and identified mitigation measures are included in Appendix B.

Based upon the above considerations, FRA determines that, under the requirements of Executive Order 11990, there are no practicable alternatives to the proposed construction in wetlands, and that the proposed action includes all practicable measures to minimize harm to these resources.

7.5. Endangered Species Finding

There are 24 federal and/or state protected species that have the potential or are known to occur within the FHRSR study area. Six of those species are reptiles and amphibians, eleven are birds, five are mammals, and the remaining two are plants. Because the design/build alternatives use existing transportation corridors that pass through potential habitat, any of the alternatives may affect some potential sites, but it is not likely to adversely affect any of the species. Furthermore, the FDOT has committed to providing wildlife crossings in Polk County along I-4 during construction of the ultimate interstate improvements, including the FHRSR project.

The Revised Preferred Alternative will have “no effect” on the following species: American alligator, Everglades snail kite, Florida pine snake, Florida scrub jay, Florida burrowing owl, Southeastern American kestrel, Florida panther, manatee, Florida black bear, and protected plant species. The Revised Preferred Alternative “may affect, is not likely to adversely affect” the following species: Eastern indigo snake, gopher tortoise, Florida mouse, gopher frog, sand skink, Florida sandhill crane, bald eagle, wood stork, state protected wading bird species, and Sherman’s fox squirrel. As part of mitigation commitments, FDOT will continue to coordinate with USFWS, the WMDs, and FFWCC to develop design and construction methods to avoid and minimize impacts to these species.”

FRA has determined that no formal consultation in accordance with Section 7 of the Endangered Species Act is required based upon the findings summarized above.

7.6. Environmental Justice Finding

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires that each Federal Agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

The Project is within an existing transportation corridor and would not bisect any minority or low-income neighborhoods nor require the displacement of any residences in those neighborhoods. The anticipated human and environmental effects of the Project would not be disproportionately borne by the minority or low-income populations within the study area. Based upon these findings, FRA determines that the Project is in accordance with requirements of Executive Order 12898.

7.7. Section 4(f) Determination

Section 4(f) of the US Department of Transportation (DOT) Act of 1966 stipulates that DOT agencies cannot approve the use of land from publicly owned parks, recreation areas, wildlife refuges, or public and private historical sites unless there is no feasible and prudent alternative to such use and the project includes all possible planning to minimize the harm to the property resulting from use.

The Section 4(f) evaluation for the potential HSR alignments and stations documented in Section 5 of the FEIS and Section 4.4 of the FEIS Reevaluation indicates that one Section 4(f) resource, Perry Harvey Sr. Park, will be used by the project. The supporting information in the FEIS Reevaluation, summarized below, demonstrates that there are unique problems or unusual factors involved with any alternative that would avoid this Section 4(f) property. Potential avoidance alternatives fail to meet the project purpose and need, fail to meet the objectives of those responsible for the resource used, or result in impacts of extraordinary magnitude to the environment or the community.

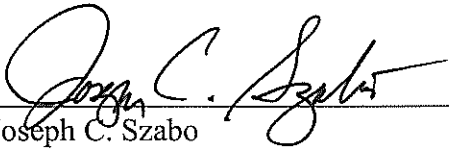
Based on the documentation presented in the FEIS and updated in the FEIS Reevaluation, the FRA has determined that:

- The Project is a feasible and prudent alternative with the least harm to Section 4(f) resources;
- There is no feasible or prudent alternative to the use of the above Section 4(f) resources; and
- The Project includes all possible planning to minimize harm to the resources resulting from such use. These measures are identified included in Attachment A.

During preparation of the 2005 FEIS it was determined that there would be a potential for moderate noise level increases (proximity effects). An evaluation of vibration, access, aesthetics, and ecological encroachment indicates that the Project will not substantially impair or diminish the use of the park, and a determination was made that there will be no constructive use. These conclusions have not changed. Coordination with the City of Tampa includes a memorandum in the FEIS Reevaluation identifying the continued commitment of FDOT to meet the specific commitments and stipulations identified in the TIS FEIS.

8. CONCLUSION

The FRA has reached a decision based on the information and analysis contained in the 2005 FEIS and the 2009 FEIS Reevaluation. FRA selects the FEIS Reevaluation Revised Preferred Alternative, also described in this document as 2005 FEIS Alternative 5, with electric powered technology, because this alternative: 1) best satisfies the Purpose and Need, 2) minimizes impacts to the natural and human environment through the use of existing transportation corridors and other adopted mitigation measures, 3) has been selected based on processes in compliance with NEPA and other applicable requirements, and 4) may be advanced.



Joseph C. Szabo
Administrator
Federal Railroad Administration

Date:

5/7/10

Attachments:

Appendix A - Final Environmental Impact Statement Reevaluation

Appendix B - Mitigation and Commitments

Appendix C - Public Involvement/Comment Summary