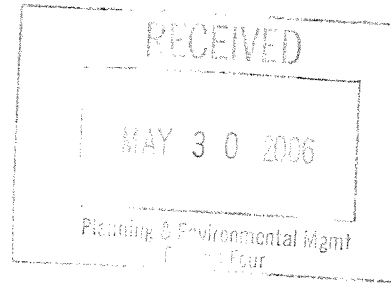


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**Surface Transportation Board**  
Washington, D.C. 20423-0001



May 22, 2006


Gustavo Schmidt, P.E.  
Florida Department of Transportation  
Planning and Environmental Management – District 4  
3400 West Commercial Blvd.  
Ft. Lauderdale, FL 33309-3421

Dear Mr. Schmidt:

Thank you for your letter regarding the Tiered Programmatic Environmental Impact Statement currently being prepared by the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) for the South Florida East Coast Corridor, and your invitation to attend scoping meetings. You explain that FTA and FDOT are proposing to improve transit services within the 2-mile wide, 85-mile long corridor project corridor in southeast Florida. The Tier 1 study would evaluate preferred technologies, such as rail, bus, and express bus, and alignments through areas with heavily congested roadways and under-served, transit dependent populations. You ask whether the Surface Transportation Board would be interested in participating as a cooperating agency in the Tier 1 environmental review process.

Based on the information you have provided, it does not appear that the proposal you describe is one that requires licensing by the Surface Transportation Board. While the Board has broad economic regulatory oversight of freight railroads, including rail line construction, the Board's licensing authority is not required to improve or upgrade an existing rail line so long as the project does not extend the railroad's territory. See *Union Pac. R.R.—Petition for Declaratory Order—Rehabilitation of Missouri-Kansas-Texas R.R. Between Jude & Ogden Junction, TX*, 3 S.T.B. 646 (1998). Assuming that the Florida East Coast Railroad will continue to own the rail line over which freight service is provided and will continue to provide for-hire freight service over that line, I do not believe that participation by the Surface Transportation Board in the Tier 1 review is necessary.

Sincerely,

  
W. Douglas Buttrey  
Chairman