



E1-1626
Florida East Coast
RAILWAY, L.L.C

Mariene Hammock
Assistant Secretary

July 15, 2005

VIA FEDEX AND FACSIMILE

Mr. Troy Brady
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, DC 20423
FAX: (202) 565-9000



Re: Docket No. AB-70 (Sub-No. 4X), Florida East Coast Railway, L.L.C.,
Notice of Abandonment Exemption- In Miami-Dade County, Florida

Dear Mr. Brady:

The June 17, 2005 Environmental Assessment ("EA") issued in regard to the above-referenced Florida East Coast Railway, L.L.C. ("FEC") Notice of Abandonment Exemption relating to the proposed abandonment of a portion of the South Little River Branch line ("SLR Branch"), recommends certain conditions be imposed on any decision granting abandonment authority. The proposed condition in numbered paragraph 4 of the EA relates to concerns raised by the Florida Department of Environmental Protection, Bureau of Solid and Hazardous Waste, Resource Conservation and Recovery Act Compliance and Enforcement Section ("FL-S&HW") when contacted by SEA. Specifically, FL-S&HW raised concerns that during salvage operations along the right of way FEC properly dispose of any mercury-containing batteries used at highway/rail at-grade crossing signals and that no herbicides containing arsenic tri-oxide be used. (See, June 17, 2005 Environmental Assessment, "Solid and Hazardous Waste.")

Please be advised that FEC will properly dispose of any mercury-containing batteries used at crossing signals or elsewhere on the SLR Branch during salvage operations. Further, FEC does not use herbicides containing arsenic tri-oxide on the SLR Branch and will not use such herbicides during SLR Branch salvage operations.

FEC respectfully submits, therefore, that the expressed concerns of FL-S&HW have been addressed and that the related proposed condition included in the EA should be removed from the final set of conditions recommended by SEA to the Board for adoption in its decision on the petition for abandonment exemption.

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It is FEC's understanding that the proposed conditions set forth in numbered paragraphs 2, 3 and 5 of the EA arose from SEA consultation with the respective agencies, all of whom had been previously provided notice and copies of the Combined Environmental and Historic Report served via express mail on March 29, 2005. At the time of SEA's communication with these agencies, SEA was advised that the agencies in question had not yet completed their reviews. It is FEC's further understanding that SEA expects the agencies to advise SEA of any concerns by the close of the 30-day comment period for the EA. As FEC indicated in its Notice of Filing, FEC does not believe the proposed abandonment will adversely affect any areas of concern under the control of these agencies. Accordingly, FEC believes that absent specific concerns raised by the agencies within the comment period, proposed conditions 2, 3 and 5 in the EA should be removed from the final set of conditions SEA recommends to the Board for adoption in its decision on the petition for abandonment exemption.

Please contact me if you have any questions in regard to the matters set forth herein. In accordance with the comment instructions in the EA, two copies of this letter are enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Marlene Hammock".

Marlene Hammock

Enclosures