

Judge Hodges honored at reception

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(http://www.law.ufl.edu/flalaw/wp-content/uploads/2012/11/IMG_5403_low_res.jpg)
Judge William Terrell Hodges (JD 58) was honored Nov. 2 at the Thomas Center in Gainesville. (Photos by Haley Stracher)

By Richard Goldstein

When U.S. District Judge William Terrell Hodges (JD 58) was nominated to the federal bench in 1971, he assumed his robes in the middle district of Florida before the age of 40, and 41 years later he holds the same job, now as a federal judge on senior status in Ocala.

A remarkably stable career one might conclude.

But it was clear during a Nov. 2 reception at the Thomas Center in Gainesville sponsored by the North Central Chapter of the Federal Bar Association that Hodges did not stand still during his long tenure.

As protégé of former Chief Justice William Rehnquist, Hodges rose to lead policymaking body for the administration of justice in the federal courts, becoming chair of the Judicial Conference of the United States. Hodges and District Judge Anthony Alaimo lodged the complaint that would result in the impeachment and removal from office of U.S. District Judge Alcee Hastings, who had been acquitted by a jury of soliciting a bribe in a mob case. And he mentored decades worth of law clerks.

Those clerks were present in force at the Thomas Center to praise their former boss.

Scott L. Whitaker (JD 76), who clerked for Hodges from 1976 to 1978, said Hodges took seriously his duty to dispense justice and to guard against abuse of power.

"I watched him struggle every time he had to pass sentence," Whitaker said. "His humility in all things is beyond anything I've ever seen. He always used to say, every time you use a little power, you lose a little power. I've never seen him abuse it once."

Still, one story of the way Hodges exercised power elicited knowing laughter from the audience that included UF Law students.

Judge Gerald Bard Tjoflat of the 11th U.S. Circuit Court of Appeals explained that Tampa maintained a bus stop immediately in front of the courthouse steps while Hodges was chief judge of the middle district during the 1980s.

"The city of Tampa had a bus system and they had a monstrous bus stop at the base of the old federal courthouse in Tampa. All the buses came there and the jurors would have trouble getting up there" to the courthouse, Tjoflat said.

Hodges sent a letter to the mayor demanding that the bus stop be moved. When no action ensued, Tjoflat said, federal marshals dismantled the offending public transportation facility with blow torches.

Sitting on a dais with Tjoflat, Hodges accepted laconically the stories and praise offered during the "Toast to Judge Hodges" event.

"That was the result of deputies who volunteered; no order was given so it was unappealable," Hodges deadpanned.

Last year Hodges served as the Peter T. Fay Jurist-in-Residence at UF Law speaking with students and faculty about judicial clerkships, trial advocacy and legal careers.

Hodges was appointed by President Richard Nixon in 1971. He served as chief judge from 1982 to 1989 and has maintained senior status since 1999.

Tagged as: judge hodges (<http://www.law.ufl.edu/flalaw/tag/judge-hodges/>), William Terrell Hodges (<http://www.law.ufl.edu/flalaw/tag/william-terrell-hodges/>)



(http://www.law.ufl.edu/flalaw/wp-content/uploads/2012/11/IMG_5293_low_res.jpg)
Judge William Terrell Hodges (JD 58) was honored Nov. 2 at the Thomas Center in Gainesville. (Photos by Haley Stracher)

United States District Court
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA 33601-2908

WM. TERRELL HODGES
CHIEF JUDGE

March 22, 1985

POST OFFICE BOX 2908

Mr. Robert A. Hester, Field Office Manager
Office of Public Buildings and Real Property
General Services Administration, Region 4
500 Zack Street, Room 733
Tampa, FL 33602

RECEIVED
MAR 23 1985
GSA TAMPA FIELD OFFICE

Dear Mr. Hester:

Thank you for favoring me with a copy of the letter dated March 20, 1985 addressed to you by the Executive Director of the Hillsborough Area Regional Transit Authority. This concerns, of course, our ongoing problem with the intolerable congestion on the sidewalk brought about by the bus stops in front of this building since the time we reopened the Florida Avenue entrance as the only means of access to Court facilities.

I suppose that our authority to insist upon relocation of the bus stops - - or the question whether we should exercise any such authority under present circumstances - - is a matter which might be the subject of debate; but there can be no question whatever concerning our authority (and our present obligation) to direct that the Authority immediately remove the stanchions, umbrellas and benches obstructing the sidewalk.

Accordingly, please tell the Transit Authority that it has forty (40) days to remove those obstructions. If they are not removed within that time the Judges of this Court have authorized me to order the Marshal to remove them instanter - - and that is precisely what I intend to do.

Hopefully, the relief afforded by the removal of those obstructions will be sufficient to reduce the present congestion to tolerable limits during the limited period of time required for the Transit Authority to build its new terminal facility. If it does not afford significant relief - - and if the safety and security of jurors and others attempting to enter and leave the Courthouse continues to be impaired and endangered - - we will then consider the entry of an order concerning the bus stops themselves.

Thank you once again for your continuing assistance.

Very truly yours,



Wm. Terrell Hodges

cc: Tampa Division Judges
Mr. George Perryman, GSA
Marshal Richard L. Cox, Jr.,
Cliff Hayden, Hartline

United States District Court
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA 33601-2908

WM. TERRELL HODGES
CHIEF JUDGE

POST OFFICE BOX 2908

May 1, 1985

Mr. George Barford
P. O. Box 3239
Tampa, FL 33601

Re: Hillsborough Area Regional Transit Authority

Dear Mr. Barford:

Thank you for your letter of May 1 reporting that the ownership of the items obstructing the sidewalk is a matter of doubt and that, under the circumstances, HART is not in a position to take any action to remove them.

I understand your position perfectly and will proceed accordingly.

Sincerely yours,



Wm. Terrell Hodges

Tampa Judge Axes Shelters At Bus Stop

 articles.orlandosentinel.com/1985-05-07/news/0300010183_1_stop-shelters-hodges-bus-stop

May 7, 1985|By United Press International

TAMPA — Curbside bus stop shelters have been removed from the sidewalks in front of the downtown post office and federal court building by U.S. marshals on the order of U.S. District Judge William Terrell Hodges.

The shelters were removed Sunday, leaving about 3,000 daily bus riders with no protection from the sun and rain and almost nowhere to sit while waiting.

Hodges' order was not challenged by the city of Tampa or the Hillsborough Area Regional Transit Authority (HART), but did evoke calls from angry riders. HART Executive Director Cliff Hayden said the authority received calls from about 100 angry riders last week.

"They can't understand what gives the judge the authority to take them down," he said.

"I just don't have any comment to make about it," Hodges said Sunday.

Hayden said a new bus plaza is planned nearby but it will be a year before it will be operating. He said HART has no plans to provide seating for riders outside the courthouse.

"I guess they'll be standing on the sidewalk and some (sitting) on the courthouse steps," Hayden said.

Hodges issued the order several weeks ago because he said the people massed around the shelters waiting for buses caused intolerable congestion and hampered the coming and going of federal court jurors.

He gave the city and HART an ultimatum -- remove the shelters or he would have U.S. marshals do the job.

Neither the city nor HART acted. On Sunday, a team of seven marshals aided by a welder, spent five hours dismantling and removing the shelters.

Bench Battle, Part 2

June 9, 1985 | By Harry Straight and Donna Blanton of the Sentinel Staff

June 9, 1985

orlandosentinel.com

IF YOU EVER DOUBTED the power of the federal bench, take a look at a compromise between U.S. District Judge W. Terrell Hodges and the Tampa bus system. Hodges last month ordered U.S. marshals to remove sidewalk bus shelters in front of Tampa's federal courthouse. The shelter crowds were hazardous to people going in and out of the courthouse, Hodges said. None of Tampa's politicians offered a solution to the Hillsborough Area Rapid Transit Authority, which owns the shelters. Its lawyers worked out a compromise with Hodges for a smaller shelter around the corner from the old one. Crowds were never a problem until the courthouse was renovated last year and new security precautions forced everyone going to the courthouse to use the front door only. Guess what federal judge was in charge of the renovation?

Judge Orders Bus Shelters Be Removed

May 7, 1985 | *United Press International*

May 7, 1985

sun-sentinel.com

TAMPA — Curbside bus stop shelters have been removed from the sidewalks in front of the downtown post office and federal court building by U.S. marshals on the order of U.S. District Judge William Terrell Hodges.

The shelters were removed Sunday, leaving about 3,000 daily bus riders with no protection from the sun and rain and nowhere to sit while waiting except on a short wall between the lawn and the sidewalk and the wide front steps.

The order by Hodges was not challenged by the City of Tampa or the Hillsborough Area Regional Transit Authority but did evoke some calls from angry riders.

HART Executive Director Cliff Hayden said the authority received calls from about 100 angry riders last week.

“They can’t understand what gives the judge the authority to take them down,” he said.

“I just don’t have any comment to make about it,” Hodges said Sunday.

Hayden said a new bus plaza is planned nearby but said it is a year away from being operational.

Hodges issued the order several weeks ago because he said the people massed around the shelters waiting for buses caused intolerable congestion and hampered the coming and going of federal court jurors.

HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY

SPECIAL BOARD OF DIRECTORS MEETING

Friday, May 10, 1985; 8:00 AM
Conference Room, 4305 E. 21st Avenue
Tampa, Florida

M I N U T E S

The Board of Directors of the Hillsborough Area Regional Transit Authority met in special session on Friday, May 10, 1985, at 8:00 AM. The meeting was called to order and presided over by the Vice-Chairman, Commissioner Rodney Colson.

ROLL CALL:

Board Members Present: Commissioner Rodney Colson
C. Lawrence Stagg
Mayor Bob Martinez
Dr. William Leonard
Richard Maurer
Councilman John King
Robert Scott
Lawrence O'Neil

Board Members Absent: Charles Banks

Others Present: Cliff Hayden, Jr.
Brad Vinson
Harry Orr
Neal Meader
Rob Gregg
Dennis McDougal
Eric Estell
Irma Capaz
George Barford

Mr. Hayden gave a brief background on the history of the shelters that were removed from in front of the Federal Courthouse:

The shelters were installed in 1972 under a grant from the Florida Department of Transportation to the City of Tampa. In 1972 when the shelters were installed, the officials at the General Services Administration had no objection. In 1980, when HART was formed, a transition agreement with the City of Tampa listed the assets given to the newly created Authority. One of these assets was listed as an umbrella canopy, no quantity and no location was listed. In 1982, under a grant from the Florida Department of Transportation, the downtown bus loop was implemented. Public hearings were held prior to the implementation of the loop and there was no opposition from the Federal Courts or General Services Administration. During 1982, my predecessor, Mr. Harry Orr, received several letters from the General Services Administration and the Federal Court System requesting removal or relocation of the bus shelters in front of the Federal Courthouse. While security was mentioned, the main thrust of the correspondence centered around the litter and the ground damage around the Courthouse. HART has

on several occasions attempted to work with the General Services Administration to help solve the litter problem and we have offered to resod the lawn.

On March 22, 1985, HART received a copy of a letter addressed to Mr. Robert Hester, Office Manager, General Services Administration from Judge Hodges. The letter indicated that the shelters constituted an intolerable congestion on the sidewalk and posed a threat to the safety and security of the jurors leaving the Courthouse. In the foregoing correspondence, Judge Hodges gave the Authority forty (40) days to remove the shelters or he would instruct the Federal Marshal to remove the shelters. HART asked the attorneys to look into the matter and suggested a meeting with Judge Hodges to discuss the plans for the transitway and a possible compromise until the transitway could be completed.

On April 23, 1985, Chairman Banks, HART Attorney Mike Nuechterlein, and I, met with Judge Hodges to discuss the situation and look for possible alternatives. Unfortunately, no compromise was reached.

On May 1, 1985, our attorney related to Judge Hodges that due to the controversy over the ownership of the shelters, HART was unable to remove them as instructed. The following Sunday, May 5, 1985, Federal Marshals removed the shelters in front of the Courthouse.

Part of the responsibility of the Authority is to provide passenger amenities to encourage the use of public transit and this includes transit shelters.

The legal authority for the Judge to remove the shelters rests with two facts - ownership of the shelters and ownership of the land. HART's attorney has been asked to research both of these issues.

Mr. George Barford, Attorney, stated that the firm (Carlton, Fields, Ward, Smith, & Cutler, P.A.) has begun an investigation into the ownership of the shelters and the land, but because of the shortness of time, did not have anything to report to the Board. The investigation should take about another week. Mr. Barford will continue title search and wait further instructions.

Mayor Martinez stated that a title search is required, but as a Board we need to make a recommendation regardless of who owns the property. HART needs to engage in dialogue with General Services Administration to resolve this issue. The new benches are more amenable to that site and perhaps could be located in a manner that does not block the steps to the Courthouse. The benches could be rearranged as to not occupy as much of the right-of-way as possible. Mayor Martinez stated that we ought to think of the comfort of the public, and government, regardless of level, should be sensitive to the public needs. Unless the Authority feels they do not want a bus stop there, we ought to go ahead and make provisions to have what is necessary.

Mr. Stagg stated that he knows Judge Hodges personally and the Judge is a fair, reasonable, patient, and very judicious person. Mr. Stagg said he was told this was the decision of the Federal Court and not just

the decision of one Judge. Mr. Stagg wanted to suggest we do something regardless of how the title search comes out. We should keep in mind the interest of the Federal Court in making sure that congestion on the sidewalk does not compound the problem.

Mr. Stagg suggested that we re-contact the Judge and try to set up a meeting with him, General Services Administration, and City and DOT representatives if necessary. We should try to come up with some sort of compromise solution to allow us to provide limited shelters only until such time as the Marion Street Transitway is ready.

Mr. Stagg moved to asked the Executive Director to contact the Court and arrange a meeting with staff and see if there is some sort of solution that can be agreed upon to take care of both interests.

Mr. O'Neil seconded the motion.

There was further discussion.

Councilman John King basically agreed with Mr. Stagg with some innovative thinking and willingness to compromise. If GSA were willing, as a partial solution, construct an additional sidewalk that routes from the first raised area and went either North or South from either side. In addition, we could use the new shelters and limit them to the North end of the property. Councilman King suggested that as part of the discussion these items be placed on the table.

Dr. Leonard stated that on April 25, 1985, the Judge was told that the title to these shelters was questionable and the Judge acted right after that. Dr. Leonard feels more due process was called for. Dr. Leonard feels it is possible to work out a solution and favors Councilman King's proposal. Dr. Leonard thinks we should go back and sit down and discuss this situation again so that both rights are safeguarded.

Mayor Martinez stated that if there is any adjustment to the ledge that exists it should be down to fit in with the design of the structure, and that should be discussed.

Mr. Hayden commented on the motion. He fully agrees with all the comments that have been made, but would like to remind the Board that he, along with Chariman Banks, and HART attorney did meet with the Judge and many of these solutions were discussed. Mr. Hayden fully supports the idea of meeting with the General Services Administration and the Judge again to try and work out a compromise, but we do have to be cognizant of the fact that many of these suggestions have been offered and turned down. By our regular Board meeting on May 23, we should be ready to face the fact that there may be no compromise.

Mr. Hayden is concerned that the Judge said if the problem was not relieved he will remove the bus stop.

Mr. O'Neil stated he would like to negotiate and solve the problem and not worry about taking action in the future.

Councilman King said he feels there is a good chance the Judge will ask us to remove the bus stop. The Board needs to set a time limit for these negotiations to finish.

Mayor Martinez suggested that before meeting with the Judge and others concerned have a consulting firm look at that block and analyze where benches ought to be and whatever else can be done to control traffic.

Commissioner Colson stated he agrees with the motion, but also feels that the Board will take a position on whatever it has to after the negotiations.

Mr. Maurer feels that the question of the shelters is a completed issue. The removal of the shelters was simply a first step and the correspondence clearly indicates that if that does not solve the basic problem the next step will be taken. The Board needs to be more concerned about the relocation of the bus stop than anything else. The ability of any organization to force the removal of a bus stop from public property is going to be the crust of the situation. The only way to get shelters back on that block is to buy some land from the Courthouse and extend the width of the sidewalk, and no funds exist.

Mr. Maurer feels the negotiations will not lead anywhere except to discuss whether or not the bus stop stays.

Mr. Bob Gilder, President NAACP, stated his concerns over the situation. We must be concerned about the inconvenience this has caused the people in the community. We need to get together and find a way for those people that ride the bus to have some kind of shelter.

Mr. Gilder asked everyone to sit down with good will and work this out in the best interest of the community. If need be, we will pass out folding chairs and umbrellas.

Commissioner Colson stated that a motion has been made and seconded that the Authority get together with the Judge, the City, the State, and General Services Administration to try and negotiate a solution. In the meantime, the attorney is going to determine the ownership of the right-of-way and at that time we will have information to come back together and make a decision.

Commissioner Colson asked for a vote on the motion. The motion was unanimously approved.

OFF-THE-AGENDA ITEM:

Mr. Hayden stated that last week we discovered a ruptured unleaded fuel tank. We have been instructed by the Department of Environmental Regulation to conduct certain tests to determine the extent of the leak. We have until May 24, to respond to DER's letter. Arrangements have been made for the tests to be done at an estimated price of \$12,000.

An investigation is being made to see what caused the damage. HART will seek to recover the damages.

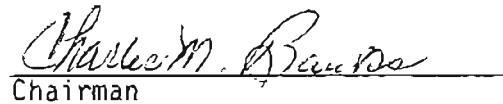
Mr. Stagg motioned to approved with the stipulation that the manufacturer and the contractor are advised that they will be held responsible for the expenses incurred. Motion seconded by Councilman King. Motion unanimously approved.

Meeting adjourned at 8:37 AM.

Respectfully submitted,


Secretary

Approved:


Chairman

HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY

SPECIAL BOARD OF DIRECTORS MEETING

Friday, May 10, 1985, 8:00 AM
Conference Room, 4305 E. 21st Avenue
Tampa, Florida

A G E N D A

1. Roll Call
2. Staff Report
3. Attorney's Report
4. Adjourn



Hillsborough Area Regional Transit

4305 E. 21st Ave., Tampa, FL 33605
Ph. 823-5835

To: ALL BOARD MEMBERS
From: CLIFF HAYDEN, JR. *Cliff*
Subject: SPECIAL BOARD MEETING
(BUS SHELTERS)

Date: MAY 8, 1985

Attached please find correspondence relative to the removal of the bus shelters in front of the Federal Courthouse.

CPH/nas



Hillsborough Area Regional Transit

May 7, 1985

FOR IMMEDIATE RELEASE

Based on the events of the previous weeks which have resulted in the removal of the bus shelters in front of the Federal Courthouse by Judge William Hodges, I am requesting the Vice-Chairman to call a special meeting of the HART Board of Directors at the earliest possible date. Purpose of the meeting will be to determine the action, if any, which may be appropriate to protect the comfort and convenience of our patrons.

The shelters in question were placed there in the early 1970's under a grant from the Florida Department of Transportation to the City for the benefit and comfort of bus patrons.

I think it would be inappropriate for me to speculate or make any further statement on what action may or may not be contemplated by the Board.

Cliff Hayden, Jr.
Executive Director

Directors:

CHARLES M. BANKS
Chairman

RODNEY COLSON
Vice-Chairman
Commissioner
Hillsborough County

C. LAWRENCE STAGG
Secretary

BOB MARTINEZ
Mayor, City of Tampa

WILLIAM N. LEONARD

RICHARD MAURER

LAWRENCE J. O'NEIL

ROBERT R. SCOTT

JOHN M. KING

Councilman

Temple Terrace

Executive Director

CLIFF HAYDEN, JR

United States District Court
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA 33601-2908

WM. TERRELL HODGES
CHIEF JUDGE

POST OFFICE BOX 2908

May 1, 1985

Mr. George Barford
P. O. Box 3239
Tampa, FL 33601

Re: Hillsborough Area Regional Transit Authority

Dear Mr. Barford:

Thank you for your letter of May 1 reporting that the ownership of the items obstructing the sidewalk is a matter of doubt and that, under the circumstances, HART is not in a position to take any action to remove them.

I understand your position perfectly and will proceed accordingly.

Sincerely yours,



Wm. Terrell Hodges

Received @ HART
5-1-85

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P. A.

ATTORNEYS AT LAW

TAMPA - ORLANDO - PENSACOLA - TALLAHASSEE

GIDDINGS E. HARRY 1877-1886
D. K. REAVES 1877-1970
DOYLE E. CARLTON 1885-1972

600 NORTH FLORIDA AVENUE

POST OFFICE BOX 3239

TAMPA, FLORIDA 33601

(813) 223-5386

TELEX: CARFIELD 52-2520

May 1, 1985

EDWARD C. ADKINS
THOMAS D. AITKEN
JAMES W. AULT
GEORGE BARFORD
CHRISTINE K. BILODEAU
RUSSELL S. BOGUE, III
JOHN W. BOULT
FRANK C. BOZEMAN
J. DIXON BRIDGERS, III
MARK A. BROWN
DAVID P. BURKE
CHARLES J. CACCIABEVE
JORDAN F. CAMENNER
STEPHEN M. CHRISTIAN
ROBERT L. CIOTTI
JOSEPH B. COFER
ANNE C. CONWAY
C. TIMOTHY CORCORAN, III
ROBERT W. COURTNEY
CHRIS S. COUTROULIS
F. MALCOLM CUNNINGHAM, JR.
JOHN J. CUNNINGHAM, JR.
EDWARD I. CUTLER
JAMES O. DAVIS, III
PAUL C. DAVIS
DAVID S. DEE
NATHANIEL L. DOLINER
DAVISSON F. DUNLAP

KATHLEEN S. EDWARDS
MICHEL G. EMMANUEL
NANCY J. FAGGIANELLI
EDWARD W. GERECKE
LEONARD H. GILBERT
FREDERICK J. GRADY
MARK E. GRANTHAM
JAMES A. GRESSER
CHRISTOPHER L. GRIFFIN
EURICH Z. GRIFFIN
MARTHA H. HALL
W. DOUGLAS HALL
DONALD E. HEMKE
RUTH BARNES HIMES
J. BRADFORD HIMES
MICHAEL K. HOUTZ
TIMOTHY A. HUNT
THOMAS F. ICARD, JR.
GREGORY G. JONES
JAMES J. KENNEDY
JOHN P. KUDER
JAMES M. LANDIS
HYWEL LEONARD
JEFFREY W. LEWIS
JOHN B. LIEBMAN
WILLIAM V. LINNE
A. BROADDOUS LIVINGSTON
LAUREL E. LOCKETT

JOHN P. MCADAMS
J. ROBERT MCCLURE, JR.
RICHARD C. MCCREA, JR.
WILLIAM F. MCGOWAN, JR.
GEORGE C. MCLARRY
GEORGE N. MEROS, JR.
WILLIAM JONES MILLER
WILLIAM D. MITCHELL
WRIGHT MOULTON
DAVID G. MULOCK
EDWARD P. NICKINSON, III
MICHAEL F. NUCHESTERLEIN
JOHN K. OLSON
WILLIAM C. OWEN
DAVID C. PALMER
WILLIAM D. PALMER
BARBARA R. PANKAU
ROBERT W. PASS
JENNETH L. PEMBERTON
MARY S. PHILLIPS
KENNETH J. PLANTE
ROBERT M. QUINN
LILLIAN J. REYES
R. ANDREW ROCK
DEBORAH H. ROSS
PAUL A. SAAD
THOMAS D. SCANLON

ROGER D. SCHWENKE
STEPHEN L. SCPINUCY
W. LAWRENCE SMITH
WM. REECE SMITH, JR.
THOMAS A. SNOW
ROBERT A. SORIANO
DOREEN SPADOCIA
STEVEN L. SPARKMAN
ROBERT M. STEELE
ALAN C. SUNDBERG
CYNTHIA S. TUNNICLIFF
JAMES A. URBAN
JACOB D. VARN
ALAN F. WAGNER
SYLVIA H. WALKER
J. BRENT WALKER
LAWRENCE M. WAYSON, JR.
LINDA F. WELLS
JAMES R. WILEY
ROBERT C. WILKINS, JR.
EDWIN L. WILLIAMSON, JR.
PETER J. WINDERS
JAMES D. WING
DEXTER R. WOODS, JR.
GWYNNE A. YOUNG
ROBERT L. YOUNG
GEORGE ZADOROFFY
PETER W. ZIMMER

HAND DELIVERY

The Honorable William Terrell Hodges
Chief Judge, United States District Court
Middle District of Florida
Post Office Box 2908
Tampa, Florida 33601-2908

Re: Hillsborough Area Regional Transit Authority

Dear Judge Hodges:

Pursuant to recent discussions between you and Charles M. Banks, Chairman of the Hillsborough Area Regional Transit Authority (HART), concerning the covered benches on the sidewalk on North Florida Avenue, HART has conducted a thorough search of its records and has been unable to find any evidence as to the ownership. The benches were originally paid for by the Florida Department of Transportation and are located on State of Florida highway property right-of-way, and therefore may be the property of the State of Florida. The possibility exists that ownership is in the City of Tampa and there remains the possibility that at some point they were transferred to HART. At this point, no one is able to make a definitive determination as to their ownership.

Under these circumstances, we hope you understand that HART is not in a position to take any action to remove the covered benches. If you have any further questions as to HART's position in this matter, please call me.

Sincerely yours,

George Barford
GEORGE BARFORD

GB/sco

The Honorable William Terrell Hodges
May 1, 1985
Page Two

cc:

Mr. Charles M. Banks
Chairman, HART

Mr. Cliff Hayden, Jr. ✓
Executive Director, HART

Michael F. Nuechterlein, Esquire
Carlton, Fields

Mr. Robert A. Hester
Field Office Manager, GSA



Hillsborough Area Regional Transit

April 25, 1985

Mr. Robert Hester
Field Office Manager
General Services Administration
Region 4
Office of Public Buildings and Real Property
500 Zack Street
Room 733
Tampa, Florida 33602

Dear Mr. Hester:

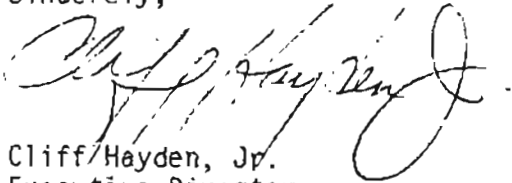
I am in receipt of your correspondence of April 23, 1985, inquiring about Judge Hodges' request of HART. At lunch, this date, Charles Banks, HART Board of Directors Chairman, our attorney, and myself met with Judge Hodges to discuss the problem.

During the meeting, we discussed the various correspondence during the past nine months, our plans for the Marion Street Transitway, and the fact that HART did not own the bus shelters in front of the Post Office. The shelters belong to the City of Tampa.

Subsequent to a very frank and open discussion of the problems on both sides, the Judge indicated he would be contacting the City.

Please do not hesitate to contact me if we can be of further assistance.

Sincerely,



Cliff Hayden, Jr.
Executive Director

CPH/nas

cc: Mike Nuechterlein

Directors:

CHARLES M. BANKS
Chairman

RODNEY COLSON
Vice-Chairman
Commissioner
Hillsborough County

C. LAWRENCE STAGG
Secretary

BOB MARTINEZ
Mayor, City of Tampa

WILLIAM N. LEONARD

RICHARD MAURER

LAWRENCE J. O'NEIL

ROBERT R. SCOTT

JOHN M. KING

Councilman

Temple Terrace

Executive Director

CLIFF HAYDEN, JR.



April 23, 1985

Office of Public Buildings and Real
Property
500 Zack St., Room 733
Tampa, FL 33602


Mr. Cliff Hayden, Jr.
Executive Director
Hillsborough Area Regional Transit
4305 E. 21st Avenue
Tampa, Florida 33605

Dear Mr. Hayden:

Reference is made to my letter of March 28, 1985, wherein a copy of a letter written by Chief Judge William Terrell Hodges was transmitted to you for response.

Inasmuch as considerable time has elapsed since Judge Hodges letter was transmitted to you we would appreciate a response. Again we ask that you respond directly to Judge Hodges and we would appreciate being furnished with a copy of your response.

Sincerely,


ROBERT A. HESTER
FIELD OFFICE MANAGER

RAH/mc

ENCLOSURE: Copy of Judge
Hodges letter

Rob - For you
1/2/85

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P. A.

ATTORNEYS AT LAW

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April 9, 1985

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DEXTER R. WOODS, JR.
GWYNNE A. YOUNG
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GEORGE ZADOROTNY
PETER W. ZINOBER

The Honorable William Terrell Hodges
Chief Judge, United States District Court
Middle District of Florida
Post Office Box 2908
Tampa, Florida 33601-2908

Dear Judge Hodges:

We are attorneys for the Hillsborough Area Regional Transit Authority and in that capacity received a copy of your letter to Mr. Robert Hester dated March 22, 1985 concerning the covered benches on the sidewalk on Florida Avenue. This is the first occasion the matter has come to our attention.

I would like to suggest a meeting at your offices at which the problems raised in your letter and possible solutions can be discussed in more detail. I will contact your secretary next week to schedule a meeting at a time convenient to everyone. If you have any questions, do not hesitate to call.

Sincerely,

Michael F. Nuechterlein

MFN/jc
cc: Mr. Cliff Hayden ✓



March 28, 1985

Office of Public Buildings and Real
Property
500 Zack Street, Room 733
Tampa, Florida 33602


Mr. Cliff Hayden, Jr.
Executive Director
Hillsborough Area Regional Transit
4305 E. 21st Avenue
Tampa, Florida 33605

Dear Mr. Hayden:

Reference is made to the attached letter from Chief Judge Hodges - a copy of which was delivered to your office on March 26, 1985.

I would appreciate your responding directly to Chief Judge Hodges with a copy of your response furnished to this office.

Sincerely,


ROBERT A. HESTER
FIELD OFFICE MANAGER

RAH/mc

ENCL: Copy of letter

United States District Court
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA 33601-2908

WM. TERRELL HODGES
CHIEF JUDGE

March 22, 1985

POST OFFICE BOX 2908

Mr. Robert A. Hester, Field Office Manager
Office of Public Buildings and Real Property
General Services Administration, Region 4
500 Zack Street, Room 733
Tampa, FL 33602

RECEIVED
MAR 23 1985
GSA TAMPA FIELD OFFICE

Dear Mr. Hester:

Thank you for favoring me with a copy of the letter dated March 20, 1985 addressed to you by the Executive Director of the Hillsborough Area Regional Transit Authority. This concerns, of course, our ongoing problem with the intolerable congestion on the sidewalk brought about by the bus stops in front of this building since the time we reopened the Florida Avenue entrance as the only means of access to Court facilities.

I suppose that our authority to insist upon relocation of the bus stops - - or the question whether we should exercise any such authority under present circumstances - - is a matter which might be the subject of debate; but there can be no question whatever concerning our authority (and our present obligation) to direct that the Authority immediately remove the stanchions, umbrellas and benches obstructing the sidewalk.

Accordingly, please tell the Transit Authority that it has forty (40) days to remove those obstructions. If they are not removed within that time the Judges of this Court have authorized me to order the Marshal to remove them instanter - - and that is precisely what I intend to do.

Hopefully, the relief afforded by the removal of those obstructions will be sufficient to reduce the present congestion to tolerable limits during the limited period of time required for the Transit Authority to build its new terminal facility. If it does not afford significant relief - - and if the safety and security of jurors and others attempting to enter and leave the Courthouse continues to be impaired and endangered - - we will then consider the entry of an order concerning the bus stops themselves.

Thank you once again for your continuing assistance.

Very truly yours,



Wm. Terrell Hodges

cc: Tampa Division Judges
Mr. George Perryman, GSA
Marshal Richard L. Cox, Jr.,
Cliff Hayden, Hartline



Hillsborough Area Regional Transit

March 20, 1985

Mr. Robert A. Hester
Field Office Manager
Office of Public Buildings and Real Property
General Services Administration, Region 4
500 Zack Street, Room 733
Tampa, Florida 33602

Dear Mr. Hester:

I am in receipt of your letter of March 12.

Though we very much appreciate your suggestion regarding relocation of our stop to the 800 block of Florida Avenue, please be advised that HART already has a major stop at that location. This stop is as heavily utilized by our patrons as the one in front of the Federal Courthouse, if not moreso.

The overcrowding of bus patrons at stops on the downtown loop is simply indicative of the growth of downtown Tampa, and the increasing role that HART must play in transporting people in an effort to accommodate this growth. Currently, during the peak hours of 7:00 - 8:00 A.M. and 5:00 - 6:00 P.M., seventy buses are exposed to the loop during each of these time periods. Nearly 3,000 people alight from buses between 7:00 A.M. and 8:00 A.M. each weekday morning.

The proposed Marion Street transitway and transit terminals that HART will be building are justified based on this severe people movement problem. Until this project is completed, however, HART must utilize the existing loop configuration. Though no stop downtown fully provides for the crowds of people now utilizing our service, let alone the increasing daily usage, there is unfortunately no acceptable alternative to maintaining the loop and all existing stops, including the Post Office stop. If we were to discard this stop, the result would be increased automobile usage that would negatively impact downtown traffic as well as inconveniencing many HART patrons who load from work places near the Federal Courthouse.

We are sensitive to the strains being placed upon your facility and others on Florida Avenue and Marion Street. HART's offer to assist with the maintenance of the area around the Federal Courthouse still stands. However, with the construction of our terminal project still two years away, there is little HART can currently offer to resolve overcrowding at downtown stops.

Directors:

CHARLES M. BANKS
Chairman

RODNEY COLSON
Vice-Chairman
Commissioner
Hillsborough County

C. LAWRENCE STAGG
Secretary

BOB MARTINEZ
Mayor, City of Tampa

WILLIAM N. LEONARD

RICHARD MAURER

LAWRENCE J. O'NEIL

ROBERT R. SCOTT

JOHN M. KING
Councilman
Temple Terrace

Executive Director

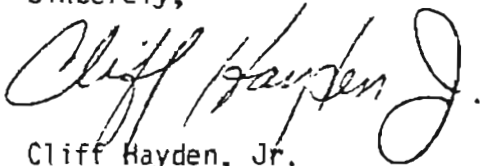
CLIFF HAYDEN, JR.

Mr. Robert A. Hester
March 20, 1985
Page -2-

In dealing with any critical public service concern, the welfare of the entire area must be considered and addressed as best as possible. At question here is not simply the ideal working conditions of the Federal Courthouse, but rather the accommodation of the entire downtown community's need for accessibility to transit by the citizens of Hillsborough County.

If you should still wish to meet with either my staff or myself regarding our maintenance proposal, please feel free to contact me. Rest assured that we will do everything in our power to make the situation as less disruptive as possible.

Sincerely,

A handwritten signature in cursive script that reads "Cliff Hayden, Jr." with a large, stylized flourish at the end.

Cliff Hayden, Jr.
Executive Director

CPH/nas

cc/w attachment: Charles Banks



March 12, 1985

Office of Public Buildings and Real
Property
500 Zack Street, Room 733
Tampa, Florida 33602

Mr. Cliff Hayden, Jr.
Executive Director
Hillsborough Area Regional Transit
4305 E. 21st Avenue
Tampa, Florida 33605

228-2351

Dear Mr. Hayden:

Thank you for your recent letter concerning the problems caused by the location of a bus stop in front of the Federal Courthouse.

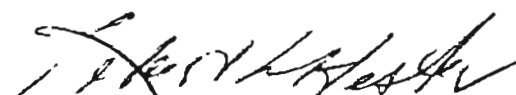
Your offer to share in the maintenance of the area in question is appreciated, however, this would not alleviate the serious problem of congestion along the sidewalk caused by the existence of the bus shelters and the gathering of large numbers of bus patrons. This congestion greatly impedes the ingress and egress of individuals having business at this building.

The narrowness of the sidewalk fronting the Federal Courthouse would probably preclude the utilization of this area as a bus stop if it were not for the use of the lawn area to accommodate the spillover of bus patrons. While this situation has existed for a number of years without objection we feel that the restoration of the front doors as the main entrance to the building along with the increased traffic in and out of the building combined with ever increasing congestion of bus patrons necessitates an early solution to this problem.

The relocation of the bus stop appears to be the only satisfactory solution and I would like to point out that the parking lot which is located in the 800 block of Florida Avenue would appear to be a much more suitable location for this purpose than the area in front of the Federal Courthouse.

Your continued interest and efforts towards resolving this problem is appreciated.

Sincerely,


ROBERT A. HESTER
FIELD OFFICE MANAGER

CC: Chief Judge Wm. Terrell Hodges
Mr. George Perryman, 4P



Hillsborough Area Regional Transit

March 4, 1985

Mr. Robert A. Hester
Field Officer Manager
General Services Administration - Region 4
Office of Public Buildings and Real Property
500 Zack Street, Room 733
Tampa, Florida 33602

Dear Mr. Hester:

Please be advised that we here at HART are very much aware of and sensitive to the problems existing at the Federal Courthouse Building as well as other downtown locations.

The situation at the Courthouse, as well as elsewhere on the loop where HART patrons access bus service downtown, is a direct result of the tremendous increase in our ridership. This growing patronage of HART buses just parallels downtown development. If downtown is to continue to grow, HART must grow with it.

The current downtown loop on which our buses operate is not adequate to meet this increased ridership and is a major factor behind the problems being experienced. It is, unfortunately, the only alternative that HART has at present for serving downtown.

The conversion of Marion Street into an exclusive transitway, and the construction of transit terminals at its southern and northern ends is being seriously pursued by HART. We have submitted a Section 3 grant application to the Urban Mass Transportation Administration for funding of this project. I feel confident HART will receive approval of this application. There has also been a great deal of support from both the public and private sectors for this project. It fulfills the existing and long range needs of HART's transit system operations. It is the solution to the problems currently being experienced due to how we are forced to operate downtown. Completion of the entire project is anticipated in late 1987.

My staff and I are very much interested in setting up a meeting with you to discuss the possibility of HART sharing in the maintenance of the area in question until such time as it proves feasible to remove our operations from there. If you share our interest, please contact me so that we might proceed.

Directors:

CHARLES M. BANKS
Chairman

RODNEY COLSON
Vice-Chairman
Commissioner

C. LAWRENCE STAGG
Secretary

BOB MARTINEZ
Mayor, City of Tampa

WILLIAM N. LEONARD
RICHARD MAURER

LAWRENCE J. O'NEIL
ROBERT R. SCOTT

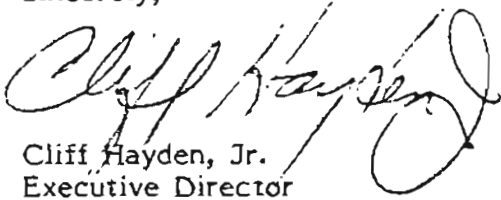
JOHN M. KING
Councilman
Temple Terrace

Executive Director
CLIFF HAYDEN, JR.

Mr. Robert A. Hester
March 4, 1985
Page -2-

I hope that we can reach some type of agreement so as to remedy this problem. I look forward to hearing from you regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cliff Hayden, Jr.". The signature is written in dark ink and is positioned above the typed name and title.

Cliff Hayden, Jr.
Executive Director

CPH/nas

cc: Charles Banks



February 20, 1985

Office of Public Buildings and
Real Property
500 Zack Street, Room 733
Tampa, Florida 33602

Mr. Cliff Hayden, Jr.
Executive Director
Hillsborough Area Regional Transit
4305 E. 21st Avenue
Tampa, Florida 33605

Dear Mr. Hayden:

Reference is made to Mr. George I. Perryman's letter of July 27, 1984, concerning the problems created at the Federal Courthouse Building due to the location of a HART bus stop directly in front of this historic building. A copy of this letter is attached for your convenience.

Once again, we have re-sodded the lawn area along the front and side of this building to replace grass destroyed by HART customers encroaching on the lawn. We have re-sodded this area numerous times in an effort to maintain the building and grounds in an attractive state for all the citizens of Tampa only to have the lawn damaged repeatedly by people waiting for buses. In addition to damaging the grass bus patrons continually litter the grounds and sidewalk with debris placing an additional burden on our custodial force as well as being unsightly.

In addition to the lawn damage and litter, the crowded sidewalk creates a safety hazard as oftentimes passersby are forced into the street in order to get past this congested area.

We have received assurances over the years that this is a temporary situation which will be eliminated when the proposed bus terminal is acquired; however, the situation not only continues to exist but steadily worsens as Tampa grows and bus ridership increases. Even though you have long range plans which when implemented will alleviate this problem we request that steps be taken in the interim to provide immediate relief.

Your cooperation will be appreciated.

Sincerely,


ROBERT A. HESTER
FIELD OFFICE MANAGER

RAH/mc

July 27, 1984

OCT 18 RECD

Mr. Harry F. Orr, Executive Administrator
Hillsborough Area Regional Transit
4305 E. 21st Avenue
Tampa, Florida 33605

Dear Mr. Orr:


Mr. Robert Hester, the General Services Administration's Field Office Manager in Tampa, has forwarded to us correspondence from Chief Judge William Terrell Hodges and Mr. Cliff Hayden, Jr. of your office. This regards problems at our Federal Building, Courthouse and Post Office (FB-CT-PO) located at 001 N. Florida Avenue which are created by a HART bus stop in front of the building. We understand that Judge Ben Krentzman has been in contact with your office also regarding these problems.

The FB-CT-PO has high public contact, and building security is a major concern. Since the courtroom areas have been recently renovated, the previously unused front entrance is being reopened to the public. Passengers waiting for buses, utilize the building and lawn for rest areas. This creates security, cleaning and maintenance problems. Those persons who have official business in the building are often obstructed from entering because of the crowds on the small sidewalk area and on the building entrance. The bus shelters in front of the building are not in keeping with the architectural character of this historic landmark now listed on the National Register of Historic Places.

We request the relocation of the bus stop and shelters from in front of the FB-CT-PO to the 800 block on Florida Avenue between Polk and Case Streets. Bus shelters and a parking lot located there will not receive the adverse impact which our historic building has received.

You may be assured that your positive action to this request will be appreciated.

Sincerely,


GEORGE I. PERRYMAN
Assistant Regional Administrator
Office of Public Buildings and
Real Property

DOWNTOWN TAMPA BUS PASSENGERS & MODE SPLIT

Total Passengers: 27,589 (Sample - July 12, 1984)
 Total Passengers Alighting Downtown: 6,649
 Local Passengers Alighting Downtown: 5,597
 Express Passengers Alighting Downtown: 1,052

NUMBER OF PASSENGERS ALIGHTING DOWNTOWN BY TIME OF DAY:

Hour	Local	Express	Total	P.O.
5-6A	53	0	53	13
6-7A	435	40	475	119
7-8A	775	671	1,446	362
8-9A	475	335	810	203
9-10A	356	2	358	90
10-11A	387	0	387	97
11-12A	371	0	371	93
12-1P	330	0	330	83
1-2P	324	0	324	81
2-3P	454	0	454	114
3-4P	403	0	403	101
4-5P	479	0	479	120
5-6P	418	0	419	105
6-7P	184	2	186	47
7-8P	71	1	72	18
8-9P	62	0	63	16
9-10P	17	0	17	4
10-11P	3	0	3	1
	5,597	1,052	6,649	1,663

6,649 Alighting passengers converts to 13,298 total on and off.
 The Post Office stop accounts for approximately 25% of total on's and off's downtown, or 3,325 riders. Only the stop at Glendale Federal handles more. The stop on Florida between Cass & Polk is the 4th most heavily utilized of the nine on the Loop.

- Major increases in peak-hour transit service (50-100%) will not congest traffic flow on the Florida/Marion corridor above current or previously experienced levels given Tampa's traffic control policies. Certainly no street will function below Level of Service "B" conditions.

C. Enforcement of Traffic Regulations

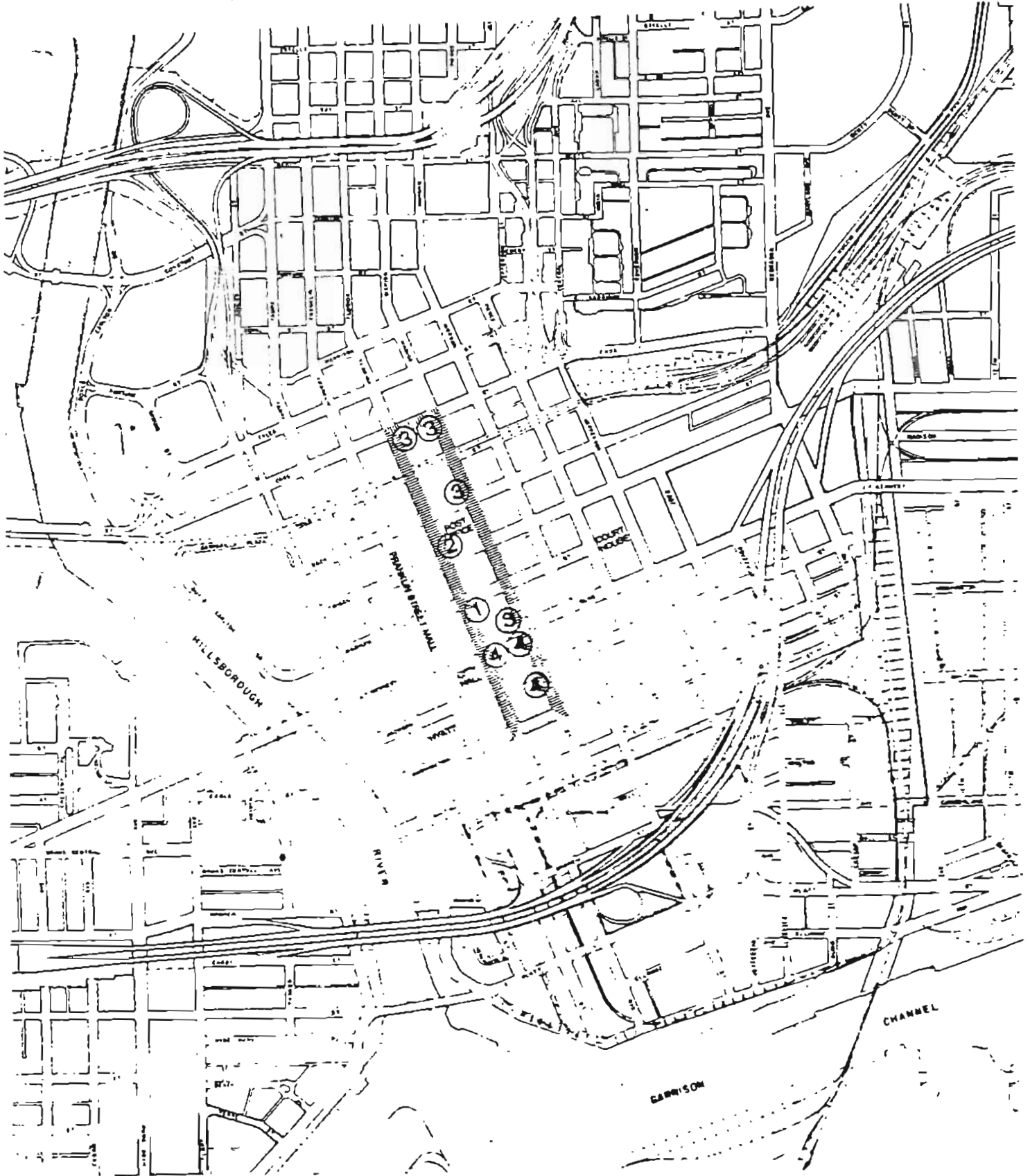
No data was supplied by the City of Tampa regarding enforcement of the reserved bus lane regulations. While right-hand turns can be made from these reserved lanes by general traffic, stopping, standing and parking in these lanes is also evident. Figure 5 illustrates some of these common conditions.

It should be noted that ITE standards for reserved bus lanes stress the importance of enforcement of lane traffic restrictions. Verbal comments from both City of Tampa officials and HART staff all indicate that no enforcement provisions have ever been implemented and that jurisdiction between the Tampa Police Department and Tampa Parking Enforcement is unclear.


D. Passenger Loadings

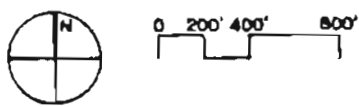
Surveys conducted by HART show 25% of all CBD transit riders arriving in the 6:00 to 8:00 AM peak, and 37% of all CBD transit riders arriving in the 6:00 to 9:00 AM period. These levels are assumed to hold true for the 4-6 PM peak period. Nearly 50% of HART's current 25-30,00 daily riders are CBD bound. Thus, the loop's nine stops handle an estimated 5-6,000 riders during each 60-90 minute peak period. Figure 6 shows the distribution of these peak period riders among the nine stops. Use of two stops on Florida, one at Madison (Glendale Federal) and the other at Zack (Post Office) accounts for nearly 50% of total on's and off's.

Figure 7 shows the current level of passenger amenities at the Post Office stop. Few amenities are provided at Glendale Federal, the most used bus stop. Severe over-crowding at these stops is evident, especially in the shorter afternoon peak with its longer boarding times as riders pay fares. Of these two stops, only the Post Office covers the entire block face (210'), while Glendale Federal is only 100' long. Of HART's nine CBD Loop stops, only three have a full 210' block face. Since all HART runs stop at each stop, passenger boarding and a lightings can be difficult during peak periods. At the two highly used stops, each of HART's 60 plus peak hour buses must board about 25 riders a minute during the rush period.



STOP USE
(OFF RIDERS ONLY)

-  **LOOP**
 ① 1,500-1,750
 ② 1,000-1,499
 ③ 500-999
 ④ 0-499



HART CBD LOOP ANALYSIS

FIGURE 6

E. Passenger Origins and Destinations

A survey conducted by HART shows major concentrations of CBD destinations for HART users. Several blocks in the CBD account for over 50% of HART user origin and destinations. These blocks, shown on Figure 8, closely correspond with the major employment estimates for the CBD itself. Most of these transit user generators are all within 4-600 feet of current loop stops.

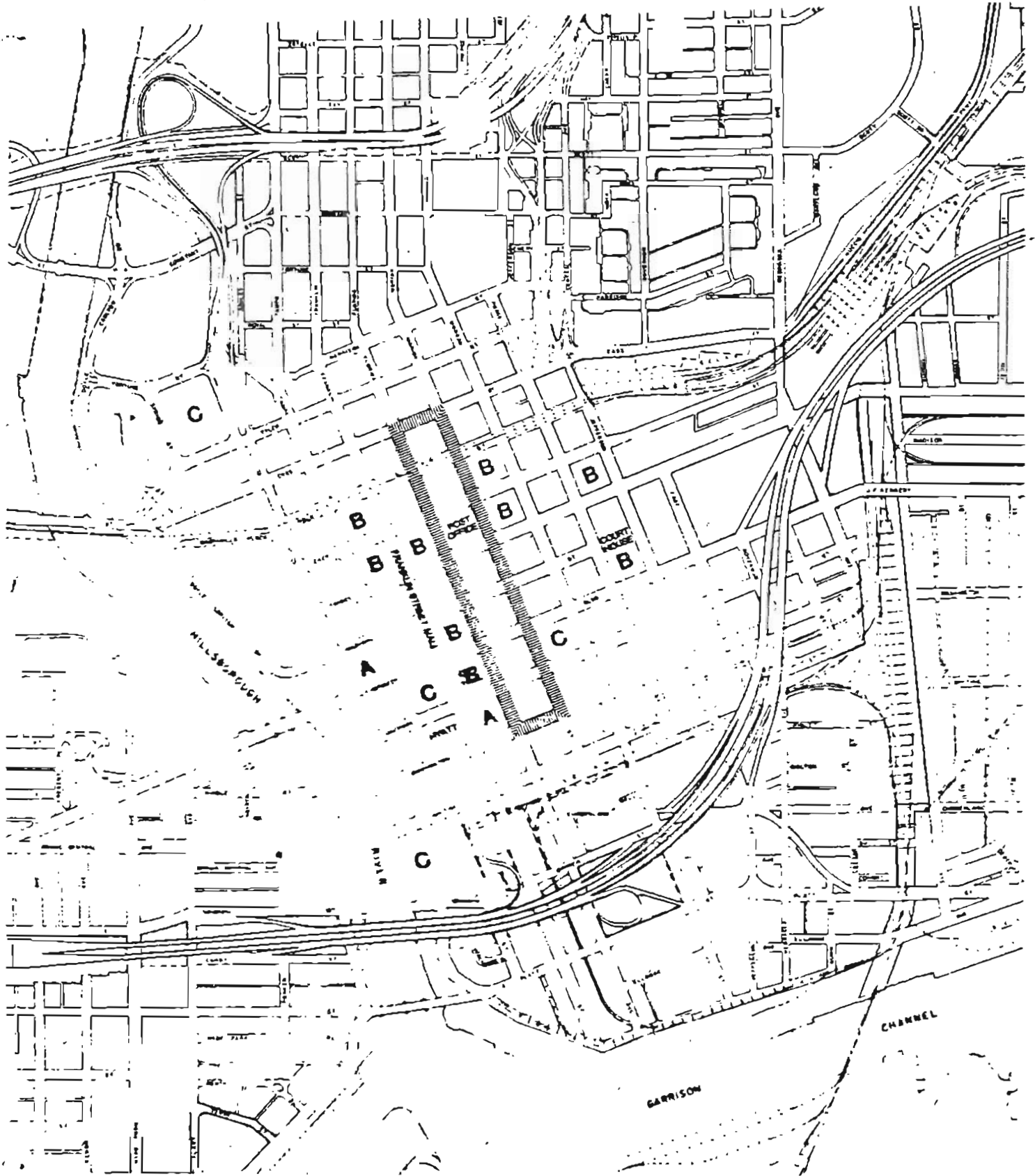
Tables 1 and 2 show 1980 and 1990 CBD employment levels in the CBD. These levels are illustrated in Figures 9 and 10. Even in 1990, the current loop location provides good access to major projected employment centers, although new office space in the southwest part of the CBD and developments along Garrison Channel south of the Crosstown expressway may not be well served. The people mover to serve Harbour Island which will open in 1985 is accessed from the southern most portion of the loop.

F. Passenger Transfers

HART's survey of CBD passengers shows a relatively low level of transfers in the CBD. Only about 3% of alighting downtown transit users are making a transfer as shown on Table 3. This may be due to Hart's extensive crosstown route service. A future on-board survey will document this low level of transfers in the CBD, since overall 10-15% of HART riders are reported to be transfers.

G. Operations Considerations

HART's bus service and ridership have made impressive gains since the authority's creation 1981. Annual transit ridership has increased nearly 50% since 1981, especially with the provision of extensive express bus service to the Tampa CBD. Over 15% of all HART CBD riders use express service, but during the peak period 43% of all transit riders use express services. This has resulted in a considerable increase in the number of buses in the downtown during peak periods as compared to the base. Figure 11 shows the day long bus flow into the CBD. Figure 12 shows express bus scheduling into the downtown. Between 7:00 AM to 8:00 AM, an extra 29 express runs enter the CBD, rising to 32 express runs between 5:00 to 6:00 PM. Thus, during the peak hour over 60 buses are using the transit loop. It is quite likely given HART's ridership levels that the Tampa transit loop lanes have the most intensive travel use of any highway lanes in the CBD at peak hour.



0 200' 400' 800'

HART CBD LOOP ANALYSIS

RIDER DESTINATIONS

▨ LOOP

A □ 500

B □ 200-499

C □ 100-199

OTHER BLOCKS LESS THAN 99 RIDERS

FIGURE 8

Since these accidents do result in injuries as well as increased operating costs and inefficient transit service, the HART/auto CBD collision problem is by any analysis a serious and acute one.

Street Capacity

All streets in downtown Tampa surveyed are free-flowing with daily traffic Levels of Service "A," although at peak-hour some streets or intersections may drop to Level of Service "B." Streets are only considered to be congested when they exceed saturation levels and are at Level of Service "D." Combining the traffic flows of Marion and Morgan—even in a two-way Morgan Street would allow Morgan to itself to function at Level of Service "A" if there were four moving lanes.

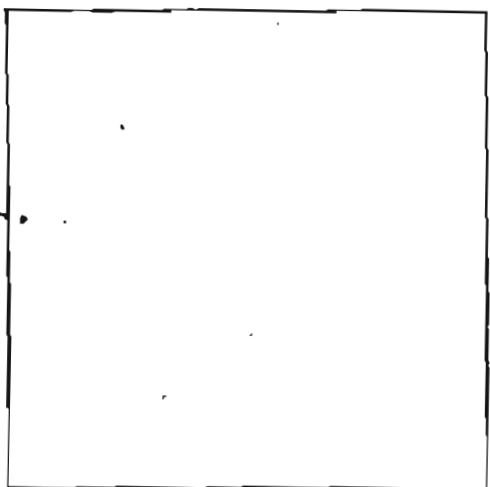
HART's loop operation allows the CBD streets to function at an exceptionally high level of service for cars. However, as noted previously, HART's accident rate may be due to traffic weaving caused by short blocks and numerous curb cuts rather than actual congestion. HART's reserved bus lane itself carries 4-5,000 persons during each peak hour. This is greater in absolute terms than the other eight lanes of Florida or Marion Street do at the same time.

Enforcement

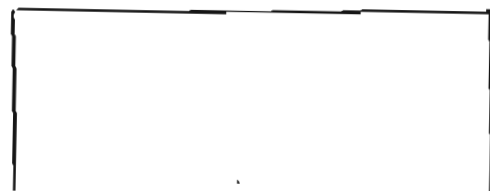
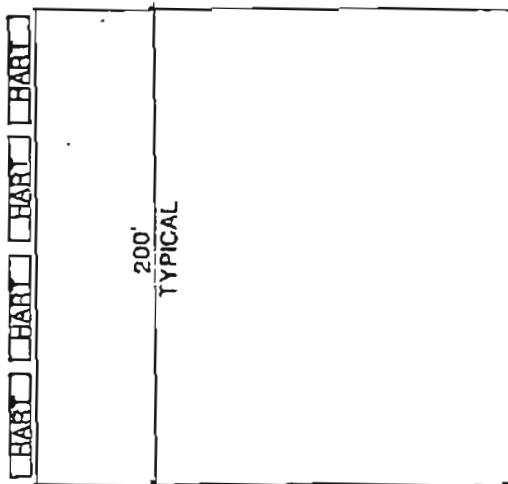
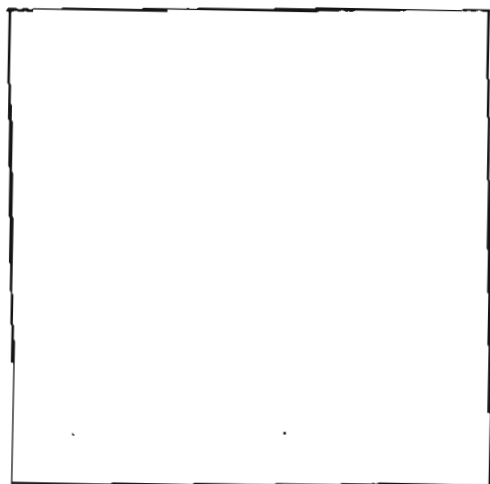
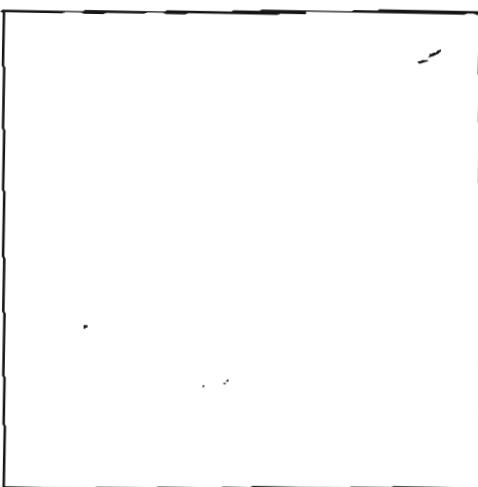
No records exist regarding enforcement of current bus lane restrictions. Both City of Tampa and HART officials agree that enforcement on stopping, standing, turn restrictions, if any, are minimal. There may be some confusion as to the role of the Tampa Police Department versus the On-street Parking Patrol in enforcement roles.

Passenger Loadings

Although there are nine loop stops, two areas, the Post Office and Glendale Federal, get 50-60% of alighting riders in the AM peak hour. Even though this might be slightly altered in the PM peak, these bus stops cannot accommodate this number of patrons, especially during the PM peak when fares are paid due to a lack of sidewalk space and a maximum queueing length of four buses at any block face (see Figure 13). The possible loss of the Post Office bus stop due to Federal GSA actions would cause a major setback to HART operations.



HART



CURRENT HART BUS STOP CONDITIONS

FIGURE 13

SEABURN AND ROBERTSON, INC.

Water Resources Consultants



offices:

Executive Square
5510 Gray Street
Suite 118
Tampa, Florida 33609

mailing address:

P.O. Box 23184
Tampa, Florida 33623

phone:

(813) 870-2792
(813) 870-2823

ALTON F. ROBERTSON, P.E.
GERALD E. SEABURN, Ph.D., P.E.

ROBERT L. WESTLY, C.P.G.
SUSAN J. METCALFE, C.P.G.

May 9, 1985

Mr. Eric Estell, Safety Manager
Hartline
4305 East 21st Avenue
Tampa, FL 33605

Dear Mr. Estell:

Please find enclosed our Scope of Services to evaluate the groundwater system in the area of Hartline's unleaded fuel storage tank and respond to the Florida Department of Environmental Regulation's (FDER) requirements, as outlined in their letter of May 3, 1985. I have also provided cost estimates of our fee, and those of our drilling subcontractor, Pittsburgh Testing Laboratory and water quality laboratory, Professional Services, Inc. A range of cost estimates have been provided to indicate the minimum cost, if we find no fuel migration, and a realistic upper limit, if migration is detected. If migration of fuel is detected, then more drilling and laboratory work will be required to define the extent of the plume and address FDER's concerns.

If you have any questions, I am available to provide any additional explanation. I appreciate the opportunity to help Hartline resolve this issue.

Sincerely,

SEABURN AND ROBERTSON, INC.
Water Resources Consultants

Gerald E. Seaburn, Ph.D., P.E.

GES/mlr

Enclosure

SCOPE OF SERVICES

Hartline Underground Storage Tank

The client will inventory the fuel delivery tickets and estimate the possible losses in fuel during the period of operation of the unleaded fuel tank. The client will provide a list of possible reasons to account for the fuel discrepancies. This information will be provided to Seaburn and Robertson, Inc. to help evaluate the volume and extent of migration of the fuel from the tank.

1. The Consultant will arrange to drill the site to determine the extent of fuel migration. We will install four inch PVC monitor wells at selected locations. A minimum of three wells (up to a maximum of 12 wells) will be installed to determine the extent of the plume.

Drilling Subcontractor	\$ 2,850 - \$11,500
Seaburn and Robertson, Inc.	500 - 2,300

2. The Consultant will collect groundwater samples for laboratory analysis of volatile organic compound as required by FDER. One sample from each of the wells will be analyzed.

Laboratory Subcontractor	\$ 1,000 - \$ 4,200
Seaburn and Robertson, Inc.	300 - 1,000

3. Then we will evaluate the hydrogeology of the site to predict rate and direction of groundwater movement. We will inventory potable wells in the area. We will evaluate the lateral and vertical extent to free product.

Seaburn and Robertson, Inc.	\$ 1,800 - \$ 3,500
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4. Seaburn and Robertson, Inc. will design a remedial action plan to control migration and recovery of the free product. We will then prepare a report of findings that addresses the issues in the May 3, 1985, letter from FDER.

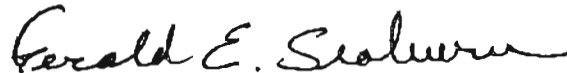
Seaburn and Robertson, Inc.	\$ 2,800 - \$ 4,300
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5. Seaburn and Robertson, Inc. will meet with the client and FDER to present and explain the results of our findings and discuss the remedial action. The cost estimate is based on three-4 hour meetings; additional meetings will be billed at our normal hourly billing rates.

Seaburn and Robertson, Inc. \$ 1,680

Subtotal \$10,930 - \$28,480

Additional requirements may be set by FDER following their evaluation of our initial report. We cannot predict the cost associated with this work at this time. However, we will be available to assist Hartline in responding to any additional requirements that may be set by FDER.



Gerald E. Seaburn, Ph.D., P.E.

Accepted:

Hartline

Date

DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTHWEST DISTRICT

7601 HIGHWAY 301 NORTH
TAMPA, FLORIDA 33610



BOB GRAHAM
GOVERNOR

VICTORIA J. TSCHINKEL
SECRETARY

DR. RICHARD D. GARRITY
DISTRICT MANAGER

May 3, 1985

Mr. Eric Estell, Safety Manager
Hartline
4305 East 21st Avenue
Tampa, Florida 33605

Re: Gasoline Leak

Dear Mr. Estell:

Please complete and return the enclosed discharge notification form for the above service station. Additionally, please submit to our office by May 24, 1985 a site assessment report that addresses the following items:

1. A site sketch indicating the location of the failed storage tank(s)/line(s) and the placement of the monitoring wells.
2. The site hydrogeology.
3. The vertical and horizontal extent of free product in the soil and groundwater.
4. The amount of free product recovered and recovery method used.
5. The presence of volatile organic chemicals in the monitoring wells.
6. The location of any potable wells within a 1/4 mile radius.
7. How the contaminated groundwater will be removed, treated and disposed. The maximum contaminant level is one microgram of benzene or twenty-five micrograms of total volatiles.
8. Copy of Property Deed and/or Lease.

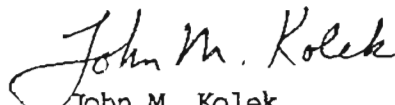
The Department is willing to settle this groundwater violation by entering into a Consent Order which will outline your duties and responsibilities for clean-up and recovery.

Mr. Eric Estell
Hartline

May 3, 1985
Page Two

If you have any questions, please call me at 813/985-7402.

Sincerely,


John M. Kolek
Enforcement Section

JMK/ab

Enclosures