

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NO. 14-6.5

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA EXPRESSING SERIOUS CONCERNS
WITH POTENTIAL DETRIMENTAL IMPACTS BY
ALL ABOARD FLORIDA ON THE ENVIRONMENT AND
RESIDENTS OF MARTIN COUNTY, FLORIDA URGING THE
UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE STATE
OF FLORIDA TO REQUIRE ALL ABOARD FLORIDA TO
COMPLETELY ADDRESS THOSE CONCERNS AND TO REQUIRE
THAT ALL ABOARD FLORIDA PAY FOR ALL COSTS ASSOCIATED
WITH THE PROPOSED ALL ABOARD FLORIDA RAIL SERVICE**

WHEREAS, All Aboard Florida, a subsidiary of Florida East Coast Industries (FEC), is proposing to provide passenger rail service between Miami and Orlando that will run through populated areas of Martin County, including the City of Stuart, the Town of Ocean Breeze, and the communities of Jensen Beach, Port Salerno and Hobe Sound; and

WHEREAS, the All Aboard Florida project is proposed to add 32 trains daily to the rail corridor, and there are no proposed stops in Martin County with trains proposed to travel with speeds up to 110 miles per hour (mph) through much of Martin County, including community redevelopment areas with diverse and underserved populations; and

WHEREAS, the proposed passenger rail service is to be operated by a private entity and improvements to railroad corridors fall under federal regulation and are not required to receive approval from local or state governments, and

WHEREAS, although the project is being developed by a private entity, FECI has applied for a "Railroad Rehabilitation Improvement Financing" loan of potentially \$1.5 billion which makes the project subject to Federal Guidelines and most recently the subject of a diagnostic safety review conducted by the United States Department of Transportation (US DOT) Federal Railroad Administration (FRA), and

WHEREAS, as a result of the All Aboard Florida RRIF loan application, the Federal Railroad Administration is preparing an "Environmental Impact Statement" (EIS) to evaluate the potential environmental and related impacts of constructing and operating the proposed All Aboard Florida project from Miami to Orlando, and

WHEREAS, the EIS will address all project improvements that were not addressed in the Environmental Assessment, including but not limited to improvements to the existing FEC

rail corridor from Miami to Cocoa, the construction of a new double-track from Cocoa to Orlando, station development, and improvements to bridges and grade crossings, and

WHEREAS, the FRA published a “Notice of Intent” to prepare the EIS in the Federal Register in April 2013, and the agency conducted a series of “scoping meetings” in May 2013 to gain input on the EIS during which the Martin County Board of County Commissioners submitted initial comments, and

WHEREAS, the FRA is the lead federal agency for the development of the EIS and responsible for collecting and addressing comments from other federal, state, regional, and local agencies as well as the public, and

WHEREAS, the FRA indicates the draft EIS will be published for comment in mid-2014 and will hold a series of public meetings along the corridor, and

WHEREAS, the service as currently proposed concentrates public benefit in communities where stations are proposed (Miami, Fort Lauderdale, West Palm Beach and Orlando) but would impose costs and impacts to local governments throughout the corridor with virtually no public benefits north of Palm Beach County, and

WHEREAS, All Aboard Florida would negatively impact Martin County’s environment and residents’ quality of life and could potentially create unfunded mandates including the cost of crossing upgrades, quiet zones and increased leases, as well as harming the marine industry and its boaters; and

WHEREAS, there are a total of 28 railroad crossings along the FEC tracks within Martin County that are maintained in whole or in part by Martin County and 352 rail crossings in the Treasure Coast Region, and local governments, such as Martin County, may be required to bear the construction and maintenance costs of upgraded railroad crossings and the costs of installing and maintaining any quiet zones; and

WHEREAS, instead of being a proposed passenger rail service provided by a private company, using solely private resources, it is now clear that a significant portion of the financial burden of this passenger rail service may be imposed on the citizens of Martin County; and

WHEREAS, the Martin County Board of County Commissioners has significant concerns regarding the threats to public safety, emergency response times and public access to medical facilities and supports the FRA report for the AAF project dated March 20, 2014 by Frank Frey, General Engineer, which expresses many of the safety concerns shared by our residents and elected officials, and

WHEREAS, the Board of County Commissioners of Martin County urges the United States Department of Transportation and the State of Florida and its agencies, to require All Aboard Florida to pay for the costs of All Aboard Florida, including improvements to rail crossings and the construction of quiet zones and corridor improvements, and that there shall be

no government assistance, in the form of loans, infrastructure or right-of-way at less than market rates, as such support would put the risk of the passenger rail service on the backs of taxpayers; and

WHEREAS, All Aboard Florida would increase railroad traffic and railroad noise in Martin County affecting thousands of people in the County residing near these crossings and significantly impacting their daily lives with the train horn noise and could provide a genuine threat to public health and welfare; and

WHEREAS, it is estimated that the potential total cost to upgrade each of the County's crossings to meet Federal Quiet Zone requirements would exceed \$1 million dollars; and

WHEREAS, the project is proposed to be double tracked from Miami to Cocoa with the exception of the rail drawbridge over the St. Lucie River which will remain single tracked, significantly impacting the marine industry as well as negatively impacting the quality of life for recreational boaters which is critical to Martin County's economy; and

WHEREAS, the project is proposed to traverse through historic downtowns in Stuart, Jensen Beach, Port Salerno and Hobe Sound and would disproportionately impact the health, safety, quality of life and property values of low income and minority residents, particularly at grade crossings located in five area community redevelopment areas that have significant underserved minority and low income populations who would receive no benefit from the proposed All Aboard Florida project, and

WHEREAS, the project as proposed would impact Martin County's endangered environment, including the Indian River Lagoon, which Federal, State and County governments have spent millions to restore as well as impact to the many endangered species living in Jonathan Dickinson State Park, and

WHEREAS, these issues should be given full consideration in preparation for the forthcoming Environmental Impact Statement and specifically consider the National Environmental Policy Act of 1969 (NEPA) requirements, as well as Executive Order 12898 {DOT Order 561 0.2(a)}, Environmental Justice (EJ); and

WHEREAS, it is requested given the significant concerns regarding the impacts of the All Aboard Florida project that the FRA provide extension of public comment period from 45 to 90 days.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, AS FOLLOWS:

A. Financial Impact – The Board of County Commissioners request that All Aboard Florida be required to fund all costs related to:

1. Installation of safety equipment necessary to meet maximum FRA safety guidelines along the FEC line and at all grade crossings;

2. Installation of quiet zones and maintenance of all grade crossings in Martin County;

3. Bridge upgrades to speed the raising and lowering of all drawbridges and to widen bridge pilings to allow two-way boat traffic to pass;

4. Required inspections of all high speed rail crossings;

5. Provide written agreement that the County's current leases with FEC for such uses as parking, sidewalks and landscaping will not be negatively impacted nor will lease payments be increased due to the enhanced crossings or other All Aboard Florida requirements;

6. Double track the existing railroad bridge over the St. Lucie River so that the bridge is consistent with the rest of the All Aboard Florida Corridor and thus reducing the negative impact the marine industry as well as to marine navigation and safety;

7. Replace the railroad bridge located over the Okeechobee Waterway to allow barges to cross the State and reduce the negative impact to marine navigation and safety; and

8. Reimburse Martin County for all costs incurred relocating its utility lines due to construction of the All Aboard Florida project.

B. Public Safety and Welfare – The Board of County Commissioners requests that All Aboard Florida be required to comply with the following at its sole cost:

1. Structure proposed All Aboard Florida train schedules to avoid delay of emergency vehicles, negatively impacting surrounding road traffic and negatively impacting Martin County's waterways due to blocking maritime traffic at drawbridges;

2. Provide Martin County environmental and economic impact studies which describe the positive and negative effects of proposed All Aboard Florida rail traffic on Martin County's water quality, air quality, commerce, property values, all sources of tax revenues, real estate sales, economic development and tourism;

3. Provide all 28 railway crossings located within Martin County with Pedestrian Crossings and other necessary safety measures in accordance with applicable Federal, State or Industry requirements.

C. Environment – The Board of County Commissioners requests that All Aboard Florida be required to:

1. Provide protection from negative impact to the Indian River Lagoon that local, state and federal governments have spent significant public dollars to restore;

2. Provide protection from negative impact to the endangered species and ecosystem in Jonathan Dickinson State Park

D. Public Comment – The Board of County Commissioners requests that the Federal Railroad Administration:

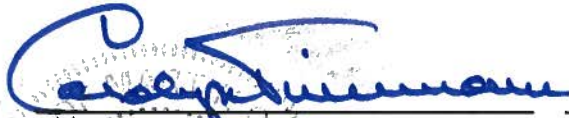
1. Extend the public comment period for the draft EIS for the proposed All Aboard Florida project from 45 to 90 days.

2. Hold a public meeting in Stuart, Florida during the draft environmental impact statement public comment period to receive public comment from Martin County residents.

DULY PASSED AND ADOPTED THIS 3rd day of June, 2014.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**



**CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**



SARAH HEARD, CHAIR

**APPROVED AS TO FORM AND
CORRECTNESS:**



**MICHAEL D. DURHAM
COUNTY ATTORNEY**