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Release

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Martin County files federal lawsuit challenging All Aboard Florida funding plan

Martin County took a significant, dramatic step today in its opposition against All Aboard Florida (AAF) when it filed a Complaint in the U.S. District Court against the U.S. Department of Transportation (DOT) challenging the DOT's allocation of private activity bonds (PABs) for the proposed passenger rail project, the largest PAB issuance in DOT history. By filing this Complaint, Martin County becomes the second local government to sue the federal government over the \$1.75 billion bond allocation. Additionally, the Complaint brings in two residents from Palm Beach County because tax free bond allocations and proceeds from the bonding reportedly will be used by AAF and Florida East Coast Railway to improve the track infrastructure in Palm Beach County. Read Martin County's full Complaint [here](#).

The Complaint asserts that the DOT unlawfully allocated PABs to AAF under Title 23 of the United States Code. The DOT claims that because the AAF project has many highway-rail grade crossings, a key safety defect, it therefore qualifies for \$1.75 billion of highway-related bonds to fund the entire passenger rail project—a rail project that will travel at speeds too high for the area but too slow to meet the 150 miles per hour statutory requirement for high-speed rail.

“The DOT tried ‘to force, or rather hide, an elephant in a mouse hole’ by allocating \$1.75 billion in PABs to a passenger rail project that does not qualify for the bonds as high speed rail under the applicable federal statutes,” said County Attorney Michael Durham.

The Complaint also claims that the DOT's provisional December 2014 PAB allocation to AAF violated the National Environmental Policy Act (NEPA). This claim is similar to the NEPA claim in Indian River County's lawsuit filed last month, but it highlights the specific harms that Martin County and its residents will suffer as a result of the AAF project. “Like our neighbors in Indian River County who also filed suit against the DOT for violating NEPA, we believe the DOT unlawfully circumvented the NEPA process by approving the bonds before the environmental review process was completed,” Durham added.

“This Complaint is an additional tool as Martin County works aggressively to stop the All Aboard Florida project, as proposed,” added Ed Fielding, Chairman of the Martin County Board of County Commissioners. “With the possibility of 32 additional trains running through our community on a daily basis, Martin County has justified,

significant concerns dealing with public safety, the environment, our economy, and impacts to our quality of life. The proposed project route would have substantial negative effects on our residents and on County operations. Citizens are deeply concerned and it is our responsibility to do whatever we can to ensure the place we call home is protected from undue harm.”

This Complaint paves the way for Martin County to have the courts review the actions of All Aboard Florida in conjunction with the federal government agencies.

For more resources with respect to Martin County’s concerns with All Aboard Florida, visit www.martin.fl.us/hottopics.

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