TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members
From: Staff
Date: July 18, 2014 Council Meeting
Subject: All Aboard Florida Update

Introduction

The purpose of this item is to provide an update regarding activities related to the Florida East Coast Industries’ (FECI) proposed All Aboard Florida (AAF) project. The project is intended to provide new high-speed intercity express service between Miami and Orlando on the Florida East Coast (FEC) rail corridor. Pursuant to the company’s application for a Railroad Rehabilitation and Improvement Financing loan, the Federal Railroad Administration (FRA) is developing a draft Environmental Impact Statement, which is currently anticipated in August/September 2014.

Background

In 2012, FECI introduced the AAF project, which proposes new intercity express rail service between downtown Miami and Orlando, with additional stations in downtown Fort Lauderdale and downtown West Palm Beach. The project has been the subject of extensive Council, local government, and public discussion since its announcement. As currently proposed, the project would provide sixteen daily round-trip trains, totaling 32 additional trains on the corridor with maximum speeds of 79 MPH south of West Palm Beach, 110 MPH between West Palm Beach and Cocoa, and 125 MPH from Cocoa to Orlando. The company has indicated the FEC rail corridor will continue to carry freight service, which is projected to increase over time. Although the rail corridor is privately owned, it is included in the Florida Department of Transportation (FDOT) Strategic Intermodal System, which prioritizes it for statewide transportation funding to advance economic competitiveness and quality of life.

General Project Updates

- Diagnostic field reviews to evaluate the grade crossings in Indian River and Brevard Counties are scheduled for July 15-18, 2014. FRA staff indicated a summary report of findings and recommendations should be available in mid-August.

- Pursuant to the adopted State of Florida budget for 2014-2015, FDOT corresponded with local governments on June 13, 2014 regarding details of the FDOT Railroad Quiet Zones Program, which will provide up to 50 percent of incurred quiet zone expenditures. Local
governments interested in seeking funding from this program are requested to submit funding letter requests to the FDOT Rail Office prior to October 15, 2014. FDOT staff has indicated implementation details for the program should be released in the Fall of 2014 (Exhibit 1).

- As discussed at the June 2014 Council meeting, Council staff is working with FDOT and other agencies to convene a “Freight Forum” anticipated for September 2014.

- On August 12 and 13, 2014, FRA staff will conduct a work session with Palm Beach and Broward Counties to assist in the identification of necessary improvements to establish quiet zones through the two counties.

- Council has received the following correspondence from local governments and elected officials:
  
  o Correspondence from Secretary Prasad to Council on June 4, 2014 indicated FDOT will require AAF to comply with the FRA guidelines for rail crossing safety as specified for higher speed passenger rail services (Exhibit 2).
  
  o On June 23, 2014, FECI sent correspondence to Representative Magar addressing a range of project-related concerns identified in her prior correspondence (Exhibit 3).
  
  o The Martin Metropolitan Planning Organization (MPO) Board adopted Resolution 14-04 on June 23, 2014 requesting the FRA: 1) investigate Title VI concerns regarding impacts on disadvantaged populations; 2) designate the MPO as a cooperating agency; and 3) require FECI to fund various safety and bridge improvements related to the project (Exhibit 4).

Conclusion

The proposed AAF service represents a unique opportunity to expand the utilization of a private freight corridor for economic benefit and mobility. However, the project as currently designed provides only one station in the region, which is located in the City of West Palm Beach. The AAF project does not have stops in the remainder of the region. There is also an increasing level of concern being raised by local governments and the public regarding a range of issues. Council staff will continue to respond to requests for public information and outreach in an effort to expand Council’s and the public’s knowledge of project-related issues and concerns.

Recommendation

For informational purposes only.

Attachments
June 13, 2014

Re: FDOT Railroad Quiet Zones Grant Program

Dear Local Government:

As you are aware, HB 5001, the FY14-15 General Appropriations Act, includes a $10 million appropriation for implementing quiet zones. In accordance with this action, the Florida Department of Transportation (FDOT) has been directed to develop and oversee a program for receiving and processing the associated funding requests. Most importantly, this funding is not for All Aboard Florida, or any specific private rail provider. This funding is for local communities that wish to create quiet zones in their communities.

The quiet zones program will provide local governments up to 50% of incurred quiet zone expenditures. Local agencies may apply for assistance once they have met all requirements of the Federal Railroad Administration (FRA) in accordance with 49 CFR 222 and 229. To initiate the evaluation process, jurisdictional partners would need to submit a funding request letter to the FDOT Rail Office prior to the October 15, 2014 submittal deadline. Consideration for FDOT grant funding will include the following priorities:

- agency participation above 50%
- appropriate provisions for crossing closures
- responsible supplemental safety measures (SSM) cost management
- optimal length of quiet zone development

Local participation above 50% and quiet zone plans that feature provisions for crossing closures are key prioritization elements. Selected applicants will execute a Joint Rail Project Agreement (Non-Federal) establishing the scope of work and terms of payment.

The department is in the preliminary stages of planning the implementation of this statewide grant program. There has been much public discussion that this $10 million appropriation is intended primarily for local governments affected by the proposed All Aboard Florida corridor. That is not the case. The appropriation is for use statewide. However, given the focus on All Aboard Florida, we are specifically trying to gauge interest in the program. As a result, it would be helpful to know if your jurisdiction intends to apply for the program, as well as a general outline of your anticipated funding need so that we can take that into account as we design an efficient and equitable program.

Please contact Andre Goins, FDOT’s Rail Operations and Programs Administrator at (850) 414-4620 or andre.goins@dot.state.fl.us with this information and to discuss any questions or concerns.

www.dot.state.fl.us
FY14-15 General Appropriations Act

From the funds in Specific Appropriation 1890, $10,000,000 is provided for Quiet Zone improvements in response to the use of locomotive horns at highway-rail grade crossings. The department shall create a grant program for quiet zones requested by local agencies to provide funding of up to 50 percent of the nonfederal and nonprivate share of the total costs of any qualifying quiet zone capital improvement project.

The department will coordinate and work closely with local, state, and federal agencies to provide technical support to local agencies in the development of quiet zone plans. Local agencies may apply for grant funds after its quiet zone plan is approved by the department.

The Department of Transportation will monitor crossing incidents at approved quiet zone locations and have the right to revoke the quiet zone(s) at any time if a significant deterioration in safety results from quiet zone implementation.
June 4, 2014

Dear Mr. Busha,

Thank you for expressing the Treasure Coast Regional Planning Council’s concerns regarding safety improvements for the All Aboard Florida (AAF) project. We value your comments and understand that public and agency involvement will better ensure that the All Aboard Florida (AAF) project provides a service that benefits the communities along the proposed passenger rail corridor. The Florida Department of Transportation (Department), the Federal Railroad Administration, and Florida East Coast Industries will continue to work closely with local communities on the improvements at at-grade crossings and other issues with the AAF project.

As you indicated, safety is the Department’s highest priority with transportation programs and facilities. We will require AAF to comply with the Federal Railroad Administration’s guidelines for rail crossing safety as specified for higher speed passenger rail services.

Thank you again for continuing to express your Council’s views related to the AAF project.

Sincerely,

[Signature]

Ananth Prasad, P.E.
Secretary

cc: Fred Wise, Director, Florida Rail Enterprise
June 23, 2014

The Honorable MaryLynn Magar
Florida House of Representatives, District 82
11704 SE Dixie Highway
Hobe Sound, Fl 33455

Dear Representative Magar,

Thank you for your letter of May 22. We appreciate the relationship we have formed with you and also agree with your comment that “expanding our transportation options is positive for a growing and vibrant state.” We are proud to bring to life a project as important and impactful as All Aboard Florida (AAF) will be for the entire State of Florida. Our private investment will create thousands of jobs and generate billions in economic impact that will flow throughout the entire state of Florida, including your district.

I understand that you met with FECI’s Rusty Roberts last week in your Hobe Sound office to discuss some of the questions raised in your letter. We welcome the opportunity to address and clarify the concerns listed in your letter, so that you may be able to share them with your constituents.

In the planning and development of this ground-breaking and 235-mile venture, we are very aware that this service will have impacts. No project of this size is without them. The Environmental Impact Statement (EIS) process that is being led by the Federal Railroad Administration (FRA) is designed to balance those impacts with the benefits the new infrastructure will provide. The Draft EIS document will, in our belief, allay a lot of the fears that have been created because some “facts” have been established without any supporting data. The Draft EIS is expected to be issued in the next several weeks, and I believe it will help set the record straight on many concerns raised, like safety, noise, and maritime impacts.

With regard to maritime issues, the U.S. Coast Guard is a cooperating agency with the FRA in the development of the Draft EIS. They are reviewing the schedule and other information we have provided to determine the impacts and mitigation measures for the three navigable waterways along our corridor. While the Draft EIS will more fully address impacts, I can tell you this: our interests are aligned with those of the boaters and we are aware of their frustration with the current bridge operations. We are making significant upgrades to each of the bridges in order to improve operations and ensure they are operating at maximum efficiencies and with minimum disruption for all users. That is why we are investing more than $1.5 billion in the rail infrastructure alone. Significant funds will be spent on upgrades to bridges and rail infrastructure which will result in substantial operational improvements along the entire corridor, improvements that would not occur without the investments by AAF.
The addition of our passenger trains will not have a detrimental effect on traffic movement across the corridor. Each crossing will be closed for approximately 48 seconds. This translates to less than two minutes per hour. Put another way, any vehicle traveling in proximity of AAF will have an approximately 97 percent chance of not encountering a passenger train as it approaches the track. You also asked about emergency vehicles and contingency plans for moving trains from a crossing in the event of a mechanical failure. You will be pleased to know that each of our passenger trains will have two locomotives to ensure that trains will continue to move in the unlikely event of the failure of one engine. In addition, AAF is subject to, and will comply with, Florida Statute 351.034, which addresses the issue of trains impeding the movement of emergency vehicles across railroad crossings.

The impact of a passenger train in terms of noise and vibration is considerably less than freight trains. They are shorter, lighter, better for the environment, and cause less vibration than freight trains. These improvements mean an overall less impact to local communities. Many cities in Martin and Palm Beach County are considering applying for Quiet Zone status at some crossings which, if approved, means both passenger and freight trains will not have to blow their horns at-grade crossing. We have pledged to work with local governments in realizing this goal. Again, this is a desired benefit that will be a direct result of AAF project since we will be paying for much of the cost as a result of the safety improvements required.

We expect the AAF system to have a positive economic impact for the entire State of Florida. A recently completed economic impact study by The Washington Economics Group shows that AAF will create on average 10,000 jobs annually during construction, including jobs in the Treasure Coast, resulting in $2 billion in labor income over the next eight years and adding $3.5 billion to Florida’s GDP. Though there is no plan for additional stops during this initial phase, we look forward to eventually offering passenger rail service to many more communities. Were this project a publicly funded passenger system it would be reasonable to expect stops in just about every city along the route. You would also expect to be heavily subsidizing the system through your tax dollars just as Amtrak requires today. As a private system, we are constrained by budget and economics to plan and build this system in phases. So we appreciate the patience of these cities as we undertake this history making venture.

We share your view of the importance of consensus on important transportation projects, which, though this is a private sector driven project, is why we have taken extra steps to engage the public. Since the project was announced in March 2012, the All Aboard Florida team has conducted significant outreach throughout the entire corridor. At the beginning of the EIS process, the FRA held five public scoping meetings, all of which were advertised in advance and conducted during afternoon and evening hours to encourage attendance. More than 500 individuals attended those meetings, including many public officials. We have also participated in more than 600 other meetings, presentations and briefings, with members of the public, city and county commissions,
elected officials such as yourself, homeowner’s associations and others who have relayed support or areas of concern. This outreach will continue as the project progresses.

In closing, I want to express my appreciation for your providing us the opportunity to remain engaged with you, not just to correct misinformation, but, in partnership to assuage concerns and ultimately help us build a system that will become a distinctive, irreplaceable part of this community. We truly believe All Aboard Florida will enhance Florida’s quality of life through better transportation, more opportunity and a stronger economy.

Regards,

Don Robinson
President and Chief Operating Officer

cc: Michael Reininger, President, CDO, All Aboard Florida
    Tom Bausch, Chairman, Martin MPO
    Michael Buscha, Chairman, Treasure Coast Regional Planning Council
    Kim Delany, SDC, Treasure Coast Regional Planning Council
    Abby Brennan, Mayor, Village of Tequesta
    Sarah Heard, Chair, Martin County Commissioner
    Andrew Lukasik, Town Manager, Town of Jupiter
    Karen Golanka, Mayor, Jupiter
    Hal Valeche, Commissioner, Palm Beach County
    Taryn Kryzda, Martin County Administrator
    Paul Nicoletti, City Manager, City of Stuart
BEFORE THE MARTIN METROPOLITAN PLANNING
ORGANIZATION POLICY BOARD
RESOLUTION NUMBER 14-04
A RESOLUTION BY THE MARTIN METROPOLITAN PLANNING ORGANIZATION
(MPO)

WHEREAS, All Aboard Florida, a subsidiary of Florida East Coast Industries
(FECI), 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, although the project is being developed by a private entity,
FECI has applied for a Railroad Rehabilitation Improvement Financing (RRIF) loan of
potentially $1.5 billion, making 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 FRA
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, Martin MPO Policy Board Chairman sent a letter to FRA dated May
9, 2014, stating the MPO’s significant concerns regarding the threats to public safety and
supporting the FRA report for the All Aboard Florida project dated March 20, 2014 by
Frank Frey, General Engineer, which expresses many of the safety concerns shared by
Martin’s residents and elected officials; 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 have potential negative impacts to Martin County with no public benefit; and

WHEREAS, the project would disproportionately impact the health, safety, quality
of life and property values in six community redevelopment areas (East Stuart, Golden Gate,
Port Salerno, Hobe Sound, Rio and Jensen Beach) that have significant underserved
minority and low income populations who would receive no benefit from the proposed All
Aboard Florida project; and

WHEREAS, three elementary schools serving these community redevelopment areas
are designated as Title I Schools; and
WHEREAS, Title I was established by the Federal Government to provide funding to local school districts to improve the academic achievement of disadvantaged students. “Disadvantaged” students as defined by this legislation are students who come from low-income families or who live in families receiving temporary assistance from state governments; 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 area boaters which is critical to Martin County’s economy; 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 5610.2(a)), Environmental Justice (EJ); 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN METROPOLITAN PLANNING ORGANIZATION POLICY BOARD, AS FOLLOWS:

The Martin MPO Policy Board requests that:

A. FRA investigate all Title VI concerns referenced in this Resolution and identified in the MPO Policy Board Chairman’s correspondence to FRA dated May 9, 2014.

B. FRA designates the Martin MPO as a Cooperating Agency in the preparation of the Draft Environmental Impact Statement for the All Aboard Florida project.

C. All Aboard Florida fund:

   a. Safety equipment necessary to meeting maximum FRA safety guidelines along the FEC corridor and at all grade crossing as identified in the FRA report dated March 20, 2014, including pedestrian gates and a vehicle presence detection system.

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

   c. Double track the existing railroad bridge over the St. Lucie River making the bridge consistent with the rest of the All Aboard Florida Corridor and thus reducing the potential negative impact to the marine industry.
Duly passed and adopted this 23rd day of June, 2014.

Attest:

Margaret Brassard
Administrative Assistant II

Martin Metropolitan Planning Organization:

Tom Bausch
MPO Chair

Approved as to legal form and correctness

Sarah Woods
Senior Assistant County Attorney