

LAW OFFICES
NEILL, GRIFFIN, TIERNEY, NEILL & MARQUIS

CHARTERED

311 SOUTH SECOND STREET

SUITE 200

FORT PIERCE, FLORIDA 34950

RICHARD V. NEILL[†]
J. STEPHEN TIERNEY, III
RICHARD V. NEILL, JR.[°]
RENÉE MARQUIS-ABRAMS^{*}

^{*}BOARD CERTIFIED WILLS, TRUSTS & ESTATES LAWYER
[°]CERTIFIED CIRCUIT CIVIL/COUNTY COURT MEDIATOR
[†]BOARD CERTIFIED CIVIL TRIAL LAWYER
[‡]OF COUNSEL

April 16, 2014

MAILING ADDRESS:
POST OFFICE BOX 1270
FORT PIERCE, FL 34954
TELEPHONE (772) 464-8200
FAX (772) 464-2566

VIA E-MAIL John.Winkle@dot.gov and MAIL

Mr. John Winkle
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

RE: All Aboard Florida

Dear Mr. Winkle:

I am the attorney for the Town of St. Lucie Village, Florida. I understand that you are the staff coordinator for the All Aboard Florida EIS process.

The Village's governing board has directed me to write you regarding St. Lucie Village concerns about anticipated impacts the All Aboard Florida high speed rail project will have on our community.

The Village is a small (population 600), historic, residential community in an area north of Fort Pierce that was first settled in 1843. The oldest existing home in the Village was built in 1875, 19 years before Henry Flagler built the railroad through our area. The oldest part of the Village is a National Register Historic District, with more than 30 contributing homes and structures. We have managed to co-exist with the railroad for 120 years, but the all Aboard Florida project has the potential to drastically change that.

St. Lucie Village is bisected by a Florida East Coast (FEC) right of way and rail line, with residential development on both sides of the tracks. There are six railroad crossings in the approximate 2.5-mile length of the Village, four of which offer the only means of access to and from the neighborhoods they serve. Our understanding is that there are currently 30 freight trains which traverse the FEC line daily, and that the All Aboard Florida project anticipates an additional set of rails and up to an additional 32 passenger trains per day moving through our town at 110 miles per hour. The grade crossing plans for the project show a third "center siding" track through almost the entire length of the Village, where the two-mile long freight trains will be diverted to at greatly reduced speed or come to a stop to let the faster passenger trains pass.

Mr. John Winkle
Federal Railroad Administration
Page 2
April 16, 2014

The All Aboard Florida project raises concerns as to cost, safety, noise, traffic delays at crossings, and decreasing property values. We are told that construction is anticipated to begin in 2014 and should be completed within two years, so these are immediate concerns. We are requesting that the Village's concerns, which are summarized below, be considered in this process:

1. Cost of Crossing Upgrades: St. Lucie Village, like many governments, pays for periodic crossing maintenance; and, for this small municipality, it is a major expense. We have been told by All Aboard Florida that our maintenance obligation would not include installing new facilities related to the all Aboard Florida Project, but we are very concerned that our future crossing maintenance costs will be increased significantly. Railroad crossing maintenance is already one of the largest single items in the Village annual budget.
2. Safety: Given that the FEC corridor traverses existing residential, commercial and mixed use districts and will carry significantly increased traffic at very high speeds, we are concerned about safety along the corridor and who will be responsible for paying for safety features such as quad gates and pedestrian crossings. We gather that high speed rail crossings require additional and more frequent safety inspections and have concerns that some of those costs will become the responsibility of the Village. The dangers of faster and more frequent freight trains that carry hazardous materials should be addressed in the EIS process, as should the safety issues presented by the proposed two tracks and siding for the freight train and the lack of a secure sealed corridor (which is substandard per USDOT/FRA guidelines).
3. Noise: The significant increase in traffic through our community and the requirements for sounding horns or other warning signals will greatly increase the noise pollution throughout the Village. We have been told that the Village would be responsible for upgrading crossings from improvements to be made by All Aboard Florida to those required for quiet zones. Though we have not received specific costs for these additional improvements, the numbers we have seen in other locations are well beyond the financial means of St. Lucie Village.
4. Traffic Delays at Crossings: Locating a third, center siding track throughout the Village will greatly increase the traffic delays at the six crossings within the Village. Freight trains will have to slow down to a near stop or actually stop to allow the faster passenger trains to pass. They will then have to get back up to speed to clear the crossings. With the average length of these freight trains being two miles, location of the center siding throughout the length of the Village will greatly increase traffic delays

Mr. John Winkle
Federal Railroad Administration
Page 3
April 16, 2014

at all of our crossings. In addition to being an inconvenience to our residents, there could be life safety issues with regard to access by fire, medical, and law enforcement emergency vehicles. The frequency of these crossing delays could increase significantly with the anticipated increase in freight traffic associated with widening of the Panama Canal. There are traffic safety issues as well. The crossing plans provided by All Aboard Florida show both new tracks located west of the existing track. This requires moving the west crossing gates to within 10 feet of the north-bound travel lane of Old Dixie Highway, which parallels the FEC right-of-way throughout the entire length of the Village. When the crossing arms go down, there will no longer be space for vehicles to pull into the side streets and wait for the trains to pass. They will have to stop in the travel lanes of Old Dixie Highway, likely for an extended time when a freight train is on the center siding. This has the potential to create an unsafe condition on heavily-travelled old Dixie Highway.

5. Property Values: The Village residents have expressed serious concerns regarding the project's negative impact on the value of their homes. An additional rail line with a center siding and the increased train traffic, noise and crossing delays throughout our small, primarily residential community will doubtlessly have a negative effect on property values.
6. Recreational Resources: The 70-acre Village Heritage Park is immediately adjacent to and east of the rail lines. The park is used for both recreation and for preservation of environmental resources, and is unique in containing a number of diverse ecological communities and threatened and endangered species.
7. Cultural Resources: St. Lucie Village's historic Fort Capron site and the above-mentioned National Register Historic District are in very close proximity to the railway.
8. Habitat: The project also endangers gopher tortoises, panthers, bobcats, native plants, historic oaks and vegetation now living along the railroad right of way in St. Lucie Village.

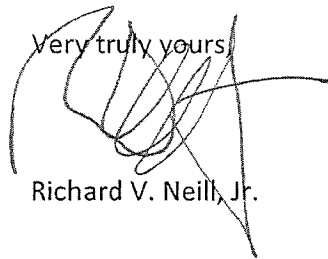
From the Board's viewpoint, the All Aboard Florida project will result in no direct benefits for the Town of St. Lucie Village. There are no plans for a train stop in our vicinity and it appears unlikely that we will see one in our lifetimes. The project has no direct financial benefits for our town, and we have not seen any evidence that there will be indirect financial benefits. On the contrary, it appears that the Village will incur very significant costs in increased crossing

Mr. John Winkle
Federal Railroad Administration
Page 4
April 16, 2014

maintenance and for facilities to mitigate noise impacts. Simply stated, it appears that All Aboard Florida is using 19th century planning for a 21st century transportation project. Prudent planning would put a high speed rail connecting Orlando and South Florida with no stops between Orlando and West Palm Beach further west and not through the downtown of every coastal city and town between Cocoa and West Palm Beach.

These are just some very basic concerns the Town of St. Lucie Village has with the All Aboard Florida project, and they are concerns shared with all of our neighboring Florida coastal communities. The St. Lucie village Board of Aldermen sincerely requests that these concerns be considered and addressed in the EIS process.

Very truly yours,



Richard V. Neill, Jr.

RVNjr/hg

cc: William G. Thiess, Mayor
Diane C. Orme, Clerk
Village Board of Aldermen