

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 10

From: Staff

Date: March 20, 2015 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 processing a draft environmental impact statement (EIS).

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 16 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 through Florida East Coast Railroad (FECR), which is projected to increase over time. Although the rail corridor is privately owned, it is included in the Florida Department of Transportation Strategic Intermodal System, which prioritizes it for statewide transportation funding to advance economic competitiveness and quality of life.

General Project Updates

- The FRA is continuing to process the AAF draft EIS. On March 5, 2015, the State of Florida transmitted comments received through the State Clearinghouse, which includes comments from state and regional agencies. The attached correspondence includes a summary of agency comments. The complete correspondence from the state is provided as a supplement on Council's website. The state comments include a summary of Council's comments, which

were also transmitted directly to FRA previously. FRA has not provided a timeline for review of the draft EIS comments or publication of the final EIS.

- The United States Coast Guard (USCG) is continuing to process a Marine Navigational Survey regarding the conditions of three movable bridges along the FEC rail corridor, including bridges at St. Lucie River, Loxahatchee River, and New River. The USCG is continuing to review the approximately 1,600 comments on the three bridges, and agency representatives have previously indicated any need for rule-making activities would be determined in the first quarter of this year.
- In late December 2014, the U.S. Department of Transportation (USDOT) authorized AAF to issue up to \$1.75 million in private activity bonds for the construction of project-related infrastructure. Enterprise Florida is the state designated authority for the issuance of private activity bonds for private sector interests within the State of Florida. To date, Enterprise Florida has not indicated a timeframe or approval process for the issuance of the subject bonds, although USDOT representatives indicate the bonds must be issued by July 1, 2015, per the federal authorization.
- In February, the Indian River County Board of County Commissioners and Martin County Board of County Commissioners each approved funding (\$2.7 million and \$1.4 million respectively) to address legal matters of concern with FECI and the proposed AAF project.

### 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 information purposes only.

### Attachments



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

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RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

March 3, 2015

Mr. John Winkle, Transportation Industry Analyst  
Office of Railroad Policy and Development  
Federal Railroad Administration  
1200 New Jersey Avenue SE, Room W38-311  
Washington, DC 20590

RE: U.S. Department of Transportation, Federal Railroad Administration  
Draft Environmental Impact Statement and Section 4(f) Evaluation,  
All Aboard Florida Intercity Passenger Rail Project, Orlando to Miami  
Orange to Miami-Dade Counties, Florida.  
SAI # FL201409237031C

Dear Mr. Winkle:

The Florida State Clearinghouse has coordinated a review of the referenced Draft Environmental Impact Statement and Section 4(f) Evaluation (EIS) for the All Aboard Florida rail project under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes*; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended; and Section 106 of the National Historic Preservation Act.

The following agencies submitted comments, concerns and recommendations regarding the Draft EIS, all of which (letters, memoranda and Clearinghouse database entries) are attached hereto, incorporated herein by this reference and made an integral part of this letter:

- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of State, Division of Historical Resources
- Florida Department of Transportation
- St. Johns River Water Management District
- South Florida Water Management District
- East Central Florida Regional Planning Council

The South Florida Regional Planning Council and Treasure Coast Regional Planning Council transmitted their comments on the Draft EIS directly to the Federal Railroad Administration.

Mr. John Winkle  
Page 2 of 2  
March 3, 2015

Based on the information contained in the Draft EIS and enclosed agency comments, the state has determined that the Federal Railroad Administration's Draft EIS for the All Aboard Florida rail project is consistent with the Florida Coastal Management Program (FCMP). To ensure the project's continued consistency with the FCMP, the concerns identified by our reviewing agencies must be addressed prior to project implementation. The state's continued concurrence will be based on the activities' compliance with FCMP authorities, including federal and state monitoring of the activities to ensure their continued conformance, and the adequate resolution of issues identified during this and subsequent regulatory reviews. The state's final concurrence of the project's consistency with the FCMP will be determined during the state's environmental permitting process, in accordance with Section 373.428, *Florida Statutes*.

Thank you for the opportunity to review the draft document. Should you have any questions or require additional information, please don't hesitate to contact me at (850) 245-2170 or [Lauren.Milligan@dep.state.fl.us](mailto:Lauren.Milligan@dep.state.fl.us).

Yours sincerely,



Lauren P. Milligan, Coordinator  
Florida State Clearinghouse  
Office of Intergovernmental Programs

Enclosures

ec: Tim Rach, DEP, DWRM  
Greg Kaufmann, DEP, DRP  
Tom Butler, DEP, DSL  
Paul Wierzbicki, DEP, Southeast District  
Daniel Hall, DEP, Central District  
Chris Wiglesworth, DEO  
Scott Sanders, FWC  
Timothy Parsons, DOS  
Martin Markovich, FDOT  
Todd Gruenemeier, FDOT  
Steve Fitzgibbons, SJRWMD  
Mindy Parrott, SFWMD  
Tara McCue, ECFRPC  
Kathe Lerch, SFRPC  
Stephanie Heidt, TCRPC



# Florida

Department of Environmental Protection

"More Protection, Less Process"



Categories

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Project Information	
Project:	FL201409237031 C
Comments Due:	11/04/2014
Letter Due:	12/08/2014
Description:	DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION - DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 4(F) EVALUATION, ALL ABOARD FLORIDA INTERCITY PASSENGER RAIL PROJECT, ORLANDO TO MIAMI - ORANGE TO MIAMI-DADE COUNTIES, FLORIDA.
Keywords:	DOT - DEIS, ALL ABOARD FLORIDA INTERCITY PASSENGER RAIL - ORANGE-MIAMI-DADE CO.
CFDA # :	20.319
Agency Comments:	
<b>COMMUNITY PLANNING - FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY</b>	
No Comments	
<b>ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<p>The DEP's Southeast District Office advises that Contamination Screening Evaluations may be required along the corridor prior to construction. Land clearing, construction debris and other non-hazardous debris, drums, solid wastes, tanks and potentially contaminated soils must all be managed in accordance with federal, state and local requirements. The DEP Division of Recreation and Parks has provided a number of comments on the Draft EIS in the enclosed DEP memo regarding the project's potential effects on listed plant and animal species that occur within Savannas Preserve State Park and Jonathan Dickinson State Park. Although briefly mentioned in the Draft EIS, since the Sand Pine Scrub natural community is located throughout the project corridor, staff recommends that the document describe this community as a globally imperiled ecosystem (per Florida Natural Areas Inventory ranking system) with rare flora and fauna. The Division requests additional information as to how impacts to the listed plant and animal species mentioned in the memo will be avoided or minimized. Staff advises that the Florida Greenways and Trails System Plan identifies a priority and opportunity corridor along the entire length of the All Aboard Florida corridor. Due consideration should be given to locating a rail-with-trail, shared-use path along the railroad corridor. A shared-use path would help to close gaps between trails in all counties. If the corridor is developed with such a path, significant gaps in trail would be closed between Miami and Orlando. Along the coastal portion of this corridor lies the East Coast Greenway (ECG), a national effort to connect bicycle facilities from the Florida Keys Overseas Heritage Trail to Maine. With the development of this railroad, significant gaps along the ECG would be closed and bicycle users who arrive in Miami and ride north on a portion of the ECG could have a multi-modal return trip option.</p>	
<b>STATE - FLORIDA DEPARTMENT OF STATE</b>	
<p>The DOS-SHPO notes that staff has worked with the Federal Railroad Administration and All Aboard Florida pursuant to responsibilities under the National Historic Preservation Act of 1966 (NHPA). SHPO advises that its review is structured by the consultation process dictated by 36 CFR 800, the implementing regulations for Section 106 of the NHPA. The required steps include: 1) identification of historic properties within the area of potential effect for the project; 2) evaluation of the significance of any identified historic properties; 3) determination if the project will cause adverse effects due to project activities; and 4) avoidance, minimization, or mitigation of any adverse effects. The All Aboard Florida rail project was identified as a federal undertaking in 2012. At that time, steps one through three summarized above were completed for the southern Miami to West Palm Beach portion of the project. Adverse effects to significant cultural resources were avoided. In 2013 steps one and two were completed for the northern West Palm Beach to Orlando International Airport portion of the project. During both reviews, the Florida SHPO and FRA consulted as required by Section 106 of the NHPA. The submission</p>	

of the Draft EIS in November 2014 proposes to fulfill step three for the northern portion. Our review of the Draft EIS identifies three general topics that must be addressed in order for Section 106 requirements to be fulfilled through the completion of the document. They are: 1) description of the applicable laws; 2) accuracy of the project data; and 3) justification for the conclusions reached in the document. Please refer to the enclosed DOS letter and detailed comments on the Draft EIS for further information.

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**SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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The SFWMD has issued several permits and exemption verifications for Phase I of the All Aboard Florida project. Additional Environmental Resource Permits and Water Use Permits may be required for Phase II. For portions of Phase II in central Florida, permits will be issued by the SJRWMD. The SFWMD has no specific comments on the Draft EIS.

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**E. CENTRAL FL RPC - EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**

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The ECFRPC has provided a number of comments on the All Aboard Florida Draft EIS recommending that the project follow the natural resource protection, multi-modal transportation system connection, transportation safety and right-of-way co-location policies of the Central Florida 2060 Plan (ECFRPC Strategic Regional Policy Plan). Please refer to the enclosed ECFRPC letter for further details.

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**TREASURE COAST RPC - TREASURE COAST REGIONAL PLANNING COUNCIL**

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The TCRPC advises that, although the general project concept and proposed station location in West Palm Beach appear to advance the relevant policy directives in the Palm Beach County comprehensive plan and City of West Palm Beach Master Plan, the policies in three other county comprehensive plans provide support for passenger rail service. Given the estimated travel times from the three northern counties to the proposed stations in West Palm Beach and Orlando, and further considering the end-to-end travel times to Fort Lauderdale or Miami, it seems unlikely residents in the three northern counties would utilize the AAF service. Further, the DEIS indicates additional stations along the N-S Corridor were not considered as they would increase travel time between Orlando and Miami of an unacceptable duration. Therefore, without the access, mobility, and economic benefits provided by stations, the DEIS conclusions regarding the comprehensive plans in Martin, St. Lucie, and Indian River counties appear inaccurate and are not substantiated by the data provided in the report. Staff offers the following final EIS recommendations: - Include a consistency analysis of all relevant comprehensive plans and community redevelopment agency plans. Mitigation measures or other alternatives should be established and analyzed to resolve inconsistencies or conflicts with local plans. - Include a new alternative that would provide Martin, St. Lucie, and Indian River counties with some level of direct scheduled access to the AAF service, including intermittent or "skip-stop" service. - Confirm the maintenance of a single-track through Historic Downtown Stuart and maintenance of public parking in FEC right-of-way. - Confirm the location of the storage track outside the boundaries of St. Lucie Village to maintain egress and emergency response to Village residents. - Enable local governments to install landscaping/hardscape improvements to enhance safety and beautify the corridor.

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**FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

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FWC staff notes that AAF has been coordinating with the FWC in advance of and throughout the project scoping period. The FWC has provided technical assistance regarding fish and wildlife and their habitats within the corridor for use during the initial review. This information has been utilized to inform the development of rail alignment alternatives within the East-West corridor. Consultants for AAF worked with FWC staff on the design of railroad crossings over the Econlockhatchee River and Little Creek to ensure that wildlife movement would not be impeded by the rail line. AAF and their representatives have also coordinated with the FWC regarding the portion of the rail line corridor that will traverse the Tosohatchee Wildlife Management Area. The FWC recognizes that AAF has included many of its recommendations to avoid or minimize potential impacts to fish and wildlife resources, as well as a commitment to utilize best management practices during construction activities, conduct specific wildlife species surveys prior to construction, and implement certain measures designed to mitigate anticipated unavoidable impacts. Staff also recommends that, in addition to the identified federally listed species, a commitment be made to conduct pre-construction surveys for the state-listed species reported in addition to the gopher tortoise, as well as other state-listed species that may have the potential to occur within the project area based upon existing habitats. For further detailed comments and recommendations, please refer to the enclosed FWC letter and contact Ms. Laura DiGruttolo at (386) 758-0525 or [Laura.DiGruttolo@MyFWC.com](mailto:Laura.DiGruttolo@MyFWC.com).

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**TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION**

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The FDOT has reviewed the DEIS and Section 4(f) Evaluation and notes that the proposed rail project traverses counties within three of its Districts. FDOT staff requests additional data and information regarding the rail project's effects on vehicle and freight traffic. While the proposed rail construction will be located within railroad right-of-way, the project will intersect and impact state roads at a number of railroad crossings. The DEIS should evaluate and account for additional AAF costs necessary to achieve a compatible design transition as the rail crossing surface transitions to the adjacent connecting roadway and document all AAF associated costs for design and construction. This request is based on observations made on prior crossing upgrades in which surfaces were not compatible and resulted in additional costs to the public to improve the interface between the rail and roadway components.

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**ST. JOHNS RIVER WMD - ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

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Based on the interagency agreement between the St. Johns River Water Management District (SJRWMD) and South Florida Water Management District (SFWMD), SJRWMD will be the permitting authority for that portion of the east/west corridor from International Corporate Park Boulevard (at the SJRWMD/SFWMD jurisdictional boundary line) to the eastern

termination of the corridor near the City of Cocoa. The SFWMD will be the permitting authority for that portion of the east/west corridor from Orlando International Airport to International Corporate Park Boulevard, and the entirety of the north/south corridor from the City of Cocoa to the City of Miami. The project requires an Individual Environmental Resource Permit (ERP) pursuant to Chapter 62-330, Florida Administrative Code (F.A.C.), as well as a Sovereignty Submerged Lands (SSL) authorization under Chapter 18-21, F.A.C. Projects that require an ERP must meet all applicable conditions for issuance. Please note that mitigation will be required for adverse direct and secondary impacts to wetlands and surface waters. The SJRWMD has been coordinating with the applicant since August 2012, on a pre-application review of wetland and surface water boundaries. In addition, the SJRWMD is assisting with evaluating multiple options for mitigation, floodplain impacts, and the design of the stormwater management system. The SJRWMD issued a General Permit (No. GEN-095-136255-1, "All Aboard Florida - Contract PE03") on December 18, 2013, and an associated SSL authorization (No. SSL-095-136255-2) on January 3, 2014, for geotechnical borings.

#### **SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

The SFRPC notes that the proposed Intercity Passenger Rail Project can be consistent with and further the plans and policies of the SFRPC, if actions are taken in the Final EIS to address specific impacts. The Draft EIS substantially addresses any negative impacts caused by the project in Miami-Dade and Broward Counties. The region will gain access to new passenger service while benefitting from improved mobility, air quality, economic expansion and job creation. However, during the Public Information Meetings on the project conducted by the FRA and additional meetings conducted by the U.S. Coast Guard, issues were raised by representatives of the marine industry in South Florida about the project's impacts to the marine industry west of the New River rail bridge in Fort Lauderdale. While adopted policy of the SFRPC supports implementation of proposed Intercity service, specific impacts to road traffic, marine navigation and public safety from the proposed passenger service, in conjunction with increased freight traffic, have been identified to the built and natural environments of Miami-Dade and Broward Counties and the remainder of the proposed Intercity Corridor.

For more information or to submit comments, please contact the Clearinghouse Office at:

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**Note: Detailed comments from the review agencies are available on the AAF Portion of the TCRPC website at the following link:**

**[http://www.tcrpc.org/special\\_projects/AAF/AAF4914.html](http://www.tcrpc.org/special_projects/AAF/AAF4914.html)**