TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: March 21, 2014 Council Meeting

Subject: All Aboard Florida Update

Introduction

The purpose of this item is to provide an opportunity for Council to receive an update regarding various 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. This item includes an overview of the permit process and summary of potential measures to mitigate local and regional impacts.

Background

In 2012, FECI introduced a proposal for a privately-funded service known as All Aboard Florida, 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 and local government discussion since its announcement. As currently envisioned, 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 FEC rail corridor is proposed to also continue carrying 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.

Permit Review Process

FECI has applied for a “Railroad Rehabilitation Improvement Financing” loan from the Federal Railroad Administration (FRA), which requires an Environmental Impact Statement (EIS) be prepared by the FRA. Although the details of the loan application are not published, FECI representatives have previously estimated project costs at approximately $1.5 billion. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) and other Federal regulations, and it will incorporate documentation provided by FECI. When private railroads own the right-of-way upon which tracks will be constructed, environmental compliance
is required with applicable Federal and State laws. However, no additional permitting from FRA is typically required. The FRA anticipates publishing a draft EIS this Spring, which will initiate a public comment period of 45 days or longer at the discretion of the FRA. The FRA will schedule up to six workshops along the corridor. Public comment can be provided at the workshops or via U.S mail or email. After receipt of comments, FRA will publish a final EIS, followed by publication of a “Record of Decision,” which will recommend a preferred alternative.

Evaluation

The reintroduction of passenger rail service on the Florida East Coast rail corridor has been a long-standing regional priority that can provide improved mobility and varied economic and environmental benefits. However, the service as currently proposed concentrates public benefits in communities where stations are planned (West Palm Beach, Fort Lauderdale, Miami, and Orlando), bypassing the three northern counties entirely. All local governments along the corridor will have costs and impacts of different forms. There are modifications to the project and ancillary activities that could more fairly distribute benefits throughout the corridor and lessen impacts to local governments. Each of these is described below.

(1) Additional Passenger Rail Stations

Access to passenger rail service is the key benefit the AAF project can provide to the Treasure Coast Region. FECI has indicated it intends to initiate the AAF service with only four new stations – in West Palm Beach, Fort Lauderdale, Miami, and Orlando. No stations are currently proposed for Martin, St. Lucie, or Indian River counties. To expand the benefits of passenger rail service, the following mitigating measures are suggested:

- **Advance the Amtrak/FEC Corridor Project:** Currently funded in the FDOT Five-Year Work Program, the Amtrak/FEC project has previously identified station locations in Stuart, Fort Pierce, and Vero Beach which could also accommodate AAF trains. FECI, FDOT, Amtrak, and local governments should work together to enable the Amtrak/FEC project to be constructed concurrent with the AAF project.

- **Add Additional AAF Stops in Stuart, Fort Pierce, and Vero Beach:** The most meaningful benefit the AAF project can offer to the Treasure Coast is its ability to provide connections within the communities it passes through. To more fairly distribute the project’s benefits, FECI, FDOT and local governments should work together to evaluate ways in which additional stops can be added in Stuart, Fort Pierce, and Vero Beach as part of AAF’s initial service pattern. The introduction of regularly scheduled AAF service three or four times daily in these smaller communities, in addition to the Amtrak intercity service, would provide significant connectivity and expanded market potential.

(2) Grade Crossing Improvements and Quiet Zones

To accommodate both passenger and freight service in the corridor, FECI is proposing to install a second track from Miami to Cocoa within FEC’s current right-of-way, which
will require reconstruction of the 352 existing grade crossings. FECI has completed
diagnostic field reviews from Miami-Dade to Martin County to determine anticipated
safety improvements, with field reviews for the remaining counties anticipated later this
spring. Although not necessarily required by current grade crossing agreements, FECI
has indicated it will fund the cost of all safety improvements necessary for the operation
of the proposed AAF service. The added safety improvements and equipment to be
installed by FECI will help in achieving quiet zone designations at locally selected grade
crossings. Many communities along the corridor have prioritized quiet zones, where no
train horns must be sounded due to more extensive safety equipment. At the request of
the Palm Beach and Broward Metropolitan Planning Organizations (MPOs), FECI and
FDOT are working collaboratively in support of a TIGER grant to fund quiet zone safety
infrastructure in these two counties. A similar effort has not been initiated by the
northern MPOs/TPOs thus far. To reduce costs to local governments and improve
conditions along the FEC corridor, the following mitigating measures are suggested:

- **Provide FDOT Funding for Quiet Zone Construction Costs:** It is expected that
  additional infrastructure will be required at many grade crossings to increase the
  safety rating sufficient for quiet zone designation. FDOT and local governments
  should work together to identify appropriate sources of transportation funding (e.g.,
  Strategic Intermodal System, Transportation Regional Incentive Program (TRIP)
  funds) to fill the quiet zone funding gap, thereby relieving local governments of this
  financial obligation.

- **Provide FECI and FDOT Support for Quiet Zone TIGER Grant for Martin, St. Lucie
  and Indian River Counties:** To help fund quiet zones, the Palm Beach and Broward
  MPOs are working with local governments, in collaboration with FECI and FDOT, to
  submit a TIGER grant application in April 2014. Each of these MPOs has allocated
  local funding towards this effort, totaling $8.6 million. The northern MPO/TPOs
  have more limited funding but will receive larger project impacts. FDOT and FECI
  should work together with local governments and the MPO/TPOs in Martin, St.
  Lucie, and Indian River counties to provide sufficient funding to enable a TIGER
  grant for all five counties for quiet zone infrastructure costs. Brevard County’s
  Space Coast TPO should also be considered a partner in the TIGER grant application.

- **Provide FECI Support for Installation of Safe Pedestrian Pathways at All Grade
  Crossings:** The higher speed and more frequent train service proposed by FECI
  creates a heightened demand for safe pedestrian pathways at legal grade crossings to
discourage illegal pedestrian trespassing across the rail corridor. In addition to the
  installation of pedestrian barriers as necessary, FECI, FDOT, and local governments
  should work together to identify measures by which sidewalks can be incorporated
  into the project as part of the corridor safety improvements. This would reduce the
capital cost burden to local governments.

- **Establish Consistent, Predicable, and Reasonable FECI Grade Crossing Fee Schedule
  for Local Governments:** Each of the 352 grade crossings between Cocoa and Miami
  is governed by an independent grade crossing agreement. Reviews of agreements
have indicated the terms between FEC and local governments are inconsistent. Further, FEC rate increases are unpredictable, causing financial burden for local governments. FECI should work with local governments to establish a consistent, predictable, and reasonable schedule of costs for all grade crossings, with long-term cost projections, to reduce costs to local governments and enable more informed budgeting.

- **Request Clarification on “Sealed Corridor” Requirements:** FECI proposes to operate the AAF service from West Palm Beach north to Cocoa at speeds up to 110 MPH, which requires additional safety requirements that have been referred to by FRA as a sealed corridor. FRA has implied a sealed corridor would require most of the safety infrastructure necessary to establish a quiet zone; however, there is no FRA documentation clearly defining these requirements. Concerns have been raised in the region regarding fencing or other pedestrian barriers to prevent trespassing in the rail corridor. The FRA should provide a clear definition of what is required within a sealed corridor and how it relates to the establishment of quiet zones.

**(3) Mitigation of Railroad Bridge and Marine Navigation Conflicts**

The FEC rail corridor crosses several significant waterways between Cocoa and Miami, and there are three movable bridges on the rail corridor. Unlike vehicular bridges which can accommodate many boats while closed, a great deal of boating traffic cannot traverse railroad bridges when closed to accommodate a train crossing. This limitation spreads the project’s navigational impact across a larger segment of the boating public. Although the Code of Federal Regulations (CFR) permits a longer bridge closing, FECI indicates AAF project improvements will reduce bridge closure time for passenger trains to twelve minutes in ideal conditions. Bridge closure time would be several minutes longer for freight trains. The CFR places no limit on the number of times the bridges may be closed to accommodate the passage of trains.

In Fort Lauderdale, FECI representatives have indicated the New River Bridge will remain double-tracked, and a bridge tender will be stationed there. FECI has indicated it will arrange the AAF service schedule such that the northbound and southbound trains will cross the bridge simultaneously, reducing bridge closings to only once per hour.

The two bridges in the Treasure Coast Region will be impacted more severely by the AAF project, as each bridge would be required to close twice per hour (once each for hourly northbound and southbound trains), plus additional closures for freight trains moving independent of passenger trains. The Loxahatchee River Bridge in Jupiter/Tequesta is proposed to be double-tracked as it was historically. Properties west of the bridge include varied residential, recreational, and cultural uses. The Loxahatchee River Bridge also provides exclusive public safety access inland for the Village of Tequesta’s advanced life support vessel, which is docked east of the bridge.

The St. Lucie River Bridge in Stuart is proposed to remain a single-track bridge as it was originally constructed, and the track immediately north of the bridge includes two nearly
90-degree bends in its alignment. The St. Lucie River is also a component of the Okeechobee Waterway, which provides a cross-Florida connection through Lake Okeechobee to Fort Myers. Waterfront lands are more extensive and diverse west of the St. Lucie River Bridge, including residential, commercial, industrial, recreational, and cultural uses in Martin and St. Lucie counties. The bridge also provides access to designated community redevelopment areas in “Old Palm City” and Indiantown, where a recent state Enterprise Zone designation was secured to support marine commercial activity.

Roadway networks adjacent to the bridges are well-defined, with numerous grade crossings in close proximity, intensifying the need to ensure smooth bridge operations as well as appropriate staging areas for trains awaiting bridge closings. Significant public concerns have been raised regarding impacts to marine navigation, boating and public safety, property values, emergency response and quality of life impacts. To reduce these impacts, the following mitigating measures are suggested:

- **Synchronize Passenger and Freight Schedules to Reduce Bridge Closures:** The addition of thirty-two passenger trains daily to existing freight traffic on the FEC rail corridor will present a significant conflict for marine navigation. With the introduction of “Positive Train Control,” FECI has indicated rail service can be operated more efficiently and with greater synchronization. The project’s potential impacts on these two bridges extend well beyond the communities in which the bridges are located, as they provide access both for recreational and commercial users on both sides of the bridges. FECI, FDOT, local governments, and marine interests should work together to explore ways in which passenger and freight service schedules can be synchronized such that the railroad bridges are only required to close once to accommodate crossings by passenger and freight trains simultaneously or in sequence. FECI should work closely with local governments to locate sidings such that approaching trains may be staged without interference to vehicular traffic to enable two trains to cross with one closure.

- **Establish Limits on Maximum Bridge Closure Time:** The Federal Code of Regulations regarding the Loxahatchee River and St. Lucie River bridges presume the draw spans are “normally in the fully open position” (CFR § 117.299 and CFR §117.317). The proposed operation of nearly fifty daily trains will not allow the bridges to remain “normally” open. To maximize passage for the boating public through the railroad bridges, FECI, U.S. Coast Guard, local governments, and marine interests should work together to evaluate and develop revisions to the CFR for Loxahatchee and St. Lucie River bridge regulations that more fairly balance the navigational needs of the public with the needs of the railroad.

- **Establish On-Site Bridge Tenders:** Given the proposed AAF schedule and anticipated number of bridge closings, a high degree of human surveillance should be provided at the railroad bridges, especially during peak boating times (e.g., weekends, holidays). FECI, U.S. Coast Guard, and local governments should work together to identify
appropriate staffing hours, communications, and locations for bridge tenders to be provided at the Loxahatchee and St. Lucie River bridges.

- **Modernize Bridge Mechanisms and Structures:** The additional demand proposed by the AAF project on the antiquated Loxahatchee River and St. Lucie River bridges could cause rapid deterioration of the bridge machinery and substructure. A detailed analysis of both bridges should be conducted to identify long-term needs, and FECI, U.S. Coast Guard, and local governments should work together to determine key mechanical and structural components needing modernization to ensure continued safe and reliable operation.

- **Provide Funding for Second Police/Fire Response Vessel and Dockage:** Because the Loxahatchee River bridge provides exclusive access for the Village of Tequesta advanced life safety vessel, FECI and FDOT should work with the Village of Tequesta to assist in securing a new dock location and support the purchase of a second life safety vessel to be located west of the Loxahatchee River bridge.

- **Provide FDOT Funding for Long-Term Bridge Reconstruction:** As part of the FDOT SIS, the FEC railroad bridges are eligible FDOT funding. Marine navigation, especially for larger cargo vessels, is compromised at the St. Lucie River bridge due to misalignment between its draw span and that of the A1A vehicular bridge to the west. The opening at the Loxahatchee River bridge is too narrow to allow two boats to pass through simultaneously, and boating traffic will be constrained with additional bridge closures. A bridge working group should be established, with participation by FDOT, FECI, local governments, and marine interests, to identify long-term structural rehabilitation of both bridges over time. As SIS facilities, the bridge evaluations should consider the key SIS criteria: economic competitiveness and quality of life. Consideration should be given to improve the alignment between the rail and vehicular bridge draw spans at the St. Lucie River crossing and widening of the Loxahatchee River bridge draw span.

4) **Access to Broadband Capacity:**

As an ancillary corridor improvement, FECI’s telecommunications division (Parallel Infrastructure) has indicated it will install a high-capacity fiber optic network within the FEC corridor from Jacksonville to Miami and from Orlando to Cocoa along State Road 528. This private infrastructure improvement will provide state-of-the-art broadband capacity that could revolutionize communications and research capabilities for the region and state. Broadband access can improve the delivery of public services such as emergency response, improve educational and research opportunities, and provide a significant economic development enhancement for the region. To help offset costs and impacts to local governments, the following mitigating measure is suggested:

- **Establish Discounted Broadband Access Rate for Public and Select Not-for-Profit Institutions:** FECI, FDOT, and local governments should work together to identify an appropriate discounted rate for broadband access by local governments and agencies,
educational systems including colleges and universities, hospitals, and not-for-profit biomedical institutions.

(5) Freight Rationalization

The FEC rail corridor plays a critical role in the movement of freight through the region and state. The widening of the Panama Canal will enable cargo ships with three times the capacity of today’s vessels to transport freight to Florida, and Port Miami and Port Everglades are currently being improved to accommodate these “PostPanamax” ships. Land uses along the FEC rail corridor have developed intensely over time, resulting in increased freight/land use conflicts. While freight trains produce significant noise and vibration impacts, passenger trains are lighter, faster, and shorter, making them easier to accommodate within an urban corridor. Freight trains also cause the greatest impact to marine navigation and bridge closures due to their slow speed and longer length. FDOT is currently evaluating the state’s freight distribution network, which includes the inland CSX rail corridor and rail connections from the southern ports. To help reduce project impacts, the following mitigating measures are suggested:

- Reallocate Freight to the CSX Rail Corridor: The impacts of freight rail traffic through the urban coastal corridor creates significant impacts today. The corridor cannot reasonably accommodate projected freight traffic along with AAF’s proposed 32 additional daily trains. A long-term, holistic solution is needed to enable the FEC corridor to be utilized for higher-volume passenger rail service while reducing the number and intensity of long-distance freight trains. A multi-party agreement should be developed among FECI, CSX, and FDOT to address the rationalization of freight in southeast Florida.

(6) Land Use Impacts

The FEC rail corridor is the historic corridor connecting Florida’s coastal communities. Beginning in the early 1900s, as train stations were established, these communities developed around them as the center of what are today’s historic coastal downtowns. Working with FEC, local governments have invested substantial capital investment in parking and landscaping improvements in these downtowns, located in easements granted by FEC. The double-tracking proposed by the AAF project would significantly impact the economic and visual conditions of these communities and their ability to function. To help reduce project impacts, the following mitigating measures are suggested:

- Reduce Impacts in Historic Downtowns: Although located on private lands leased from FEC, public parking and landscaping in historic downtowns is critical to their continued viability. FECI and local governments should work together to minimize impacts in historic downtowns to enable them to accommodate the proposed AAF improvements while balancing the long-term public/private agreements with FEC that have enabled them to become productive centers of commerce and residential activity. As the AAF project is designed, all efforts should be made to identify means in which the location of double tracking and sidings, and treatment of the edges of the
rail corridor can be softened appropriately to better complement downtown redevelopment efforts.

(7) **Tri-Rail Coastal Link Access Negotiations**

Since 2004, local governments in Miami-Dade, Broward, and Palm Beach counties have been working with FDOT and other agencies towards the extension of Tri-Rail commuter service on the FEC rail corridor. Access negotiations between FDOT, FECI, and the South Florida Regional Transportation Authority (SFRTA) began last year. AAF stations in West Palm Beach, Fort Lauderdale, and Miami have been designed to accommodate future Tri-Rail service as well. This multi-modal connectivity can extend the benefits of the AAF service to other local governments where additional Tri-Rail stations would be located. To help reduce project impacts and costs to local governments, the following mitigating measure is suggested:

- **Finalize Reasonable Access Fees and Terms for Tri-Rail Coastal Link Service:** FECI, FDOT, and SFRTA should work together to determine reasonable access fees and terms to enable commuter service to be established on the corridor from Jupiter to Miami in conjunction with the development of the 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. The FEC rail corridor provides a connection to dozens of historic downtowns, both large and small, that were all once “railroad towns.” However, the service as currently proposed does not consider the corridor’s development pattern, locating only three stations in southeast Florida, where economic benefit is focused. The balance of the Region is bypassed, which imposes project costs without meaningful benefit. The project’s navigational impacts at the Loxahatchee River and St. Lucie River are considerable, and measures to reduce these impacts, including the potential for freight reallocation and regulatory adjustment, remain outstanding. Other potential project benefits, such as broadband access, quiet zones, grade crossing improvements, and commuter rail access, also warrant further evaluation. These significant issues should be raised for consideration in the EIS well in advance of its publication to ensure their thorough evaluation by the FRA and collaborating agencies. Further, given the magnitude of potential impacts from the proposed project, efforts should be taken to arrange a FRA workshop in the Region for local governments and others to fully understand the process and methods by which public comments will be received and evaluated.

These issues have also been communicated in correspondence to Governor Scott, the Treasure Coast Legislative Delegation, and the Treasure Coast Congressional Delegation. This correspondence is attached.
Recommendation

Council should direct staff to:

1) transmit these comments to the Federal Railroad Administration in advance of the publication of the draft Environmental Impact Statement with consideration of the following issues as well as those detailed in report:

- Development of broad impact analysis, including both positive and negative potential impacts from the project, including impacts upon property values, with an overview of immediate and local impacts as well as longer-term, broader impacts;
- Potential impacts on wildlife in areas such as state parks and preserves among others;
- Location of railroad sidings so as to not create conflicts with vehicular circulation;
- Evaluation of the project’s potential costs to local governments, both immediate and long-term, for both capital and operations aspects of the project;
- Provide a model scenario plan for the rail network in Southeast Florida (including both FEC and SFRC/CSX rail corridors) comparing all existing passenger and freight services with all proposed future passenger and freight services (e.g., AAF, Amtrak, Tri-Rail Coastal Link, "through" and "local" freight) to determine impacts on the roadway network and bridges; and
- Time extension for an additional 45 days for public comment following publication of the draft EIS (totaling 90 days for public comment); and

2) request the Federal Railroad Administration conduct workshops in the Region for local governments prior to the issuance of the Environmental Impact Statement.

Attachments
MEMORANDUM

To: The Honorable Rick Scott, Governor
   Treasure Coast Legislative Delegation

From: Michael J. Busha, AICP
   Executive Director

Date: March 10, 2014

Subject: All Aboard Florida

The All Aboard Florida (AAF) project, proposed by Florida East Coast Industries (FECI), has been the subject of extensive Council and local government discussion since its announcement in May 2012. The re-introduction of passenger rail service on the Florida East Coast rail corridor has been a long-standing regional priority and has the potential for improved mobility and varied economic and environmental benefits. However, the service as currently proposed concentrates public benefits in communities where stations are planned (West Palm Beach, Fort Lauderdale, Miami, and Orlando), but imposes costs and impacts to all local governments along the corridor. There are virtually no public benefits provided to communities north of Palm Beach County. In addition, cargo-related train traffic is expected to increase with proposed rail corridor and seaport capacity improvements, creating further local and regional impacts. A better balance of shared benefits and reduced costs is necessary to protect all local governments and citizens throughout the Treasure Coast Region.

There are several opportunities available to help mitigate project impacts and more fairly distribute public benefits throughout the Region. These include:

- **State Funding for Quiet Zone Improvements**
  - Direct the Florida Rail Enterprise to make quiet zone improvements in the corridor a top priority and allocate sufficient funding from the Transportation Regional Incentive Program (TRIP), from the Strategic Intermodal System (SIS), and other sources for local governments to establish quiet zones, with safe pedestrian pathways, at all grade crossings along the AAF route.

- FDOT should be compelled to require FECI install the highest degree of safety infrastructure at all grade crossings to enable the establishment of quiet zones at the lowest possible cost to state and local government.
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- Adopt appropriate amendments to Florida Statutes to alleviate any additional insurance obligations for local governments due to the establishment of quiet zones.

- **Stations and Stops in Martin, St. Lucie and Indian River Counties**
  Direct FDOT to immediately advance the Amtrak/FEC Corridor Project, which is already funded in the FDOT Five-Year Work Program. This would provide stations in Stuart, Fort Pierce, and Vero Beach, which should be designed to also accommodate AAF trains. FECI should also be directed to add limited AAF service stops in these communities in the first phase of service.

- **Mitigating Railroad Bridge and Navigation Conflicts**
  Advance amendments, in conjunction with the Congressional Delegation, to the Code of Federal Regulations (CFR § 117.299 and CFR §117.317) to limit, for example, railroad bridge closures at the Loxahatchee and St. Lucie rivers to not more than fifteen minutes per half-hour. FECI should be required to modernize both bridges with upgraded bridge machinery and provide bridge-tenders during weekends and holidays to increase safety and public access, and reduce navigation delays.

- **Reallocation of Freight to the CSX Rail Corridor**
  Direct FDOT to execute a freight rationalization program in conjunction with the AAF project to shift long-distance freight trains away from the FEC’s coastal route and onto the CSX’s inland route to reduce impacts on local communities and railroad bridge closures.

- **Broadband Access to Public and Select Not-for-Profit Institutions at a Discounted Rate**
  Negotiate a discounted rate with FECI’s telecommunications division (Parallel Infrastructure) for broadband access by local governments and agencies, educational systems including colleges and universities, hospitals, and not-for-profit biomedical institutions.

- **Establish a Reasonable, Consistent, and Predictable Rate Structure for Municipal Grade Crossings**
  Compel FECI to establish standardized agreements with a consistent and reasonable long-term rate structure to provide greater certainty about the annual and periodic costs to local governments and public authorities for maintaining FEC rail corridor grade crossings.
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- **Funding for Rail Engineering Specialist Position**
  
  Provide funding for one dedicated and independent rail engineering specialist stationed within the Region to assist local governments with the evaluation, design, construction, and implementation of rail improvements related to AAF and other rail services.

These actions will help bring balance to what has become an increasingly imbalanced All Aboard Florida proposal. Council will continue to communicate with FECI and state and local government regarding the project. These issues should be given full consideration during preparation of the forthcoming Environmental Impact Statement. Council stands ready to review this document in cooperation with local governments in the Region.

Thank you for taking a leadership role to champion these actions on behalf of the 54 local governments and 1.9 million citizens of the Treasure Coast Region.

cc: Peter O’Bryan, Chairman, Treasure Coast Regional Planning Council
    Treasure Coast Local Governments
    Treasure Coast MPO/TPOs
    Treasure Coast Regional League of Cities
    Palm Beach League of Cities
    Treasure Coast Council of Local Governments
MEMORANDUM

To: The Honorable Bill Nelson, U.S. Senate
    The Honorable Marco Rubio, U.S. Senate
    The Honorable Ted Deutch, U.S. House of Representatives
    The Honorable Lois Frankel, U.S. House of Representatives
    The Honorable Alcee Hastings, U.S. House of Representatives
    The Honorable Patrick Murphy, U.S. House of Representatives
    The Honorable Bill Posey, U.S. House of Representatives

From: Michael J. Busha, AICP
      Executive Director

Date: March 10, 2014

Subject: All Aboard Florida

The All Aboard Florida (AAF) project, proposed by Florida East Coast Industries (FECI), has been the subject of extensive Council and local government discussion since its announcement in May 2012. The reintroduction of passenger rail service on the Florida East Coast rail corridor has been a long-standing Council priority and has the potential for improved mobility and varied economic and environmental benefits. However, the service as currently proposed concentrates public benefits in communities where stations are planned (West Palm Beach, Fort Lauderdale, Miami, and Orlando), but it imposes costs and impacts to all local governments along the corridor. In addition, cargo-related train traffic is expected to increase with proposed rail corridor and seaport capacity improvements, creating further local and regional impacts. A better balance of shared benefits and reduced costs is necessary to protect all local governments and citizens in the Treasure Coast Region.

There are several opportunities for the Congressional Delegation to help mitigate project impacts and more fairly distribute public benefits throughout the Region. These include:

- **Federal Funding for Quiet Zone Improvements**
  The Congressional Delegation should assist in securing a TIGER grant and other Federal appropriations for local governments to establish quiet zones, with safe pedestrian pathways, at all grade crossings along the AAF route. The Federal Railroad Administration (FRA) should be compelled to require FECI to install the highest degree of safety infrastructure at all grade crossings to enable the establishment of
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quiet zones at the lowest possible cost to state and local governments. The FRA should also provide a clear definition of what constitutes a “sealed corridor” along the “Class Six” segment of the railway from approximately Palm Beach Lakes Boulevard in Palm Beach County north to State Road 528 in Brevard County.

- **Stations and Stops in Martin, St. Lucie and Indian River Counties**
The Congressional Delegation should direct Amtrak to immediately advance the Amtrak/FEC Corridor Project, which is already funded in the Florida Department of Transportation Five-Year Work Program. This would provide stations in Stuart, Fort Pierce, and Vero Beach, which should be designed to also accommodate AAF trains. FECI should be compelled to add limited AAF service stops in these communities in the first phase of service.

- **Mitigating Railroad Bridge and Navigation Conflicts**
The Congressional Delegation should direct the U.S. Coast Guard to initiate amendments to the Code of Federal Regulations (CFR §117.299 and CFR §117.317) to limit, for example, railroad bridge closures at the Loxahatchee and St. Lucie rivers to not more than fifteen minutes per half-hour. FECI should further be required to modernize both bridges with upgraded bridge machinery and provide bridge-tenders during weekends and holidays to increase safety and public access, and reduce navigation delays.

- **Reallocations of Freight to the CSX Rail Corridor**
The Congressional Delegation should compel FECI to execute a freight rationalization program in conjunction with the AAF project to shift long-distance freight trains away from the FEC’s coastal route and onto the CSX’s inland route to reduce impacts on local communities and bridge closures.

- **Broadband Access to Public and Select Not-for-Profit Institutions at a Discounted Rate**
The Congressional Delegation should compel FECI’s telecommunications division (Parallel Infrastructure) to establish a discounted rate for broadband access by local governments and agencies, educational systems including colleges and universities, hospitals, and not-for-profit biomedical institutions.

- **Establish a Reasonable, Consistent, and Predictable Rate Structure for Municipal Grade Crossings**
The Congressional Delegation should compel FECI to establish standardized agreements with a reasonable and consistent long-term rate structure to provide greater certainty about the annual and periodic costs to local governments and public authorities for maintaining FEC rail corridor grade crossings.
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- **Resolving Commuter Railroad Access Fees and Terms**
  The Congressional Delegation should compel FECI to establish reasonable railroad access fees and terms for future commuter rail service in Southeast Florida, as part of FECI’s pending request for a Railroad Rehabilitation and Improvement Fund loan.

These actions will help bring balance to what has become an increasingly imbalanced All Aboard Florida proposal. Council will continue to communicate with FECI and state, federal and local agencies regarding the project. These issues should be given full consideration during preparation of the forthcoming Environmental Impact Statement. Council stands ready to review this document in cooperation with local governments in the Region.

Thank you for taking a leadership role to champion these actions on behalf of the 54 local governments and 1.9 million citizens of the Treasure Coast Region.

cc:  Peter O’Bryan, Chairman, Treasure Coast Regional Planning Council
     Treasure Coast Local Governments
     Treasure Coast MPO/TPOs
     Treasure Coast Regional League of Cities
     Palm Beach League of Cities
     Treasure Coast Council of Local Governments