

RESOLUTION NO. 2014-090

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, OPPOSING ALL ABOARD FLORIDA.

WHEREAS, All Aboard Florida – Operations, LLC (“All Aboard Florida”), a subsidiary of Florida East Coast Industries, is proposing to provide a high speed passenger rail service 32 times (16 round-trips) per day between Miami and Orlando that will run through populated areas of Indian River County, including Vero Beach, Sebastian, and the communities of Gifford, Roseland, Wabasso and Winter Beach without stopping or serving these areas; and

WHEREAS, the current railroad tracks owned by Florida East Coast Railway (“FECR”) are designed for trains that operate at speeds from 45 miles per hour (“mph”) to 60 mph; and

WHEREAS, All Aboard Florida proposes to operate a high speed passenger train service which will travel at speeds up to 110 mph through parts of Indian River County; and

WHEREAS, populated communities within Indian River County which are accustomed to, and grew up with, the slow moving trains are wholly inappropriate for the proposed high speed passenger rail project; and

WHEREAS, at first, All Aboard Florida touted the high speed passenger rail project as being a private company providing a private service by using solely private resources; and

WHEREAS, it is now understood that All Aboard Florida intends to fund a significant portion of the proposed high speed passenger rail project through a Railroad Rehabilitation & Improvement Financing (RRIF) Program loan of approximately \$1.6 billion that is administered by the Federal Rail Administration, an agency of the United States federal government; and

WHEREAS, if All Aboard Florida secures the amount that it has requested in its RRIF loan application, it will be the largest RRIF loan awarded by the federal government to date; and

WHEREAS, in June of 2014, All Aboard Florida sold \$405 million in high-risk bonds with a hefty 12 percent interest rate to assist in its efforts to build the proposed high speed passenger rail project; and

WHEREAS, if All Aboard Florida secures the amount that it has requested in its RRIF loan application, it intends to use a portion of the RRIF loan to repay the \$405 million in high risk bonds; and

WHEREAS, it is now also understood that in addition to the federal assistance, the State of Florida has pledged approximately \$215 million for a new rail station at the Orlando International Airport which will benefit All Aboard Florida and other transit systems; and

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WHEREAS, FECR has license agreements with local governments for most, if not all, of the railroad crossings along FECR's corridor, 32 of which are within Indian River County; and

WHEREAS, due to the language in the license agreements, local governments, such as Indian River County, will bear both the maintenance costs of upgrading the railroad crossings to allow All Aboard Florida to operate a high speed passenger rail service and the costs of installing and maintaining any additional equipment to implement one or more quiet zones; and

WHEREAS, instead of being a high speed passenger rail service provided by a private company, using solely private resources, it is now clear that a significant portion of the financial burden of the proposed passenger rail project will be borne by the taxpayers through assistance from the federal, state and local governments; and

WHEREAS, according to Draft Environmental Impact Statement issued by the Federal Railroad Administration, FECR currently operates up to 16 freight trains per weekday and 11 freight trains per weekend day, and by 2016, it expects to be operating up to 26 freight trains per weekday and up to 17 freight trains per weekend day with an anticipated annual increase of 3%; and

WHEREAS, the upgraded railroad crossing will also allow FECR to operate its freight service at speeds of up to 70 mph through populated areas of Indian River County, including Vero Beach, Sebastian, and the communities of Gifford, Roseland, Wabasso and Winter Beach; and

WHEREAS, there will be no future stops within Indian River County by All Aboard Florida unless the plans are first approved by the Central Florida Expressway Authority, which is comprised of elected officials representing the interests of Central Florida and unelected individuals appointed by the Governor, and the Central Florida Expressway Authority bond counsel; and

WHEREAS, the first priority of the Indian River County Board of County Commissioners is the health, welfare and safety of the residents of Indian River County; and

WHEREAS, All Aboard Florida's proposed high speed passenger rail service will increase railroad traffic, railroad noise and railroad vibrations within Indian River County thereby creating a genuine detriment and threat to the health, welfare and safety of the citizens of Indian River County as well as an irreparable harm to Indian River County's natural resources and historical resources; and

WHEREAS, representatives of All Aboard Florida have continually misled our community as to the true nature of the project, the extent of the support of the federal government subsidy, the significant benefit to the freight business and the real detrimental impacts to the health, safety and welfare to the communities of Indian River County and the entire Treasure Coast; and

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WHEREAS, it has now become necessary for the Board of County Commissioners to say in clear and unequivocal terms that it opposes All Aboard Florida's efforts to force this high speed passenger rail project through Indian River County, while having the costs of the project borne by the taxpayers,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, THAT:

Section 1. The above "WHEREAS" clauses are true and correct, and are hereby adopted as findings of the Board.

Section 2. The Board of County Commissioners of Indian River County emphatically opposes All Aboard Florida.

Section 3. A certified copy of this resolution shall be provided to the Governor Rick Scott, Florida State Senators Thad Altman and Joe Negron, and Florida State Representatives Debbie Mayfield and Gayle B. Harrell, the Federal Railroad Administration, United States Senators Marco Rubio and Bill Nelson, United States Representatives Bill Posey and Patrick Murphy and FDOT Secretary Ananth Prasad.

The foregoing resolution was moved for adoption by Commissioner Solari, and seconded by Commissioner Flescher, and, upon being put to a vote, the vote was as follows:

Chairman Peter D. O'Bryan	Aye
Vice Chairman Wesley S. Davis	Aye
Commissioner Joseph E. Flescher	Aye
Commissioner Bob Solari	Aye
Commissioner Tim Zorc	Aye

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of October, 2014.

ATTEST: Jeffrey R. Smith, Clerk of Court
and Comptroller

By: _____

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS OF
INDIAN RIVER COUNTY, FLORIDA**

By: _____

Peter D. O'Bryan, Chairman



Approved as to form and legal sufficiency:

By: _____

Dylan Reingold, County Attorney