



TOWN OF JUPITER

November 10, 2014

Ms. Kim DeLaney, Strategic Development Coordinator
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

RE: Town of Jupiter Response to the All Aboard Florida (AAF) Draft Environmental Impact Statement (DEIS)

Dear Ms. DeLaney:

Please accept this correspondence as the Town's initial comments and questions about the AAF DEIS for consideration by the Treasure Coast Regional Planning Council. The Town's comments are organized by the Environmental Effects identified in the DEIS.

Land Use:

Much of the FEC right of way through Jupiter was established through an easement dedicated by the United States of America by act of Congress on March 3, 1875. Limited lands used by FEC were acquired through fee simple deeds. Further investigations into the ownership of the FEC rail corridor through Jupiter has determined that a portion of the property may not fall under sole ownership of FEC and/or FEC is not a fee simple controlling party to title of the railroad right of way.

Perhaps more importantly, the entire rail corridor has been dedicated to the use of the public. For over a century, the FEC has used this dedication to the public to its advantage through tax exemptions and the ability to secure public funding for improvements and maintenance in the corridor.

In consideration of All Aboard Florida, it is reported that the rail corridor is "privately held" and under the complete control and jurisdiction of the railroad company. As such, FEC and AAF purport that state or local governments have no grounds to approve or deny the project as the advocate for the "public". Even though some of the lands may have originally been held in private hands, the "public" designation assigned to some of the property may have modified the original private land rights in some measure to consider the "public's interest" in how the right of way is used.

Given these observations, the Town of Jupiter would like clarification on ownership issues within the corridor to support the position that AAF/FEC has the ability to 1) expand capacity within the ROW without any public input and 2) charge local units of government lease payments for use of public crossings and necessary improvements to railroad crossings.

Transportation:

Although the DEIS focused on passenger rail, the assumptions in the analysis include a growth in freight that need to be considered given the combined impacts on transportation.

Baseline Data for Freight:

The DEIS discusses expected increased freight train trips using 2013 as a baseline. ***This section should be updated to cite 2014 figures and projections for 2015 and beyond.*** The section also states that a doubling of the number of expected freight trains along the line is expected within two years. ***The basis for this anticipated doubling should be provided.***

Per the DEIS, there is a 30% increase in average freight train speeds in the No-Action Alternative over the average currently being experienced. ***An explanation of this increase is important to ensure that there is a clear understanding of the basis for the assumed change in speed.***

The information requested above will provide more certainty regarding the baseline impacts of increased freight without the proposed passenger rail service.

Assumed Train Speeds and Traffic Impacts:

The methodology for analyzing traffic impacts confirms that the AADT for only the two largest arterials have been included for each county. Using only two roads per county (10 total, or 6% of the total number of crossings) provides an incorrect calculation of the total average daily volume being impacted by the proposed project. ***The transportation study needs to be vastly expanded to study the impact on all major local roads with grade level crossings.***

The assumed operation speed for freight trains as 54.3 mph in the DEIS is questionable for the Center Street, Indiantown Road and Toney Penna Drive crossings due to the Loxahatchee River bridge and curvature of the rail. Based upon the Town's internal review of the rail system in Jupiter, a 30 mph operation speed seems to be a more appropriate assumption for freight trains. The corresponding total closure time, based upon the Town's calculations, will be extended from 2.5 minutes to almost 4 minutes, which significantly impacts the traffic on Indiantown Road. Additionally, the assumed operation speed for passenger train in the DEIS is 89.2 mph, which is an unreasonable assumption for this section of the system. Given the radius of curvature of approximately 450m, the safe train speed seems to be limited to 60 mph.

Based upon the Town's speed assumptions, the Indiantown Road/Alternate A1A intersection is projected to be over-saturated due to crossing closure – which also assumes two (2) freight trains and one or two passenger train(s) -- during the PM peak period in 2036. The vehicle queue will exceed 4,000 feet and the corresponding intersection delay will be over 200 seconds per vehicle.

The projected impacts on traffic constraints have not been adequately addressed within the DEIS. The limited number of intersections analyzed and the generalized speed of the trains that were assumed do not provide adequate data to understand the impact of projected freight and new passenger service on local traffic. ***Given this, the anticipated speeds in Jupiter should be analyzed to better understand the impacts of freight and passenger service on traffic in 2036.*** It would be beneficial to know, where on the system trains will accelerate and decelerate and the anticipated speeds would be at these locations.

Additionally, critical intersections at crossings need to be analyzed in term of traffic impact, especially for the intersections with speed constraints such as the Indiantown Road, Toney Penna Drive and Donald Ross Road crossings. Further, an assumption regarding Tri-Rail impacts should be included as well. In response to the anticipated impacts, traffic mitigation strategies need to be proposed in the EIS report as well.

Freight Impacts:

The DEIS gave limited consideration to the relocation of freight from the FEC Corridor. For example, the DEIS states, "Negotiating shared-use agreements presents the risk...that the

controlling railroad would not agree to acceptable terms for a shared use environment.” **AAF should attempt to negotiate a shared-use agreement for tracks west of the proposed project before citing this as a risk and dismissing this alternative. Additionally, other inland, such as the US27 Corridor proposal, or maritime options should be explored in the study as well.**

Navigation:

Of significant concern for the Jupiter community is the impact of the Loxahatchee Bridge operation on maritime traffic. DEIS information about existing conditions differs from what has been gathered locally. **Data gathered should be consistent and reevaluated to better understand the maritime impacts.**

Further, there continues to be concerns about the condition of the Loxahatchee Bridge itself. **Information gathered about the structural integrity of the Loxahatchee Bridge during recent inspections needs to be made available. In addition, a specific scope of work for the reconstruction of the Loxahatchee should be better defined in the study.**

Noise and Vibration:

The areas of moderate noise impact seem to be underestimated. Houses in our community are located in close proximity to the corridor and identified as no-impact, yet owners currently experience moderate noise and vibration impacts from train noise and horns from existing freight operations. **The noise impact zones need to be reviewed to ensure that they accurately reflect moderate and severe noise impacts along the north-south route.**

Noise from wheels – maintenance not the only option. Table 7.2-2 also includes the mitigation measure “Maintain train wheels and rails to minimize vibration.” **Since there is no indication that this is being done for existing freight trains, there should be a mitigation measure added by the FRA for periodic inspection and tolerances which, if exceeded, would require train wheel replacement.**

Water:

With the addition of impervious surface associated with the addition of rail within the corridor, the Town requests the identification of more definitive water pre-treatment strategies and their locations as part of the impact statement.

Public Health and Safety:

Grade Separation: the DEIS indicates that the East-West Corridor would be entirely grade separated at roadways. Existing roads would either be crossed using bridges or would be closed, eliminating any potential safety concerns. A similar commitment to safety does not appear to be provided in the North-South Corridor. The North-South Corridor should require the same level of safety as the East-West Corridor. **AAF should be required to pay for grade separation of the major crossings when done in consultation with local communities.**

Grade Crossings: The DEIS Grade Crossing Details report did not account for impacts on emergency vehicular traffic that must cross the railroad tracks to deliver services to or from Jupiter Medical Center and the neighborhoods located on the other side of the corridor. **The impact on emergency and public safety facilities should be analyzed in the study.**

As a condition of proceeding with the proposed project, the FRA should require AAF to finance safety improvements associated with as well as the process required for the creation and the on-going maintenance of quiet zones requested by local communities. Further, the scope of work at each crossing, which should include Vehicle Presence Detection devices, should be detailed within the study.

Safety has to be addressed in the DEIS for pedestrians and bicyclists as well. ***Pedestrian gates and sidewalks should be included in the scope of work for crossing safety upgrades. Communities should be included in the evaluation of safety needs given local knowledge of pedestrian and bicycle movements.***

Sealed Corridor: A sealed corridor needs to be established that minimizes visual impacts while effectively preventing informal pedestrian crossing between the established at-grade crossings. This should be done in cooperation with the impacted communities.

Cultural Resources

The information in the DEIS pertaining to the Historic Resources within the West Palm Beach Corridor Area of Potential Effects should be updated to include the following historic sites within the Town:

- Sawfish Bay Park (Florida Master Site File #8PB11388)
- Milam Archaeological Midden (Florida Master Site File #8PB11546)

Neither midden directly impacts the FEC ROW. The Milam Midden is located just west of the FEC ROW on three residential properties along the north shore of the Loxahatchee River south of Riverside Drive. The other is an archaeological site at Sawfish Bay Park. As required by the National Historic Preservation Act of 1966, the West Palm Beach Corridor Area of Potential Effects completed for the DEIS was required to include known archaeological sites within 150 feet of the FEC ROW to allow for consideration of indirect impacts. ***Both middens are within 150 feet of the FEC ROW but were not included in the DEIS. They should simply be identified in the final report.***

The aforementioned issues were identified by and discussed by the Town Council during their November 4, 2014 meeting. Attachments will be delivered to you under a separate cover to provide you with additional information about these issues. Please contact me should you require additional information about the Town Council's concerns.

Sincerely,

Andrew D. Lukasik
Town Manager