

RECEIVED

MAY 16 2014

TREASURE COAST
REGIONAL PLANNING COUNCIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, REQUESTING ANY AND ALL INVOLVED GOVERNMENTAL UNITS AND PUBLIC AGENCIES TO REQUIRE ALL ABOARD FLORIDA AND FLORIDA EAST COAST INDUSTRIES TO PAY ALL COSTS ASSOCIATED WITH THE ALL ABOARD FLORIDA PROJECT AND ITS IMPACTS ON LOCAL COMMUNITIES, AND THAT ANY GOVERNMENTAL FINANCIAL ASSISTANCE TO BE PROVIDED TO THE ALL ABOARD FLORIDA PROJECT, IF ANY, BE ONLY BY SECURED LOANS AT NO LESS THAN MARKET INTEREST RATES; REQUESTING AN EXTENDED REVIEW/COMMENT PERIOD FOR THE ALL ABOARD FLORIDA PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT; REQUESTING THAT ALL ABOARD FLORIDA HOLD PUBLIC HEARINGS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT IN INDIAN RIVER COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, All Aboard Florida, a subsidiary of Florida East Coast Industries, is proposing to construct and operate a high-speed passenger rail system between Miami and Orlando along Florida East Coast Railway (“FEC”) tracks (“All Aboard Florida Project”) that run through the City of Vero Beach, Florida; and

WHEREAS, initially the All Aboard Florida Project was touted as being a private enterprise to be funded solely through private financial resources and without government or taxpayer participation; and

WHEREAS, it is now becoming clear that All Aboard Florida and Florida East Coast Industries are not relying solely on private financial resources to fund the All Aboard Florida Project as they are seeking funding through a Railroad Rehabilitation & Improvement Financing (RRIF) Program loan of potentially up to \$1.5 billion from the Federal Railroad Administration, an agency of the United States government; and

WHEREAS, further, the State of Florida is now proposing to spend \$215 million of taxpayer money for design and construction of a rail station to serve the All Aboard Florida Project at Orlando International Airport; and

WHEREAS, although there is no station or stop planned for the City of Vero Beach as part of the All Aboard Florida Project, there are Eight (8) closely located railroad crossings along the FEC tracks within the municipal boundaries of the City of Vero Beach that will be negatively impacted by the operations of the All Aboard Florida Project; and

WHEREAS, the All Aboard Florida Project high-speed trains are proposed to travel in close proximity to the Historic Vero Beach Downtown District, the Vero Beach Arts District, Pocahontas Park where many young children gather to play, the Vero Man Historic/Archeological Zone, residential districts such as Osceola Park, on the National Historic Register, and Original Town, and historic buildings such as the Heritage Center, the Old Diesel Power Plant, the old Court House, the Vero Theater, the Vero Beach Train Station, the Vero Beach Woman's Club, and the Pueblo Arcade, many of which have been restored at great expense by the private sector, and all of which are listed on the National Historic Register; and

WHEREAS, local governments, such as the City of Vero Beach, have been advised by All Aboard Florida representatives that local governments along the All Aboard Florida Project route, regardless of such project having no local benefit, will have to bear the burden of designing, constructing, and maintaining upgraded rail crossing safety enhancements necessary to meet quiet zone requirements, which zones are necessary to hopefully alleviate some of the adverse impacts of the All Aboard Florida Project and other increased rail traffic; and

WHEREAS, instead of the All Aboard Florida Project being a passenger rail service provided by a private company using solely private resources, it is now painfully clear that, as

currently structured, a significant portion, if not all, of the financial burden of the All Aboard Florida Project will be borne by the taxpayers through several forms of assistance from federal, state, and local governments; and

WHEREAS, the City Council of the City of Vero Beach finds it in the best interest of the public and all taxpayers, local and statewide, that any and all costs of the All Aboard Florida Project, including but not limited to rail stations, quiet zones, and rail corridor improvements, together with the maintenance of such improvements, should be privately funded by All Aboard Florida and Florida East Coast Industries because to do otherwise unfairly places a financial burden on taxpayers and citizens solely for the benefit of private enterprise; and

WHEREAS, the City Council of the City of Vero Beach also finds that government assistance provided for the All Aboard Florida Project, if any, should be strictly limited to secured loans at no less than market interest rates because any other public agency assistance, whether by way of loan guarantees or direct funding of any portion of the project with taxpayer money, again puts the financial burden and risk of the All Aboard Florida Project on the backs of the taxpayers and citizens; and

WHEREAS, the Environmental Impact Statement (“EIS”) for the West Palm Beach to Orlando segment of the All Aboard Florida Project is currently being drafted; and

WHEREAS, Federal Rail Administration procedures for considering environmental impacts provide that a draft EIS shall be made available for public and agency comment for *at least* forty-five (45) days from the date of public notice by the Environmental Protection Agency in the Federal Register, the City Council of the City of Vero Beach finds that a review/comment period of 180 days total would be a more feasible and reasonable time period given the length of the railroad segment involved, the complexity of the proposed All Aboard Florida Project, and

the overwhelming public concern regarding the negative impacts of the All Aboard Florida Project on local communities; and

WHEREAS, All Aboard Florida and the Federal Rail Administration will be holding public hearings to obtain public comment on the draft EIS in the coming months, the City Council of the City of Vero Beach finds that All Aboard Florida and the Federal Rail Administration holding public hearings on the draft EIS in Indian River County, Florida would be beneficial to the citizens of the City of Vero Beach and surrounding communities by allowing public comment and concerns to be expressed locally, and to do otherwise would be patently unfair,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, AS FOLLOWS:

Section 1. Adoption of “Whereas” Clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein.

Section 2. Request that All Aboard Florida Pay All Project Costs.

The City Council of the City of Vero Beach hereby respectfully requests that any and all governmental units and public agencies involved with the All Aboard Florida Project, including but not limited to the Federal Railroad Administration, any other federal agency, the State of Florida, the Florida Department of Transportation, and any other state agency, require that All Aboard Florida pay for all costs of the All Aboard Florida Project, including but not limited to rail stations, quiet zones, and other rail corridor improvements and maintenance.

Section 3. Request to Limit Public Financial Assistance to All Aboard Florida.

Further, the City Council of the City of Vero Beach hereby respectfully requests that any government financial assistance provided to the All Aboard Florida Project, if any, be strictly

limited to secured loans at no less than market interest rates, and that no loan guarantees or direct funding of any portion of the project with taxpayer money be permitted.

Section 4. Request for an Extended Review/Comment Period for Draft EIS.

Further, the City Council of the City of Vero Beach hereby respectfully requests an extended review/comment period of a total of 180 days for review and comment on the draft EIS for good cause based upon the length of the railroad segment involved, the complexity of the All Aboard Florida Project, and the overwhelming public concern regarding the negative impacts of the All Aboard Florida Project on local communities.

Section 5. Request for Public Hearings on the Draft EIS in Indian River County, Florida.

Further, the City Council of the City of Vero Beach respectfully requests All Aboard Florida and the Federal Rail Administration to hold public hearings on the draft EIS in Indian River County, Florida thereby allowing a fair opportunity for public comment and concerns to be expressed locally by the citizens of the City of Vero Beach and surrounding communities.

Section 6. Directions to City Clerk.

The City Clerk is directed to transmit certified copies of this Resolution to:

Governor Rick Scott
Chief Financial Officer Jeffrey Atwater
Florida Department of Transportation Secretary Ananth Prasad
Speaker of the Florida House of Representatives Will Weatherford
President of the Florida Senate Don Gaetz
Indian River County Legislative Delegation
Administrator of the Federal Railroad Administration Joseph C. Szabo

Section 7. Effective Date.

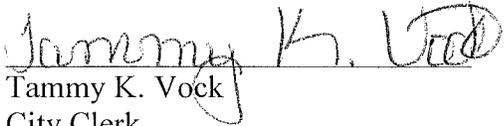
This Resolution shall become effective upon adoption by the City Council.

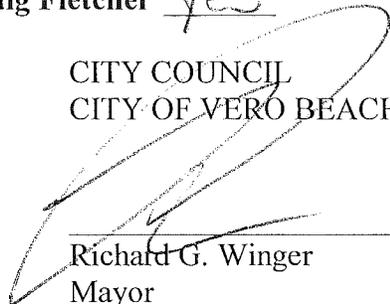
This Resolution was heard on the 10th day of May 2014,
at which time it was moved for adoption by Councilmember Fletcher, seconded by
Councilmember Graves, and adopted by the following vote of the City Council:

Mayor Richard G. Winger	<u>yes</u>
Vice-Mayor Jay Kramer	<u>yes</u>
Councilmember Pilar E. Turner	<u>yes</u>
Councilmember Amelia Graves	<u>yes</u>
Councilmember A. Craig Fletcher	<u>yes</u>

ATTEST:

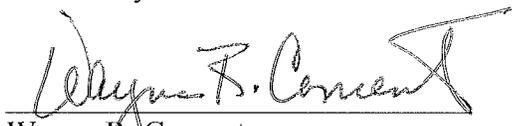
CITY COUNCIL
CITY OF VERO BEACH, FLORIDA


Tammy K. Vock
City Clerk

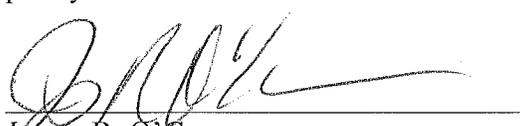

Richard G. Winger
Mayor

[SEAL]

Approved as to form and legal
sufficiency:


Wayne R. Coment
City Attorney

Approved as conforming to municipal
policy:


James R. O'Connor
City Manager