

7B



**BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY**

**PLACEMENT:** REQUESTS AND PRESENTATIONS

**PRESET:** 2:30 PM

**TITLE:** ALL ABOARD FLORIDA ALTERNATE CORRIDORS PRESENTATION

**AGENDA ITEM DATES:**

|                             |   |
|-----------------------------|---|
| MEETING DATE:<br>9/20/2016  | COUNTY ATTORNEY:<br>8/29/2016               |
| COMPLETED DATE:<br>9/8/2016 | ASSISTANT COUNTY ADMINISTRATOR:<br>9/5/2016 |

| <b>REQUESTED BY:</b>                            | <b>DEPARTMENT:</b> | <b>PREPARED BY:</b>   |
|---|--------------------|-----------------------|
| <b>Name:</b> Taryn Kryzda, County Administrator | Growth Management  | Nicki van Vonno, AICP |
| <b>Name:</b>                                    |                    |                       |

**Procedures:** None

**EXECUTIVE SUMMARY:**

Estimated staff presentation: 25 minutes. A presentation on alternate corridors considered for the proposed All Aboard Florida (AAF) high speed passenger rail project will be presented.

**APPROVAL:**

LEG  
ACA  
CA

**BACKGROUND/RELATED STRATEGIC GOAL:**

The purpose of this item is to educate the Board and the public about the alternate corridors considered for the proposed All Aboard Florida (AAF) high speed passenger rail project. The presentation will

also provide information needed to clarify whether all alternate corridors were considered by AAF in its DEIS. The presentation will be submitted as a Supplemental Memorandum.

**ISSUES:**

None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Accept the report.

**ALTERNATIVE RECOMMENDATIONS**

Move that the Board consider the information presented and direct any further action deemed appropriate.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time

**ALTERNATIVE RECOMMENDATIONS**

Staff time

**DOCUMENT(S) REQUIRING ACTION:**

|  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

**ROUTING:**

|  |   |   |                              |                              |                              |                              |
|--|---|---|------------------------------|------------------------------|------------------------------|------------------------------|
| <input type="checkbox"/> ADM           | <input type="checkbox"/> BLD            | <input type="checkbox"/> CDD            | <input type="checkbox"/> COM | <input type="checkbox"/> ENG | <input type="checkbox"/> FRD | <input type="checkbox"/> GMD |
| <input type="checkbox"/> GSD           | <input type="checkbox"/> ITS            | <input type="checkbox"/> LIB            | <input type="checkbox"/> MCA | <input type="checkbox"/> MPO | <input type="checkbox"/> PRD | <input type="checkbox"/> USD |
| <input checked="" type="checkbox"/> CA | <input checked="" type="checkbox"/> ACA | <input checked="" type="checkbox"/> LEG |                              |                              |                              |                              |

**BCC MEETING DATE:** September 20, 2016  
**AGENDA ITEM:** 7B

**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

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**TO:** Honorable Members of the Board of County Commissioners  
**DATE:** September 14, 2016

**VIA:** Taryn Kryzda  
County Administrator

**FROM:** Catherine Riiska, Principal Planner, Growth Management Dept.

**REF:** 807c2d43

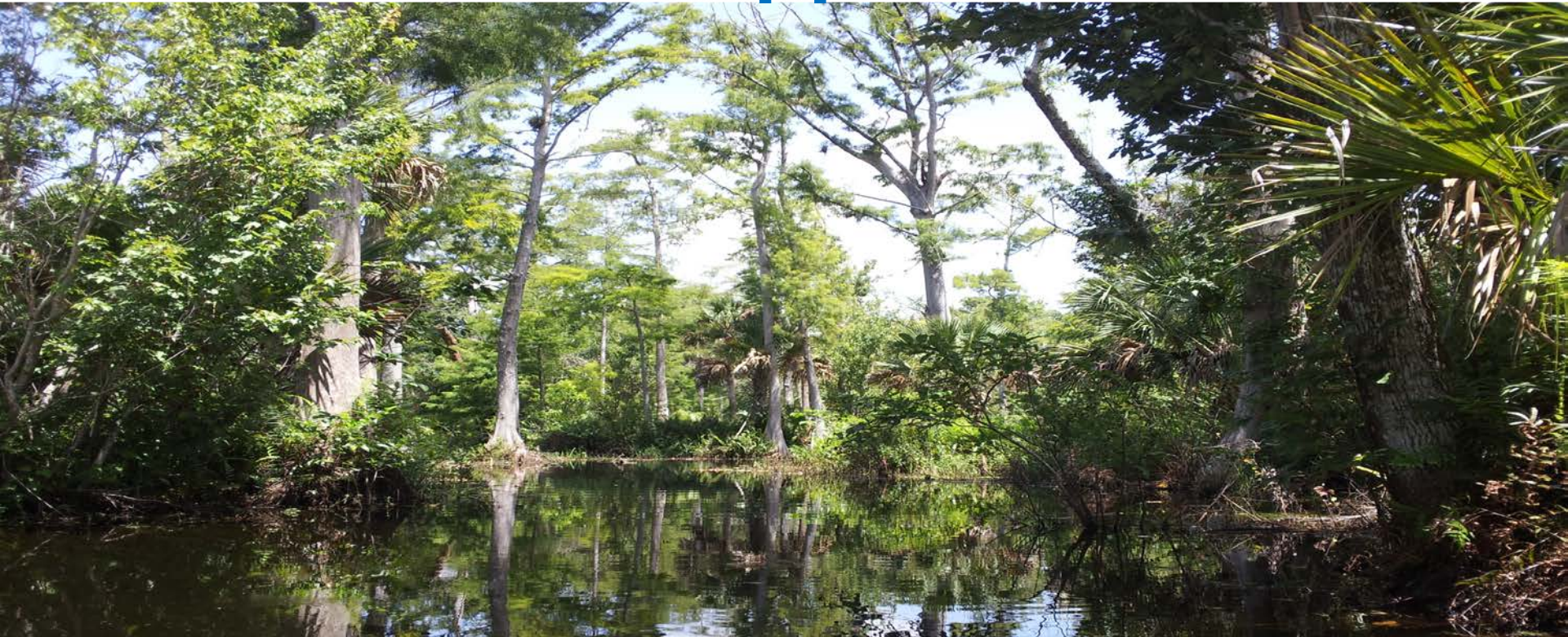
**SUBJECT:** All Aboard Florida Alternate Corridors Presentation

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Presentation on alternate corridors considered for the proposed All Aboard Florida (AAF) high speed passenger rail project.

Reviewed by County Attorney's Office

# All Aboard Florida's Alternative Corridors and New Opportunities



Presentation to the  
Martin County Board of County Commissioners  
September 20, 2016



# All Aboard Florida's Alternative Corridors Analysis and New Opportunities

## Outline

- Overview of Florida Transportation Vision
- Florida's Strategic Intermodal System (SIS)
- Rail System Network/Regional Plans
- **AAF's Alternatives Analysis**
- **FEIS flaws**
- **The "Fifth Alternative" – the K-Branch**
- Summary/Conclusions/Recommendation

# AAF's Alternatives Analysis

- Alternatives Analysis
  - Only four(4) North-South routes “considered” in the FEIS
    - FECR (the selected route)
    - CSX
    - Florida’s Turnpike
    - I-95
  - A fifth alternative (the K-Branch) was not included or considered

# Another Alternatives Analysis

- FEC favored the route from the beginning even though the environmental impact rankings per HNTB's 2003 High Speed Rail Authority study was as follows:
  - **FECR Route - 'Poor'**
  - CSX Route 'Fair'
  - Florida's Turnpike Route - 'Good'
  - I-95 Route - 'Good'
- Conflicting analysis regarding routes.

*Source: Florida High Speed Rail Authority Study (HNTB Corp. 2003)* 7 of 35

# Portion of Transcript from June 30, 2016 Oral Argument - Alternative Route discussion

- THE COURT: Did the EIS consider various alternatives --
- MR. STEARNS: It did.
- THE COURT: -- for routing?
- MR. STEARNS: It did.
- THE COURT: Okay.
- MR. STEARNS: And it reached the conclusion that this route was the correct one.
- THE COURT: And what if it had reached the opposite conclusion?



*Eugene Stearns, lead counsel  
for All Aboard Florida*



# Portion of Transcript June 30, 2016

## Oral Argument - Alternative Route discussion



*Eugene Stearns,  
lead counsel for  
All Aboard  
Florida*

THE COURT: And what if it had reached the opposite conclusion?

**MR. STEARNS:**

- Then there would be no PABs funding here because this applicant had no interest in running on someone else's track.
- It owned the eastern corridor that was put there in 1895, and as a consequence -- and by the way, when the EIS came out, it concluded, as did the applicant, that the corridor that was requested was correct.
- Now, we understand that there are people that have had this train running through their neighborhood for 120 years and don't want it there anymore. But they moved to this; it didn't move to them. And as a practical matter, it should hardly be surprising that that was a conclusion, but I think that really begs the question because –

**THE COURT:** I'm not here to second-guess the EIS now. I don't have a dog in that fight. But I do have to decide to what extent DOT could and did exercise control over the project.

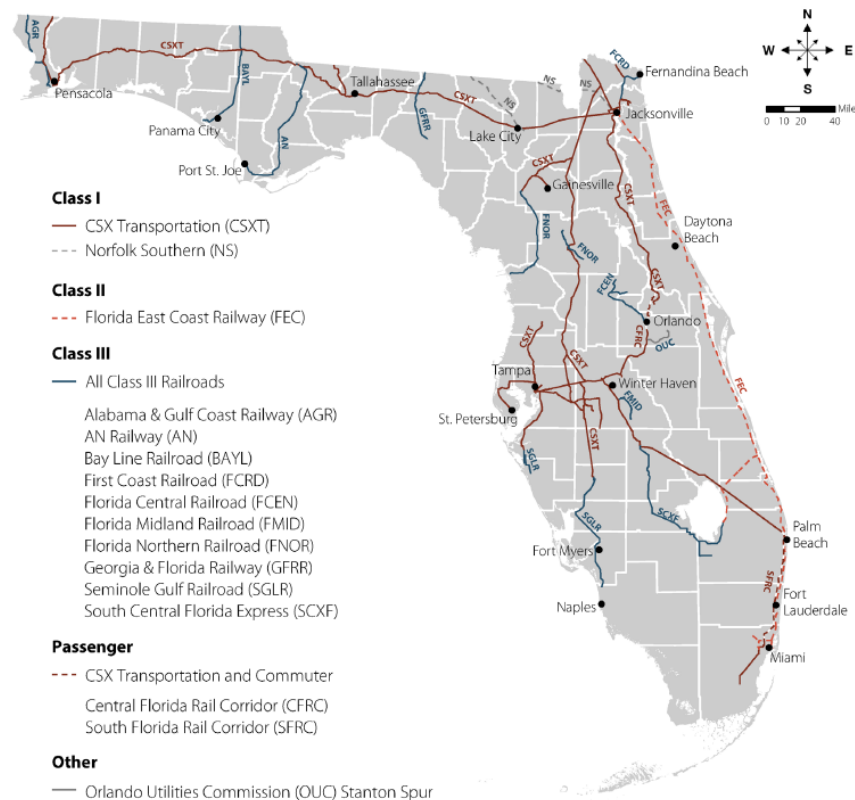
# Overview of Florida Transportation Vision

- Florida's Strategic Intermodal System (SIS)
- Rail System Network/Regional Plans

# Florida Strategic Intermodal System (SIS) Rail Facilities

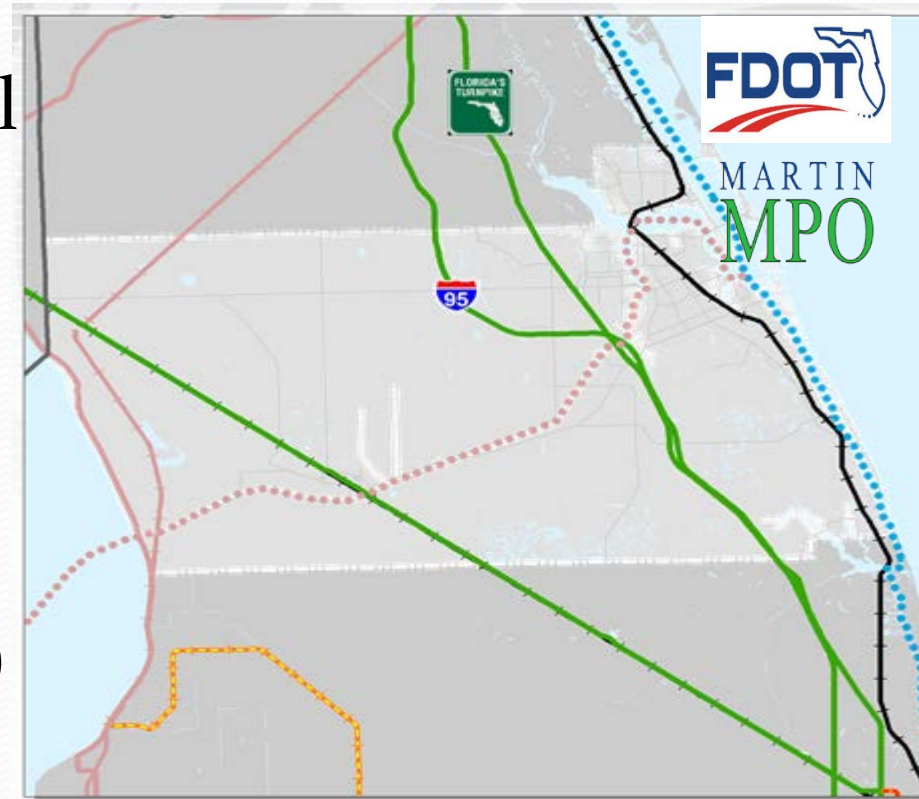
- Established in 2003
- Florida's highest statewide priority for transportation improvements, including airports, highways and **rail corridors**
- Purpose: enhance Florida's economic competitiveness by focusing State resources on transportation facilities most critical for statewide/interregional travel

## RAIL SYSTEM



# Florida Strategic Intermodal System (SIS) Rail Facilities

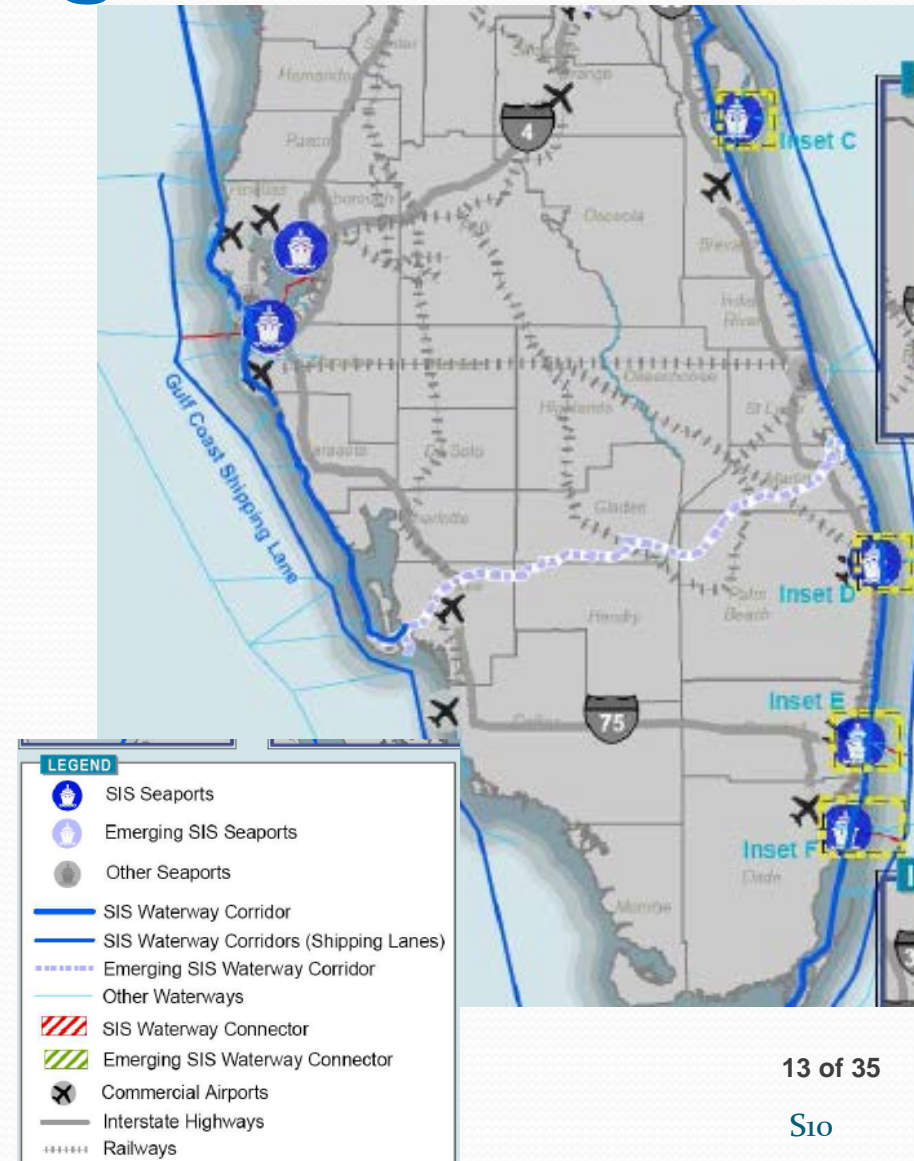
- SIS map identifies mainline FEC and CSX rail corridors as two SIS Railway Connectors.
- Shows an Emerging SIS Railway Corridor in western Martin County owned by FEC (K-Branch)



*Source: 2016 FDOT presentation to Martin County MPO*

# Florida's Emerging SIS Facilities

- “Emerging SIS” facilities are also part of the planning for the future
- These generally carry lower volumes of people and freight, but may grow in importance in the future
- The Okeechobee Waterway is designated an “Emerging SIS” facilities.

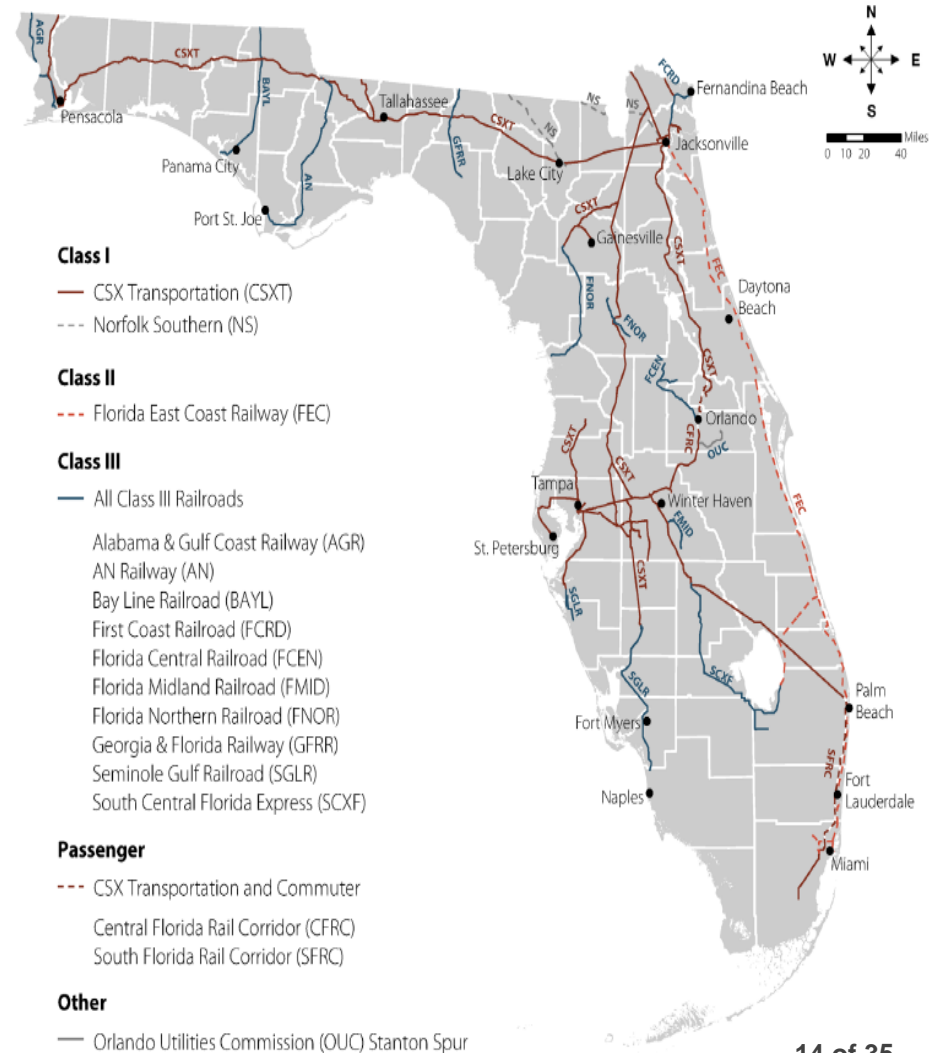


# Florida's Rail System Network Regional Plan

Includes:

- FEC Railway
- Central Florida Rail Corridor (CFRC)
- South Florida Rail Corridor (SFRC)

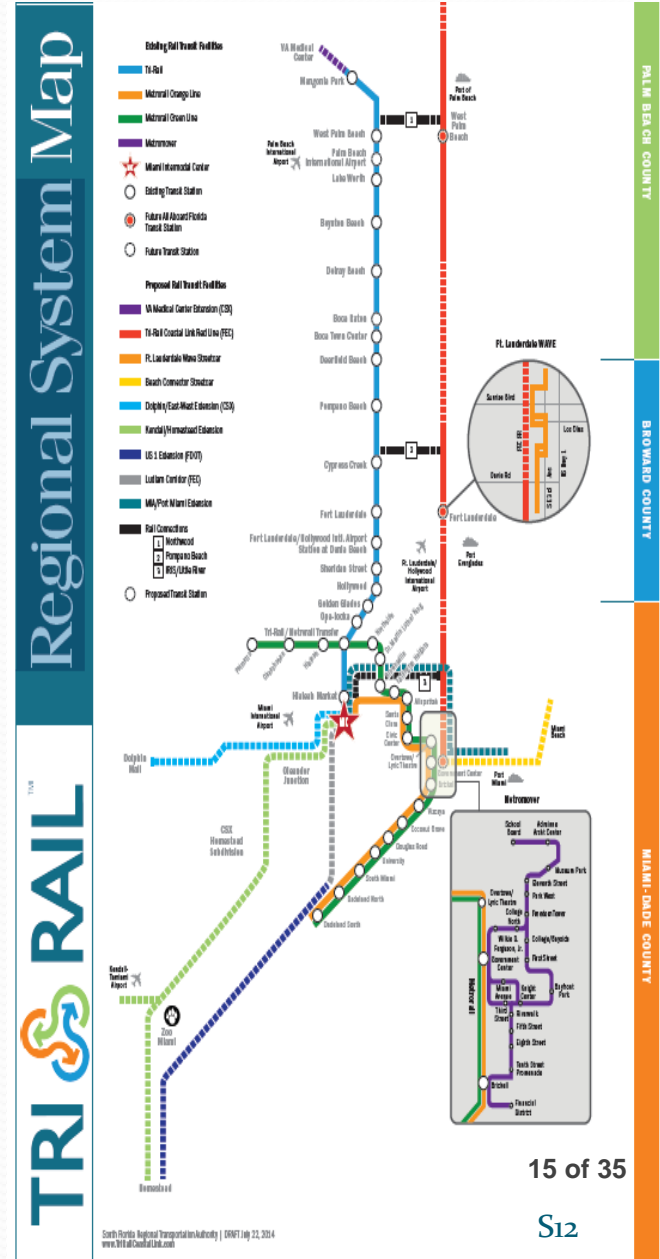
*Source: Florida Office of Freight, Logistics & Passenger Operations*



# Florida's Rail System Network

## Tri-Rail Regional System Map

- The State has worked extensively with SFRTA (aka Tri-Rail) on rail connections south of Martin County between the SFRC and the FEC mainline, including the **Northwood Connection**



# Florida Freight Mobility and Trade Plan (FMTP)



Purpose of this FDOT-Initiated plan:

- “Define policies and investments that will enhance Florida’s economic development efforts into the future.”
- The FMTP contains a Policy and an Investment Element.
- The Investment Element, adopted in September 2014, includes... **Northwood Connection.**

*Source: FY 2016-2025 SFRTA Forward Plan: Transit Development Plan*

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## Northwood Connection

- As part of NEPA, FDOT/FRA conducted an environmental study to evaluate three interrelated & independent rail connections between existing SFRC & FEC Railway in SE Florida
- The three *South Florida Freight and Passenger Rail Enhancement* projects propose to enhance freight connectivity between the SFRC & FEC Railway
- The rail projects will accommodate existing freight traffic, potential future passenger service, and projected growth in freight rail operations following expansion of the Panama Canal and freight intermodal improvements at Port of Palm Beach, Port Everglades, and Port Miami.
- **AAF could still complete their construction work from Miami to WPB and then connect to this SIS alternative.**



Regional Map



# AAF's Alternative Analysis

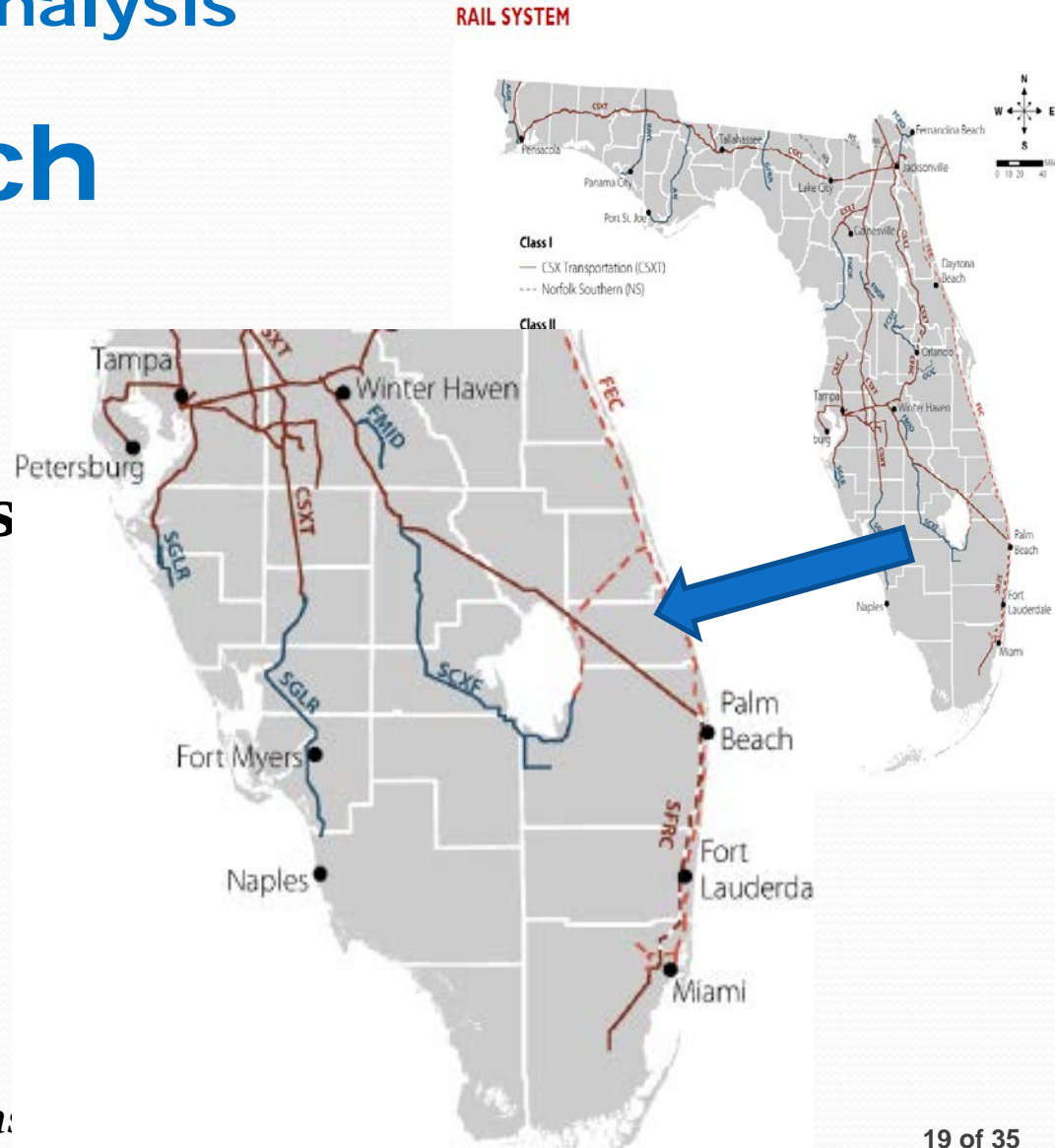
- Alternatives Analysis
  - Only four(4) North-South routes “considered”
  - FEC favored the route from the beginning even though the environmental impact rankings per HNTB's 2003 High Speed Rail Authority study was as follows:
    - **FECR Route - 'Poor'**
    - CSX Route 'Fair'
    - Florida's Turnpike Route - 'Good'
    - I-95 Route - 'Good'
- A fifth alternative (the K-Branch) was not included or considered

# AAF's Alternative Analysis

## The K-Branch

**Regional Rail System Map shows how SFRC connects to CSX and where CSX crosses the K-Branch owned by FEC Railway.**

*Source: Florida Office of Freight, Logistics & Passenger Operation.*



# AAF's Alternative Analysis Fundamental Flaws in Initial Alternative N-S Corridor Analysis



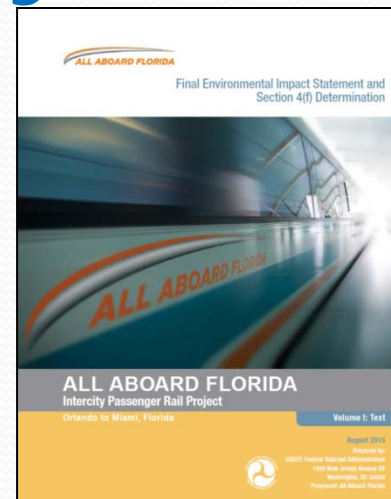
- Four North-South Route Alternatives
- Environmental Impact ranking:
  - **FECR Route - 'Poor'**
  - CSX Route 'Fair'
  - Florida's Turnpike Route - 'Good'
  - I-95 Route - 'Good'
  - **Western K-Route - NOT INCLUDED**

Source: Florida High Speed Rail Authority Study (HNTB Corp. 2003)

# AAF's Alternative Analysis/FEIS Flaws

## Fundamental Flaws in Initial Alternative N-S Corridor Analysis

- Insufficient Analysis of N-S Alt Routes
  - Transportation, road and flooding impacts, boating, emergency response, impacts to evacuation, environmental justice, property values, air quality, etc.
- FEC Route received lowest environmental rating\*
- FEC Route greater potential of occurrence of listed species (scrub plants, aquatic species) – was not evaluated

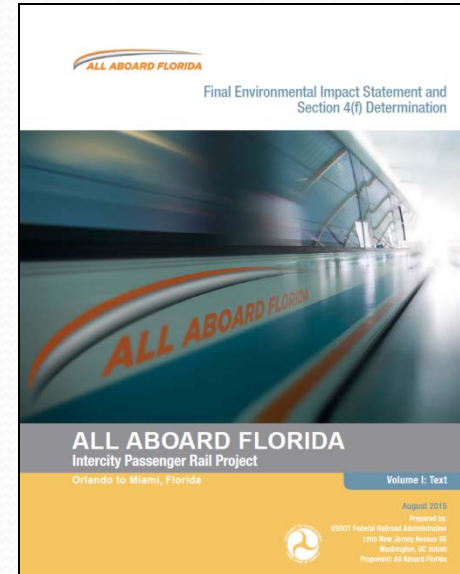


\* Source: Florida High Speed Rail Authority Study (HNTB Corp. 2003)

## FEIS Flaws

# Fundamental Flaws in Initial Alternative N-S Corridor Analysis

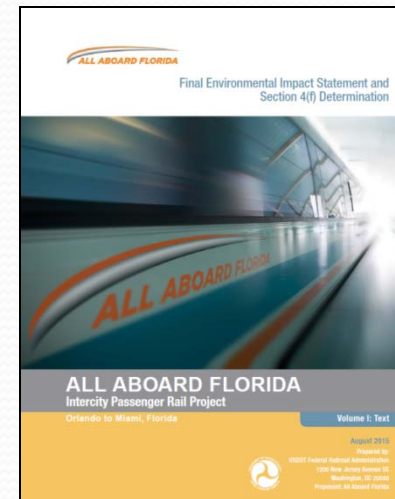
- NEPA requirements **not addressed** by FEIS:
  - Rigorously explore and objectively evaluate all reasonable alternatives
  - Shall be supported by evidence that the agency has made necessary environmental analyses



## FEIS Flaws

# Natural Resource Impacts of FEC Route Remain Unknown:

- DEIS & FEIS never accurately quantify potential natural resources impacts of the FEC route
- Inconsistencies, inaccuracies and gross omissions of analysis
  - Potential habitat impacts
  - Categorization and evaluation of impacts/offsets
  - Field delineations noted as conducted but not provided
  - Wetland and waterway impacts inconsistencies and omissions
- That hasn't changed

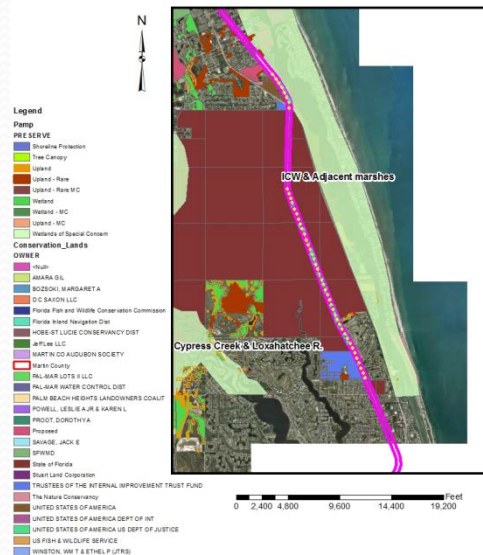


# SFWMD Permit

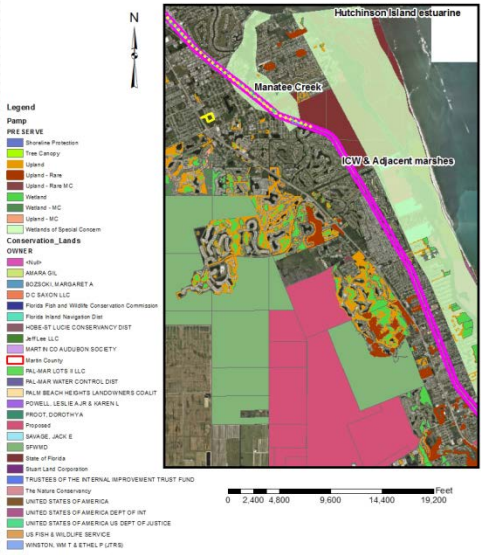
# Natural Resource Impacts of FEC Route Remain Unknown:

- Analysis of SFWMD permit – also indicated inconsistencies, inaccuracies, omissions and mischaracterizations still exist
- Maps showing conservation lands, wetlands of special concern

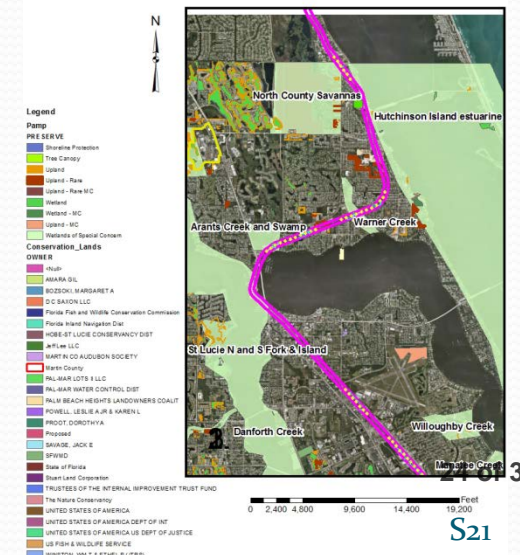
Conservation Lands and Other County Special Protection Areas



Conservation Lands and Other County Special Protection Areas



Conservation Lands and Other County Special Protection Areas





## SFWMD Permit

# Natural Resource Impacts of FEC Route Remain Unknown:

Preliminary review of SFWMD permit:

- Inadequate wetlands delineation and habitat mapping
- Inadequate analysis of wetland and surface water impacts – within ROW and as a result of fencing, fiber optic trenching, etc.
- Inconsistency in plans and figures
- Doesn't consider secondary & cumulative impacts to jurisdictional wetlands and to endangered and threatened species

## SFWMD Permit

# Natural Resource Impacts of FEC Route Remain Unknown:

Preliminary review of SFWMD permit:

- Doesn't provide appropriate assessment or reasonable assurances that project will not cause adverse secondary impacts to water resources
- Wetland limits don't appear to be ground-truthed
- Public Interest Test appears to rely on assertions from FEIS, but FEIS hasn't been verified by any authority to date as meeting the requirements for adequacy or accuracy

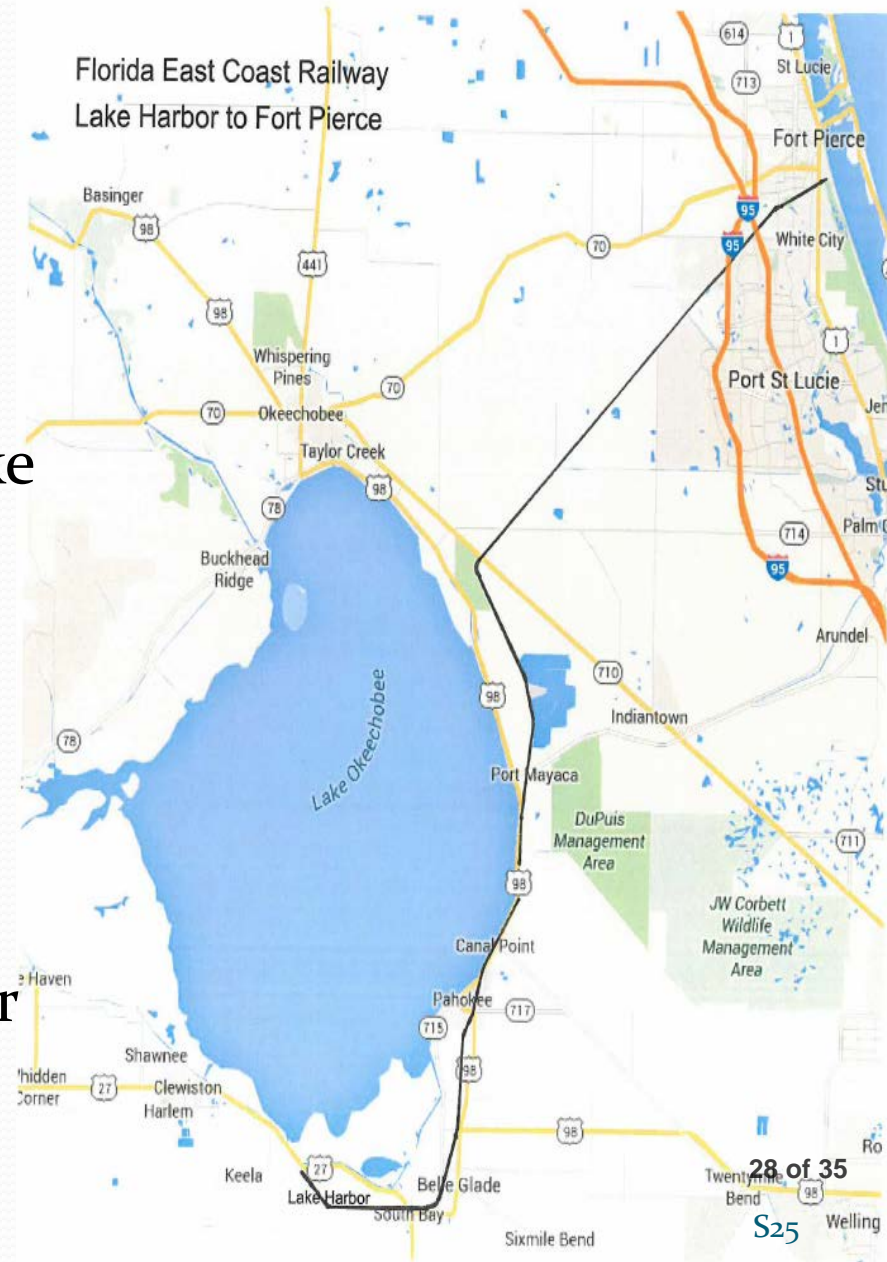
# Other Negative Impacts with FEC Route

Additional impacts to the public

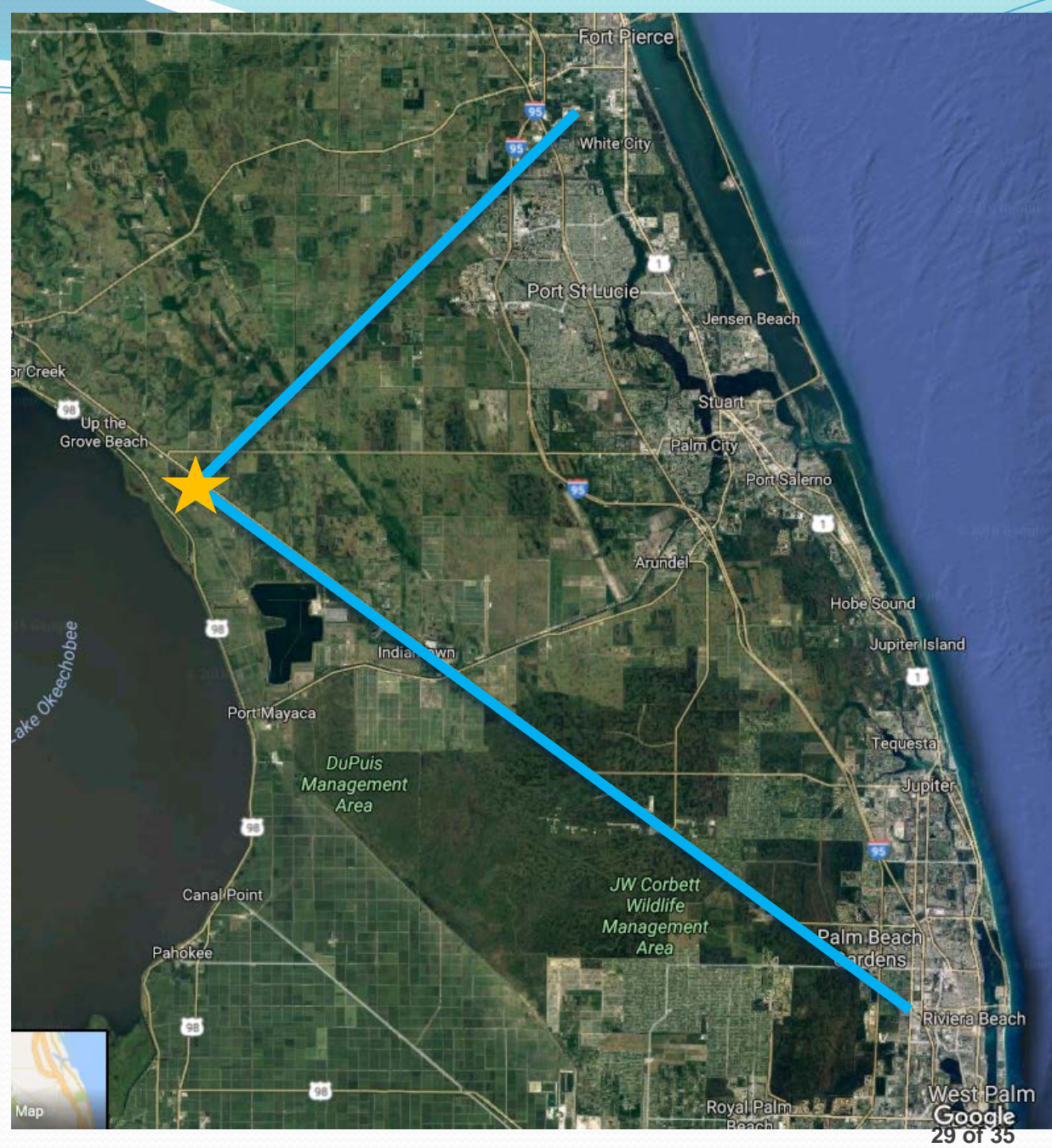
- Impacts to marine navigation
- Traffic and safety (grade crossings)
- Noise and vibration
- Cultural resources
- Economic impacts and reduced property values
- Impacts to low-income and minority populations

# The Fifth Alternative: the K-Branch

- The K-Branch is another name for the Fort Pierce-Lake Harbor Branch in western Martin County
- Owned by FEC
- Leased to SCFE, a short line railroad run by U.S. Sugar Corp.
- This FEC-owned rail corridor is an Emerging SIS facility



# The Fifth Alternative: The K-Branch



# The K-Branch/Fifth Alternative

Was not considered in the FEIS

Could provide a potential reduction in impacts

- Less at-grade crossings
- Avoidance of Loxahatchee & St. Lucie River bridges
- Reduces negative impacts to marine navigation
- Reduces impacts to natural & cultural resources (Jonathan Dickinson/Seabrook, Savannas, Lyric Theatre, etc.)
- Reduces risk of collisions/accidents
- Further away from FPL Nuclear Plant
- Less negative impact on property values
- Other potential benefits

# K-Branch vs. FECR Route Natural Resource Impacts Review

- **K-Branch route reduces and may eliminate impacts to Martin County's:**
  - **Conservation Lands** – FEC route is adjacent to or directly through State Parks (JD, Seabranh, Savannas) and many private preservation areas (PAMPs)
  - **Habitats** – FEC route results in direct, secondary and cumulative impacts to unique, rare and regionally, economically important scrub and estuary habitats.
  - **Listed Species** - listed species strictly associated with or predominant within the scrub and estuarine habitats (i.e. scrub jay, manatees, gopher tortoises and commensal species, Johnson's seagrass, mangroves, 4-petal pawpaw, perforated lichen, large-flowered rosemary, Lakela's mint)

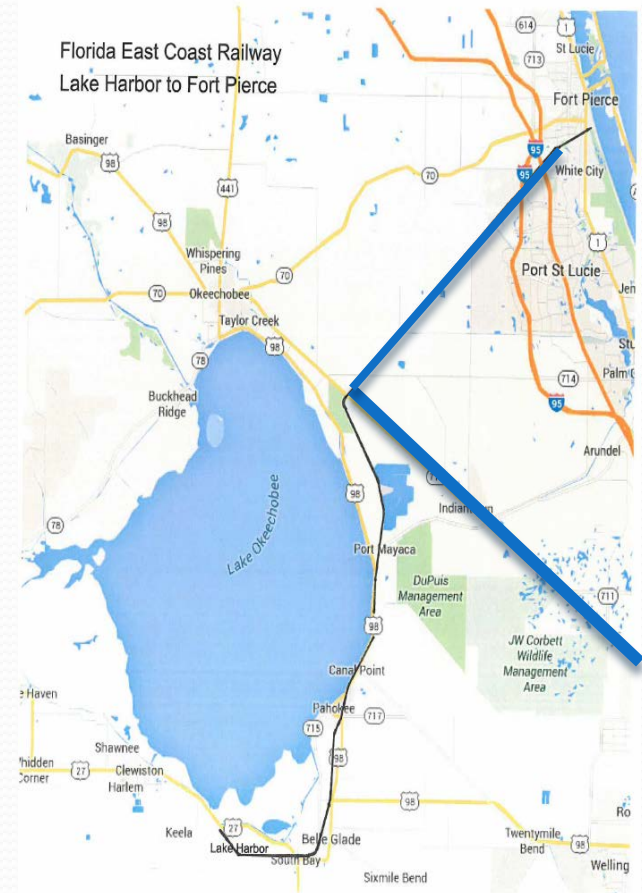
# Summary/Conclusions

- FEIS is flawed with respect to Alternative Corridors
- Does not provide sufficient analysis of reasonable alternatives to the north-south project segment
- Of the four alternate routes, the FEC route received the lowest environmental rating
  - Despite the poor rating, it is the only N-S route for which data has been provided beyond a Level 1 analysis.
  - Level 1 analysis data not provided; described as more weighted toward property ownership/ control/ monetary considerations



# Summary/Conclusions (cont'd)

- K-Branch was never considered in the analysis
- Impact to Emerging SIS facility(Okeechobee Waterway) could be avoided
- May be potential reduction in negative impacts to Martin County if this fifth alternative (K-Branch) were considered
- Western Martin County would not oppose a review of this alternative



# Recommendation

- Authorize staff to submit this information to relevant agencies - FRA, FDOT, ACOE, SFWMD – for consideration as an alternative corridor

# Questions?

