



### April 2016 Update

Citizens Against Rail Expansion in Florida (CARE) continues to actively pursue all possible legal, political and public communication channels to stop the ill-conceived All Aboard Florida (AAF) rail project that threatens the public safety and current way of life of communities throughout the Treasure Coast.

**Permitting and Rulemaking.** In coordination with the Counties, CARE continues to monitor the permitting and rulemaking actions of other federal and state agencies, such as the U.S. Coast Guard, the U.S. Army Corps of Engineers and the Florida Water Management Districts, and is considering legal actions on these permitting issues at the local, state and federal level.

Most recently, the Army Corp of Engineers issued its public notice for AAF's permit application on April 11. The Counties and CARE are reviewing the public notice, which may bring forward the need for legal challenges. The date for submission of comments is May 2, and CARE communities will soon be hearing more from CARE's leadership on this important issue.

Similarly, permit application activities at both the South Florida Water Management District (SFWMD) and the St. Johns River Water Management District (SJRWMD) are also underway. The timing appears to be faster in SFWMD than SJRWMD, and the Counties and CARE are closely monitoring this activity in both districts, drafting comments and considering their legal options.

**Additional Federal Funding.** CARE continues to learn more about AAF's so-called "capital stack"—the compilation of federal dollars it is pursuing or may pursue in order to reduce its own monetary commitment to the project. AAF continues to pursue a Railroad Rehabilitation and Improvement Financing (RRIF) loan and is also seeking federal dollars through a Transportation Investment Generating Economic Recovery (TIGER) grant. These U.S. Department of Transportation (DOT) funding options would allow for much-needed repairs and improvements to the antiquated movable rail bridges along the route while also letting the railroad off the hook for paying for the necessary work. CARE continues to monitor these issues closely and has

concerns with putting taxpayers on the hook for this project—a project that AAF had repeatedly claimed would be a private venture.

**Federal Lawsuit.** A ruling is expected later this month or in May on the federal lawsuit filed by Martin County, Indian River County and two CARE members that is focused on violations of federal environmental law and the illegality of the Private Activity Bond (PAB) approval.

The plaintiffs have recently gone back to the judge with respect to an interesting new angle in the case—the criminal history and related efforts to suspend or debar the Louis Berger firm. This firm’s CEO has gone to prison for fraud, and the company has been suspended/disbarred from contracting with major entities like the World Bank and Asia Development Bank. In addition, Chairman Bob Corker (R-TN) of the U.S. Senate Foreign Relations Committee has urged the State Department to debar Berger entities, and a new decision has come out of a court in DC that contains very strong and negative words about the firm.

Based upon this, the plaintiffs have gone back to the judge with a notice of supplemental authority. If the suspension and debarment authorities of a single federal agency were to suspend or debar the Berger companies, it would be difficult to fathom how the DOT could thereafter rely upon the Berger AAF ridership study—a study containing ridership projections that the Counties in their litigation papers and CARE have believed to be far-fetched from the case’s inception.

**Public Relations Update.** The CARE FL Steering Committee has continued to respond to media inquiries. We are sure you have read several of the front page stories and in depth stories about AAF challenges the organization is facing in the Treasure Coast and N. Palm Beach regions. We are also working with a sub-set of the CARE FL Steering Committee on developing and distributing a candidate report card by the middle or end of June. The questionnaire will ask a series of questions relevant to CARE FL and the concerns it has with the AAF project. We have also included a roundup of newspapers that published an opinion editorial by CARE FL below.

- [Sun-Sentinel](#)
- [Orlando Sentinel](#)
- [Palm Beach Post](#)
- TC Palm - Stuart News - still pending

From its inception, Citizens Against Rail Expansion in Florida (CARE) has believed that threats to public safety are among the most concerning aspects of the proposed All Aboard Florida (AAF) passenger rail project and related increases in freight rail. Recently, the FRA Safety Office sent a letter to AAF in December 2015 detailing the agency’s position on safety

requirements, which prompted CARE—along with Martin County, Indian River County, and U.S. Congressman Bill Posey (R-FL-08)—to request a copy of that communication in order to better understand the steps FRA will require AAF to take to ensure public safety. [Please see the response Congressman Bill Posey received from the USDOT](#). Special Note: [Sunshine State News ran the statement in its entirety today](#).

**Thank You.** CARE FL would like to express its deep gratitude to its members, supporters and volunteers who have continued to stand with us as we fight this ill-conceived rail project.

Winning this fight is up to us. The residents of the Treasure Coast and Northern Palm Beach communities who have the most to lose from this project must stand and fight—and CARE is ready to continue leading the way in this fight.

Please stay in touch with us by visiting our website, [www.saveourfl.com](http://www.saveourfl.com), and we encourage you to like our [Facebook page](#) for updates on CARE's progress. The Facebook page has generated a strong following – so thanks to each and every supporter for these efforts. Many of our supporters have asked if we can make donations easier – you will be happy to know that you can now make a secure donation online through PayPal. Just visit our site <http://www.saveourfl.com/donate.html>

Please continue to share our updates with your family, neighbors and friends. Stay tuned for some interesting developments we will report on in the near future.

Thank you for your continued support. Together We Can Make A Difference.

Brent P. Hanlon  
Chairman, CARE FL