



May 2017 Update

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

Legal Update

On May 10, 2017, U.S. District Court Judge Christopher Cooper dismissed the case filed in 2015 by Martin and Indian River Counties, after the U.S. Department of Transportation (DOT) withdrew the \$1.75 billion Private Activity Bond (PAB) allocation for AAF that was challenged by both Counties as well as two individual members of CARE FL.

AAF and DOT withdrew the \$1.75 billion PAB allocation in November 2016, as a direct result of Judge Cooper's August 2016 ruling in which he found that the PAB allocation constituted a "major federal action" and thus the nation's environmental laws must apply. DOT and AAF have not complied with those laws, and withdrawing the bonds was intended to avoid compliance. The withdrawal of the allocation was a direct result of the federal lawsuit.

The August 2016 ruling and November 2016 withdrawal of the \$1.75 billion PAB allocation were critical victories for the Counties and CARE FL plaintiffs. Without the \$1.75 billion PAB allocation, AAF currently has no clear way to fund Phase II of its project—the phase that will run from West Palm Beach to Orlando, directly through the Treasure Coast.

The U.S. District Court ruling also included a stern warning to DOT should it issue another PAB allocation for the AAF project without first complying with the nation's environmental laws. The ruling stated: "...if DOT were to do so, Plaintiffs could readily call it to the carpet by renewing their lawsuits in this Court."

The ruling of the U.S. District Court on May 10, 2017 does not change or diminish the Court's August 2016 ruling in favor of the Counties and CARE FL plaintiffs. It also in no way diminishes the overall progress that CARE FL has made since its inception in 2014.

In addition, construction of Phase II also requires a number of rulemakings and permits that AAF has not yet obtained—from the U.S. Coast Guard, from the U.S. Army Corps of Engineers, from the Florida Water Management Districts, for example.

When CARE FL was first formed, AAF's public statements led many to believe that the rail project was a foregone conclusion. AAF's loan applications said that Phase II would be operational in the first quarter of 2017. Despite AAF's confidence, CARE FL pushed forward to get the important facts out about public safety, environmental and financing concerns related to the AAF project and related increases in freight rail, and we have made progress over the past three years.

By the end of the first quarter of 2017, AAF was forced to publicly acknowledge that Phase II would be delayed by more than two years, blaming the delay on the need for additional permits and not having adequate financing in place.

Public Relations and Public Affairs Update

Judge Coopers Ruling

As soon as Judge Cooper's ruling was issued, CARE FL distributed a media statement and briefed reporters on the matter. CARE FL was quoted in several statewide news publications alongside Martin and Indian River County officials. Additionally, Steve Ryan and Martin County administrators and lawyers met with the TC Palm editorial board and provided them with more context about the ruling.

High Speed Passenger Rail Safety Act

Despite a very strong effort by Martin and Indian River Counties and CARE FL, as well as bill sponsors Senator Mayfield, and Representatives Magar, Grall and Harrell, the 2017 Legislative Session came to a close on Monday, May 8, 2017 without considering the High Speed Passenger Rail Safety Act. The bill sought to protect citizens from subsidizing high speed rail projects that pose risks to public safety and to require rail safety measures to protect the public. While the Florida Senate was able to successfully move its version of the bill forward, the measure stalled in the House. Again, we thank Senate leadership and the House members who fought the good fight on behalf of the public—not just in the Treasure Coast region, but across the state.

Your state elected leaders are committed to this issue and CARE FL is confident the issue will be addressed again as we head into the 2018 Legislative Session cycle. Their goal is to ensure the safety of our Treasure Coast residents.

Highlights from this past session included a presentation by Martin County's national rail safety expert, George Gavalla, who shared numerous concerns about the significant safety challenges and cost burdens facing our communities as a result of AAF.

Gavalla's report set forth a number of concerning points, including:

- That the FEC rail line is among the deadliest in the nation;
- That the FEC grade crossing accident rate is more than double the national average, with a fatality rate that is 4.0 times the national rate;

- That risk of deadly accidents will increase greatly if AAF becomes operational; and
- That there is an increased risk of catastrophic accidents and deadly derailments on crowded passenger and freight train rail lines due to “secondary” collisions.

The bottom line is that AAF opposes any state attempts to regulate safety, and from a financial standpoint, AAF is determined to offload the costs of safety on the communities. This was clearly not lost on members of the media who covered the issue extensively. CARE FL expresses its deep gratitude to the leaders of Martin and Indian River Counties for their unwavering support. Their staffs and their government relations teams worked collaboratively with CARE FL and its legislative team to raise awareness during the legislative session.

Florida Development Finance Corporation (FDFC)

Senate President Pro Tempore and Chairwoman of Senate Banking and Insurance, Anitere Flores, and Senator Debbie Mayfield, Chair of the Joint Legislative Auditing Committee, both raised serious questions about AAF’s efforts to secure “new” bonds for Phase I from the FDFC. In two different letters to the executive director of the FDFC, they asked some very pointed questions that were not answered.

As usual, the FDFC’s outside general counsel finally provided a non-response to Senator Flores’ office more than a month after her initial inquiry, essentially dismissing her concerns and refusing to provide further information. A similar letter was sent to Senator Mayfield.

The failure to appropriately respond to two State Senators again raises substantial questions about the FDFC, and we hope to have more to report on this issue soon.

Media/Public Relations

This month, CARE FL placed online banner ads on the very well read and popular online news sites SaintPetersBlog, Florida Politics and Orlando Rising. The rotating banner ads send a message to AAF and reminds the legislature AAF is relying on taxpayer subsidies. CARE FL also publicly thanks Sen. Mayfield, Reps. Magar, Harrell and Grall. The URL directs readers to <http://www.saveourfl.com/>.

And finally, we are pleased to announce that CARE FL is identified as a **winner** in the post-session edition, *Winners and losers emerging from the 2017 Legislative Session*, of [Florida Politics](#).

Excerpt included below:

CARE FL — The organization has led the fight against rail expansion in Florida, putting [All Aboard Florida](#) on its heels. It’s made tremendous waves in Tallahassee, and even though a bill by Sen. **Debbie Mayfield** and Reps. **Erin Grall** and **MaryLynn Magar** to require AAF to absorb the costs of rail safety upgrades didn’t pass, the group isn’t backing down and vowing to return in 2018.

All this information has also been shared on Facebook by Firefly with a note thanking Martin and Indian River County leaders for their efforts.

In Case You Missed It

With the All Aboard Florida lawsuit dismissed, what's next for the Treasure Coast?

TC Palm

<http://www.tcpalm.com/story/news/local/shaping-our-future/all-aboard-florida/2017/05/12/all-aboard-florida-lawsuit-dismissed-whats-next-treasure-coast/101546794/>

Judge dismisses suit challenging All Aboard Florida; both sides see victory

Florida Politics

<http://floridapolitics.com/archives/237881-judge-dismisses-suit-challenging-aboard-florida-sides-see-victory>

Both sides of lawsuit against Brightline herald dismissal as a victory

South Florida Business Journal

<http://www.bizjournals.com/southflorida/news/2017/05/11/both-sides-of-lawsuit-against-brightline-herald.html>

Guest Column: Martin County opposes Brightline, despite South Florida support by Taryn Kryzda, *TC Palm*

<http://www.tcpalm.com/story/opinion/contributors/2017/04/26/guest-column-martin-county-opposes-brightline-despite-south-florida-support/100930924/>

LNG, ethanol on FEC tracks pose unprecedented threat, local fire chiefs say by Lisa Broadt, *TC Palm*

<http://www.tcpalm.com/story/news/local/shaping-our-future/all-aboard-florida/2017/04/17/lng-ethanol-fec-tracks-pose-unprecedented-threat-local-fire-chiefs-say/100578832/>

AAF/FDFC Bonding Trickery by Nancy Smith, *Sunshine State News*

http://www.sunshinestatenews.com/story/aaffdfc-bonding-trickery-oh-dear-down-29-voting-days?utm_source=Constant%20Contact&utm_medium=email&utm_campaign=News%20Alert

Orlando airport's new train station will wait years for trains by Kevin Spear, *Orlando Sentinel*

<http://www.orlandosentinel.com/news/os-airport-train-station-uncertain-20170423-story.html>

Let's Hit the Brakes on Costly High-Speed Rail Fantasies by Marc Joffe, *The Fiscal Times*

<http://www.thefiscaltimes.com/Columns/2017/04/17/Let-s-Hit-Brakes-Costly-High-Speed-Rail-Fantasies>

Interested in Helping?

As we celebrate CARE FL's third anniversary, we have made notable progress on a number of fronts. Winning this fight continues to be up to us! We hope you will continue to oppose AAF by standing with CARE FL.

To get the latest or to sign up for our monthly updates, please visit our website www.saveourfl.com or you can like our [Facebook page](#). You can also follow us on [Twitter](#).

We would love to hear from you and if you care to make a contribution we've made it easy – just [click here](#).

Please continue to share these updates with your family, neighbors and friends. There will be additional developments to report on in the coming weeks, so please keep an eye out for our monthly updates and possible calls to action.

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

Brent P. Hanlon
Chairman, CARE FL