



CARE FL Presentation
Lyric Theater
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Introduction to CARE FL



- Formed in mid-2014 as a coalition of concerned community organizations and citizens opposed to the All Aboard Florida (AAF) passenger rail project and related increases in freight rail traffic
- CARE FL opposes Phase II of the AAF project, as it would run directly through our communities, north of West Palm Beach to Orlando
- Our mission is to protect the safety, welfare and way of life for the families, businesses and retirees who live in and around our communities



**SAFETY HAS ALWAYS BEEN OUR
GREATEST CONCERN**



FECR Already Has A High Rate of Fatalities and Injuries Per Mile

Four have been killed by AAF trains during test runs and inaugural Phase I service between July 2017 and January 2018

U.S. DOT Federal Railroad Administration (FRA) Fatalities Report for the FECR (351 mile track)

- 2011: 18 fatalities 14 injuries
- 2012: 12 fatalities 25 injuries
- 2013: 12 fatalities 25 injuries
- 2014: 13 fatalities 31 injuries
- 2015: 16 fatalities 30 injuries
- 2016: 20 fatalities 33 injuries
- 2017: 12 fatalities* 27 injuries*
- **Total: 103 fatalities 185 injuries**

If 32 new high-speed passenger trains, as well as additional freight trains, are added to these tracks, one can only imagine how these fatality and injury figures might increase

**Through October 31, 2017*

Source: FRA Accident/Incident Overview for FECR, 2011-2017

Safety Remains Our Top Concern



Our hometown paper (TC Palm) shares our safety concerns.

“As I rode the train today, I was struck by the miles and miles of track that ran beside houses, buildings and roads — with no fences to deny pedestrians easy access to the tracks. I remember thinking: This is a prescription for disaster. One of the major concerns voiced by residents throughout our region is safety. Passenger trains traveling up to 110 mph pose unique risks that must be adequately addressed in the construction of a rail project...Many Treasure Coast officials and residents have been outspoken in their concerns about rail safety. And, it would appear, for good reason.”

--Rich Campbell, Brightline goes from confetti to fatality in one day, January 12, 2018

The AAF Derailment They Failed to Make Public



- An AAF train derailed during a test run, resulting in \$408,000 of equipment damage
- It occurred on February 11, 2017, just days before AAF officials testified before state legislators, where they continued to emphasize their commitment to safety **but failed to tell lawmakers about this accident**
- The incident only became public months after the fact, after another FOIA request
- CARE FL, Martin County and Indian River County have repeatedly expressed their public safety concerns and have worked diligently to address ways to keep the residents of the Treasure Coast community out of harm's way

Safety Remains Our Top Concern



- The population of our region has increased by 10,000 percent since the Flagler railroad began
- Since all crossings are “at grade” with roads, more rail traffic means increased auto traffic congestion, first responder delays and safety risks
- The addition of 32 new 80-110 mph passenger trains, along with more and longer freight trains sharing the same tracks present new safety threats to:
 - Vehicles, bicycles and pedestrians crossing the tracks
 - Inadequate “storage areas” for school buses and other vehicles
 - Access to hospitals and the ability for emergency responders to quickly reach those in need

What's on the Train? LNG and Other Dangerous Commodities



- FECR trains currently carry dangerous commodities, including chlorine gas, ethanol, propane and, now, liquefied natural gas (LNG)
- FECR originally petitioned FRA for approval to transport LNG as a commodity between South Florida and Jacksonville
- FECR plans included transporting LNG along a highly populated, congested route with over 300 at-grade crossings, that it plans to share with AAF's 110 mph passenger trains—a recipe for disaster and more fatalities
- In a March 3, 2016 letter, the FRA not only confirmed the plans to transport LNG, but was also very negative about this controversial proposal that poses a threat to public safety
- FECR then limited its petition to transport LNG only between Port of Miami and Port Everglades – for now
- FECR is the only carrier in the lower 48 states to transport LNG as a commodity



AAF BLOCKING MARITIME TRAFFIC

The St. Lucie Rail Bridge Today (Finished Circa 1938)



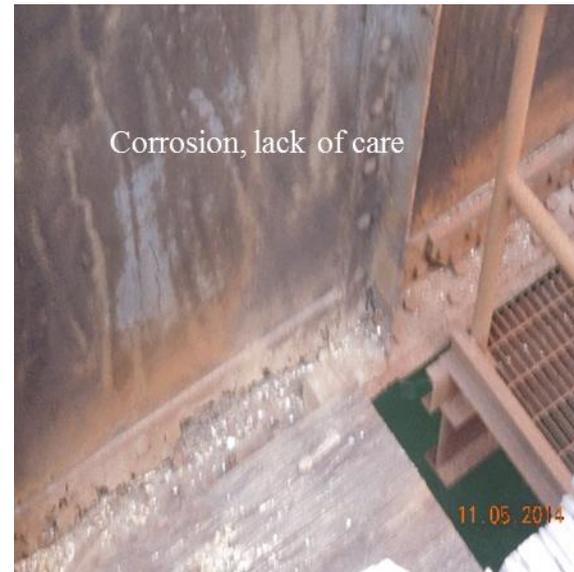
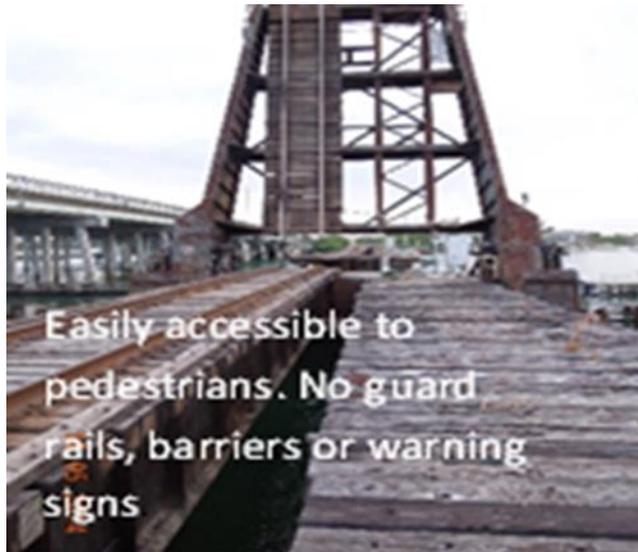
- Currently impassable by boats for a total of 3 hours and 30 minutes per day; with the projected passenger and freight increases, estimated to be impassable 9 hours and 30 minutes per day!



The Loxahatchee Bridge Today (Built Circa 1935)



- Currently impassable by boats for a total of 3 hours and 20 minutes per day; with the projected passenger and freight increases, estimated to be impassable for 9 hours per day!



Coast Guard



- CARE FL hired a retired USCG executive to study the St. Lucie and Loxahatchee rail bridges, who concluded that the closure times in the FEIS represent an “unreasonable obstruction” to navigation
 - The FEIS anticipates these 80 year old **bridges will be closed 9 hours and 30 minutes per day**—up from 3 hours and 30 minutes today
- CARE FL petitioned the USCG for the establishment of operating rules for these bridges
- The USCG issued a proposed rule for the New River Bridge in Ft. Lauderdale—a rule likely to be extended to the other bridges—that waterways not be obstructed more than 1 of every 2 hours
- Thanks to **Rep. Brian Mast (R-FL-18)**—one of CARE FL’s champions—the USCG is currently conducting a navigation feasibility survey to determine waterway usage near the St. Lucie and Loxahatchee River rail bridges
 - <https://www.surveymonkey.com/r/StLucieLoxahatcheeRailwayBridges>
 - We encourage mariners to complete the survey by the February 1 deadline



OUR OTHER CONCERNS

CARE FL's Other Concerns



- Congestion
- Noise and Vibration
- Environmental Impacts
- Historic Preservation Issues
- Quality of Life



UPDATE ON AAF GOVERNMENT SUBSIDIES AND OUR LIKELY RESPONSE

AAF is Dependent on Government Subsidies



- **After more than three years we know one thing will never change about AAF—it has an insatiable need for government subsidies**
- Recent subsidies include two Private Activity Bond (PAB) allocations from DOT
 - \$600 million for Phase I (Miami to West Palm Beach)
 - \$1.15 billion for Phase II (West Palm to Orlando)
- Unlikely AAF could finance its project without these government subsidies
- Taxpayer dollars should not be spent on a project that raises safety concerns and has not proved its creditworthiness or economic value to the private sector

Background



- **2014** – CARE FL formed; AAF obtains \$1.75 billion taxpayer subsidized PAB allocation from DOT
- **2015** – Counties and CARE FL plaintiffs file lawsuits challenging the lawfulness of the PABs and National Environmental Policy Act (NEPA) violations
- **2016** – U.S. District Court Judge Cooper rules for Counties that DOT’s PAB approval is subject to NEPA; AAF and DOT subsequently announce the withdrawal of the \$1.75 billion PAB allocation
- **May 2017** – Suit is dismissed as “moot”; AAF falsely claims “victory”

Recent ROD Issuance & Current PAB Allocations



- **2016** – DOT approves “new” \$600 million PAB allocation for Phase I only (to replace expensive AAF debt), and notes the possibility of a future \$1.15 billion allocation for Phase II
- **December 15, 2017** – FRA issues a Record of Decision (ROD), more than 28 months after issuing the Final Environmental Impact Statement (FEIS)
- **December 20, 2017** – DOT issues a provisional approval letter for the “new” \$1.15 billion in PABs for Phase II



**AAF HAS CONSISTENTLY
OPPOSED SAFETY REGULATION
AT THE STATE LEVEL**

State Legislation



- **There is currently no law or regulation governing high speed rail safety in Florida**
- CARE FL's champions in Tallahassee—Senator Debbie Mayfield and Reps. MaryLynn Magar and Erin Grall—are working to address this with legislation they recently reintroduced
- On January 23, Senator Mayfield and Rep. Grall held a press conference in Tallahassee, in light of the recent fatalities, urging their colleagues in the Florida Senate and House to address the need for high speed rail safety measures

State Legislation



- On November 14, 2017, the Florida Senate Transportation Committee unanimously voted for Mayfield's bill (SB 572)
- On January 23, 2018, the Florida Senate Community Affairs Committee held a workshop to discuss SB 572
 - The Senate bill, among other things, requires railroad companies operating high speed passenger rail systems in Florida to install specific safety technology and equipment
 - It also shifts responsibility for certain maintenance, repair, improvement and upgrade costs to the railroad companies
- The Grall/Magar bill (HB 525), would also address cost concerns related to high speed rail projects

Joint Legislative Auditing Committee (JLAC)



- On November 15, 2017, CARE FL and the Counties sent a comprehensive letter to JLAC
 - Letter addressed ongoing concerns regarding the procedural defects of the Florida Development Finance Corporation (FDFC)—AAF’s conduit issuer of PABs
 - Letter detailed concerns with AAF’s updated ridership and revenue study
 - 2017 ridership and revenue study is much more optimistic than the 2013 study
 - Fares in 2020 are projected to be approximately 100% higher (an average fare of \$32.70 instead of \$15.71)
 - Along with much higher fare projections, they claim there will be 2.94 million trips, instead of 1.94 million trips – a 52% increase in the number of trips
 - As a result, revenue in 2020, as projected in the 2017 study, is expected to be \$96 million rather than the \$31 million projected in the 2013 study – a 300% increase in projected revenues
- On November 16, 2017, JLAC met to discuss the Office of Program Policy Analysis and Government Accountability (OPPAGA) review of the FDFC that was requested by Senator Mayfield