



## **June 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)/Brightline rail project that threatens the public safety and current way of life of communities throughout the Treasure Coast.

**Federal Lawsuit.** A court date is scheduled in Washington, DC for Thursday, June 30 in 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. Leading up to this court date, the Counties' attorneys have been working hard to ensure that all—or as much as possible—of this important hearing is open to the public.

We will have more to report following the June 30 hearing, in our July update to you.

**FDFC Issues.** On June 10, a state court ruled against Indian River County's administrative law challenge to the Florida Development Finance Corporation (FDFC) PAB approval proceedings of August 2015. While AAF wasted no time in using this development to claim victory and further lead Treasure Coast communities to believe any efforts to stop AAF are futile, CARE could not disagree more.

CARE—along with Indian River County and Martin County—continues to have serious concerns regarding the questionable procedural, substantive, ethical and legal nature of the 2015 FDFC proceedings. These questionable proceedings included multiple *ex parte* communications between FDFC Board Members and AAF prior to the vote, prejudgment evidenced by including in its budget (before the August 5 approval) an allocation of a \$1.8 million payment from AAF, and continued voting by unconfirmed FDFC Board Members.

As a result of these concerns, Martin County and Indian River County filed different, well-documented lawsuits against the FDFC action, and with the June 10 dismissal, this means that state courts have dismissed the County lawsuits, despite the well-documented and serious legal and ethical issues.

CARE reminds its supporters—and the Treasure Coast communities as a whole—of these egregious legal and ethical shortcomings that AAF and the FDFC repeatedly demonstrated throughout 2015 leading up to the August 5 bond approval. We continue to strongly believe that the FDFC and AAF should be held accountable for these actions. Read our [statement](#) released on June 15<sup>th</sup>.

**Nuclear Power Plant Concerns.** CARE recently made public the letter it sent to three federal agencies and two state agencies in April 2016, regarding concerns that the AAF project could have a serious impact on the operation of the St. Lucie Nuclear Power Plant. The nuclear plant sits less than two miles across the Intracoastal Waterway from the proposed AAF tracks.

[CARE's letter](#) to the regulatory agencies outlines two points—the impact the project will have on evacuation routes and the potential of chemical releases or explosions due to a freight rail accident that could affect the nuclear plant. Attached to our letter were “plume” maps that are not being released to the public. These maps were created using standard software programs from the U.S. Environmental Protection Agency that are utilized by firehouses across the country, and they demonstrate potentially catastrophic events, such as a propane explosion or a release of chlorine or anhydrous ammonia.

In the two months since that letter was sent, the Nuclear Regulatory Commission (NRC) has been the only office to respond. In fact, instead of responding, state agencies have asked local counties to address the issues instead. CARE was appreciative of the NRC's thoughtful, substantive response and careful consideration of our concerns, and we continue to urge the other agencies to take the time to read and respond to our concerns.

The Federal Railroad Administration's mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future. The Federal Railroad Administration (FRA) in particular has shown a pattern of behavior in ignoring our concerns, as they have also failed to respond on numerous other occasions to other letters and inquiries sent by CARE and the Counties. We continue to question the intent behind the silent treatment from these government bodies.

**Permitting and Rulemaking.** In coordination with the Counties, CARE continues to monitor the permitting and rulemaking actions of other federal and state agencies, including the U.S. Coast Guard, the U.S. Army Corps of Engineers (ACOE) and the Florida Water Management Districts, and is considering legal actions on these permitting issues at the local, state and federal levels. Please read Martin County's [press release](#) for additional information.

**CARE Public Relations Update.** We have continued to respond to media inquiries that have resulted in several in-depth stories about AAF, its public safety challenges and other impacts to the Treasure Coast and N. Palm Beach regions. We also developed and distributed a [candidate questionnaire](#) that poses a series of questions relevant to CARE and the concerns it has with the AAF project. We included local races, state races and candidates seeking federal Congressional District 18. We also released a statement on the US Army Corps of Engineers response to AAF's application request. Additionally, we [commented on Congressman Bill Posey's letter](#) to the U.S. Department of Transportation regarding questions surrounding the company/consultant that performed AAF's ridership study that claims AAF will have lots of passengers paying lots of money for their tickets. More recently we released a statement regarding the dangerous impact the AAF project may have on the St. Lucie Nuclear Power Plant in the event of a rail accident. CARE's statements were reflected in Florida Politics, the Stuart News, and Sunshine State News.

Despite the PR campaigns by AAF and others who continue to try and claim victory, we remain committed in our fight against this misguided rail project. We need the residents of the Treasure Coast communities who have the most to lose from this project to continue to stand with CARE and oppose AAF. But support for our cause is expanding as our message reaches out beyond the Treasure Coast to other communities in South and Central Florida. Our voices are being heard and our concerns are being shared by many of our fellow Floridians from Orlando to Miami. It's clear our efforts our making a difference.

We must persevere. Winning this fight is up to us.

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

### **ICYMI**

And, in case you missed it (ICYMI) below we have included some good reads.

Sun Sentinel- Mike Mayo LNG - Asking the questions we all want to know.  
<http://www.sun-sentinel.com/news/fl-rail-liquid-gas-mayocol-b060916-20160608-column.html>

Sunshine State News coverage on CARE's report cards  
<http://www.sunshinestatenews.com/blog/anti-rail-expansion-group-set-issue-report-cards-measuring-candidates-positions-all-aboard>

TC Palm - coverage on CARE's statement on the dangerous impact of AAF may have on St. Lucie Nuclear Power Plant  
<http://www.tcpalm.com/news/shaping-our-future/all-aboard-florida/nrc-rail-traffic-threat-to-st-lucie-nuclear-plant-requires-ongoing-monitoring-34dc8979-bea8-5d9a-e05-382409451.html?d=mobile>

### **Interested in helping?**

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 our updates with your family, neighbors and friends. There will be some very interesting developments we will report on in the near future. So keep looking for our updates or call to action.

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

Brent P. Hanlon  
Chairman, CARE FL