HIGH SPEED RAIL COMMISSION MINUTES  
WEDNESDAY, FEBRUARY 26, 2014 - 4:00 P.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT:  Chairman Ken Daige; Vice Chairman, Don Croteau; Members:  Penny Chandler, Brian Heady and Alternate Member, Debbie Avery  
ALSO PRESENT:  James O’Connor, City Manager and Tammy Vock, City Clerk

Excused Absence:  Mr. Kiernan Moylan

1.  CALL TO ORDER

Chairman Daige called the meeting to order.

2.  PLEDGE OF ALLEGIANCE

Mrs. Chandler led the Commission and the audience in the Pledge of Allegiance to the flag.

3.  APPROVAL OF MINUTES

A)  FEBRUARY 3, 2014

Mrs. Chandler made a motion to approve the minutes of the February 3, 2014 High Speed Rail Commission.  Mrs. Avery seconded the motion and it passed unanimously.

4.  PUBLIC COMMENT

Mr. Tom Gruber, of Indian River Shores, provided a copy of his prepared statement (please see attached).  He stated that he has six to seven years experience with a hornless rail system up North in the Boston area.  He then read his prepared statement.

Mrs. Chandler asked Mr. Gruber if in his comments he was stating that the Environmental Impact Study (EIS) would automatically incorporate historic sites (referring to the statement “A Section 106 permit requires that all railroad project impacts on historic resources must be identified, and mitigated if necessary.”)  

Mr. Gruber said according to the website, Section 106 is a consideration they must consider.

Mr. Heady said if Mr. Gruber would provide the City Clerk an electronic or paper copy of his comments they could be included in today’s minutes.

Mr. Croteau thanked Mr. Gruber for his presentation.  He said that he did not understand what a channelized crossing is.

Mr. Gruber explained there is a gate that closes each lane.  On one side of the gate there would be a barrier substantial enough to keep the cars in that lane so they can’t go around the gate.
Mr. Croteau asked what happens when a car is crossing the track and the gate goes down.

Mr. Gruber said the car would continue because there would not be a gate on the opposite side. He said in the Federal document that he quoted in his statements, there were other options to mitigate, such as video surveillance, magnetic sensors, etc. He said it is up to the City to apply for the permit.

Mr. Croteau asked in his work on this, what was the speed of the trains.

Mr. Gruber said their maximum speed was 50 mph.

Mr. Richard Schulman, 551 Cypress Road, said he would not discuss details of crossing gates and such because it presumes that this is a done deal. He said All Aboard Florida is not a private enterprise, this is not a done deal, and users must be compensated. He said All Aboard Florida is talking about bisecting a business section in Vero Beach that is already bisected. He said All Aboard Florida is a company with too cozy of relationships with politicians and government. They are relying on subsidies from the government and the business case for the railroad is not a good one and it is likely to fold and stick the taxpayer with additional burdens. He reported that the company behind All Aboard Florida applied for a Federal loan, which could be up to $563 million dollars. Governor Scott committed the State to $214 million dollars in subsidies for building a people mover from the Orlando Airport to a yet to be built station. He said they have heard very little talk that this railroad is going to compensate all the people they have damaged by this project. He said given the fact that it is not a private operation and in previous discussions by Mr. Heady and others that the company has an obligation to disclose their financial particulars is well taken. There is no way they should be allowed to proceed without making their business case public. He is concerned that this is not being done as carefully as it should. He said they are not taking into consideration the damage to boat owners between West Palm Beach and Miami who aren’t going to be able to use the waterway because of the railroad bridges. He said they could stop this by reversing Governor Scott’s commitment of taxpayer’s money to the people mover. He asked why should the State pay for this. He said it is the principle of equity that users must be compensated for damages. He referred to All Aboard Florida not disclosing their financials. He said they asked for a loan from the Federal Railroad Administration (FRA), and the FRA won’t give out any details of the loan application because proprietary business information is involved. He questioned the Federal Government giving a private company almost a half-million dollars to a private enterprise at no disclosure. He said Fortress Investment Corporation is the actual owners behind Florida East Coast Railway and the All Aboard Florida project. They have quite a background of very close relationships with the government and leaving the government on the hook when profits stopped coming in and they went bankrupt or defaulted. He said that Mr. Roberts is the former Chief of Staff for Congressman John Mica of Orlando and Congressman Mica is the Chairman of the Transportation and Infrastructure Committee. He said that is a very convenient relationship for All Aboard Florida and Florida East Coast Railroad. He said All Aboard Florida is likely to fold.

Mrs. Chandler said Mr. Schulman made a lot of statements. She questioned what his professional background is.
Mr. Schulman said he is a modestly educated person who knows how to use the internet. He said a lot of his information came from the FRA site, newspapers, and formal statements of All Aboard America.

Mrs. Chandler said he pointed his finger a lot and therefore she wanted to know his background and where he got his information. She said he indicated that there was an opportunity for the Aviation Authority and the Department of Transportation not to go into the contract with All Aboard Florida.

Mr. Schulman said from Orlando to Cocoa is controlled by two authorities, the first stretch is by Orlando Orange County and the second stretch is by the DOT.

Mr. Heady thanked Mr. Schulman for bringing this information forward.

Mrs. Chandler said she understood from a previous meeting that there was a lease in place.

Mr. Rusty Roberts, Florida East Coast Industries, All Aboard Florida, said that is correct. He explained that there is a lease in place between the DOT and All Aboard Florida for the section of State Road 520. An agreement has been passed with the Orange County Expressway Authority for the portion of the corridor that they control. They also have a lease with the Orlando Airport Authority. He noted that they are paying a fee in every one of those cases.

Ms. Melinda Mecel, resident of Vero Beach, felt there were questions they should know. She said according to a previous presentation by Mr. Roberts, there are 15 million tourists they are trying to accommodate and basically the railroad is for tourism and not local travel. She felt that they needed to know the ridership and the cost per ticket. She said that most trains in America are subsidized. The other issue is the environment. She felt that this would cause more congestion. She asked how environmental sound is this.

Mr. Heady felt that Mr. Roberts had given answers to a couple of her questions. The railroad is looking to compete with the airlines so they would look at the ticket price from Miami to Orlando.

Ms. Mecel said to compare the railroad with the flight ticket.

Mr. Heady said that was his understanding from Mr. Roberts.

Mr. Joseph Guffanti, 441 Holly Road, stated that this is a very important issue. This Committee should allow all the time in the world to focus on this and to understand what is going on. He said except for the first two trains in the morning and the last two trains in the evening, any train will pass another train five times and these passage points would be determined by the weight of the train and the distance from where it starts. He said theoretically the trains could pass each other in Vero Beach. He said if they don’t pass simultaneously in Vero Beach they would be five to thirty-minutes apart. He said there is about 12 miles between 12th Street to Aviation Boulevard and it would take the train about one and a half minutes. In dividing that by the six
crossings, the train would be going through a crossing every 15 seconds. If the horn is going to blow, it would have to blow continuously for one and a half minutes. That is just in the City and does not include 8th Street or 41st Street. He said if one train is late, that would move the point of passage. He felt that this whole issue was one of safety and common sense. He said that he has a degree in Engineering and one of the things an Engineer has to do is look at a project not from a safety point of view, but a common sense point of view. He said common sense is more important than safety. He felt it was ludicrous to think that it is okay to drive a train at 110 mph through a heavily populated area. He didn’t think that was a prudent thing to do. He asked why would someone decide to put this forth. He said this private company wants the State to fork over millions of dollars with no guarantee that any good is going to come from it except that they are going to get their tracks modernized and they get an additional set of tracks. The last thing he wanted to discuss was this business about developing a system so they don’t have to blow the whistle. He said in a six year period of time there have been 260 pedestrians killed by railroads in the State of Florida and that is trains going an average of 50 mph. He asked the Committee to use their imagination and think about trains going 100 mph through the City of Vero Beach. He asked what is going to happen when a train derails at 100 mph. He said it is going to be catastrophic. This whole thing is just a money grabbing opportunity by a group of people that they don’t even know who they are. Apparently they are well connected and they are going to walk away with a ton of money and we will get nothing out of it except a hard time and heartaches.

Mr. Heady referred to some questions they received from Mr. Victor Dimatteo. He asked could they include them under Public Comment. He said Mr. Dimatteo referred to a route that the Florida East Coast goes through, which is a low populated density. He had some questions as to why they chose the more populated area. Mr. Heady felt they were questions that needed to be answered.

5. **CHAIRMAN’S MATTERS**

Mr. Daige reported that Mr. Stradley resigned from the Committee. He said that a letter of appreciation was sent to him for his time he served on the Committee.

Mr. Daige introduced their new member, Mrs. Debbie Avery.

Mrs. Avery reported that she is here representing Mainstreet.

Mr. Heady asked did the City Council vote to put Mrs. Avery on the Committee.

The City Clerk said Council wants a representative for Mainstreet on this Committee. Mrs. Avery sent in her application and Council voted her on the Committee at their last meeting.

Mr. Heady asked were there any other applicants.

The City Clerk answered no.
Mr. Daige reported that there was a meeting with the people of Mainstreet on February 19th. He thanked Mrs. Forbes, Mrs. Minuse and Mrs. Gould for putting this meeting together. He referred to a list of concerns that came from that meeting (on file in the City Clerk’s office). He said these concerns would be addressed today or at a future meeting.

Mr. Daige said that Mrs. Chandler sent some information and would brief the Committee on this today. Also, Mr. Croteau sent in some information, which he would discuss with the Committee today (both are on file in the City Clerk’s office).

6. PRESENTATIONS

A) Mrs. Kim Delaney, Treasure Coast Regional Planning Council

Mrs. Kim Delaney, Treasure Coast Regional Planning Council (TCRPC), said they were asked to take a coordinating role in trying to understand the issues relating to this project and other rail projects, such as the FEC Amtrak corridor. She then gave a Power Point presentation which outlines quiet zones. She said they worked with a private engineering firm in trying to understand how quiet zones work. She said quiet zones are regulated by the Code of Federal Regulations. A quiet zone regulation allows a public agency to, at their expense, install additional safety infrastructure or programs to raise the safety rating of a grade crossing to a point high enough so that the public agency can declare to the Federal Railroad Administration (FRA) that they have done everything necessary to make it safe enough to ask the railroad to not blow their horn and then that public agency declares that this is now a quiet zone. She said there are capital costs, safety infrastructure that is typically necessary and there is an operating and maintenance cost. The City of Vero Beach pays the FEC annually for the right to cross the railroad with its grade crossings. She said there are 340 grade crossings between Brevard and Miami. Each of those were put in place at the request of the local entity. Each of the grade crossings is governed by a Grade Crossing Agreement. Federal law dictates how the horns must be blown as it approaches the grade crossing. Federal law acknowledges there is an opportunity to have the trains not blow their whistle and the cost is borne by the local agency requesting to make it quiet. The operation and maintenance cost, as well as the liability for any accidents, transfers from the railroad to the local agency that requested the quiet zone. She said they are trying to get an estimate on what this would cost. According to the FRA all grade crossings must have gates, lights, constant warning times, and a power out indicator. She said that the operator of the trains have the responsibility, as well as the right, to blow their horn if they see a dangerous situation even if they are in a quiet zone. There are some stipulations regarding the length of a quiet zone because Federal law states that if there is a quiet zone in place it has to be at least one-half a mile long. As they consider quiet zones here in Vero Beach, if there are grade crossings within one-half a mile they need to think about making both of them quiet zones. She said there are two types of improvements that enable the City to establish a quiet zone. One type is supplemental safety measures, such as going from two gates to four gates, converting streets from two-way to one-way, gates with medians or channelization devices, wayside horns (horn blows down the street instead of in front of the train), and temporary or permanent closures. The other types of improvements are alternative safety measures, such as programmed enforcement, public education, and photo enforcement. She said quiet zones are a very important conversation in communities with active and vibrant downtowns. She said that Miami is still trying to figure
out whether quiet zones will be a priority because most of their grade crossings run through industrial areas. She felt that if there was a regional approach then Miami would probably participate. Broward County’s grade crossings are in active vibrant residential neighborhoods and downtown districts and quiet zones are a priority. The Broward MPO has already allocated funding to the capital costs of quiet zones. For the most part, each community along the corridor are planning quiet zones and how they can budget for them. She reported that there is a very active Task Force looking at quiet zones that is sponsored by the Florida League of Cities. Palm Beach County has been the lead community to get legislative requests in motion. Their Government Affairs liaison has already been in Tallahassee with an active legislative request for funding. Martin County has initiated their legislative request as well. The City of Ft. Pierce has taken specific steps to request funding and are trying to begin to analyze quiet zones. She was not sure about Brevard County yet, but would be speaking with them. She said the next time she comes before the Committee she would have an assemblage on where each community is with respect to their activities. She said because Tri-Rail exists in the southern counties, they are very engaged in rail discussions. The FDOT, the Florida East Coast Industries, the FRA, and local governments are conducting diagnostic field reviews. She reported that the TCRPC is strongly suggesting to local governments that if this goes through and they need things, such as a turn lane, to widen a road, etc. that they identify those locations now so that when they are in the field with the DOT they can be identified and can be constructed at the same time improvements construction is taking place. FDOT is also in the process of estimating costs for quiet zone improvements. They are funded to do this analysis by Broward and Palm Beach Counties. The TCRPC suggests that the cities and counties work together because they will have a better chance of getting funding. She said an environmental impact statement from the Florida East Coast Industries will be available for public review and comments. The TCRPC will review that document and collect the comments from all the counties, cities, agencies, and from the public. They know that quiet zones are an important concern for most communities and this is probably the least expensive time to establish quiet zones because All Aboard Florida is going to be doing construction work anyway.

Mr. Croteau said Mrs. Delaney seems to be responding to the fact that the existing structure of cost will continue. He asked her if she believed, as a Planner, that the owner of a right-of-way can do anything they want with that right-of-way.

Mrs. Delaney said the way the TCRPC understands the legislation, there is some sovereign protections that are afforded the FEC in the State Statute.

Mr. Croteau asked if it is determined that the sovereignty of the railroad is detrimental to the communities it is passing through, could the TCRPC take a position to assist local governments in attempting to change the legal relationship between the railroad and the general public.

Mrs. Delaney said they could ask, but the TCRPC typically doesn’t get involved in activities like that.

Mr. Croteau was concerned about her presentation in the sense that if they make a lot of local decisions to make major investments of capital in order to solve a problem down the line, which may or may not come to fruition. He asked why can’t they, as a group of municipalities, using
the TCRPC, develop arguments that with the unlimited use of the right-of-way there has to be some mitigation because the railroad is the ones causing problems with safety and the railroad should pay the cost of it.

Mrs. Delany said that in part of her research she was directed to a substantial body of case law that reinforced the position of FEC and their sovereignty. But, that doesn’t mean a future legislature couldn’t change the law. She said that the TCRPC directed staff, with existing law and if the project is to occur, to find out what the things local governments are seeking, such as quiet zones and how they could be accomplished. To see what other funding sources could be brought to bear, if tax dollars from other the State or Federal grant dollars can be brought to bear, etc. She said that they have reviewed the existing grade crossing agreements. She reported that there is a body of attorneys in Palm Beach County that has spent many hours on this subject over the past 18 months. There is a body of professionals that have been working on the structure of the grade crossing agreements and there is a group of attorneys representing all the municipalities along the corridor that have been reviewing the legal documentation. She said to date there has not been a conclusion that suggests there is an alternative. That doesn’t mean one doesn’t exist.

Mr. Heady asked Mrs. Delaney to provide the body of case law she referenced to the City Clerk so that she can forward it to the Committee members. He felt that probably meant more than the legislation that was discussed.

Mrs. Delaney answered yes. She said there is a fairly long history of case law where the FEC has been questioned over time on all sorts of matters.

Mr. Daige thanked Mrs. Delaney for attending today’s meeting and for all the information she provided.

Mrs. Delaney showed in the Power Point presentation a timeline of activity. She said the diagnostic field reviews are underway and should take place in Indian River County in about two weeks. City and County staff will be notified so they can join them in the field. She noted that this is not intended for the public as it is a technically oriented safety review. There is a Transportation Investment Generating Economic Recovery (TIGER) grant available. She said there have been five rounds of TIGER grants awarded by the Federal Government. The notice of funding availability for the latest round was issued today in the amount of $600 million dollars. Palm Beach and Broward County will be seeking a TIGER grant. The preliminary application is due in one month and the full application is due in two months. TIGER grants do require a 50/50 match and both of those communities have been allocating funds that could be used as a match. She said two other points of importance to the TCRPC is the ability to advance the Amtrak/FEC Corridor Project. There is $118 million dollars in the State’s five-year work program that is now available to pay for station construction costs, as well as connections necessary to enable the service. She felt that it was the TCRPC’s position that if the All Aboard Florida project goes forward that the Amtrak project goes forward along with that so the stations occur at the same time. The second is the broadband access. She said they have indicated parallel infrastructure to install expanded fiber-optic broadband capacity in the corridor, which is a great economic opportunity for local communities. This would provide an opportunity for reduced-cost access.
for public users (local governments, emergency services, education, hospitals, etc). She said if these types of users are able to get access to this broadband access it would be a game changer with respect to telecommunications.

Mrs. Avery asked Mrs. Delaney if she said quiet zones transfer liability from the railroad to the City.

Mrs. Delaney answered yes.

Mr. Heady asked what would be the speed of the Amtrak trains.

Mrs. Delaney said the initial service would be a single train a day that could be expanded to three trains a day both ways. She said they would run at 79 mph maximum speed, which would allow travel time of six hours from Jacksonville to Miami.

Mr. Heady asked from West Palm Beach to Jacksonville, is there anywhere in that run where they are doing 79 mph today.

Mrs. Delaney said that she would need to check on that. She said they have a much slower run from Miami to Jacksonville because they have to go through Orlando and they have 32 stations, which every train stops at every station. She noted that Amtrak and All Aboard Florida are different animals. Amtrak is an intercity passenger rail service that runs up to 79 mph with 20 to 30 miles between stations. All Aboard Florida is an express intercity passenger service that has fewer stations, faster speeds, and a higher ticket price.

Mrs. Chandler asked Mrs. Delaney to discuss the broadband access again.

Mrs. Delaney said access to broadband is a significant benefit to many. They are proposing to install conduit with hundreds of strands of fiber. As she understands it, one strand of fiber could support all the data needs from Martin, St. Lucie and Indian River County together. Therefore, with the installation of the broadband they would like to find an opportunity to provide reduced cost access to public users, such as local governments, the educational users, public agency users, hospitals, etc. She said this would provide discounted access as an offsetting opportunity to the other impact presented by the improvements proposed on the corridor.

B) Mr. Rusty Roberts, Florida East Coast Industries, All Aboard Florida

Mr. Roberts showed on the screen pictures of what a quiet zone looks like (please see attached).

Mr. Daige asked does a wayside horn sound when the train comes through along with the bells.

Mr. Roberts said that would not be a quiet zone because they would be changing the horn from the nose of the train to the horn facing the intersection blowing down the street.

Mr. Daige asked if the City decided to go with quiet zones, when would they have to have all the paperwork submitted. He said that he would like to know the month and year.
Mr. Roberts did not know if they had a due date set yet, but he would try to get that information for the Committee. He reported that they have put the City Manager in touch with people on the Engineering team of their company. He reported that field diagnostics are underway in the southern counties and they are moving north. The City Manager and Public Work’s Director will be notified when they are scheduled to be in Indian River County.

Mr. Daige asked when would they get the answer as to when the paperwork will be due. He explained that the City needs to know the time frame.

Mr. Roberts said that he would try to narrow it down as close as he can. He said the EIS process is underway. There were some incorrect statements made earlier on how this process works. His company is not writing the EIS. It is being written by the FRA and his company is collecting the data. Once it is published, public input meetings will be scheduled. He said the comments made from the public will go into the record. After that, the FRA would make their record of decision, which could be some time later this year. He felt that the draft EIS would be submitted within the next few months.

Mr. Croteau referred to the channelized process to eliminate the sound of the horn. He asked does that require technical information from the railroad. He assumed that could be added later at not much of an additional cost. He said if the channelized process qualifies then the City wouldn’t have to make an advanced investment. The City would have the alternative to install quiet zones at a later date by just putting in the channelization process.

Mr. Roberts said the City could apply for a quiet zone to the FRA at any time.

Mr. Croteau said if that approach is taken then there would not be the necessity for the City to do a lot of engineering, putting additional gates up, etc. There is an alternative that is not as costly. Mr. Croteau said he was concerned about a train going 110 mph through a heavily populated area with no fencing. He said a horn sounding would give no more than a 15 second warning. He said they asked earlier what type of fencing would they be using for safety.

Mr. Roberts said they would be putting in fencing, but he did not know what kind. He said they would be putting in fencing that meets the FRA safety guidelines.

Mr. Croteau asked Mr. Roberts if they received any criteria from the regulating authority as far as where the fencing should be placed based on speed, population, etc.

Mr. Roberts said that he was sure the engineering team had that. He said the diagnostic review is currently underway.

Mr. Croteau said the decision to put in fencing for safety purposes would be at his company’s cost.

Mr. Roberts said that is correct.
Mr. Heady said at a prior meeting there was discussion including fencing in selected areas and Mr. Roberts did not know where those selected areas were, but was going to get back with the Committee with that information.

Mr. Roberts said that he was in the same position as he was then. The diagnostic review is taking place at this time.

Mr. Heady said at that same meeting Mr. Roberts discussed the profile of the train itself and that they operate on a higher class of track. He asked is the high speed train going to be on a higher class of track regardless of where it is in that corridor.

Mr. Roberts said they will be doing track improvements all along the corridor where they have to that would be commencing to the type of service they will be doing. He said the track has to be suitable for this type of operation.

Mr. Heady said there were comments made that the public hearings would be held in a few months. He asked are there still no dates for those public hearings.

Mr. Roberts said they are waiting for the draft EIS.

Mr. Heady said the progress that they are making prior to any public hearing seemed to him to give the impression that the public hearing is just to meet the requirements.

Mr. Roberts said the progress that is moving forward is planning. He said they are preparing for the draft EIS, doing a lot of studies, etc. They are not under construction at this time.

Mr. Heady said Mr. Roberts noted that they are a private company and financial statements are not required to be publically disposed. Mr. Heady said they recognize what the legal requirements are, and the City Manager said that he would like to see a business model. He asked has there been any change in status with regards to some financial information. He asked Mr. Roberts if he was willing to share the information.

Mr. Roberts said they are not willing to share that information at this time. He said they are a privately financed organization. They are borrowing money and are using their own money.

Mr. Heady said at that meeting Mr. Roberts said that he would check. Mr. Heady questioned, so he (Mr. Roberts) did some checking and the answer is no, they are not going to share any financial information.

Mr. Roberts said that is correct.

Mr. Heady said Mr. Roberts also stated they were working on a safety plan. He asked is that safety plan still a work in progress.

Mr. Roberts answered yes.
Mr. Heady said a citizen asked today about the location of where they trains pass by each other.

Mr. Roberts said that would occur in various places along the corridor. He could not tell them at this point where that would happen.

Mr. Heady commented that the City Manager said that the Federal Rules overrule the City’s noise Ordinance. He asked is there a body of law that shows case law where objections of the noise have been overruled.

Mr. Roberts said that he was not aware of that. The only body of law he is aware of is that the FRA requires horns to be sounded at a certain range of decibel. That Federal regulation preempts any local noise Ordinance.

Mr. Heady said you don’t have any specific cases that went before the courts.

Mr. Roberts said that is not something that he has researched.

Mr. Daige said there are people getting ready to go into the field and do an analysis. He asked would they give Mr. Roberts feedback on the type of fencing needed.

Mr. Roberts was not sure. He said when the engineering team engages the City team, that would be an obvious question the City Manager would want to ask. He said they would have desktop meetings, as well as on the field meetings.

Mr. Daige said asked what timeframe are they working under.

Mr. Roberts was not sure.

Mr. Daige asked when would the City find out what type of fencing would be used, where it would be located, how high the fence would be, etc.

Mr. Roberts appreciated the fact that everyone wants answers quickly. He said they have tried to be as transparent as possible where they can. He said that he has attended these meetings voluntarily and has tried to give information as they know it, but it takes time. Once they finish the diagnostic reviews they would sit down with City staff. He said that being informed will help people understand that this project will have a positive impact in the entire State and the concerns people are expressing, especially with the crossings, they will find out it is not as great as they thought.

Mr. Daige said in this community, they ask a lot of questions and want to know what is going on and how it is going to affect their quality of life. He thanked Mr. Roberts for attending their meetings.

Mr. Roberts said Amtrak was mentioned earlier and there is demand for alternative transportation in the State. He noted that Florida was about to become the third largest State and they can only build so many lane miles of traffic. Projects like this will have far reaching affects
on people’s mobility and the economy. He said that they are not opposed to offering additional stops after they get this initial leg built. He noted that the City of Vero Beach voted in favor of an Amtrak stop. He felt that if Amtrak and All Aboard Florida operates together, that would be a great connection.

Mr. Heady said the Downtown Association came up with some bullet points. He asked Mr. Roberts if he could take a copy of them and come back to their next meeting with comments on any of the bullet points so that the Association could hear his answers to their concerns.

Mr. Roberts said that they would be happy to provide answers to those questions as best as they could. He noted that they would provide the answers in writing.

Mrs. Chandler said Mr. Roberts has said all along that it would be cost effective for the City to tell them what kind of improvements they might want, sooner rather than later. Now she heard him say today that maybe down the road there would be an opportunity for stops after the system is up and running. She asked why would it be more cost effective to let them know what improvements could be made and requested by the City now. But a request for a stop would have to happen later.

Mr. Roberts said everything they are doing is based on a business plan. He said they looked at the system, the ridership opportunities, the marketing opportunities, and the budget they had. He said most of the riders are in the three cities in South Florida and in Orlando. He said there is not 50 million people, but 50 million trips between South Florida and Central Florida every year. He said there could be 500 million trips between South Florida and Central Florida every year, but they narrowed it down to 50 million trips of people that would be living or doing business who are within about 20 minutes of their stations. He said this does include tourists and tourists are going to be a huge part of their market.

Mrs. Chandler asked Mr. Roberts if they would provide the City with the process of requesting a station. She asked would he be able to tell them before this process is completed.

Mr. Roberts answered yes, but they need to get this up and running first. He said they want to make this a success first because if it isn’t then there isn’t any reason to talk about another station anywhere in Florida.

Mr. Daige said there was discussion regarding a business plan. He said that their company did a business plan and submitted it to a group to check the analysis.

Mr. Roberts said that was the ridership study. He said that they hope to have service in early 2016.

Mrs. Chandler asked if the ridership study available for the Committee.

Mr. Roberts said that the study was done before he joined the company and he has not seen it, but he would check on that.
C) Mr. Jim O’Connor, City Manager

Mr. O’Connor said he received an estimate of about $20,000 to $30,000 to do a survey of the connections that they would have.

Mr. Monte Falls, Public Work’s Director, passed out some information the City received from TransSystems Inc., which is one of the consultant groups working on this project (on file in the City Clerk’s office). He reported that most of the information backs up the information the Committee has already seen. He said he was told by Mr. Joe Masterson, Engineer in charge, that the typical process a local community goes through when they are looking at quiet zones is three phased. There is study first, then the design, and then construction. Mr. Masterson said the total process could be from 18 months to two years.

Mr. Daige asked when do you think a study like this should start.

Mr. Falls felt that they should first see the EIS.

7. MEMBER’S MATTERS

Mrs. Chandler said that she sent out a memorandum she received from Mr. Chris Mora, of Indian River County, regarding where they might benefit from quiet zones or any other improvements (on file in the City Clerk’s office). Mrs. Chandler said that she found on the internet a final report that was prepared for the Downtown Development Authority in Fort Collins, Colorado, which was a study done on quiet zones (on file in the City Clerk’s office). She reported that this is a 55 page report that looked at their crossings throughout their City. She felt one of the things that was interesting was brought up at today’s meeting, which was regarding the horns. She reported that on pages 20 and 21 of the report shows the footprint of a regular train horn compared to the noise footprint for a wayside horn. The last page of the report shows the options and the costs. She felt that this could give them some indication of what kind of costs they are talking about. She said one option in their report was called a CWC circulatory. She asked what is that.

Mrs. Delaney said CWT is constant warning time. She said that they reviewed the Town of Windsor, Colorado Tiger Grant application and they were awarded $2.6 million dollars. She noted that was the first Tiger Grant used for quiet zones and the TCRPC is using their application as a model.

Mr. Daige asked Mr. Falls if he had a copy of this study.

Mr. Falls answered yes.

Mr. Croteau reported that he rode on high speed trains on a recent trip. He noticed that in almost all cases they were elevated and the tracks were totally enclosed. He felt that putting a train at 110 mph through a populated area was not necessarily the wisest thing for a government to allow. He was very concerned about the fact that the railroads were here first and therefore they have sovereignty rights. He felt they might want to consider changing that. He said a private
firm is going to triple the amount of traffic and double the size of the right of way and more than
double the speed of the trains coming through is going to impact the quality of life of this
community and all the other communities in the corridor. Quiet zones to him is important, but
he is more concerned about a train going 110 mph through the community unless it is totally
protected from people being able to get on the track. He said the question of speed would come
up in the EIS and a train might not be allowed to go through a community at a speed above a
certain amount unless certain things are put in by the railroad. He said it should not be the
community’s responsibility to protect the public safety from a private enterprise that is changing
the use of their right-of-way.

Mr. Daige asked what kind of fencing did they have.

Mr. Croteau said it was high fencing, at about six feet. When the train was elevated and there
weren’t any crossings the train was going at a high speed. When the train was not elevated and
was going through a populated area it slowed down dramatically. He felt that they should be
prepared when the EIS hearings are held that they make sure these questions and concerns are
addressed properly. He felt that the environmental impact on our community is going to be
significant. He noted that he was not opposed to railroads and would love to have a stop here.

Mr. Daige said there is a lot of concerns with the speed of the trains going through their
downtown. He said they are going to have to address the speed issue soon so it gets incorporated
into the study. He asked the Committee members to start thinking about what language they
would send to the City Council so it is incorporated into the EIS. He said that he would be
asking them for their input at their next meeting.

8. **NEXT MEETING DATES:**

   March 10, 2014 at 4:00 p.m.
   March 26, 2014 at 4:00 p.m.

9. **ADJOURNMENT**

Today’s meeting adjourned at 6:21 p.m.

/sp
Tom Gruber - Comments regarding high-speed railroad in Vero Beach

(These are my personal thoughts, based on experience)

February 26, 2014

First, let’s consider grade crossings in a hornless environment. For a hornless system, a quad gate configuration is not the only available crossing solution. A channelized crossing has also been employed.

A channelized crossing consists of a 2 gate crossing; each gate positioned to stop vehicles from entering the crossing, and a barrier strip perpendicular to the track between opposing traffic lanes and which is of sufficient length and height, that it prevents vehicles from going around the gates when they are in the closed position. In other words the vehicles are held captive in the channel until the gates open.

Channelized crossings have a cost much closer to that of a regular crossing.

In Vero Beach, for example, the 19th Street crossing could potentially be an excellent application for a channelized crossing.

Crossings with one-way traffic probably would not need quad gates since a single gate can easily block the entire road way and there is no opposing vehicular traffic.

Also, after reflection, it might be possible, but a long shot, to use a modified channelized crossing at the sites such as Aviation Blvd. By a modified channelized crossing I mean that the airport side of the crossing would be of channelized design. The Route 1 side would contain a substantial barrier from the track to the edge of Route 1. It is possible, even though the barrier will be very short, that Route 1 itself makes it unlikely that a vehicle will reverse back into Route 1 and go around the gate. (According to Google Maps, a rough estimate at Aviation Blvd. shows the barrier would be approximately 20 feet long, which is the distance from the gate to the edge of Route 1 paving.)

In fact, whenever a signal controlled intersection is near a crossing and feeds traffic to that crossing, that signal is usually tied into the railroad signaling system. The signal will give preference to the train over road vehicles and is used to prohibit feeding traffic to the crossing when the gates are down. This could also be an important part of a crossing like Aviation Blvd.

So, the upshot is: the cost of crossings for a hornless system may be much less costly than previously estimated if channelized crossings can be used.

Also, regardless of who pays for a hornless railroad crossings within their city limits, the city is responsible for applying for a hornless permit from the FRA. The design of the crossings in the
town will be scored by the FRA by way of a safety evaluation process and a hornless permit will be granted or denied. Hornless permits must be renewed periodically by the town. (I think it is every five years.) In my opinion the hornless crossing must be designed with the design cooperation of the railroad due to the detailed tie-ins required between the railroad communications and signaling system.

If you’d like to read the rules for Hornless Crossings, see the 103 page: 49 CFR Parts 222 & 229, “Use of Locomotive Horns at Highway Rail Grade Crossings. Interim Final Rule 12/18/2003

Now, let’s get back to basics.

I suggest that the city needs to take a step back for a minute and look at the overall situation.

The railroad company has a mission to build the railroad as fast as it can at the lowest possible cost so it can begin revenue service. As you have seen, any requests that don’t fit within these parameters are summarily dismissed. This is not intended to be a criticism of the railroad’s methods of operation. It is just a fact.

The city has the mission to do the best job it can to protect its citizens and minimize the impacts on the residents’ quality of life while doing the best job to provide for their safety.

Therefore, the railroad’s mission and the city’s mission are not necessarily the same.

So, how can some of these differences be resolved?

Or, to put it another way, how can the city obtain mitigation that they feel is important, but is being denied by the railroad?

The answer lies in the railroad’s environmental permitting process. The railroad must generate a draft EIS (Environmental Impact Statement) which is in compliance with NEPA (National Environmental Protection Act).

What must the railroad address in the EIS?

*From the railroad’s web site:*

- “NEPA is a decision-making process that requires federal agencies to consider the impacts of actions on the human and natural environment and to disclose such impacts in a public document.

- *Over 30 categories are evaluated, including the potential impacts to Economic and Social Environments, Cultural Resources, Environmental Justice, Noise and Vibration, Air and Water Quality and Protected Species and Essential Habitats.*"
In addition, a Section 106 permit requires that all railroad project impacts on historic resources must be identified, and mitigated if necessary. Note: this applies not only to all “registered” historic buildings and sites, but also to all “eligible” historic sites. (This means that if a site meets the criteria for registration, but is not registered it shall be considered so for purposes of historic mitigation.) Immediate sites of historic concern might be the old train station, the Vero Man Site, and the Diesel Generating plant, etc. The Vero Beach Historic Preservation Commission, the Vero Beach Historical Society and the Florida State Historic Preservation Officer are all important resources in defining these sites and the mitigation they feel is appropriate.

In addition, in the EIS, the railroad must present reasons why this project should be constructed at all, when compared with the “no-build” option, or other options.

The upshot of all of this is that the EIS process is the final “court” in which the benefits of the rail project are weighed against all of the impacts, and necessary mitigation is determined. This is a vitally important process to any city or town which will be impacted by the railroad project.

The railroad on their web site has set down a schedule for their EIS:

- The first scoping meetings were held in May 2013.
- The draft EIS was due in September of 2013
- The Final EIS was scheduled for April 2014.

As can be seen the railroad project is already 4 to 5 months behind their schedule for the draft document. Not until the draft EIS becomes a public document will anyone really know the details of the railroad’s proposed design. From this point the city will be able to see the design details and will be able to determine impacts and what additional mitigation measures they feel are necessary for Vero Beach.

So, what should Vero Beach do?

- If you wish, do preliminary scoping work on crossing designs for a hornless system, with major consideration to defining the reasons that Vero Beach needs a hornless system.
- After the Draft EIS is published, study the design and the rationale for the design, in detail.
- Determine specific parts of the design that will need to be changed, in your opinion, to protect the citizens of Vero Beach along with facts a figures (hard data) which justify the changes requested.
- Participate very actively in the EIS and Section 106 hearings. With the goal of improving the project on behalf of the citizens of Vero Beach.
Given sufficient hard data and facts, some of the things that could possibly be considered in the EIS hearings are:

- Additional noise mitigation
- Fencing
- Hornless crossings
- A station stop on the Treasure Coast, possibly in Vero Beach. (This would seem to be tough, but I believe a strong business case can be made for a mid-coast stop to feed tourists to this area and resources such as the hotels, beaches and the Dodger Town complex as well as the facilities in towns both north and south of Vero Beach). It would also give a convenient public transportation option for travel between the Treasure Coast and the major airports of Orlando and West Palm Beach. A single stop would delay the train very little, but could pay massive dividends to the tourist related businesses in the area and could generate much financial benefit to the Treasure Coast. The necessary work must be done to develop the business case for a Treasure Coast stop.

There are approximate 13 towns between Coco and West Palm Beach. This means that Vero is only one of 13. Coalescences among towns become very important to add weight to the arguments during the Section 106 and EIS hearings. I would strongly encourage Vero Beach to solicit cooperation other towns & counties and work with them for a unified cause on as many mitigation measures as possible.