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# Release

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## Where Martin County stands in the fight against All Aboard Florida

On August 4, 2015, hours before the Florida Development Financial Corporation's decision to issue the tax free bonds regarding the All Aboard Florida (AAF) passenger rail project, the Federal Railroad Administration (FRA) issued its Final Environmental Impact Statement (FEIS). However, Martin County believes the claim that the document is "final" is not actually true in several respects and needs public examination.

The FEIS is part of the National Environmental Policy Act (NEPA) process which requires that federal agencies assess the environmental, social and economic impacts of a proposed action or project like AAF. It is supposed to be a final, full disclosure document that details the process through which a transportation project was developed, including full consideration of a range of alternative routes, analysis of potential impacts resulting from the alternatives, and demonstrating compliance with other applicable environmental laws and executive orders.

With respect to the AAF FEIS, the 646-page document fails to address even the most basic concerns of Martin County and its citizens.

County experts are currently assessing the FEIS, comparing it to the Draft Environmental Impact Statement (DEIS) that was issued by the FRA on September 19, 2014, and the DEIS comments that Martin County submitted to the FRA on November 18, 2014. Martin County's comments challenged the proposed findings of the DEIS on a wide range of issues, ranging from impediments to maritime navigation on the St. Lucie River, to the project's impact on reduced property values, environmental flaws and concerns impacting public health and safety.

The County's initial analysis is overwhelmingly clear: the FEIS fails to address the myriad of public safety, navigation, environmental, fiscal and other concerns that Martin County, other local governments, and community groups such as Citizens Against Rail Expansion in Florida (CARE FL) previously conveyed to the FRA during the DEIS comment period.

For example, the findings in the FEIS with respect to maritime navigation are simply incorrect and internally inconsistent. The FEIS concludes that wait time for vessels at the rail bridges will increase only 0.1 percent, yet the data tells a far different story. From 2013 to 2018, the bridge closure times (the amount of time that boaters will be unable to cross under the bridge) will increase by more than 100 percent—from less

than 4 hours a day to 9.8 hours each weekday.

There are many other examples where the FEIS does not address the County's legitimate concerns, and claims no adverse impact on public safety, no growth in hazardous materials, no disproportionate impacts to environmental justice communities and no direct or indirect effects on historic resources—to name a few. These findings are directly at odds with the painstaking expert analyses that have been conducted over the course of the last year by reputable issue area experts.

As part of the typical NEPA process, the FRA had the option of issuing a Record of Decision (ROD) with the FEIS, which would clearly make the document a “final agency action.” This finality would allow an immediate legal challenge to the adequacy of the FEIS/ROD. But for now, while there is no ROD issued, AAF is permitted to sell tax exempt (subsidized bonds) and use the proceeds.

There are many federal agencies that will be involved in the permitting process for AAF and have not ‘signed off’ on the FEIS, —such as the U.S. Coast Guard and the Army Corps of Engineers—and Martin County, along with other local governments, and community groups such as CARE FL will be examining options with respect to challenging the entire FEIS, and/or each of these permit decisions.

For those who have legitimate and serious concerns about the proposed All Aboard Florida project, the FEIS is yet another disappointing and disturbing example of the federal government's unwillingness to protect its citizenry. The entire process has been questionable in its fairness to the public.

So, what does all of this mean for Martin County and its citizens? It means that the community's concerns about AAF are not resolved, and that those who have concerns about the project must continue to research and employ all viable options to ensure that this ill-conceived passenger rail project and related increase in freight rail traffic does not destroy the quality of life for the half million people who live throughout the Treasure Coast.

### **FDFC Decision**

After months of delay, on August 5, 2015, the day after the FEIS was released, the Florida Development Finance Corporation (FDFC) met in Orlando to consider the issuance of \$1.75 billion in tax-free, private activity bond to AAF.

Despite hearing hours of thoughtful, coordinated and factual presentations from Martin County, its citizens and the other local governments, elected officials and community groups in opposition to AAF, the FDFC Board of Directors voted to approve the bond issuance in a matter of minutes while providing minimal comments about their reasoning. Martin County believes this action was nothing more than an expected rubber stamp. Click [here](#) to read the transcript from the FDFC meeting.

Some of Martin County's concerns are procedural, and affect the substantive outcomes – such as the FDFC violating its own bylaws, as three of the four appointees are not confirmed by the Senate. Some are about fairness – the FDFC directors all chose to meet privately with AAF, but each one chose not to attend a public hearing in April 2014 where community objections were raised. Finally, the FDFC was paid to play with \$1.8 million provided by AAF to FDFC for approving the bonds, a windfall that FDFC had incorporated in its budget even *before* it voted.

For more resources on Martin County's fight against All Aboard Florida, visit [www.martin.fl.us/hottopics](http://www.martin.fl.us/hottopics).

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