

## RESOLUTION 47-14

### RESOLUTION OF THE JUPITER TOWN COUNCIL IDENTIFYING SIGNIFICANT PUBLIC HEALTH, SAFETY AND WELFARE CONCERNS ASSOCIATED WITH THE PROPOSED FLORIDA EAST COAST INDUSTRIES PROJECT NAMED "ALL ABOARD FLORIDA"

**WHEREAS**, Florida East Coast Industries (FECI) is developing a privately owned, operated and maintained high-speed passenger rail service named All Aboard Florida (AAF) that will travel between Miami and Orlando with stops in Fort Lauderdale and West Palm Beach; and

**WHEREAS**, the AAF plan is to run 16 daily round-trip high-speed passenger trains along the existing Florida East Coast (FEC) railroad corridor, resulting in thirty-two (32) daily at-grade gate closings in addition to those already required by existing freight trains; and

**WHEREAS**, the Jupiter Town Council generally has looked favorably on passenger rail services as a means to provide transportation options to its residents, including services such as Tri-Rail, and enhance the ability to promote Jupiter's business development and job creation; and

**WHEREAS**, Post Panamax ships will transport larger shipments into the Port of Miami and will result in an increase in the number of freight trains utilizing the FEC Corridor; and

**WHEREAS**, funding sources and the standards for safety improvements have not been finalized to date which is a significant concern, because it indicates that public safety is not being given the appropriate priority by AAF and those advocating on their behalf; and

**WHEREAS**, the impact of thirty-two passenger trains and increased freight usage on vehicular traffic will result in an unacceptable level of service on the roadway segments and intersections in close proximity to the FEC Corridor; and

**WHEREAS**, the height of the Loxahatchee River Bridge is very low and requires the bridge to be open for boats to navigate through the area; and

**WHEREAS**, the AAF plan will result in additional lowering and raising of the Loxahatchee River Bridge which will increase the length of time the bridge will be down and interfere with safe navigation of the Loxahatchee River; and

**WHEREAS**, the additional lowering and raising of the Loxahatchee Bridge creates greater opportunity for bridge mechanism failure which is a significant concern for the traveling public and an impediment to the delivery of public safety services; and

**WHEREAS**, the Town has been in the process of obtaining factual information and considering the benefits of AAF to the state as well as the adverse impacts on the Town specifically; and

**WHEREAS**, emerging information about AAF has led to concerns that Jupiter citizens and businesses are being asked to accept negative impacts with limited, if any, benefit to community; and

**WHEREAS**, the effort to obtain information about the AAF Project has been hampered by the AAF's inability to provide precise information on issues of importance; and

**WHEREAS**, specifically, the Town Council has raised a variety of concerns regarding the Project including safety at the Loxahatchee River Bridge and road crossings, provisions for enhanced pedestrian and bicycle rail crossings, the responsibility for the costs associated with making necessary infrastructure enhancements, and the cumulative impact of additional new freight coupled with AAF; and

**WHEREAS**, the Town is awaiting the release of the Environmental Impact Study (EIS) and the official comment period in which to thoroughly review, but desires to provide some initial comments.

**NOW, THEREFORE, BE IT RESOLVED THAT,**

**Section 1:** The above recitals are fully acknowledged and incorporated into the body of this Resolution as if fully set forth herein.

**Section 2:** Based upon information to date, and in advance of the EIS, the Town Council of the Town of Jupiter has determined that the following actions and considerations by FEC/AAF are necessary to mitigate potential impacts to public health, safety and welfare:

1. In order to mitigate the impact of thirty-two (32) passenger trains and the anticipated increase in freight on the FEC Corridor, a significant number of freight trains must be moved away from the coastal route and onto the CSX's or other inland rail or ocean route, to reduce traffic impacts and bridge closures. The Town urges the State, rail entities and others to develop a comprehensive Freight Rationalization Plan.
2. AAF and Tri-rail shall come to an agreement that enables Tri-rail the use of the tracks so as to expedite the connection to a Jupiter location.

3. In order to best prevent vehicular and/or pedestrian conflicts, the FECl should install the highest degree of safety improvements at and between crossings with no funding to be provided by Jupiter or other local jurisdictions. Improvements should be to a level that would qualify them for designations as Quiet Zones and not negatively impact the aesthetics of the host communities;
4. It is imperative that improvements at the few crossing locations in Town include adequate pedestrian features. These are critical safety improvements as residents within the surrounding neighborhoods have obviously been crossing the corridor as evidenced by the worn pathways across the FEC right of way;
5. The Loxahatchee River Bridge, while perhaps having some useful remaining life for the primary structure, is antiquated and requires modernization. The operating mechanisms seem to be beyond useful life due to the frequency of mechanical breakdowns that have been occurring. A new bridge design should be pursued that include components and an operational plan that will mitigate the impact on boating traffic on the Loxahatchee River as existing plans and anticipated closing cycles will create hazardous conditions for marine traffic and negatively impact the delivery of public safety services.

**BE IT FURTHER RESOLVED THAT**, while there exist several benefits to having passenger rail service on the existing FEC corridor, there are too many questions about safety, impacts on mobility and costs to Jupiter taxpayers that have not been adequately addressed by All Aboard Florida. As it stands today, it is likely that the Town of Jupiter will be one of the most adversely impacted communities along the entire corridor. While passenger rail, when properly implemented, may someday provide future benefits to the Town, failure to adequately address the preceding concerns will ultimately lead to opposition from the Town against the project.

07/03/14

The foregoing Resolution was offered by Councilor Todd Wodraska, who moved its adoption. The motion was seconded by Vice-Mayor Kaufer, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR ILAN KAUFER	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

The Mayor thereupon declared the foregoing Resolution 47-14 duly passed and adopted this 1<sup>st</sup> day of July, 2014.

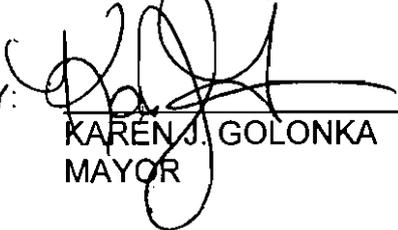
ATTEST:

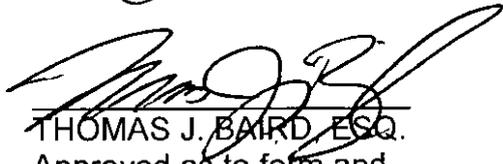
  
 SALLY M. BOYLAN, MMC  
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY:   
 KAREN J. GOLONKA  
 MAYOR

  
 THOMAS J. BAIRD, ESQ.  
 Approved as to form and legal sufficiency