

RESOLUTION 20-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REQUESTING THAT THE STATE OF FLORIDA AND THE FEDERAL RAIL ADMINISTRATION REQUIRE ALL ABOARD FLORIDA TO FUND, WITH NO GOVERNMENTAL ASSISTANCE, ALL COSTS RELATED TO THE ALL ABOARD FLORIDA PROJECT, AND TO TAKE ALL NECESSARY STEPS TO PRESERVE AND ENHANCE THE QUALITY OF LIFE FOR VISITORS, RESIDENTS, AND BUSINESSES WITHIN THE TOWN OF MALABAR AND ALONG THE ENTIRE ROUTE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar acknowledges the efforts of Florida East Coast Industries to construct a high speed passenger rail system, called All Aboard Florida, from Miami to Orlando along current and additional FEC tracks; and

WHEREAS, two railroad crossings are located within Malabar; and

WHEREAS, the All Aboard Florida Project will increase railroad traffic and train noise; and

WHEREAS, hundreds of people who reside in close proximity to these crossings would be significantly affected by traffic, noise and possible safety aspects of increased railroad traffic; and

WHEREAS, the FECI tracks run close to the environmentally sensitive Indian River Lagoon, which is the essence of the Space Coast and the most diverse estuary in North America, and reduction in waterfront access due to railroad traffic would significantly reduce economic and recreational opportunities for the entire community; and

WHEREAS, the preservation of the quality of life of the Town will, at the very least, depend on All Aboard Florida improving the rail crossings to maximize safety and minimize noise and disruption; and

WHEREAS, the State of Florida has expressed a commitment to the success of All Aboard Florida, and may not have recognized the potential major disruption and adverse financial impact that it may bring to Malabar and all the other communities along the east coast without providing any direct passenger rail benefits; and

WHEREAS, businesses along the Interstates will lose revenue as a result of redirecting travelers from roadways to railways; and

WHEREAS, the cost of maintaining the upgraded infrastructure at crossings to meet maximum safety requirements would be beyond the funding ability of the Town of Malabar and would certainly have a major financial impact to larger cities; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, as follows:

Section 1. The Town of Malabar formally requests that any donor agency, including the Federal Rail Administration, other Federal agencies, the State of Florida, and any State agencies, to require All Aboard Florida to privately fund all costs of All Aboard Florida, including

all quiet zone/corridor improvements or terminal connections, without any governmental assistance, be it in the form of loans or infrastructure and right-of-way improvements at less than market rates, as such support would put the risk of All Aboard Florida on the backs of taxpayers.

Section 2. The Town of Malabar urges all other municipalities and counties within the State to request the Governor and State Legislators do all within their power to push FEI to explore extending direct benefits of passenger rail service to the municipalities along the route, and explore partnerships from which the area may benefit directly to offset and/or mitigate the impacts if All Aboard Florida is permitted to operate.

Section 3. The Town of Malabar strongly recommends that the Space Coast Metropolitan Planning Organization (MPO) Board convene regularly scheduled meetings with FDOT District 5 and local environmental impact experts to prepare for and respond to the Environmental Impact Study (EIS) draft and final product.

Section 4. The Town Council directs that this resolution be forwarded to the Florida League of Cities for consideration during the upcoming annual conference.

The foregoing Resolution was moved for adoption by KORN, seconded by Milucky, and upon, being put to a vote, the vote was as follows:

- Council Member Jim Milucky
- Council Member Wayne Abare
- Council Member Steve Rivet
- Council Member Dick Korn
- Council Member Marisa Acquaviva

Aye
Aye
Aye
Aye
Aye

This Resolution was then declared to be duly passed and adopted this 16th day of June, 2014.

TOWN OF MALABAR

By:

Steve Rivet
Steve Rivet, Council Chair



ATTEST:

Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to Form and Content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr.,
Town Attorney