Author	Topic	Comment	Response						
CARE FL	Alternatives	If the FECR route is used for the Project, it is imperative that the St. Lucie, Loxahatchee and New River bridges be replaced with higher bridges, with larger openings for vessel traffic, that do not create adverse noise, vibration or visual impacts on the surrounding communities.	As described in Section 3.2.1 of the FEIS, use of the FECR Route is the only feasible route for the Project; therefore, each of the action alternatives evaluated in the FEIS would use the FECR Route. Construction of the AAF preferred alternative (Alternative E) would include rehabilitation of the St. Lucie, Loxahatchee, and New River bridges. AAF has committed to replacing or repairing the mechanical and electrical systems for each of these moveable bridges to ensure their operational condition and reliability is maintained, and recognizes that this is essential to the successful operation of the passenger rail system and continued operation of the freight rail system, as well as to maintaining the navigational capacity of each waterway. AAF is not proposing to replace these bridges because they are structurally sound and do not require reconstruction or replacement for the proposed passenger rail service. AAF has evaluated several alternatives and associated costs for replacing the movable bridges with high-level fixed bridges, and found that none of the alternatives are sufficiently feasible to warrant further consideration. Infrastructure and operational considerations are provided in Table 3.3-14.						
City of Vero Beach	Alternatives	Page 3-44, "The corridor will be fenced in locations where an FRA hazard analysis review determines that fencing is required for safety ... " Has the hazard analysis been completed? Have the locations (to be fenced) been determined?	AAF has notified FRA that a hazard analysis, including an analysis of fencing, will be performed under the requirements and timeframes of the FRA system safety plan regulatory structure pursuant to 49 CFR 270.						
City of Vero Beach	Alternatives	Page 3-46, "As shown in Tables 3.3-8 through 3.3-12, four at-grade crossings are recommended to be closed if it is not feasible to install four quadrant gates." Page 3.48, Table 3.3-8 shows closure as the proposed action for 14th Avenue and 21 st Street in Vero Beach. The City of Vero Beach has not agreed to this action. See the attached correspondence to Frank A. Frey.	Comment noted						
Indian River County, Florida; Martin County, Florida; and CARE FL	Alternatives	4. The FEIS Does Not Consider an Additional Station in Brevard County The FEIS is premised on an assumption of 16 round-trip passenger trains per day, with four passenger stations. In fact the FEIS states that "[f]rom the station at MCO [in Orlando] to the station at West Palm Beach, service would be nonstop, as there are no intermediate stations proposed." FEIS at 5-10. The FEIS acknowledges that the three originally proposed stations in West Palm Beach, Fort Lauderdale, and Miami may result in secondary effects and additional impacts such as traffic generated around those stations. FEIS at 5-17. However, the FEIS fails to mention that the Project may now include an additional station in Brevard County, between MCO and the West Palm Beach station. In December, 2015, the Space Coast Transportation Planning Organization (TPO) Director Bob Kamm was quoted in Florida Today as stating that All Aboard Florida has agreed to do a ridership study of the station location proposed by the TPO. See Attachment H. Three months later, the TPO and the Canaveral Port Authority completed a station location study relating to All Aboard Florida. The study concluded that a station near Clearlake Road in Cocoa, Florida would have the highest probability of success. See Attachment I.	Although AAF has agreed, at the request of the Space Coast Transportation Planning Organization, to do a ridership study for a potential new station in Brevard County, AAF is not currrently proposing to construct such a station.						
Indian River County, Florida; Martin County, Florida; and CARE FL	Alternatives	b. Other alternatives were never considered Furthermore, the FEIS wholly omitted the possibility of a related variation of the CSX alternative—using FECR's Lake Harbor Branch that runs from Fort Pierce in St. Lucie County down and around the east side of Lake Okeechobee (in Martin and Palm Beach Counties). This alternative—referred to as the "K Branch"—would use the southern portion of the CSX route north of West Palm Beach and would follow the CSX route (along Route 710) until it crosses the FECR Lake Harbor Branch at Marcy, where it would then use the FECR-owned Lake Harbor Branch into Fort Pierce. While slightly longer than AAF's preferred main FECR route, this unmentioned AAF alternative would not run through the heavily populated coastal areas of Martin County, and would avoid the Loxahatchee and St. Lucie Bridges and would involve fewer at grade crossings. The so-called K Branch alternative route should be appropriately analyzed in an SEIS subject to the public review procedures of NEPA.	The route alternative described by Indian River County would not meet the project purpose and need, for the same reasons that the CSX alternative was dismissed in the EIS. This route would not connect the Phase 1 stations (Miami, Fort Lauderdale and West Palm Beach) with the proposed extension to Orlando. The route is controlled in part by CSX, and FRA concluded that it was not reasonable to assume that AAF could secure operating rights. The lack of control over operations and the longer route length would result in trip times exceeding the approximately 3-hour run time. that is part of AAF's purpose.						
Indian River County, Florida; Martin County, Florida; and CARE FL	Alternatives	Alternatives Analysis Needs to Consider Hyperloop One Project As noted in previous letter dated July 26, 2017, an SEIS should reconsider the alternative routes. Not only did the DEIS define the purpose of the Project so narrowly that it failed to adequately compare reasonable alternatives, such as the island CSX route, recent reports indicate that a route between Miami and Orlando is now one of ten finalists fo rhte Hyperloop One Project, a vacuum tube that would allow travel between the two cities in about 26 minutes. This is significant because the company responsible for developing Hyperloo One will now prepare ridership forecasts, preliminary analysis and other feasibiilty studies. Please note that the reports indicate that the Miami Dade DOT and Public Works and Miami-Dade Metropolitan Planning Organization. As we noted in our comments on the DEIS for the Project, the alternatives analysis is "the heart of the environmental impact statement." 40 CFR 1502.14. Accordingly, agencies are directed by the CEQ Regulations to "[r]igorously explore and objectively evaluate all reasonable alternatives" that might aviod or minimize the impacts disclosed in an EIS. The recent news of an alternative route and method of transportation between Miami and Orlando, funded by a private party, Elon Musk, highlights the need for a more robus analysis of the reasonable alterantives. A faster, privately financed alternative must be considered in an SEIS.	The Hyperloop Project is an new, untested technology that is being advanced by a different entity than All Aboard Florida. That project does not meet the purpose and need of the All Aboard Florida Project, and is not reasonably forseeable in the current planning timeframe. It is not a reasonable alternative to AAF's proposed project.						
Martin County	Alternatives	The FEIS is premised on an assumption of 16 round-trip passenger trains per day, with four passenger stations. In fact the FEIS states that "[f]rom the station at MCO [in Orlando] to the station at West Palm Beach, service would be nonstop, as there are no intermediate stations proposed." FEIS at 5-10. The FEIS acknowledges that the three originally proposed stations in West Palm Beach, Fort Lauderdale, and Miami may result in secondary effects and additional impacts such as traffic generated around those stations. FEIS at 5-17.	AAF is a for-profit private enterprise, alternatives were evaluated primarily in the light of whether they could be constructed and operated in accordance with AAF's financial model. AAF selected the FECR Corridor as its preferred alternative because it meets the purpose and need while remaining feasible to construct and operate based on ridership and cost projections and potential environmental impacts. The FRA has reviewed AAF's analysis and validated the conclusions. The alternatives analysis process is detailed in Chapter 3 of the FEIS.						
Martin County	Alternatives	However, the FEIS fails to mention that the Project may now include an additional station in Brevard County, between MCO and the West Palm Beach station. In December, 2015, the Space Coast Transportation Planning Organization (TPO) Director Bob Kamm was quoted in Florida Today as stating that All Aboard Florida has agreed to do a ridership study of the station location proposed by the TPO. See Attachment H. Three months later, the TPO and the Canaveral Port Authority completed a station location study relating to All Aboard Florida. The study concluded that a station near Clearlake Road in Cocoa, Florida would have the highest probability of success. See Attachment I.	The FRA has reviewed AAF's analysis and validated the conclusions. AAF's financial model is a primary driver of the Purpose and Need of the project and which alternatives are feasible for analysis. The opening year discrepancy is most relevant to the analysis of the No-Action Alternative for assessing future baseline conditions. However, similar to their analysis of funding, FRA has validated that a revised target year of 2017 for passenger operations will not quantifiably affect the results of the future conditions analysis in the FEIS.						

Martin County	Alternatives	The FRA's suggestion that the FECR route will have the smallest environmental impact of the various alternatives is not supported by the record. To the contrary, it is based on flawed data and a flawed analysis, as documented in extensive detail in the June 2015 Wetland and Listed Species Assessment report prepared by Passarella & Associates, Inc. and submitted to the FRA on July 28, 2015 (the "Passarella Report"), before the FEIS was issued. The Passarella Report is attached to these comments as Exhibit C.	The environmental analysis of the CSX, I-95, and Florida Turnpike Routes was limited to key environmental resources as part of the comparative analysis in the Level 1 Screening. These alternatives do not meet the project purpose and need and would not be feasible to implement. Therefore, a detailed environmental analysis was not conducted for these alternative routes. The preliminary environmental analysis included in the Level 1 Alternative Screening identified that the FECR Route would have fewer impacts on wetlands and waterways and conservation land than the other routes evaluated in the Level 1 Screening. Because AAF is a for-profit private enterprise, alternatives were evaluated primarily in the light of whether they could be constructed and operated in accordance with AAF's financial model. The primary goal of the preliminary environmental impact analysis was to help estimate potential mitigation costs, which were assumed to be proportional to the acres of wetlands loss. AAF selected the alternative that would deliver the targeted ridership and that would have acceptable construction and operating costs.							
Martin County	Alternatives	Although the Passarella Report focused on the DEIS, the report's analysis and conclusions apply with equal force to the FEIS, which entirely fails to correct the problems in the DEIS. In fact, in some cases, the FEIS only compounds the problems of the DEIS, especially those relating to the lack of transparency in the various numbers scattered throughout the FRA's discussion of environmental impacts. For example, the DEIS indicated, on page 3-11, that the Florida Turnpike route would traverse fewer conservation lands than the FECR route. The FEIS reverses that conclusion without explaining why. See FEIS at 3-12. Readers are left to guess how the FRA derived the DEIS and FEIS conservation lands numbers.	The value reported in the DEIS (0 miles) was a typographic error. The FEIS provided the correct value, 9 acres.							
Martin County	Alternatives	The FEIS's suggestion that "logistics" make the FECR route preferable to the Florida Turnpike and I-95 alternatives is no less arbitrary and capricious than the FEIS's discussion of environmental impacts. While it may be true that the alternative routes will require the installation of new tracks and new signals, so too does the use of the FECR route. Indeed, the FEIS elsewhere touts the new equipment and infrastructure that is required for the FECR as a benefit of the Project. See, e.g., FEIS at 5-159 (claiming that the installation of new signals along the FECR, along with enhanced security and improved communications "would be a beneficial effect."). In reality, all of the available alternatives require extensive new infrastructure and the mere fact that some antiquated infrastructure is already in place along the FECR route—and will have to be substantially upgraded for safety reasons—is not a reasonable basis to conclude that the other alternatives are infeasible.	AAF is a for-profit private enterprise, alternatives were evaluated primarily in the light of whether they could be constructed and operated in accordance with AAF's financial model. AAF selected the FECR Corridor as its preferred alternative because it meets the purpose and need while remaining feasible to construct and operate based on ridership and cost projections and potential environmental impacts. The FRA has reviewed AAF's analysis and validated the conclusions. As noted in the subsequent comment, in addition to infrastructure improvements, the CSX, I-95, and Florida Turnpike Routes would require that AAF acquire additional land, which would result in increased costs and other logistics. Since AAF does not have the authority to condemn land through the use of eminent domain, it can only obtain access to property through negotiating agreements with property owners. Land access contributes to the logistical feasibility of an alternative because the number of parcels requiring acquisition is directly related to the cost of the Project and the time of execution, due to the time necessary to complete the transaction. The need for land access also contributes to risk, since any party that was not willing to enter into negotiations could block construction.							
Martin County	Alternatives	A lack of coherent reasoning plagues the FEIS discussion of the alleged "land access" problems associated with the three alternative routes. While it is true that AAF would have to acquire additional land in order to use any of the three rejected routes, AAF has proven that it has the ability to acquire such land—after all, it acquired such land for the FECR route, as the FEIS acknowledges on page 3-12. Thus, the mere fact that AAF would have to acquire new land to use an alternative route cannot be a reasonable basis for rejecting the alternatives as infeasible. This is especially true given that AAF now claims (as discussed above) that it is willing to spend hundreds of millions of dollars more than it previously led the FRA to believe.	Since AAF does not have the authority to condemn land through the use of eminent domain, it can only obtain access to property through negotiating agreements with property owners. Land access contributes to the logistical feasibility of an alternative not only because of the direct impact on the cost of the Project but also because the time of execution, due to the time necessary to complete the transaction. The need for land access also contributes to risk, since any party that was not willing to enter into negotiations could block construction.							
Martin County	Alternatives	The FEIS stacks the deck in favor of the FECR route by changing the metrics by which land access is measured. For the FECR route, the FEIS focuses on the number of "acres" that must be acquired from private landowners. But for the alternative routes, the FEIS focuses on the number of "parcels" that must be acquired See FEIS at 3-12. That "apples-to-oranges" comparison prevents readers from understanding exactly how the alternatives differ and is an arbitrary way to conclude that the alternative routes are infeasible.	FRA disagrees with this comment. The "apples-to-oranges" comparison is appropriate because the intent of the evaluation of the FEIS alternatives (FECR Route alternatives) in Chapter 5 of the FEIS is different than that of the preliminary environmental impact analysis in Chapter 3. In Section 3.2.1, alternative routes were evaluated primarily in the light of whether they could be constructed and operated in accordance with AAF's financial model. The primary goal of this preliminary environmental impact analysis was to help estimate potential mitigation costs. The number of parcels that would have to be acquired was also a consideration. Using the acres metric in evaluating the alternative routes would be of less value for the purposes of assessing logistics. In contrast, the impact analysis in Chapter 5 of the FEIS uses acreage to provide a more comprehensive assessment of the potential impacts of the FEIS alternatives on other land uses.							
Martin County	Alternatives	The FEIS unreasonably rejects as infeasible the alternative of replacing the three antiquated moveable bridges along the FECR route (the St. Lucie, Loxahatchee and New River bridges) with new, modern, fixed bridges that would be both safer and less obstructive of navigation. See FEIS at 3-52 to 3-56. First, the primary reason given for rejecting the alternative bridge idea is cost, but cost is less of an issue now given AAF's professed willingness, mentioned above, to spend at least $394 million additional dollars on the Project in its first ten years. At a minimum, the decision to eliminate the bridge alternatives without actually providing any cost estimate in the FEIS is premature, arbitrary and capricious. Second, the alleged logistics and infrastructure obstacles mentioned on Page 3-55 of the FEIS do not appear to be anything that cannot be addressed at a reasonable cost. Every bridge option involves additional expenditures on the bridges (including AAF's referred option) and it is arbitrary and capricious for the FEIS to reject certain options as infeasible without providing a meaningful cost comparison to evaluate.	The FRA disagrees that the determination to rehabilitate, and not replace, the St. Lucie, Loxahatchee, and New River Bridges is arbitrary and capricious, for the reasons outlined below. AAF has committed to replacing or repairing the mechanical and electrical systems for each of these moveable bridges to ensure their operational condition and reliability is maintained, and recognizes that this is essential to the successful operation of the passenger rail system and continued operation of the freight rail system, as well as to maintaining the navigational capacity of each waterway. AAF is not proposing to replace these bridges because they are structurally sound and do not require reconstruction or replacement for the proposed passenger rail service. AAF has evaluated several alternatives and associated costs for replacing the movable bridges with high-level fixed bridges. While detailed cost estimates have not been performed for these options, operational logistics, limitations of surrounding property, and order of magnitude estimates establish that none of the alternatives are sufficiently feasible to warrant further consideration. Infrastructure and operational considerations are provided in Table 3.3-14.							
Strong	Alternatives	I am sure this will be a Mag-lev train like the one in Japan that has been in service for about 40 years. The best place to put this is down the interstates and the turnpike to make it so it doesn't impact the environment that much, solar powered, a people mover for the future and not the past, doesn't have any road crossings, can make the time to get where you want faster than an automobile or a ground track train like the ones from the 19th century.	AAF is not proposing the use of magnetic levitation (Maglev) technology for the proposed project, but rather conventional high-speed intercity passenger rail service between Orlando and Miami, Florida with station stops in Orlando, West Palm Beach, Fort Lauderdale, and Miami (Project).							
The Town of St. Lucie Village	Alternatives	The Level 1 Screening Analysis is inadequate for a project of this magnitude, as it does not address the economic impacts of selecting the FECR corridor for the north-south route between Orlando and West Palm Beach on the coastal cities, towns and counties between Cocoa and West Palm Beach.	As described in Section 3.2.1.1 of the FEIS, the Level 1 screening criteria were developed to assess (1) whether the alternative satisfies the purpose and need of the Project; (2) whether the alternative is feasible to construct and operate (satisfies AAF's specified Critical Determining Factors), and (3) to what degree the alternative would have impacts to key environmental resources. Only those alternative routes that would need the Project purpose and need and would be feasible to construct could be advanced as FEIS alternatives. The preliminary impact analysis included in the Level 1 screening analysis was included for the purpose of estimating mitigation costs and was not intended to be a comprehensive evaluation of potential impacts. The potential impacts of the Project alternatives on social and economic resources are detailed in Section 5.4 of the FEIS.							

The Town of St. Lucie Village	Alternatives	The Level 1 Screening Analysis of alternative routes between Orlando and West Palm Beach is superficial and totally inadequate for a project of this magnitude. The only costs considered in the analysis are the costs to AAF to construct the project. There is no consideration given to the costs incurred by all of the coastal communities between Cocoa and West Palm Beach, and these costs are substantial in magnitude and continuing in duration. The FECR route preferred in the Draft EIS will result in increased costs to each city, town and county along the route for constructing quiet zones and reconfiguring traffic patterns to address safety issues and maintain traffic across the FECR right-of-way. In many cases, overpasses may ultimately be necessary to maintain safe connectivity between the east and west sides of the tracks in busy downtown areas or where major highways cross the tracks. There will be the significant and recurring costs for increased periodic maintenance of the at-grade crossings, which already comprise a substantial portion if the annual budget for the Village. Over time, there will be a significant reduction in ad valorem tax revenues for properties in close proximity to the FECR right-of-way. This impact on tax revenues will increase over time as the traffic, safety and noise issues increase with increased rail traffic.	As described in Section 3.2.1.1 of the FEIS, the Level 1 screening criteria were developed to assess (1) whether the alternative satisfies the purpose and need of the Project; (2) whether the alternative is feasible to construct and operate (satisfies AAF's specified Critical Determining Factors); and (3) to what degree the alternative would have impacts to key environmental resources. Only those alternative routes that would need the Project purpose and need and would be feasible for AAF to construct could be advanced as FEIS alternatives. The preliminary impact analysis included in the Level 1 screening analysis was included for the purpose of estimating mitigation costs and was not intended to be a comprehensive evaluation of potential impacts associated with the Project. The potential impacts of the proposed project on social and economic resources is detailed in Section 5.4 of the FEIS. Further, while it is understood that FECR route alternatives could result in increased costs to each city, town and county along the route for constructing quiet zones and reconfiguring traffic patterns to address safety issues and maintain traffic across the FECR right-of-way, it is anticipated that similar costs would be incurred for the other alternative routes considered.							
The Town of St. Lucie Village	Alternatives	The Draft EIS does not include any analysis of alternative locations to those reflected in Appendix 3.3.B4 and this is a serious omission. Considering the extensive impacts throughout the Village created by the current location of the triple-track center siding, alternative locations for the siding should be given serious consideration if the FECR route is ultimately selected. Other sites with apparently lesser impacts have been identified. One five-mile stretch of FECR track north of Vero in an area of low population density impacts only two crossings. Sites north and south of Midway Road might not impact any crossings. Impacts of the triple-track center siding on the Village will undoubtedly get worse with the future increase in freight traffic spurred by increased shipping into Port Everglades and Miami upon completion of the Panama Canal widening project. The current location is absolutely unacceptable to the Village for the reasons stated above, coupled with our strong (and most likely accurate) feeling that there would be little, if any, consideration for the residential nature of the triple track location in its use to manage freight and passenger train traffic in the future when the rails are much busier.	As noted, in Section 3.3.5, Alternative E, the third track along the N-S Corridor is not a passing siding, but is similar to an additional lane on a highway built to keep traffic flowing and would be used to manage freight traffic. The AAF and FECR operating plan does not call for holding trains in any triple track section. Further, all second and third track elements along the FECR Corridor would be installed within the existing ROW, and no changes to adjacent land uses would occur. Mitigation measures discussed throughout Chapter 5, Environmental Consequences, would minimize the impacts of the Project to communities along the rail corridor, including St. Lucie Village.							
Martin County	Climate Change	All of the safety risks are compounded by changing climate conditions. Yet the FEIS—like the DEIS—fails to grapple with that reality. The FEIS acknowledges that changing climate conditions will adversely affect the Project's critical infrastructure: "Bridge structures will have increased vulnerability over time; potential infrastructure damage may result from flooding, tidal damage, and/or storms." FEIS at S-14 and 5-86. But the FRA has not integrated that fact into its examination of the safety risks posed by the Project, or into its discussion of appropriate mitigation measures. For example, the FEIS does not examine the potential for "infrastructure damage" to result in more frequent, or more catastrophic, rail-related accidents.	As per Council on Environmental Quality's Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts, the FEIS considers the potential effects of greenhouse gas emissions and climate change on the Project. As discussed in Section 5.2.6, *Climate Change* , AAF acknowledges that Project infrastructure is vulnerable due to location (i.e., along the Florida coast and over several coastal water bodies) and types of structures (i.e., bridges and tracks). While these factors increase the vulnerability of Project infrastructure to flood, tidal damage, and/or storms, they also limit AAF's ability to make the infrastructure more resilient. To the extent practicable, AAF will ensure that all available adaptation measures are identified, evaluated, and incorporated as Project design advances. Since this is privately-owned infrastructure, future repair and maintenance will be the responsibility of the owner of the infrastructure.							
U.S. Environmental Protection Agency	Climate Change	Evaluation of climate change parameters should be evaluated as the project progresses, and measures to ensure infrastructure stability related to storm surges or other events should be part of ongoing planning and CWA permitting. Adaptation measures for potential infrastructure issues should be planned for and addressed during the project's construction and operation.	Section 5.2.6 of the FEIS evaluated climate change parameters and project vulnerability. Subsequent to the FEIS, FRA has communicated this concern to AAF.							
Micco Homeowner's Association	Community Character	It is of course accurate that the Florida East Coast Railroad has been operating on Florida's Atlantic Coast for over 120 years. But, would it be placed in this location in today's world? It is wholly inaccurate to state that because the railroad already exists - there is no change to the dynamics of any community. In 1895, two-mile long, double stacked trains did not exist; nor, did freight trains share the same tracks as passenger trains operating a speed up to 125 mph. In the 1960s the Florida East Coast discontinued passenger service and removed the second track that had supported passenger trains. Of course, freight service continued at a rate of about 14 trains a day, but certainly not to the degree and intensity residents currently experience and not 52 road closures a day as planned. The rights delivered to Flagler's Railroad in the 19th Century would never be delivered today. Floridians deserve true high-speed passenger train service that does not crash through communities at grade-level road crossings and dividing residents from essential services.	Rail service along the FECR Corridor has varied throughout its approximate 100-year history, and communities have developed around these changing conditions throughout that time period. For instance, the number of freight trains was significantly higher as recently as 2006 (24 round-trip freight trains per day versus the current 14). Although AAF is proposing to alter rail service with the addition of 16 round-trip passenger trains per day, it is not anticipated that these changes would introduce any significant disruption to existing communities with regard to noise, traffic, or other effects.							
The Board of County Commissioners of Indian River County, Florida	Community Character	The cumulative effects of noise, vibration and public safety impacted caused by the Project on neighborhood character in the downtown areas bordering the Florida East Coast ("FEC") corridor were overlooked entirely.	See "Quality of Life" under Sections 1.7.7, *Social and Economic Environment* , 5.2.2 *Noise and Vibration* , and 5.4.4, *Public Health and Safety* of the FEIS. The AAF passenger service would not be introducing a new rail element along the FECR Corridor, and the incremental effects of adding passenger trains would not significantly degrade the quality of life in communities along the rail line. The noise and vibration analysis conducted as part of the FEIS did follow FRA guidelines. Section 5.4.4, Public Health and Safety addresses public safety risks.							
The Board of County Commissioners of Indian River County, Florida	Community Character	If the Project is constructed as proposed, 32 new high-speed passenger trains will barrel through Indian River County each day. Those trains will travel at speeds averaging 106 mph through two developed downtown areas, crossing heavily trafficked roads and passing by commercial and residential buildings in close proximity to the right of way. In addition, freight operations can be anticipated to intensify with the Project, and the speed of freight trains will increase to up to 70 mph. The noise and vibration analyses conducted for the FEIS failed to adhere to the most basic protocols in the FRA Manual, and scant attention was paid in the FEIS to the significant public safety risks posed by the Project. Such impacts are serious enough on their own. But when they are considered together it is clear that they could cause significant impacts to the overall quality of life for the residents of those cities and result in a substantial alteration of the character of the communities in which they live.	See "Quality of Life" under Section 1.7.7, *Social and Economic Environment* of the FEIS. Rail service along the FECR Corridor has varied throughout its approximate 100-year history. In fact, the number of freight trains was significantly higher as recently as 2006 (24 round-trip freight trains per day versus the current 14). Although AAF is proposing to alter rail service with the addition of 16 round-trip passenger trains per day, the incremental effects of such a change are not expected to significantly degrade the character of the communities through which they pass. Any potential changes to the existing freight operations along the FECR Corridor are outside the scope of this FEIS. The noise and vibration analysis conducted as part of the FEIS did follow FRA guidelines. Section 5.4.4, *Public Health and Safety* addresses public safety risks.							
The Board of County Commissioners of Indian River County, Florida	Community Character	The FEIS downplays the effects of the Project on adjacent communities by observing that they have "supported freight and/or passenger service on a continuous basis for more than 100 years," and "have largely developed around these conditions." FEIS at 5-138. Such statements overlook the fact that the 110 mph, non-stop rail operations resulting from the Project would differ markedly from historic passenger rail service, which operated at conventional speeds and actually served the affected communities with stops and stations along the way. Indeed, the conclusion in the FEIS that "[t]he Project would have an indirect beneficial effect to communities," because it would "improve accessibility and mobility between Orlando and Miami," id., may be accurate for the few cities where stations would be located, but could not be less true for the affected communities in Indian River County. The FEIS is deficient in that it failed to consider the overall negative community character impacts the Project would have in the urban areas that would take the brunt of the noise, vibration, public safety and fragmentation impacts of the Project in order to benefit the few cities it would serve.	See "Quality of Life" under Section 1.7.7, *Social and Economic Environment* of the FEIS. Although the specific operating conditions of rail service along the FECR is changing with the addition of passenger rail service, adequate mitigation measures, as discussed throughout Chapter 5, Environmental Consequences, will minimize the impact of the Project on communities along the FECR Corridor. The incremental effects of adding passenger trains would not significantly degrade the quality of life in municipalities and communities along the rail line. FEIS sections 5.2.2 and 5.4.4 address impacts from noise and vibration, and to public health and safety.							

The Town of St. Lucie Village	Community Character	The draft EIS does not contain any analysis of the impacts on the Village resulting from locating the triple-track center siding in the Village. The compounded safety, noise, and aesthetic impacts of locating a third track center siding through most of the 2.6-mile length of the Village, in addition to adding a second track through the entire Village, must be addressed in the Final EIS	As noted, in Section 3.3.5, *Alternative E* , the third track along the N-S Corridor is not a passing siding, but is similar to an additional lane on a highway built to keep traffic flowing. The AAF and FECR operating plan does not call for holding trains in any triple track section. Further, all second and third track elements along the FECR Corridor would be installed within the existing ROW, and no changes to adjacent land uses would occur. Mitigation measures discussed throughout Chapter 5, *Environmental Consequences* , would minimize the impacts of the Project to communities along the rail corridor, including St. Lucie Village. See "Quality of Life" under Sections 1.7.7, Social and Economic Environment, 5.2.2 Noise and Vibration, and 5.4.4, Public Health and Safety of the FEIS. Any incremental effects of adding passenger trains at the second and third tracks within St. Lucie Village are not expected to significantly degrade the quality of life in municipalities and communities along the rail line.						
The Town of St. Lucie Village	Community Demographics	The Draft EIS does not recognize the Town of St. Lucie Village as an incorporated town in discussions of local government entities and coordination with those entities.	Section 4.1.1, *Land Use* and Section 4.4.1, *Communities and Demographics* of the FEIS recognize St. Lucie Village as an incorporated town.							
The Board of County Commissioners of Indian River County, Florida	Cumulative Impacts	Under the NEPA regulations, an EIS must consider "[c]umulative actions, which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. § 1508.25(a)(2). A "cumulative impact" to be addressed in an EIS is "the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. In its comments on the DEIS, the County explained why FRA is obligated under these clear-cut principles to consider the effects of the Project in combination with those of the Tri-Rail Coastal Link project (the "Tri Rail Project"), a project that would serve 25,000 riders daily and add 25 commuter train round-trips to an 85 mile stretch of the FEC corridor that AAF proposes to use. Certainly, the Tri-Rail Project is one that would have safety, noise, vibration and other impacts that overlap with those of the Project, and should have been carefully considered in the FEIS. The reason given in the document for failing to do so is that the Tri Rail Project is "not reasonably foreseeable." FEIS at 5-199. In coming to that conclusion, the FEIS fails to account for the fact that the extensive preliminary phase of planning required under the formal FTA procedures has now been completed for the Tri Rail Project, or that the "project development phase" under those procedures is about to begin. As the County pointed out in its comments on the DEIS, an enormous amount of federally-funded environmental and engineering work has gone into the project, as documented in a 387 page Final Conceptual Alternatives Analysis and Environmental Screening Study completed in 2009; a 189 page Detailed Environmental Screening Report issued in 2010; a 168 page Final Alternatives Analysis Report prepared in 2011; and a final Preliminary Project Development Report submitted to the FTA in April 2014. In addition, a Memorandum of Understanding ("MOU") has been executed by the Florida Department of Transportation, the South Florida Regional Transportation Authority, the Southeast Florida Transportation Council, eight affected Metropolitan Planning Organizations and other parties to "develop a multi-agency partnership for undertaking" the work and to outline the agencies' roles and responsibilities "in conducting the project." MOU. Between Palm Beach Metropolitan Planning Organizations et al. for Tri-Rail Coastal Link dated May 2013. Many public meetings have been held to consider the Tri Rail Project, and the record reflects an overwhelming degree of public and agency support. See Tri-Rail Coastal Link Study, Preliminary Project Development Report, Phase 3 Public Involvement Program Report, April, 2014. As the FEIS itself acknowledges, the NEPA process for the Tri-Rail Project is anticipated to begin in the remaining few months of this year. According to the FEIS, this well-developed project is not reasonably foreseeable because the "access and operating" agreements have not been finalized and federal funding has not been secured. But a project does not have to be a foregone conclusion to be reasonably foreseeable for purposes of the NEPA review. Under the circumstances, the Tri Rail Project is long past the point where it could be considered speculative, and should have been taken into account in a thorough cumulative impacts analysis in the FEIS.	FRA disagrees with this comment. FDOT is only in the preliminary stages of considering this project. The NEPA process, which has not yet been completed for the Tri-Rail Coastal Link project, is one of the initial steps in project planning. Until the NEPA process is complete, Federal funding has been secured for a proposed action, and access and operating agreements have been negotiated, it is not reasonably foreseeable because numerous rail projects have been cancelled or not advanced even after NEPA completion. According to the most recent information on the TriRail Coastal Link website (last updated December 2016), the TriRail Link is still speculative.						
The Town of St. Lucie Village	Cumulative Impacts	The effect of other projects to accommodate post-Panamax container shipping on rail traffic in the FECR corridor and the impacts of greatly increased rail traffic in the future are not adequately addressed in the Draft EIS.	There are no current plans for this type of project along the FECR corridor, therefore any analysis would be purely speculative and not appropriate for inclusion in the cumulative impacts evaluation.							
Boswell	Economic Impacts	How much money will this cost to build and then how many millions will it lose annually. How can this be justified when we are cutting back education?	AAF has applied for federal funds through the Railroad Rehabilitation and Improvement Financing program, and if approved, would be required to pay back the accompanying loans in full. In addition, AAF is also pursuing Public Assurance Bonds to fund the project. Issues concerning the issuance of private activity bonds are outside the scope of the FEIS, but would not result in public funds being diverted from public services such as education to AAF for the purposes of Project construction or operation.							
CARE FL	Economic Impacts	The False Assertion of no impact on property values (FEIS section 5.4.3.3, page 5-154) "With respect to waterfront property along the New River, Loxahatchee River or St. Lucie River, the Project would result in increased closings of the moveable bridges. However, the moveable bridges would remain in operation and these rivers would continue to be open to navigation as required by the Coast Guard. Properties along these rivers with docks would continue to have boat access both upriver and downriver. Therefore, the Project is not expected to affect the value of these properties." This is contradicted by the following assertion (also false) made later on the very same page: False Assertion that impact on property values can't be calculated (FEIS section 5.4.3.3, page 5-154). "As demonstrated, there is limited research on the relationship between trains and neighboring property values, and the research that does exist present inconsistent findings. As such, the potential for the Project to impact residential property values is inconclusive." Not only does this statement contradict the earlier one, it seems poor justification for failing to meet the requirement in an	These statements are not contradictory. The literature review conducted as part of the FEIS had a scope that was not specific to waterfront property values. It looked at existing research pertaining to the effects of rail operations on neighboring property types under various conditions. Although this literature review produced conflicting findings, the FEIS was transparent about these findings, documenting them as they were published. Without a standard methodology that has achieved professional consensus, the FEIS must rely on existing records. For additional information on the Project's potential impact on property values, please see the relevant response to comments on the DEIS under Section 1.7.7, *Social and Economic Environment.*							

CARE FL	Economic Impacts	Admission of potential long-term negative impact (FEIS section 5.4.3.2, page 5-146) "Potential long-term direct and adverse effects to local economic conditions would include the loss of municipal property tax revenue from the acquisition of privately owned properties, costs associated with grade crossing maintenance to be paid by the municipalities in which they are located, permanent displacement of existing businesses and associated revenues, and employment displacement. It also includes the potential loss of economic value within the maritime industries along the St. Lucie, Loxahatchee, and New Rivers." Yet a good faith effort is not made to calculate these negative impacts. The following two points are examples. Wrongful exclusion from analysis of negative impacts due to discouraged waterway users and reduced use of waterways (FEIS section 5.4.3.1 page 5-146). "This evaluation does not consider potential boater behavior, as there is no standard method for modeling the economic impacts associated with boater choice (e.g., whether a boater chooses to use a particular waterway). For this reason, this evaluation does not address the Project's economic impacts to yachting, water taxi activity, or individual events held along the affected waterways. There is no standard method for quantifying costs associated with boater time, recreational or otherwise. Therefore, the Project's potential to result in this form of cost is acknowledged but not evaluated." As mentioned earlier, the waterways are the very reason these communities exist in their current form and size. Excluding negative impact on major industries and the degradation of communities' "reason for being" from the analysis makes its results meaningless.	With regard to the potential loss of municipal property tax revenue from the acquisition of privately owned properties, Section 5.4.3, *Economic Conditions* states that the necessary acquisitions of privately owned properties "would result in a negligible loss of property tax revenues" because of their relatively small acreage. This section also notes that the Project would not result in the displacement of commercial businesses or employment. With regard to potential costs incurred by municipalities for grade crossing maintenance, please see the relevant response to comments on the DEIS under Section 1.7.7, *Social and Economic Environment* . As noted in Section 5.4.3, *Economic Conditions* of the FEIS, there is no current method of modeling boater behavior; therefore, it is not possible to calculate the potential changes in boater behavior.							
CARE FL	Economic Impacts	Use of incomplete, part-year data that produces lower impacts, when better data was available. The FEIS model uses lower vessel traffic numbers, based upon partial surveys conducted in the winter, instead of updated, year-round data that show much higher numbers. For the St. Lucie and Loxahatchee bridges, this data was carefully collected and provided by Martin County and the Jupiter Inlet District, respectively. The FEIS rationale for not using the improved data is listed in section 5.4.3.1 (page 5-145): "…these new data do not make the distinction between commercial and recreational vessels, an important data input for determining economic impact. For this reason, this evaluation of economic impacts maintains its use of the winter 2014 data." There may well be a difference in the impact of commercial and recreational vessels. However, they both have a significant impact, especially since recreational boating is one of the leading industries in south Florida. It is clear that that the FEIS chose not to use the larger vessel numbers because they would have resulted in calculation of larger negative impacts to traffic and economic activity.	As noted in Sections 1.7.4, *Navigation* and 4.1.3, *Navigation* , the boat count data included in the DEIS was revised in the FEIS. In the DEIS, winter 2014 video recordings that span two to three weeks were used to determine average day values and estimate impacts. In contrast, the FEIS primarily used summer 2014 video recordings that span two to three months – representing a busier time for marine traffic and a higher number of boat crossings. Although this new data was only available for the St. Lucie and Loxahatchee Rivers, the boat counts for the New River were estimated based on the observances at the other two bridges. This revised analysis compares the higher level of boat traffic experienced on a high-volume weekend day to average day conditions for all summer 2014 data. This presents a more realistic picture of peak season boat operations and the Project's potential effects on navigation.							
Martin County	Economic Impacts	Martin County's DEIS comments raised concerns about the impact of the Project on property values. In response, the FEIS contains a scant page-and-a-half discussion of the potential impact of the Project on property values, see FEIS at 5-153 to 154, and that discussion consists largely of assertions that are contradicted by the remainder of the FEIS. The FEIS's property values discussion begins with the remarkable assertion that that "[t]he AAF passenger service would not be introducing a new rail element along" the existing Florida East Coast Railway ("FECR") corridor. FEIS at 5-154 (emphasis added). In reality, the whole point of the "AAF passenger service" is to introduce a "new rail element" to that corridor. The FEIS explains on its very first page that AAF "is proposing to construct and operate a privately owned and operated intercity passenger railroad system." FEIS at S-1. Thus, the Project involves multiple "new" "elements" along the FECR corridor including "adding a second track within 128.5 miles of the FECR Corridor . . . purchasing five additional passenger train sets," and adding "16 new round-trip intercity passenger trips" on that corridor every single day. Having started by dismissing the entire purpose of the Project, the property value discussion then continues by claiming that "AAF would not introduce significant new disruption, noise, traffic, or other effects that could affect property value." FEIS at 5-154. No facts are cited in support of that assertion and elsewhere the FEIS makes clear that there will be significant traffic disruptions all along the existing FECR corridor. For example, the FEIS makes clear that the addition of new passenger trains will result in (at a minimum) a doubling every hour every day of "unacceptable" traffic delays at least four major Martin County intersections. The FEIS nowhere explains how such a degradation in traffic patterns is not something that "could affect property value." To the contrary, the FEIS simply assumes that the Project's adverse traffic impacts will not affect property values. Next, the FEIS concludes that "any impact of the railroad on the valuation of nearby properties, up or down, would have already occurred long ago and would not be substantially changed by the added passenger trains." FEIS at 5-154. Again, no facts are cited in support of that conclusion and the conclusion is, in reality, nothing but an assumption, an assumption that changed circumstances will have no impacts. That assumption is arbitrary; under NEPA, agencies cannot simply assume that no impacts will be felt, they must actually study the issue. See Commonwealth of Massachusetts v. Watt, 716 F.2d 946 (1st Cir. 1983) (finding a probable NEPA violation where agency assumed that changed circumstances would have a proportional effect on environmental impacts rather than evaluating whether that would in fact be the case). The FEIS concludes its property value discussion by providing a short summary of the allegedly "limited research" on the relationship between trains and property values. FEIS at 5-154. The discussion concludes that the research findings are inconsistent and, as a result, "the potential for the Project to impact residential property values is inconclusive." FEIS at 5-154. That conclusion is not actually supported by the FEIS's own summary of the "limited research." The FEIS descriptions mention only one study that evaluated the impact of adding additional train service (which is the issue presented by the Project) and that study, according to the FEIS, concluded that an increase in train traffic does adversely affect property values. See FEIS at 5- 154 (describing the Michael Futch study).	As noted in Section 1.7.7, *Social and Economic Environment* , a 2003 FRA study, *Regulatory Evaluation and Regulatory Flexibility Assessment for Use of Locomotive Horns at Highway-Rail Grade Crossings Final Rule,* "neither established nor excluded the possibility of adverse effects on property values." It did, however, generally conclude, "other things equal, being within 1,000 feet of an operating rail line depresses the sale price of a property from 5 percent to 13 percent on average." Because the FECR was established over 120 years ago and has been in continuous operation in various configurations since the late 1800s, including freight service that was nearly double the exist traffic in recent history, the addition of passenger rail service is not expected to be the impetus for significant fluctuation in local property values. As demonstrated by Tables 5.1.2-6 and 5.1.2-7, the weighted average for all signal cycles shows that all intersections within Martin County would operate at acceptable Levels of Service (LOS A to C) in 2016 and 2036. The FEIS presents the conclusions of a number of different available studies, as the methods of analysis, data quality, and geography are often different. Accordingly, it is difficult to compare the studies and draw definitive conclusions based on their individual results. The conclusions of *Examining the Spatial Distribution of Externalities: Freight Rail Traffic and Home Values in Los Angeles* , prepared by Michael Futch in 2011, cannot be assumed to be applicable to the Project, as the circumstances of this study are different than those of the Project. For instance, this study focuses on the redistribution of freight rail as opposed to the addition of passenger rail transportation on an existing and active freight rail corridor. Further, its rail traffic data are presented in density (gross ton-miles of cargo traveled over a section of rail, divided by the rail length) and not number of trains traveled; therefore, it is not possible to make comparisons between the increase in rail traffic associated with the study and with the Project.							
The Town of St. Lucie Village	Economic Impacts	Economic impacts on the Village, including costs to implement quiet zones, increased periodic maintenance costs, decreased property values, and the potential for increased non-local tax burden are not addressed.	As the FEIS discusses in Section 5.4.3, *Economic Conditions* , municipalities are typically responsible for funding improvements associated with quiet zones. However, investments to be made by AAF to improve grade crossing safety could include several components that are necessary in the establishment of quiet zones. As consequence, the municipal share of costs establishing quiet zones could be reduced. With regard to potential costs incurred by municipalities for grade crossing maintenance, please see the relevant response to comments on the DEIS under Section 1.7.7, *Social and Economic Environment* . As noted in Section 1.7.7, *Social and Economic Environment* , the AAF passenger rail service would not be introducing significant new disruption in the form of noise, traffic, or other effects that could affect property values along the FECR Corridor. Properties along the rail line are already valued according to their proximity to the rail line.							

The Town of St. Lucie Village	Economic Impacts	There is a strong potential for the project to negatively affect economic development and tourism. Having a dual-track rail system that includes numerous high-speed passenger trains and long freight trains bisecting the downtown areas will change the character of these communities forever and will be a deterrent to business expansion, new business development, and tourism. Many of these communities are still struggling to recover from the recession and are dealing with numerous empty buildings and loss of vitality in the downtown areas. Selecting the FECR route will pose a serious obstacle to revitalizing these areas and attracting business and tourists. It also will have very negative effects on aesthetics and the quality of life in these areas, the value of which cannot be reduced to mere dollars and cents.	As noted in Section 1.7.7, *Social and Economic Environment* , the AAF passenger service would not be introducing a new rail element along the FECR Corridor, and the incremental effects of adding passenger trains would not significantly degrade the quality of life or viability of businesses in communities along the rail line. Further, AAF would not introduce significant new disruption, noise, traffic, or other effects that could affect businesses. In the vicinity of the Town of St. Lucie Village, the Project is sited within the existing FECR Corridor, and modifications proposed for this corridor would maintain the general aesthetics of this active rail line. Changes to aesthetics/viewshed associated with the Project would not result in adverse effects to aesthetics.								
The Town of St. Lucie Village	Economic Impacts	The adverse economic impacts of the AAF project on coastal communities between Cocoa and West Palm Beach are significant, they are long-term, and they have the potential for permanent damage to the economic development potential of these communities. Because of this, they should be evaluated by an unbiased party in a present worth analysis over the life of the AAF project. The minimum evaluation period should be 25 years.	As noted in Section 5.1.2, *Transportation,* FRA disagrees with opinions that the Project would discourage customers, particularly tourists, from patronizing small businesses in communities along the FECR Corridor because the FECR Corridor is an active freight rail corridor, with an average of 14 round-trip freight trains per day under current conditions, projected to increase to 20 by 2019. Further, as recently as 2006, the number of freight trains was substantially higher at 24 daily trains. FRA believes that the incremental effects of adding passenger trains would not significantly degrade the viability of businesses located along the rail line.								
The Town of St. Lucie Village	Economic Impacts	It is recognized that there will be benefits to business, commerce, and, tourism in areas outside the Cocoa-to-West Palm Beach north-south corridor. This would be particularly true in the Orlando and Miami areas. However, in the comparison of the four Level 1 screening alternatives, these positive economic effects do not offset any of the negative economic effects of the FERC route alternative on coastal communities because they are the same for all four alternatives. The FECR route stands alone as the alternative with significant, detrimental, and lasting impacts on the coastal cities, towns, and counties of east central Florida resulting primarily from noise, safety, traffic and economic impacts associated with the 129-mile, high-speed rail corridor with159 at-grade crossings bisecting their communities. A western Orlando-to-West Palm Beach route would most likely receive wide public acceptance and support, which would present potential opportunities for private-public partnerships to address the higher costs.	As noted in Section 5.1.2, *Transportation,* FRA disagrees with opinions that the Project would discourage customers, particularly tourists, from patronizing small businesses in communities along the FECR Corridor because the FECR Corridor is an active freight rail corridor, with an average of 14 round-trip freight trains per day under current conditions, projected to increase to 20 by 2019. Further, as recently as 2006, the number of freight trains was substantially higher at 24 daily trains. FRA believes that the incremental effects of adding passenger trains would not significantly degrade the viability of businesses located along the rail line. AAF selected the FECR Corridor as its preferred alternative because it meets the purpose and need while remaining feasible to construct and operate based on ridership and cost projections and potential environmental impacts.								
The Town of St. Lucie Village	Economic Impacts	Increased Periodic Crossing Maintenance Costs. There are five publically-maintained crossings within the Village and the Village currently has financial responsibility for maintaining all or half of four of them (100% of Torpey Road, and 50% of Rouse Road, Chamberlin Boulevard, and St. Lucie Lane). This past year, the Village was assessed over $86,000 for maintenance on the Torpey Road crossing, which represents 24 percent of the Village's entire fiscal year 2014 budget. The cost of this periodic maintenance will increase substantially if this project is constructed in the FECR corridor due to the greater number of tracks and the increased cost of maintaining additional safety features. If the triple-track section remains at the Chamberlin Boulevard, Milton Road, Torpey Road and Rouse Road crossings, the added cost will be ever greater. The magnitude of these costs has not been identified, but they appear certain to be significant and most likely tax increases will be required to fund the additional cost. The Final EIS must address these costs.	With regard to potential costs incurred by municipalities for grade crossing maintenance, please see the relevant response to comments on the DEIS under Section 1.7.7, *Social and Economic Environment* .								
The Town of St. Lucie Village	Economic Impacts	Decrease in Property Values. Studies in other areas where high-speed rail projects have been constructed showed a significant decline in residential property values. A draft report entitled "The Effect of Rail Transit on Property Values: A Summary of Studies", prepared for the NEORail II project in Cleveland Ohio in 2001 referenced studies that showed declines in residential property values of 5-20%, with the magnitude of the impact generally decreasing with distance from the tracks. One study documented a loss of 20% for residential properties located within 400 feet of the tracks and another documented property value decreases one half mile from rail lines. Of the 300 homes in the Village, approximately 160 are within 400 feet of the tracks and all are within 1,500 feet of the tracks. Granted, there is already a rail line passing through the Village, but the proposed double and triple tracking with three times the train traffic and mixture of high-speed and slower freight trains will certainly impact residential property values. Decreasing property values will affect all homeowners and will also result in decreased ad valorem tax revenues for the Village. The magnitude of these impacts, based on the numerous studies available in other areas, must be documented in the Final EIS.	As noted in Section 5.4.3, *Economic Conditions* of the FEIS, *The Effect of Rail Transit on Property Values: A Summary of Studies,* prepared by Parsons Brinckerhoff in 2001, was included in the literature review conducted as part of the evaluation of the Project's potential effects on neighboring property values. It contains summaries of a variety of studies, but ultimately concludes "there is little support for the suggestion that proximity to rail actually decreases property values."								

Indian River County, Florida; Martin County, Florida; and CARE FL	Economic Impacts	3. Contrary to the FEIS, Indian River County, St. Lucie County and Martin County Do Not Have an Obligation to Maintain Grade-Crossings, and Have Not Agreed to Do So The FEIS states that "AAF will pay the cost of the recommended grade crossing safety improvements related to the introduction of passenger rail service, in conjunction with county and municipal execution of amendments to existing crossing license agreements." FEIS at 3-45.The document goes on to assert that "the State of Florida requires municipalities to fund the maintenance of grade crossings within their jurisdictions." FEIS at 5-149. The FEIS misstates the requirements of Florida law. Contrary to the FEIS, state law does not saddle the affected municipalities with all grade-crossing maintenance costs. Rather, it allows those costs to be shifted to the municipalities if the parties so agreed prior to 1982. See Fla. Stat. § 335.141(2)(c) ("Any public railroad crossing opened prior to July 1, 1972, shall be maintained by the railroad company at its own expense, unless the maintenance has been provided for in another manner by contractual agreement entered into prior to October 1, 1982." (Emphasis added.)) As the Counties interpret the existing crossing license agreements with Florida East Coast Railway ("FECR"), the installation or operation and maintenance costs of such improvements associated with the Project cannot be unilaterally passed along to the local governments. Moreover, while some local governments in Florida may have signed amendments to their existing crossing contracts with FECR agreeing to shoulder such costs, AAF has not secured such concessions from the local governments along the Treasure Coast. The Counties expect the costs entailed in maintaining the grade crossing improvements required for the Project to be substantial. At the approximately 60 grade crossings in Indian River County and Martin County alone, the crossing rehabilitation costs for the first 11 years of the Project are estimated to be $15 million. See Attachment B. Since that additional expense is required in order to mitigate the safety risks of adding high speed rail operations to the existing FECR corridor, they should be borne by AAF, not the affected municipalities. An SEIS should make clear that those additional mitigation costs are the responsibility of the Project sponsor. Moreover, any ROD for the Project must require AAF to construct and maintain all safety improvements required to mitigate the impacts of the Project. The NEPA process cannot be used to shift these mitigation costs to local governments in contravention of the laws of the State of Florida.	FRA will require that AAF construct, operate and maintain the proposed passenger rail service and facilities in full compliance with all applicable state and federal laws.								
Martin County	Endangered Species	The FEIS discussion of impacts to threatened and endangered species is problematic. That discussion focuses on the "[n]umber of habitats directly or indirectly affected," without explaining what that concept means. That approach also appears to ignore that the question is not just how many habitats are impacted, but how many species are impacted. In that regard, the Passarella Report documents many flaws in the scope of the FEIS's analysis.	The FEIS Project Study Area includes 16 types of aquatic habitats (wetlands and surface waters), as listed in Table 4.3.3-1. FECR has been operating along the existing railroad corridor, the N-S Corridor, for more than 100 years, and AAF is not changing existing conditions or exacerbating existing barriers to wildlife movement. AAF is coordinating with federal and state agencies as well as land managers and biologists within public lands to determine the potential presence of protected plant species within the FECR ROW and to identify appropriate areas in which surveys will be conducted prior to construction. An October 9, 2015 letter from the USFWS to the USACE transmits the revised USFWS Biological Opinion concurring with the USACE determinations in accordance with Section 7 of the Endangered Species Act of 1973, serving as federal approval of the FEIS' characterization of threatened and endangered species.								
Martin County	Endangered Species	For all of the flaws in its analysis of endangered and threatened species, the FEIS actually concludes that the FECR route will have a worse impact on those species than either the Florida Turnpike or the I-95 routes. See FEIS at 3-12 (comparing the number of habitats impacted). The FEIS provides no reasonable explanation of why the FECR route's allegedly smaller impact on wetlands should outweigh that route's worse impact on endangered and threatened species. The failure to provide such an explanation is especially troubling given that a principal feature of the Project will be the introduction of faster trains to an area that is not already accustomed to them. In essence, the Project's impacts on wildlife are likely to be much more significant than its impacts on wetlands, because the Project does not merely add new track to the FECR corridor, it also increases the number and speed of trains traversing that corridor. Those facts weigh in favor of choosing a route where the wildlife are presumably already accustomed to high speed traffic—such as the Florida Turnpike and I-95 routes. This point is discussed in detail in the Passarella Report.	Concerns over the adequacy of the analysis of the alternatives are addressed in the FEIS, Section 1.7.2. AAF selected the FECR Corridor as the preferred Level 1 alternative based on the results of a screening analysis with multiple criteria (Table 3.2.1), one of which was Threatened and Endangered Species, with a metric of "number of habitats directly or indirectly affected". Wildlife and wetland impacts were not the only evaluation criteria. The FECR corridor was not selected on the basis of wetland impacts alone. As discussed in detail on pages 3-11 to 3-14, the FECR Corridor was selected primarily because it presents the most favorable construction and operating costs, with trip times that are predicted to yield high ridership. None of the alternatives considered in the FEIS would be expected to result in significant adverse impacts to protected species, protected species habitat, or designated critical habitat. Preliminary surveys did not identify any threatened or endangered plant species within the FECR Corridor. FRA acknowledges that the entire ROW has not been surveyed. Therefore, AAF is coordinating with federal and state agencies as well as land managers and biologists within public lands to determine the potential presence of protected plant species within the FECR ROW and to identify appropriate areas in which surveys will be conducted prior to construction. As summarized in Section 7.2 of the FEIS, mitigation measures will be implemented during construction and over the long-term, as appropriate, to minimize and/or avoid potential impacts to Threatened and Endangered Species and Other Protected Species.								
Martin County	Endangered Species	The FEIS improperly disregards all of the mitigation that may be necessary for the direct, indirect and cumulative impacts as represented by Section 7.2.10.6, page 7-16 through 7-17 as it only identifies measures to protect and mitigate for two listed plant species. No information or protection and mitigation measures are provided regarding the 55 other listed plant species that may occur in or near the project.	Concerns over the adequacy of the analysis of endangered species are addressed in the FEIS, Section 1.7.6. Preliminary surveys to determine the presence of threatened or endangered species and delineate wetland boundaries were conducted within areas of the N S Corridor where the construction footprint would go beyond the existing and historic railroad tracks and ballast. These surveys did not identify any threatened or endangered plant species within the FECR Corridor; however, the entire ROW has not been surveyed. AAF is coordinating with federal and state agencies as well as land managers and biologists within public lands to determine the potential presence of protected plant species within the FECR ROW and to identify appropriate areas in which surveys will be conducted prior to construction. An October 9, 2015 letter from the USFWS to the USACE transmits the revised USFWS Biological Opinion concurring with the USACE determinations in accordance with Section 7 of the Endangered Species Act of 1973, serving as federal approval of the FEIS' characterization of threatened and endangered species.								
Martin County	Endangered Species	AAF has committed to conducting pre-construction surveys for multiple listed species (FEIS at 7-13), but has failed to identify significant occurrence of these species or their habitat in the FEIS, including scrub-jay, sand skinks and other listed plant and wildlife species. The FEIS suggests that AAF will continue to evaluate the issue (FEIS at 7-14), but that is not adequate because the point of the FEIS is to evaluate such impacts before decisions are made about the Project, not while the Project is ongoing.	Concerns over the adequacy of the analysis of endangered species are addressed in the FEIS, Section 1.7.6. None of the alternatives considered in the FEIS would be expected to result in significant adverse impacts to protected species, protected species habitat, or designated critical habitat. AAF has committed to conducting the pre-construction surveys to address any unanticipated unmitigated impacts that may arise as a result of the Project. An October 9, 2015 letter from the USFWS to the USACE transmits the revised USFWS Biological Opinion concurring with the USACE determinations in accordance with Section 7 of the Endangered Species Act of 1973, serving as federal approval of the FEIS' characterization of threatened and endangered species.								

Martin County	Endangered Species	The FEIS selects mitigation measures for endangered species despite the fact that the Biological Opinion has not yet been completed. See FEIS at 7-4 & 5-124. That puts the cart before the horse. No federal agency can be confident that the selected measures are adequate unless and until a full assessment is performed of which species and habitats will be affected, and how. This point is developed in detail in the Passarella Report.	On October 9, 2015, the U.S. Fish and Wildlife Service issued a letter to the U.S. Army Corps of Engineers transmitting the revised USFWS Biological Opinion on Phase II of the AAF Project and its effects on the threatened Florida scrub-jay and the endangered fragrant prickly-apple. It also summarizes the USFWS concurrence with the USACE determinations for endangered West Indian Manatee and Lakela's mint, as well as the threatened eastern indigo snake and wood stork.								
Indian River Neighborhood Association	Environmental Justice	References to less vehicle congestion, enhanced mobility for elderly and handicapped citizens apply to the more populated areas south of Indian River County where there will be scheduled Stops. That is clearly to their benefit. Quite the opposite is true in our areas. It will be the elderly and the handicapped citizens, in addition to all vehicular travel, that will be burdened with the expansion of rail services because the passenger trains will pass through our county without stopping. Environmental justice demands greater acknowledgement of these burdens	As per the Executive Order 12898 and Department of Transportation Order 5610.2(a), *Final DOT Environmental Justice Order* , environmental justice protects minority and low-income populations, and does not address age or disability. For a discussion of the potential effects of the Project on environmental justice communities, please see Section 5.4.2, *Environmental Justice* of the FEIS.								
Indian River Neighborhood Association	Environmental Justice	The absence of local knowledge includes the minority community of Gifford which will be greatly impacted by the proposed expansion of rail services. Gates must come down with sufficient lead time to avoid collisions and this disproportionately affects the people of Gifford as there are only two eastbound roads, both crossing the rail tracks, connecting the entire community to US 1 and beyond. Federal desegregation requirements will also impose proportionately longer bus routes for Gifford students. It is incumbent upon AAF to recognize and mitigate such adverse effects.	As noted in Section 5.4.2, *Environmental Justice* , the FEIS identifies the census-designated place of Gifford in Indian River County as an environmental justice community and included this area as part of Census Tract 503.02 in its environmental justice analysis. Section 5.1.2, *Transportation* of the FEIS discusses the potential effects of the Project on local traffic conditions. The Project would have a minor, but not significant impact on local traffic by increasing the frequency of at-grade crossing closures within the census-designated place of Gifford. This impact would not be disproportionate or severe.								
West Wabasso Community	Environmental Justice	I want you to understand that we have serious traffic issues. This community has one way in and one way out. I want to be more specific, if our community has as emergency we would have to cross the railroad tracks to go to either Sebastian Medical Center or Indian River Medical Center. These medical facilities or to the north and south of our community respectively. I would not like to have individuals/persons from this community whose lives are on the line waiting for one of your trains to cross in order to get to the hospitals mentioned earlier. Heaven forbid, the intentional or unintentional racial discrimination in the enforcement of environmental rules and regulations, which leads to the singling-out of minority and low income communities for the installation of railroad tracks over the lives of the minority population. I want all interested parties to understand that I will seek Environmental Justice to redress inequitable environmental burdens oftentimes borne by minority and low-income communities such as our community. I want all parties to understand that I am uniquely qualified to represent this community to the full extent. To ensure that its needs are met.	Section 5.1.2, *Transportation* of the FEIS discusses the potential effects of the Project on local traffic conditions. The Project would have a minor, but not significant, impact on local traffic by increasing the frequency of at-grade crossing closures within the census-designated place of Wabasso. Further, the lack of a significant impact to local vehicular traffic conditions is an indicator of no effect to the ability of persons commuting by bicycling or walking. As discussed in Section 1.7.7, *Social and Economic Environment* , all upgrades to road crossings would be coordinated and/or communicated to local emergency responders to minimize potential conflicts. Further, as demonstrated in Section 5.2.5, Coastal Zone Management, the Project would not affect emergency response and evacuation procedures and is consistent with emergency preparedness policies within the Treasure Coast SRPP. As described in Section 5.4.2, *Environmental Justice* , the anticipated environmental impacts of the Project experienced by environmental justice communities are not expected to be appreciably more severe or greater in magnitude than the impacts experienced by non-environmental justice communities.								
Indian River County, Florida; Martin County, Florida; and CARE FL	Freight	The FEIS was particularly deficient in its analysis of the cumulative impacts of FECR's business plans and resulting impacts to the coastal communities and their long preserved natural resources through the Treasure Coast of Florida. Now that three years have passed since publication of the DEIS and two years since the publication of the FEIS, the "old" projections of freight traffic – which will intersect with the AAF passenger trains – need to be carefully reexamined using real and up-to-date data.	FRA has conducted a re-examination of the AAF project due to the lapse of time and determined that there are no significant changes to the projected freight rail traffic.								
The Town of St. Lucie Village	Freight	The dual track system that will be installed with the AAF project will increase the capacity of the FECR rail corridor to move freight. Table 3.3-1 indicates that the average number of trains per day will increase from 14 in 2013 to 20 in 2016 and is projected to increase at 3% annually after 2016. The Draft EIS text in Section 5.1.3.2 (page 5-17) indicates that this projected increase is due to the timing of completing expansion of the Panama Canal to handle the larger post-Panamax container ships. It is also obviously tied to completion of port projects in Miami and Port Everglades to accept these larger container ships and the need to move freight north. At a 3% growth rate in the number of trains beyond 2016, there would be 42 freight trains passing through the FECR corridor in 2041, 25 years after completion of the Panama Canal expansion project. These trains would be sharing the dual-track system with 32 high-speed passenger trains. The Draft EIS does not address this extremely high level of mixed freight and high speed passenger rail traffic in the FECR corridor that is projected to occur in the future. All of the impacts described in this document, particularly those related to railway and crossing safety, crossing delays, noise, vibration, declining property values and recurring maintenance costs incurred by local governments would be much more severe at this future date. The Draft EIS does not address impacts on cities, towns and counties in the north-south corridor at these future projected train traffic levels. The Final EIS should provide an accurate and detailed assessment of impacts in the north-south FECR corridor at these projected future train traffic levels.	The three percent growth rate is assumed as part of the No-Action Alternative and would need to be accommodated even if the proposed project were not constructed. The DEIS and FEIS document the impacts associated with the proposed project at the year of completion, by 2021 and 2030 based on the volumes projected as part of this EIS, and includes the incremental increase associated with the No-Action Alternative. The analysis year suggested by the commenter, 2041, is beyond the reasonable time frame for a cumulative impact analysis. Additionally, due to the imbalance in freight traffic, occasionally trains currently operate with empty cars, enabling the railroad to absorb increases in freight without increases in train length. Increases in freight train length was incorporated into the DEIS modeling. Containerization has facilitated added capacity without any new train starts. In fact, FECR has previously responded to community concerns by running fewer, but longer, trains as opposed to many shorter trains. These trains used to be 7,500 feet, but now they range from 9,000 to 10,000 feet. FECR's freight forecast takes into account that not everything that arrives at the port will be transported by the FECR railroad. Freight will also move by truck and possibly the CSX freight system.								
Micco Homeowner's Association	General Comments	Portions of Micco adjacent to the St. Sebastian River Bridge in Brevard County will be directly impacted by the construction of a new eastern track where no railroad bridge has existed since the current bridges' construction in 1915. To date, no drawings or designs for the new bridge carrying a new set of tracks have been submitted to the USACE. As a result, neighboring property owners have no idea what to expect. If this were your neighborhood, home or community would you find it acceptable that authorities have approved proceeding with construction in your backyard without a construction design, location, required permits, or any information provided to neighborhood or local government?	Plans and drawings for the St. Sebastian River Bridge have been submitted to the USACE as part of the Section 404 permit application.								
Adams	General Opposition	Such a disappointment for the people in Vero Beach. By the people and for the people really only means for the People with the deepest pockets. You have to live with this and we will find a way to do the same. Don't try to convince us this is for people transportation. This is for the moving of goods and will line many pockets of people already wealthy. Who do you think you are kidding? If you are a decent person it must be terrible to have your job.	No response required.								
Baker	General Opposition	As a resident of Martin County which I am sure you could not care less about I am writing to say that this project will ruin the quality of life on our Treasure Coast You and the government insist that this is a passenger train which we ALL know is NOT true Move it west where it belongs	No response required.								
Blake	General Opposition	Sorry John, just like all the politics in Washington, this is just another case of big money squeezing out the will of the people.	No response required.								
Dorn	General Opposition	It seems strange that the only stops are in a few cities. If we have to put up with the noise etc. why not regular stops in MORE cities, thereby allowing MORE people to take advantage of the service?	No response required.								

Jamar	General Opposition	I'm not sure why you sent this to me, but, in my opinion, this is a totally unjustified project. It produces little, if any, benefit for the people it purports to serve, will be a hazard to all who have to cross tracks, a great nuisance to drivers and impediment to traffic flow, an almost constant source of noise is nearby neighborhoods, and, ultimately, another burden on taxpayers. It's such a stupid thing to do, the federal government must have been involved in its conception.	No response required.							
Kresky	General Opposition	This new train configuration which will include so much more freight traffic and the high speed trains 30 times a day will ruin this community from the nice area it is now. Fuck everybody in not giving a shit about the Treasure Coast residents. They could have built new tracks by the turnpike and no one would care. And to Florida Governor Scott...You suck.	No response required.							
Mazzucchelli	General Opposition	I don't understand why you keep insisting that AAF is going to help instead hinder the private sector. I've have read impact studies yes yours and others! It seams to me that oaf just because it's backed by Disney and universal to increase their profits doesn't care! What the hell is wrong with you people? Doesn't the lives and peace and quiet of thousands of people matter? Oh that's right it doesn't! The policies of the government are for profit and not the people this is evident by you allowing a ruthless company to push their way thru a place that it's not necessary, ruining the lives and value of property of residents of the treasure coast! I read the real impact study and it's completely different than yours! AAF can go around the treasure coast and in reality it would be less costly for them and our residents. I plan to start a class action law suite to recover loss of property value and loss of peoples rights! and inconvenience to the people! Please stop this it only helps big business to ruin lives just because of convenience! it will cost less and will keep peoples lives in the private sector from being ruined! I lived in margate Fl. and lost my home to convenience so I know what I'm talking about, how about we come to your town a put a rail road hi speed train right by your house the story would be different I'm sure !	No response required.							
Murphy	General Opposition	Thank you very much for your e-mail. All Aboard Florida is the worst thing that could happen to the quality off life on the Treasure Coast. Everything that was passed by " committees and experts " reek of ignorance ,ambience , and payola " . Just MY o...	No response required.							
Nolan	General Opposition	Well, who knows where one begins on this subject. As a resident of Martin County, the environmental impact will be tremendous here, as well as Northern Palm Beach County. Most know that passenger trains do not sustain themselves. Therefore, it is the conclusion that as the Panama Canal is enlarged, so will the amount of freight trains using the same tracks as the so-called passenger line. I'm afraid that the governments of the US and Florida have dealt the residents of the "Treasure Coast" a stacked hand against it.	No response required.							
Schnee	General Opposition	In reviewing the "final" Environmental Impact Study for All Aboard Florida, I and everyone I know are extremely disappointed. This report is still filled with inaccurate survey information, inaccurate conclusions without any regard to the safety and comforts of people and wildlife who live along this corridor. An independent firm that is not being paid by All Aboard Florida needs to be hired to conduct a proper and accurate Environmental Impact Study. It is hard to believe they are trying to get away with this document that does not even begin to tell the truth. I ask that you do all in your power to stop this affront that All Aboard Florida is continuing, to deceive and harm us with.	No response required.							
Seweloh	General Opposition	We, as residents of Vero Beach and the state of Florida and citizens of the US, high protest the establishment of this rail system. I have signed petitions and tried to express our distress but we feel that we are being rolled over by a business enterprise that is out to make money only for themselves and we as taxpayers will be left to foot the bill after it is built and there is no business - the usual rail transportation problem. Does anyone hear us????	No response required.							
Spotts	General Opposition	I am assuming you sent me a form letter because I am one of the many people who took the time to write you about the many flaws of the All Aboard proposal in general and the draft EIS in particular. You seemed to ignore nearly all of them. To me, the biggest error is that you knowingly, willfully and blatantly used an Environmental Assessment written entirely by All Aboard Florida to analyze the impacts of their plan from Miami to West Palm Beach instead of doing your own independent analysis as required by law and as promised by the FRA. Your final EIS is highly reminiscent of the lead-up to the Iraq War where all the government reports claimed the war would be over quickly, cost very little money and that the project would be welcomed with open arms and flowers . Or the recent EIS by the government showing that building the Keystone XL pipeline will have no negative impact on the environment, global warming or the economy. They, like you, started with the conclusion they wanted and arranged the “facts” to support a bad idea. In our town of Boynton Beach, we have lost over 35 businesses near the railroad in the past year, with only a couple government subsidized projects taking their place. The same is happening in Stuart , Jupiter, Tequesta, Lantana, Lake Worth, Delray Beach and Boca Raton. The exodus of businesses and residents and the decline of property values is now accelerating. All of that was predicted but not included in your analysis. You are an embarrassment to the Federal Railroad Administration and the United States of America. Considering the already poor reputation of the FRA, a wholly owned subsidiary of the railroad industry, that reputation sets a new low. I urge you to resign or retire, like Mr. Szabo, before this disaster goes much further because your name is all over this mess.	No response required.							

Westwater	General Opposition	Members of the Florida Development Finance Corporation (FDFC) are already aware of passenger trains lack of ridership, a default certainty, and yet ready to sign a loan that includes funding for it. Why? Because they know that defaults will be paid for by the taxpayers. FDFC members have been bought, and a Public Hearing is the last thing they want. I suggest that the only way to stop public funding is to threaten FDFC members that they will be made personally responsible for defaults, that the taxpayers will NOT be held liable for AAF defaults, and bankruptcy attempts will be challenged.. The threat: Each county in the Treasure Coast will pass an ordinance prohibiting trains through each and every community in its county. All law enforcement agencies, Fire Departments, and medical personnel will support these ordinances. A railroad signal light erected by the counties (only Martin County will need this) will flash red, the engineer warned that an impediment to further progress of his train is five miles ahead. This Ordinance will be announced at a Public Hearing funded by the aforementioned counties; each FDFC member will be subpoened to attend this Hearing. At this time specific impediments to train travel will be announced, Such impediments might include tire and cars from tire and car graveyards piled on the tracks; jack hammers digging holes under the tracks so that the tracks fall into the pits, 14 wheel semi trailer trucks, steam shovels, bull dozers - to push trains off the tracks, et cetera, any or all of these, fully supported and supplied by police and sheriffs. ERGO, TRAINS WILL NOT RUN THROUGH THESE COUNTIES. You have been warned. Videos of this Hearing can be presented at court, should lenders go ahead anyway. Counties' "Stand Your Ground" defense have medical staff at the ready to testify to the dire consequences to medical patients and victims of heart attacks, strokes, accidents, and murder attempts who are unable to get immediate medical attention. "You have been warned, members of FDFC, that each of you will be held personally liable for AAF shortfalls, defaults, and attempted bankruptcies." BUT, - to county officials who are truly opposed to AAF, if you do not do this, FDFC lenders will claim that they had not been warned, and that if the taxpayers were too lazy, too complacent, too naive to rely on a bunch of letters suggesting alternate routes or environmental issues (noise, inconvenience, et cetera) to get the warning to them, without proof that AAF was seriously threatened that their railroad would not proceed through these towns, then we, the taxpayers should be liable.	No response required.							
Hall	General Opposition	We live in Vero Beach, Florida, and are totally opposed, for a myriad of logical and practical reasons, for this invasion of an unnecessary, dangerous project. NO PASSENGER SERVICE IN THE UNITED STATES HAS EVER BEEN PROFITABLE. The obvious alternative, as you are well aware is using the existing Rail Line west, contiguous with the Florida Turnpike. We are well aware that this is to become a FREIGHT ROUTE. The costs, risks and damage particularly to the Treasure Coast, really is insulting, to any rational person. This should have been addressed by, at the very least a vote.	No response required.							
Indian River County, Florida; Martin County, Florida; and CARE FL	Hazardous Materials	Adding LNG to the list of dangerous substances on existing freight trains is an additional environmental and safety factor that has evolved since the publication of the FEIS. Martin County's outside counsel has filed a Freedom of Information Act (FOIA) request with FRA and is awaiting a response. FRA should consider all available safety-related information concerning the FECR/Grupo Mexico application in assessing the cumulative impact of financing a Project that will operate high speed rail on a freight line carrying LNG, and should do so with the public participation required with an SEIS.	In March, 2017 FRA approved a request from FECR to transport LNG shipments on two corridors; Hialeah Yard to Port of Miami, and Hialeah Yard to Port Everglades. These rail segments are limited sections of the proposed passenger rail corridor evaluated in the FEIS. FRA approval included additional safety requirements through a rigorous approval process during which FRA determined that the tank cars and shipping methods FECR proposed for LNG would be safe.							
Martin County	Hazardous Materials	Page 5-163 of the FEIS states: "There are no anticipated changes in frequency or quantity of hazardous materials to be transported along the N-S corridor; however, given the number of ports along the Florida coast, growth could occur. Hazardous materials would continue to be transported consistent with applicable statutes, rules and regulations and there would be no anticipated effect to health and safety due to the transportation of these materials." While the FEIS does concede that growth "could occur" in the transport of hazardous materials, it completely neglects a key corollary between any potential increases in hazardous materials on FECR freight trains and the AAF Project: the fact that lower speed freight trains that take much greater time and distance to stop would be moving along the same tracks as the higher speed AAF trains. Mixing these two types of trains is a wholly new scenario on the FECR line and could create additional safety risks—risks that were not addressed in the FEIS. On July 28, 2015, Martin County submitted its Railcar Chemical Release Vulnerability Study to the FRA, along with seven other AAF-related studies and data analyses. These comments were submitted to the agency because in the time that has passed between the County's November2014 submittal of DEIS comments and today, these new facts are significant, and the County therefore believes it is crucial that they be considered by the FRA with respect to the Project. In the case of the Railcar Chemical Release Vulnerability Study, the Martin County Fire Rescue Department conducted a standard risk assessment of the potential release of chemicals being transported on FECR freight rail cars, to assess increased risks and gaps in capabilities. The Department modeled derailments at three Martin County intersections with a potential release of various chemicals. The Study is attached to these comments as Exhibit F. The Fire Department's plume modeling of the potential chemical cloud was prepared using standard software programs from the EPA to predict chemical movement, based on chemical properties, toxicity, weather conditions and release rate. Variants of these programs exist in every fire department. The models are broken down by three "threat zones"—yellow, orange and red—ranging from notable discomfort (yellow) to life threatening adverse effects (orange) and death (red). In summary, the Department concluded that the increase in freight rail increases the County's risk of a chemical release occurring. While the County has not been able to quantify this risk, the up to 300 percent increase in trains traveling through the County's crossings mean that a chemical release incident at any of these locations has the potential to rapidly exceed the County's public safety response system. Such scenarios are not considered in the FEIS, despite their potentially catastrophic effect on Martin County and every other county that is bisected by the FECR/AAF tracks. The County believes this to be yet another example in the FEIS' failure to take a hard look at the major safety risks posed by this project.	As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. AAF will continue to transport hazardous materials consistent with applicable statutes, rules, and regulations and therefore does not expect any effect to the health and safety of adjacent communities.							
Department of the Interior	Historic Properties	The Department recommends that FRA continue working with the State Historic Preservation Officer (SHPO) to finalize a Memorandum of Agreement (MOA) which documents the measures agreed upon by the Section 4(f) resource managers, the SHPO, and the FRA to avoid, minimize and mitigate impacts to Section 4(f) resources.	A Programmatic Agreement has been developed and signed by the USACE, SHPO, and Advisory Council on Historic Preservation that documents the measures agreed on to minimize and mitigate impacts to historic (Section 106) resources, which are also protected under Section 4(f).							
Indian River Neighborhood Association	Historic Properties	A Cooperating Agency status was denied to the active archeological excavation, "Old Vero Ice Age Site". We expect the County's Historic Properties will be accurately represented through Section 106 but the Ice Age site requires separate action. The information being gleaned from this highly significant site has potential World Heritage recognition. A professional, detailed examination of the site and a non-traditional measure of noise and vibration are required to assure the site will not be damaged by any and all expansion activity.	The Old Vero Ice Age Sites Committee has accepted an invitation to become a Consulting Party as part of the Section 106 process. The Archaeological Monitoring Plan stipulated in the programmatic agreement requires monitoring during excavation activities that could disturb this site, including steps to be taken regarding notification, stoppage of work, and consultation in the event of a significant find (as determined by a qualified archaeologist). All Aboard Florida will use alternative construction methods such as vibratory or sonic pile driving to reduce the vibration impact from pile driving at archaeological sites identified in the monitoring plan located within 135 feet of locations where pile driving occurs. These mitigation measures should minimize or avoid any potential damage from construction activities.							

Martin County	Historic Properties	In focusing on AAF's preferred route, the FEIS has failed to provide a full and fair discussion of the significant impacts to cultural resources with regards to noise, vibration and the potential disturbance on local cultural resources, historical and archaeological sites—apparently because the FRA did not properly consult with Martin County or its sister Treasure Coast counties as required by Section 106 of the National Historic Preservation Act. When those impacts are properly considered, it becomes clear that AAF's preferred route is much less desirable than the western alternatives that the FEIS rejects.	Martin County has accepted an invitation to become a Consulting Party, and has participated in the development of the Section 106 programmatic agreement. As part of that process, the County provided information on historic property and potential effects to these properties. As documented in Chapter 3, no other alternatives were feasible. As outlined in the NEPA process, FRA undertook to evaluate effects to historic properties for that alternative.							
Martin County	Historic Properties	In June, Martin County—along with Indian River County and St. Lucie County—commissioned Mr. Bob Carr of Archeological and Historical Conservancy, Inc. to conduct a cultural resource assessment of the DEIS and the Draft Determination of Effects Phase 2 for All Aboard Florida. In addition, archaeologist Theresa Schober released a report in May on the cultural resources in Martin County within 1,000 feet of the FECR right of way. The assessment found insufficient compliance with consulting procedures under Section 106 of the National Historic Preservation Act (NHPA). In addition, the Carr assessment found the "area of potential effect" (APE) used in the DEIS to be inadequate and incomplete. The APE for the North-South (N-S) corridors in the AAF study was limited to 150 feet on either side of the FECR easement. This corridor is insufficient to adequately assess adverse impacts to historic districts and structures in regard to indirect effects such as vibration, noise, visual changes, heritage tourism, and other potential impacts. The County believes that an APE of 1,000 feet on either side of the FECR corridor is a more accurate and appropriate width because it realistically considers these impacts. The May 2015 assessment by Theresa Schober for the County (Desktop Analysis for Cultural Resources within 1000 feet of the Florida East Coast Railway Right-of-Way, Martin County, Florida) uses a 1000 foot APE, and a similar APE should be the guideline for assessing the entire N-S corridor. Without an adequate and reasonable APE, it is impossible to assess the adverse impact to historic districts and structures resulting from the proposed AAF project.	The SHPO has concurred with the 150-foot APE for the North-South corridor. The methodology, including determining the APE, is consistent with that used for and approved by SHPO for other linear transportation projects							
Martin County	Historic Properties	As noted by Mr. Carr, historic districts are integral parts of Florida Main Street program areas and Community Redevelopment Areas (CRA), and indirect effects should therefore be measured in these broader contexts where effects on circulation and heritage tourism come into play. One result of FRA's failure to consult with local governments and other knowledgeable organizations is that it has continued to overlook structures that contribute to local or National Register historic districts. For example, the Draft Determination failed to mention, discuss, or analyze the historic district of Stuart. The historic downtown of Stuart in Martin County surrounds the FECR corridor as does its Florida Main Street program area and a significant part of its CRA. Within downtown Stuart is a historic theater—the Lyric Theatre—that is adjacent to the FECR corridor and is of great concern to the County. The Lyric Theatre has historical significance, has been restored within the last decade, and is an important and vibrant venue in the town of Stuart. The Lyric Theatre is central to the downtown historic district, and noise effects on the Draft Determination chart are found to be severe when unmitigated and none when mitigated, presumably by the pole mounted horns and improved infrastructure, which is unsubstantiated. According to the Draft Determination chart, the Project will cause vibration during construction and operation that is expected to "exceed annoyance level," yet this apparently does not meet the FRA's threshold of adverse effect and no mitigation is proposed in the FEIS. The County believes that the indirect effects of noise, vibration, and visual changes on Stuart's historic districts and structures—such as the treasured Lyric Theatre—are inadequately addressed, and less tangible effects on circulation and heritage tourism are not addressed. The County recommends that independent experts evaluate all of these indirect effects. Without an adequate and complete assessment of historic districts and structures, it is impossible to assess the adverse impact to historic districts and structures resulting from the proposed AAF project.	Heritage tourism is not generally considered in Section 106, which specifically considers impacts to the character-defining features that qualify a property for listing in the National Register. The downtown area of Stuart has not been listed in, or determined eligible for, the National Register (see FEIS Section 4.4.5, Historic Properties). The National Register-listed Lyric Theatre will be subject to noise mitigation. The analysis of vibration showed that vibration levels would not increase in the 150-foot APE, although the frequency of vibration events would increase (5-179). The current freight service operating on the corridor results in a higher vibration level than that of high-speed passenger trains; introduction of passenger trains would not exceed this level. Some historic properties would experience perceptible vibration ("annoyance level") but these are not anticipated to cause damage to above-ground historic properties or affect their eligibility status. The only vibration effects with the potential to reach the damage threshold are the temporary construction activities of pile-driving at bridge sites, and there are no above-ground historic properties located within the 135-foot potential impact area of the pile-driving activities. AAF has committed to using alternative construction methods, such as vibratory pile driving, to minimize vibration during bridge construction. Noise impacts would be mitigated for this project. Wayside horns are a commonly used example warning signal, and noise levels resulting from their implementation are well documented. Using wayside horns at the intersection instead of the locomotive horn has been shown to substantially reduce the noise footprint without compromising safety at the grade crossing. (5-56). AAF is also working with local communities that would like to create quiet zones as an alternate noise abatement measure to wayside horns. Returning the FECR Corridor to its historic configuration and historic use as a passenger rail line will not change the visual setting of any historic property within the indirect effects APE.							
Martin County	Historic Properties	The FEIS minimizes the danger that the Project poses to archaeological resources. The FEIS generally assumes, without providing reasonable support for the assumption, that Project construction will not disturb any subsurface resources within the existing FECR right-of-way. But that assumption is not warranted given the failure to conduct a full survey of local archeological resources. Many archeological resources have been found in close vicinity to the FECR corridor, yet the FEIS dismisses the possibility of finding such resources as "unlikely." FEIS at 5-171. The FEIS's assumptions are not founded on sound data or analysis.	The CRAR details the method used to determined potential archaeological sensitivity along the corridor, including surveying and shovel testing in previously unsurveyed areas in the right-of-way. The SHPO approved the methodology prior to execution of archaeological research, survey, and testing. Based on this analysis, the discovery of a previously unrecorded site is not anticipated, but the Archaeological Monitoring/Unanticipated Discoveries Plan (AM/UDP) stipulated in the Programmatic Agreement includes specialized training for the construction crew in the case of discovery of features or artifacts (5-177). FRA has determined, and SHPO has concurred, that the Project will have no adverse effects to archaeological resources, with implementation of the AM/UDP stipulated in the PA							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	CRAR: A standard part of any Environmental Impact Statement is the Cultural Resource Assessment Report (CRAR) but there was no CRAR in the Draft EIS. The CRAR was not even available until May 2015, almost six months, after the commenting period ended for the Draft EIS. Local governments and historical communities never had the opportunity to review or comment on the assessment report and were never consulted about the cultural and historical resources being assessed.	The DEIS included information about the historic properties. This information was summarized in Chapter 4, and graphics depicting the locations of the historic properties was included as appendices (4.4-5a-c), and comments were received about these resources. The CRAR was made available on the website prior to the review period for the FEIS. An amendment to the CRAR, which included information provided by the public and Consulting Parties during the DEIS comment period, was submitted May 2015, and received SHPO concurrence. In addition, a Section 106 Consulting Parties meeting was held on October 19, 2015, with a specific request to consulting parties to comment on properties not identified in the CRAR. During development of the PA, the consulting parties provided additional information but did not identify any additional historic properties within construction or 150-foot APE that were on or eligible for the NRHP. FRA did not dismiss or disregard any potentially eligible resources within the APE, and evaluated all properties cited by the consulting parties. The PA signed by the SHPO and ACHP identifies all historic properties within the APE.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Methodology: The methodology used for the Area of Potential Effect (APE) was another procedure questioned in the Draft EIS and was never completely addressed. Even the State Historical Preservation Officer (SHPO) in their 36 page 98 item letter report commented on the contradictions in the methodology used (Item 16). The limited parameters and the uncertainty of the starting points (center or ROW) were issues and concerns, especially when they relate to noise, vibration, and safety. In the Final EIS these issues and concerns are still not answered. In fact, these contradictions (p. 4-125 vs. p. 4-132, Final EIS) now challenge the very method that was used at the very beginning and at various locations involving historical properties and districts.	The APE utilized for the identification of historic resources, and the potential effects to these resources, is detailed in the CRAR (pgs. 14-15), and was reviewed and approved by FRA and FL SHPO. As noted in the CRAR, the APE for the AAF Passenger Rail Project from West Palm Beach to Miami (Janus Research 2012) and the FEC Amtrak Passenger Rail Project Volume I (PCI and Janus Research 2010) provided a basis for the development of the current APE. The FL SHPO has noted that their comment on the DEIS regarding a 250-foot APE was the result of a typographical error, and that the project used an approved 150-foot APE from the ROW.							

Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Misidentification: In the Draft EIS, cultural and historical resources were misidentified, dismissed, and ignored and now in the Final EIS they are still missing and/or misinterpreted. The Society's history museum/exhibit center and office is one of the historical structures that have seen a very baffling transformation.	The terms applied to the museum, including "Historic Structure," "Historic Station," and "FECR Station" are all applicable and not contradictory. The structure is historic, as it is listed in the National Register. Reference to the resource as a station was intended to provide more information regarding the type of structure in the FEIS. FRA has requested information about additional historic properties from the consulting parties and held a Section 106 Consulting Parties meeting on October 19, 2015. No additional properties have been identified in the APE.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Construction and/or design: There have been no construction and/or design plans available, at least, in Indian River County. Without plans, it is difficult to evaluate the effect of the new bridge at the San (St.) Sebastian River, the new construction over historic watercourses and the various staging areas that will be needed. Trenching and temporary work areas along the right-of-way (ROW) were not discussed – in general terms or in detail – in neither the Draft EIS or in the Final EIS.	The bridge designs are still at a preliminary stage. According to the stipulations in the PA, AAF will consult with SHPO on the 60% and 90% design plans of the replacement Sebastian River Bridge. If any access, construction staging, borrow, or excess material placement areas are not located within the APE, and therefore were not included in the initial study area, AAF will survey these areas prior to conducting any ground disturbing activities, and will consult with SHPO to assess the potential impacts of these activities on archaeological and historic resources effects of any work in those areas. AAF will locate such activities in such a manner to D80							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Historic Structures: The Indian River County Historical Society owns a historic building at 2336 14th Avenue in downtown Vero Beach. This building (FMSF#8IR68) has been listed on the National Register of Historical Places since 1987, and houses a history museum/exhibit center, and the administrative office of the Society. This historic structure is located in a public park on land owned by the City of Vero Beach. The building is approximately 30-60 feet from the ROW of the proposed Project of the AAF, with the park property immediately adjacent to the ROW. The Society has watched the FRA transform this "Historic Structure" (Map 45, Appendix 4.4.5.B3, Draft EIS) into a "Historic Station/Rail Related Resource" (Map 45, CRAR, page 865); then into a "FECR Station" (Table 4. 4.5-8, p 4-134, Final EIS). This NRHP building is simply not listed in Table 5.4.5-3 on noise and in Table 5.4.5-4 on vibration of the Final EIS. The transformation is complete with the FRA assigning a Land Use Category of 0 (Determination of Effect (DOE, p. 13). This indicates that this National Register building, home to a historical museum and the office of a historical society, is considered not to be sensitive to noise - hence, no impact! Has the FRA/AAF designated this privately owned "Historic Structure" to be a part of the FECR Linear Historic District and now regards it as a FECR Railroad Station? If so, this is in direct conflict with FRA Methodology 5.2.2.1 on page 5-51 concerning "current use". Has Section 4 (f) and Section 6 (f) not come into play with the involvement of a public park? Of course, there has been no communication with the Society on their historical building or with the City of Vero Beach on their public Park land.	The Vero Railroad Station/2336 14th Avenue (8IR68) is a historic structure that was formerly used as a rail station. This resource was not considered to be part of the linear district during the CRAR. The Vero Railroad Station/2336 14th Avenue (8IR68) was noted within both the CRAR and the FEIS as a National Register–listed resource within the indirect APE. The resource classification in Table 4.4.5-8 is not related to its current use. Effects were evaluated at each historic property within the APE to determine if there would be any physical alteration or modification of the property as a result of the project; if vibration would result in damage to a structure; or if changes in noise levels would have the potential to alter its character defining features. The noise analysis conducted for the project and documented in the EIS shows that, with the use of pole-mounted horns and improved rail infrastructure, the project will reduce noise levels along the N-S Corridor in comparison to existing conditions, and that noise levels 50 feet from the right-of-way would not result in noise impacts (5-178). As explained in Chapter 5, the Project would be compatible with the intended uses of parks and recreation resources, as parklands are compatible with anticipated noise levels (FAA 2004). While Project operation might result in minor increases in noise, these increases would not adversely affect the recreational use of any park or recreation area along the N-S Corridor for the reasons detailed on page 5-191.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Historical Districts: In the Draft EIS, the two historic districts in Sebastian were not acknowledged. In the Final EIS (p. 4-137) Old Town Sebastian West (FMSF#8IR1048A) and Old Town Sebastian East (FMSF#8IR1048B) were simply explained away as they "fall just outside of the APE". Both of these Historical Districts are shown within and immediately adjacent to the ROW of the FECR Linear Historical District on Map 36 (Appendix 4.4.5-C of the CRAR). In the Final EIS (page 4-125) it states "Where only a portion of a historic property or historic district is within the APE, the APE encompasses the entire property or district". Please note there are numerous contributing structures within the Old Town Sebastian East and West Historic Districts that were not surveyed or assessed for impacts from this proposed Project.	The National Register–listed Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (8IR1048A) are located outside of the 150-foot CRAR APE. The maps submitted by Indian River County to supplement these comments included the two districts within a 250-foot APE and are therefore not within the APE for this Project. Map 36 of Appendix F within the CRAR document shows the portion of the rail corridor in the vicinity of these districts. However, neither of these resources are illustrated on this map, as they are not located within the APE.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	The Vero Man/Vero Locality Site (FMSF#8IR01/#8IR09) is both nationwide and internationally known with boundaries that expand to the north/south and east/west from the area currently under excavation. To the east, this site extends under the FEC Railroad, the U.S. 1 ROW and eastward along the historical flow way of the Van Valkenburg Creek (Main Relief Canal, FMSF#8IR1148) and Vossenberry Creek.	The Vero Man/Vero Locality Site (#8IR01/#8IR09) was mapped outside of the APE during the initial site file search. As reported in the CRAR Addendum, since the preparation of the CRAR, Mercyhurst University has conducted excavations on a portion of the site located approximately 500 feet west of the ROW. Researchers from Mercyhurst University presented their findings to date at the 71st Annual Southeastern Archaeological Conference, documenting the fossil layer under the fill, west of the Lateral E Canal. Coring work completed by Doran and Purdy in 2008, north and south of the Main Relief Canal, and east and west of the Lateral E Canal, did not recover any human artifacts or remains. One of the cores was located approximately 100 feet west of the ROW. An updated site form was filed in May 2014, noting that portions of the site are located under the railroad, but specific boundaries could not be determined due to the presence of the active railroad. Supplemental data and maps regarding the extension of the site under the railroad has not yet been submitted. Due to the sensitive nature of this site and ongoing excavations, this site is included in the AM/UDP stipulated in the PA. Comments on the Archaeological Monitoring plan were specifically requested during the October 19, 2016 Section 106 Consulting Parties meeting and a follow up email from FRA. Representatives from the Vero Man site were in attendance and submitted comments which were incorporated into the PA and the AM/UDP. In response to those comments, the AM/UDP includes requirements to use construction methods to minimize ground disturbance and to implement the AM/UDP at 9 archaeological sites, 9 cemeteries, and other areas of high archaeological probability. The PA specifically requires that AAF develop plans to minimize ground disturbance at the Main Canal and North Canal bridges.							

Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Construction/design plans are not available showing any of the new or upgraded railroad bridges that will be necessary over the Valkenburg Creek (Main Relief Canal) and the Houston Creek (North Relief Canal). Neither are the details for the staging areas which will be needed within and immediately adjacent to the construction sites. It is very difficult for the historical communities, archaeologists, and local governments to determine the impact the proposed project works will have on the sensitive and delicate areas along the Atlantic Coastal Ridge (One-Mile Ridge) without having access to construction and design plans. It is also difficult to understand how a Determination of Effect with concurrence by SHPO could be issued with so many items outstanding and concerns not addressed. The entire N-S Corridor in Indian River County lies along the Atlantic Coast Ridge, an ancient dune line, whose eastern slope is rich in artifacts from prehistoric times to mid-century. The elusive plan for trenching in the right-of-way along this very long and sensitive archaeological zone has caused considerable concerns and demands explanations. The Atlantic Coastal Ridge was not discussed in the Draft EIS or in the Final EIS as it relates to cultural and historical resources. It was not discussed in the responses to the questions by commenters about the sensitive archaeological zone found there. The only replies in the Final EIS were statements like the one on page 4-138, "… having undetermined locations, and thus could not be considered for this study." Oversight? Lack of knowledge? Failure to communication with the local community?	During the NEPA process, AAF met with numerous public and non-governmental entities to discuss the proposed project, including meetings with county and municipal governments to review the 90 percent design plans for the N-S Corridor (4-128). AAF will survey staging areas prior to conducting any ground disturbing activities, and will consult with SHPO to assess the potential impacts of these activities on archaeological and historic resources effects of any work in those areas as stipulated in the PA. AAF will locate such activities in such a manner to avoid effects to known historic properties listed or eligible for listing on the NRHP, as stipulated in the MOA (5-184). In addition, a Section 106 Consulting Parties meeting was held on October 19, 2015 to solicit additional input and for comments on the DOE, PA and archaeological monitoring report. The methodology for the identification of areas of archaeological sensitivity, previously-recorded sites, and previously unidentified sites is presented in the CRAR. This methodology was approved by SHPO. The CRAR explained that "Due to its ongoing use as an active freight line with frequent train traffic, subsurface archaeological testing was not feasible within the FEC ROW for reasons of safety." As noted previously, ongoing monitoring has encountered disturbances within the corridor extending to depths of at least 2.5–3 feet. We expect that this is consistent throughout the corridor due to the construction and maintenance of the railroad line over the last 100 years. This construction and maintenance has included tree removal; stump removal; grading; grubbing; leveling; utility installation, repair, and maintenance; and multiple occurrences of ballast, rail, and tie installation, removal, and reinstallation. While the Atlantic Coastal Ridge is not discussed in the Final EIS, the entirety of this physiographic feature would not reasonably be considered to exhibit high probability when factoring in existing conditions such as development and disturbance, as well as pertinent environmental factors such as distance to water and hardwood hammock vegetation. The PA includes the requirement that AAF implement a AM/UDP that includes monitoring of construction in the vicinity of nine identified archaeological sites as well as other sites identified as having a high probability of containing archaeological resources, including monitoring at several locations along the Atlantic Coastal Ridge in Indian River County.						
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	The Campbell Property Site (FMSF#8IR02) has been known, locally, for decades. Recognized as under and adjacent to the south approach of the San (St.) Sebastian Bridge (FMSF#8BR3062/8IR1569), this Site along with the other midden sites along the south (and north) shoreline of the San (St.) Sebastian River has been used as bridgeheads since the 1880s. By ignoring and disregarding the possibility of this site and without preparing for further investigation, staging, demolition, and new bridge construction could adversely impact any cultural and historical resources in the vicinity of this bridge landing.	The AM/UDP for the West Palm Beach to Cocoa segment of the project includes monitoring at the locations of several archaeological sites within and adjacent to the APE, as well as both sides of the Loxahatchee River, St. Lucie River, and San Sebastian River.						
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Pocahontas Park: Pocahontas Park was acknowledged under Section 4 (f) and Section 6 (f) in the Draft EIS and in the Final EIS but did not receive serious considerations as a cultural and historical resource. Appendix 4.4.5-E (p. 9, Item 16) declares that, "The field survey and background research did not find that Pocahontas Park or its buildings meets the criteria for inclusion in the National Register". The Society strongly disagrees with the statement regarding Pocahontas Park and its buildings. Pocahontas Park is located within and immediately adjacent to the APE and should be considered a historical landscape. It was designed as part the "new" town land development movement encouraged in Florida in the latter part of the 19th century and early 20th century. This Park was the commons for social gathering and was shown in the 1913 plat for the Town of Vero. It was an essential part of the marketing strategy used by the Indian River Farms Land Development to draw investors to this 55,000 acre development. As the Town of Vero (1919) evolved into the City of Vero Beach (1925), Pocahontas Park also evolved and expanded to accommodate two community centers, playgrounds and other recreational areas. Therefore, the Society believes that Pocahontas Park is potentially eligible for listing in the National Register. As far as the "its buildings", the designation has already taken place. The 1935 historic building (FMSF#8IR624), known as the Heritage Center, was the original community center and listed on the National Register several decades ago. While the other historic building (FMSF#8IR1464) is the current community center and was built in 1966. It is considered eligible for listing – see Final EIS, Table 4.4.5-8 (p. 4-134). For the record - FMSF#8IR1464, the current community building is misidentified in both Table 4.4.5-8 (p. 4-134) and in Table 6.4.2.3 (p. 6-9) as a "cemetery". Also, for the record – in both the Draft EIS and in the Final EIS the ownership of Pocahontas Park is incorrect (Table 4.4.6-2 and Table 6.4.1-1). Pocahontas Park is owned by the City of Vero Beach and has been for over one hundred years.	FRA has determined, and received SHPO concurrence, that Pocahontas Park is not eligible for listing in the National Register. The background material supporting this determination is provided in the CRAR. Regarding the two previously recorded buildings within the park, the FEIS recognizes both buildings as located within the APE (4-137; Table 4.4.5-8). The Heritage Center (#8IR624; identified as the Old Vero Beach Community Building, per the FMSF) is identified as NRHP-listed in the FEIS, which also identifies the Vero Beach Community Center (#8IR464) as NRHP-eligible. Ownership comment acknowledged.						

Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Hallstrom Farmstead: This significant parcel of environmental sensitive lands was not acknowledged in the Draft EIS or in the Final EIS. The Hallstrom Conservation Area is over one hundred acres and is part of the original Hallstrom Farmstead and is owned by Indian River County. Its barns and outbuildings are located within and immediately adjacent to the APE of the proposed AAF Project. This conservation area provides habitat for endangered and threatened species unique to the environment of the Atlanta Coastal Ridge (One-Mile Ridge). The barns and outbuildings are east of the Hallstrom House Museum (FMSF#8IR385) which is owned by the Indian River County Historical Society. This House Museum is listed on the National Register and future plan call for an environmental and historical educational center that would consist of the entire Hallstrom Farmstead including the eastern barns, outbuildings, the surrounding conservation lands and the Hallstrom House Museum. The Society believes the Hallstrom Farmstead is potentially eligible for NRHP listing. The conservation lands and barns of this historic farmstead were omitted from discussion as well as being assessed for impacts from noise, vibration, and safety issues. Section 106 states that "Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative 36§CFR 800.5(a) (1).	FRA determined, and SHPO concurred, that the boundaries of the National Register-listed Hallstrom Farmstead (#8IR385), as shown on the nomination form, indicate its eastern boundary at Old Dixie Highway, which is outside of the APE (Map 48). The conservation area was not included as part of the listed property, and much of the 100+ acres originally suggested for consideration as the original homestead is located outside the APE. The ancillary buildings are not recorded in the FMSF or nomination form, and the reconnaissance survey for the CRAR did not identify these resources as individually significant due to lack of integrity. It should be noted that the rail corridor was already present and in use at the time the ancillary buildings were constructed.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	Like the original Draft EIS, this Final EIS is filled with mistakes, contradictions, and inconsistencies. These errors cannot be assigned to simple "typos" and clerical errors. These are major mistakes where certain cultural and historical resources located within or immediately adjacent to the APE of the FECR Corridor in Indian River County have been re-assigned, dismissed, or disregarded in both the text and Tables. Archaeological sites, even those listed in the Florida Master Site File, have been ignored or explained away. The continued contradiction and uncertainty in the Methodology (pages 4-125 vs. 4-132; p. 5-52; p. 1 DOE) also casts doubt on the APE used for the entire N-S Corridor and raises questions on the assessment of impacts of this major transportation project.	FRA has requested information about additional historic properties from the consulting parties and held a consulting parties meeting on October 19, 2015. In response, the consulting parties provided additional information but did not identify any additional historic properties within the 150-foot APE that were on or eligible for the NRHP. FRA evaluated all of the properties identified by the consulting parties and considered their location relative to the APE and evaluated eligibility. FRA did not dismiss or disregard any potentially eligible resources within the APE, as confirmed by SHPO and acknowledged in the PA. The 150-foot APE utilized for the identification of historic resources, and the potential effects to these resources, is detailed in the CRAR (pgs. 14-15), and was reviewed and approved by FRA and FL SHPO.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	The FRA has determined that the N-S Corridor would result in "long-term noise and vibration with adverse impacts to residents and properties" (page 5-39 DEIS). This document also determined that "the ground-borne vibration already exceeds the criteria" (page 5-51 DEIS) and that the N-S Corridor is currently considered a "heavily used rail corridor" (more than 12 trains per day) with additional impacts when the trains double (FRA 2012a). Vibration, noise, and public safety has been the major concern by the local governments and the local historical communities in the Draft EIS. Nothing has changed in this Final EIS, the failure to provide the assurance necessary to protect the cultural and historical resources continues. The impacts and effects to the cultural and historical resources within or immediately adjacent to the APE of the N-S Corridor cannot be explained away or dismissed. It is obvious that many of these cultural resources have not been acknowledged or seriously considered. Since public involvement has been non-existence with no construction and/or design plans available, and adverse impacts not properly discussed or recorded, the FRA has failed completely in protecting the cultural and historical resources along this N-S Corridor. For the FRA to issue a Determination of Effect, obtain a concurrence from SHPO, and draft a Memorandum of Agreement and Archaeological Monitoring Plan without even attempting to follow the review process of Section 106 is not only wrong but should be deemed illegal.	FRA acknowledges these concerns with potential effects of vibration on historic structures, and evaluated effects on each historic property within the APE to determine if there would be any physical alteration or modification of the property as a result of the project; if vibration would result in damage to a structure; or if changes in noise levels would have the potential to alter its character defining features. The noise analysis conducted for the project and documented in the EIS shows that, with the use of pole-mounted horns and improved rail infrastructure, the project will reduce noise levels along the N-S Corridor in comparison to existing conditions, and that noise levels 50 feet from the right-of-way would not result in noise impacts (5-178), even if a quiet setting contributed to a property's historical significance. For the Project, although vibration levels would not increase from the passenger trains, the frequency of events will approximately double. As detailed in Chapter 5 of the FEIS, vibration levels at all receptors will be less than 100 VdB, the threshold for minor structural damage to fragile buildings, and therefore vibration is not anticipated to cause structural damage to buildings (5-63). FRA concluded, and SHPO concurred, that in the context of Section 106, there would not be adverse effects to historic properties. The PA documents these findings.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Historic Properties	The Final Environmental Impact Statement along with the final Determination of Effect, the draft Memorandum of Agreement and the Archaeological Monitoring Plan are unacceptable and do not represent the goals and objectives of Section 106 and/or Section 4 (f). The concerns and outstanding issues have not been adequately addressed and until that has taken place a Record of Decision cannot be issued. This Project should not be allowed to move forward.	The Indian River County Historical Society (IRCHS) participated in the Section 106 process as a consulting party during development of the AM/UDP and PA. The PA addresses the concerns of the IRCHS and other consulting parties and gives them an active role in construction-period archaeological monitoring to help ensure the protection of potential archaeological resources.							
The Board of County Commissioners of Indian River County, Florida	Historic Properties	The FEIS contains little to correct the deficiencies in FRA's examination of cultural resources, and as a result of those deficiencies the Section 106 Determination and the Section 4(f) Determination fail to satisfy the requirements of either the National Historic Preservation Act ("NHPA") or the Department of Transportation Act.	Indian River County participated in the Section 106 process as a consulting party during development of the AM/UDP and PA. The PA addresses the concerns of the County and other consulting parties, and satisfies the requirements of Section 106 and Section 4(f).							

The Board of County Commissioners of Indian River County, Florida	Historic Properties	Reading the FEIS, one would believe that the historic review conducted with respect to the Project adhered to these requirements and was completed in close consultation with all appropriate parties. Thus, the document indicates that "consultation with the tribes and other [ ] consulting parties was discussed" and that "FRA agreed that the public outreach required in NEPA would fulfill the public involvement requirements of the NHPA" as allowed by 36 C.F.R. § 800.2(4)(d)(3).5 FEIS 4-127. The FEIS further indicates that during the NEPA process, AAF met with "numerous public … entities," including the County, to "discuss concerns related to historic properties" and to gather information concerning "the location, significance, and integrity of potential historic properties, which helped inform the assessment of effects to historic properties within the APE." FEIS at 4-128. The FEIS further reports that at the conclusion of the process, FRA's Section 106 findings were "circulated, in draft form, to all local governments along the Project corridor," giving those entities the opportunity to comment and to "become consulting parties under Section 106." FEIS at 5-166. According to the FEIS, "FRA incorporated comments, as appropriate, into the report and provided the document to the SHPO," which "concurred with FRA's Determination of Effect." Id. Unfortunately, the process actually followed in the historic review bears little resemblance to the one portrayed in the FEIS. At the outset of the process, FRA decided not to invite the participation of the County and scores of other affected local governments. See DEIS at 4-124 ("SHPO concurred with FRA's determination that consultation with local entities was not required for Phase II" of the Proposed Project. (emphasis added)). Only after the County objected in its comments on the DEIS to being excluded from the consultation – and sought the intervention of the Advisory Council – did FRA reach out at the end of the process to solicit its views. In fact, it was not until May 19, 2015 – just as the historic and environmental review processes were drawing to a close – that FRA first invited the County to become a consulting party and provide comments on a draft Determination of Effects (the "DOE") that had already been written. Although the County responded to the FRA letter pointing out some of the more glaring deficiencies in the DOE, it made clear that in responding it was "in no way waiving its objection to FRA's defective process for the cultural resource review of the Proposed Project ...." Shortly thereafter, FRA notified the County that "[w]e do not believe that what was submitted necessitates substantial revisions to the DOE." See letter dated July 28, 2015 from David Valenstein to Dylan Reingold.	As noted in the CRAR: "The FRA formally initiated the Section 106 process as part of the Notice of Intent (NOI) to prepare the Draft Environmental Impact Statement (DEIS) for the Project (USDOT and FRA 2013). As part of the NOI, FRA provided information about the Project and clearly stated that FRA is seeking participation and input of interested federal, state, and local agencies, Native American groups, and other private organizations and individuals." The CRAR also notes that: "Five public scoping meetings were held in May 2013 where information about the Section 106 process was available for the public and other interested parties and a cultural resources specialist was made available as well to address any questions raised." FRA held public meetings in each of the eight counties along the corridor, during which the Section 106 process and impacts to historic resources were presented. FRA ensured that the preparers of the CRAR participated in public meetings along the corridor to ensure the public had an opportunity to ask questions directly t the subject matter experts who prepared the relevant documentation. Comments from the general public and government agencies were invited and encouraged; many comments were submitted by many members of the general public and agencies, including both Indian River County and the FL SHPO, on the DEIS. The FEIS was revised to include and address many of these comments regarding cultural resources. to provide comments and input. Consultation resulted in changes to the project alignment, the effects determination, and additional stipulations to the draft MOA. FRA held a consulting parties meeting on October 19, 2015 to solicit addition comments on affected properties, the PA, DOE and archaeological monitoring plan. FRA also developed the PA to address consulting parties concerns and to give them a more active role in the 106 process.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	One consequence of FRA's failure to consult with knowledgeable local entities is that it failed to identify historic and archaeological resources within the Area of Potential Effects ("APE") for the Project. A few of those omissions were corrected in the FEIS, but the document remains deficient not only in identifying potential resources, but in evaluating the effects that the Project will have on both known and potential resources, and in developing appropriate mitigation. Some examples of those deficiencies are discussed below.	During preparation of the PA, consulting parties (including Indian River County) were involved in identifying potential historic properties and archaeological resources within and adjacent to the APE and in developing the AM/UDP to mitigate for construction effects to potential archaeological resources.							
The Board of County Commissioners of Indian River County, Florida	Historic Properties	As discussed in detail in the County's comments on the DEIS, artifacts dating back 12,000-14,000 years – to the earliest period of human habitation in North America – have been uncovered during excavations at the Vero Man Site. The FEIS (unlike the DEIS) now identifies this site as a significant historic resource, and (unlike the DOE) properly notes that portions of the site lie beneath the proposed Project corridor. Nevertheless, the FEIS finds that construction of the Project will not have adverse effects on this significant resource, for reasons that are contradicted by the document itself. For example, in the impacts analysis the FEIS describes the Vero Man Site as having a "deeply buried fossil bed." FEIS at 5-171. It notes that construction work planned for the area includes "shallow excavation (approximately five feet deep)" and installation of "24-inch square concrete pilings, driven to approximately 50-feet in depth." Id. According to the FEIS, because any potential archaeological resource associated with the site would lie too far beneath the surface to be affected by the shallow excavation "[t]here would be no temporary or permanent effects to the archaeological site caused by the Project." Id. However, the description of the Vero Man Site in the "affected environment" chapter of the FEIS makes clear that this conclusion is in error. That section of the FEIS notes that according to the Florida Master Site File ("FMSF") "known site areas" at the Vero Man Site "are … under 3 to 10 feet of fill," FEIS at 4-138, and they are thus squarely within the range of the anticipated "shallow excavation," which according to the FEIS entails digging down for a depth of approximately five feet. Moreover, driving piles down for 50 feet through the fossil bed has the obvious potential to destroy any artifacts and human remains that are situated where the piles are to be placed. And although the FEIS indicates that a "new fiber backbone will be installed as part of the AAF project" FEIS at 3-59, no mention is made of the excavation that will be involved in the installation of that cable. In addition, according to researchers familiar with the site the proposed fiber cable excavation will have a potential adverse impact on the site even if directional boring is used.	Indian River County, as a consulting party under Section 106, participated in the development of the PA and AM/UDP. The AM/UDP provides methods to avoid impact to the Vero Man Site and other archaeological sites during construction, and requires archaeological monitoring to ensure that any deposits of archaeological materials be identified, documented, and protected or mitigated if impacts cannot be avoided. FRA concurs that pile driving would destroy an artifacts in the footprint of the piling; this is an unavoidable effect if there are artifacts in this location. The shallow excavation required for fiber optic cable installation, which will be within the existing railbed, is not expected to encounter any artifacts because the surficial deposits have previously been disturbed by the railroad construction.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	The FEIS is deficient in its analysis of operational impacts on the Vero Man Site. In fact, the document presents no real analysis at all of the potential for the Project to cause vibrations that may damage subsurface artifacts, or disturb the integrity of the side walls of archaeological excavations at the site. Instead, it makes passing reference to a study prepared for a different project, which found that "predicted vibration levels associated with passenger trains is less than the existing vibration levels associated with the freights." FEIS at 5-174. Building on this premise, the document goes on to reason that "[b]ecause FEC has operated passenger and freight rail along this corridor for more than 100 years," any subsurface damage to artifacts "would likely have already occurred." Id. At the same time the FEIS acknowledges that this conclusion is nothing more than speculation due to the fact that "there are no data on the stratigraphy beneath the FECR right-of-way and no studies on the effects of vibration on … artifacts in this geomorphological context." Id. Such baseless speculation is wholly inappropriate for an analysis of potential impacts on an archaeological treasure like the Vero Man Site. This is particularly so because increased vibrations resulting from the Project will not be generated by passenger trains alone. The Project will also result in a substantial increase in the speed of freight trains along the corridor, because the timetable speeds for freight trains at the Vero Man Site are projected to increase from the 45 mph to 70 mph, according to the FEIS. See FEIS App. 3.3.3-A4, p. 11 of 22. No analysis appears in the document of whether freight trains traveling at such increased speeds, in combination with high-speed passenger trains, would result in damage to subsurface resources that has not already occurred under existing conditions. These potential impacts on an immensely valuable resource should not be ignored because of a failure to gather the necessary technical data from appropriate studies.	FRA is continuing to review potential mitigation measures for archaeological resources located within the FECR right-of-way. The analysis presented in the FEIS and Determination of Effects findings concludes that there would be no significant increase in vibration when comparing the No-Action Alternative with the Project. Any deep excavations by archaeologists at the Vero site would need to meet OSHA standards for trench safety and would therefore be stable in the event that passenger trains increased vibration.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	Notwithstanding the County's comments on the DEIS and the DOE, the FEIS continues to neglect the potential effects of the Project on the Gifford Bones Site, a resource that has yielded fossilized bones of ground sloth, camel, mastodon and other animals for decades. The reason given in the document for omitting any analysis of this important resource is that the site is "separated from the FECR right of way by Old Dixie Highway." FEIS App. 4.4.5-E, p. 8, "Responses to Comments on Section 106 Historic Properties." But the information in the FMSF indicates that the site is in close proximity to the FEC corridor, and it is reasonable to expect that its boundaries could extend under the Old Dixie Highway and into the direct effects APE.	Indian River County participated in the Section 106 process as a consulting party during development of the AM/UDP and PA. The PA addresses the concerns of the County with respect to the Gifford Bones Site, and includes measures to minimize any construction-period effects on the site. the AM/UDP specifically requires archaeological monitoring at this site.						

The Board of County Commissioners of Indian River County, Florida	Historic Properties	In addition to the Vero Man Site and the Gifford Bones site, there are likely to be numerous other potentially significant sites in the archaeologically sensitive area within which the Project would be constructed. The County understands that the Atlantic Ridge running beneath the FEC corridor for the length of Indian River County and beyond may contain significant archaeological sites wherever water courses cross that area. Yet the FEIS makes no mention of high probability areas on the Atlantic Ridge over which the Project would be constructed, or the potential for archaeological and paleontological resources to be located there. According to the FEIS, the "identification of archaeological sites … was done through the review of data and mapping contained within the site file forms and survey reports on file with the FMSF, and supplemented by the knowledge of the project archaeologists." FEIS at 4-124. As noted above, no meaningful steps were taken to derive additional data through timely consultation, and no sampling or field investigation was performed. As a result of this half-hearted effort, even known potential resources seem to have been overlooked. See, e.g., FEIS App. 4.4.5-E, p. 8 ("The FMSF data does not illustrate the presence of a previously recorded archaeological site adjacent to the St. Sebastian River Bridge (8IR2 is noted in the FMSF data as an unnamed midden that has not been plotted within the FMSF GIS data.)"); FEIS, p. 4-138 ("Two additional sites reported by DEIS commenters in Indian River County, the St. Sebastian River Bridge (8IR2) and the North River Canal (8IR8) are listed in the FMSF as having undetermined locations, and thus could not be considered for this study."). Such limited information-gathering falls well short of the "reasonable and good faith effort" to identify potential historic resources that is required by the NHPA Regulations. 36 C.F.R. § 800.4(b). As a result of its failure to take reasonable steps to identify potential archaeological sites along the proposed rail corridor, FRA did not assess whether Project construction would damage or destroy significant resources lying beneath the surface, or whether vibration from new construction as well as increased and faster freight operations and new high speed passenger trains would damage cultural materials and human remains.	The CRAR details the method used to determined potential archaeological sensitivity along the corridor, including surveying and shovel testing in previously unsurveyed areas in the right-of-way to identify previously unidentified sites. The SHPO approved the methodology prior to execution of archaeological research, survey, and testing, as well as the results of the CRAR. While the Atlantic Coastal Ridge is not discussed in the Final EIS, the entirety of this physiographic feature would not reasonably be considered to exhibit high probability when factoring in existing conditions such as development and disturbance, as well as pertinent environmental factors such as distance to water and hardwood hammock vegetation. The PA includes an AM/UDP for the West Palm Beach to Cocoa segment of the project that requires archaeological monitoring at several locations along the Atlantic Coastal Ridge in Indian River County. The PA also requires archaeological monitoring at the approaches to the St. Sebastian River Bridge, and at all other locations where bridges will be reconstructed.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	The reason presented in the FEIS for neglecting to assess the effects of the Project on Old Town Sebastian Historic District East or Old Town Sebastian Historic District West is that these National Register-listed resources do not fall within the boundaries of the Project's APE. But that is clearly not the case with respect to Old Sebastian Historic District East, since the FEC corridor runs for 600 feet directly along the western boundary of that district and within the APE. While the boundaries of Old Sebastian Historic District West are less clear (and could fall within the current -- and inadequate -- APE) the City has proposed one comprehensive historic district crossing the FEC corridor to include both districts, running south adjacent to the corridor to include eight more structures. Four of those historic structures are within the APE and four are adjacent to it. The two historic districts are notable not only for their 28 contributing historic structures, but also for the quiet, small town ambiance they currently enjoy. Thus, it is the distance from the borders of the Historic Districts, not from the contributing structures, that should be considered in determining whether they would be adversely affected by the Project. Nevertheless, the FEIS presents no assessment of the contextual effects (such as noise, vibration, safety and visual impacts) that increased and faster-running rail traffic associated with the Project would have on them. Nor did it address the measures that could be implemented to address those effects.	The National Register–listed Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (8IR1048A) are located outside of the 150-foot CRAR APE. As they are located outside the APE, no adverse effects are anticipated. The FEIS also takes into account indirect impacts. The maps submitted by Indian River County to supplement these comments included the two districts within a 250-foot APE, the boundaries of which would have coincided with the districts. The FMSF site files indicate that these two districts were initially proposed as a single, larger district, but were eventually documented as two separate districts due to being characteristically distinct.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	Proper consultation is critical to the development of mitigation to address the effects of a project on historic resources. 36 C.F.R. § 800.6. As noted in the FEIS, "the documentation for … mitigation measures must provide evidence that consultation has been completed with the SHPO … and any other identified consulting parties." FEIS at 5-179. Nevertheless, FRA did not consult with the County, and we are informed that it did not consult with Indian River Historical Society or the Old Vero Man Ice Age Sites Committee – all currently designated consulting parties – regarding the draft MOA now attached to the FEIS. Accordingly, the claim made in the FEIS that this document was prepared "in coordination with … any consulting parties" is simply inaccurate. No such coordination occurred, because FRA failed to contact the County or (to the County's knowledge) the other consulting parties referenced above to obtain input as to the draft MOA.	As noted in the CRAR: "The FRA formally initiated the Section 106 process as part of the Notice of Intent (NOI) to prepare the Draft Environmental Impact Statement (DEIS) for the Project (USDOT and FRA 2013). As part of the NOI, FRA provided information about the Project and clearly stated that FRA is seeking participation and input of interested federal, state, and local agencies, Native American groups, and other private organizations and individuals." As part of the NOI, FRA provided information about the Project and clearly stated that FRA is seeking participation and input of interested federal, state, and local agencies, Native American groups, and other private organizations and individuals." The CRAR also notes that: "Five public scoping meetings were held in May 2013 where information about the Section 106 process was available for the public and other interested parties and a cultural resources specialist was made available as well to address any questions raised." FRA held public meetings in each of the eight counties along the corridor, during which the Section 106 process and impacts to historic resources were presented. FRA ensured that the preparers of the CRAR participated in public meetings along the corridor to ensure the public had an opportunity to ask questions directly to the subject matter experts who prepared the relevant documentation. Comments from the general public and government agencies were invited and encouraged; many comments were submitted by many members of the general public and agencies, including both Indian River County and the FL SHPO, on the DEIS. The FEIS was revised to include and address many of these comments regarding cultural resources to provide comments and input. Consultation resulted in changes to the project alignment, the effects determination, and additional stipulations to the draft MOA. In addition, FRA held a consulting parties meeting on October 19, 2015, to solicit additional comment from consulting parties, and receive input on the PA, DOE and archaeological monitoring plan. Indian River County and the Indian River County Historical Society were consulting parties and participated in developing the PA, which incorporates mitigation measures including the AM/UDP. The PA takes in to account concerns from the consulting parties and their comments.						

The Board of County Commissioners of Indian River County, Florida	Historic Properties	Neither the draft MOA nor the "Archaeological Monitoring Plan/ Unanticipated Discoveries Plan" that is attached to it is adequate to assure that adverse effects on significant historic resources would be minimized, for several reasons. First, the plan relates only to unanticipated discoveries made during the course of construction, and is intended to establish "construction crew training and procedures in the unlikely event that archaeological features or artifacts are discovered during excavation." FEIS 5-171 (emphasis added). Likewise, the draft MOA focuses its artifact protection provisions solely on "archaeological resources inadvertently discovered during the Project." Such measures fall short of the mitigation needed to avoid the potential harm to known, productive resources like the Gifford Bones Site and the Vero Man Site, where it is not at all unlikely that significant artifacts would be disturbed during the course of construction. Moreover, at the Vero Man Site the presence of an archaeologist during excavation will do nothing to protect subsurface artifacts from the destruction caused by driving piles 50 feet beneath the ground. Instead of the inadequate measures now included in the plan, qualified archaeologists familiar with the site should be assigned the task of actively searching for and documenting cultural and fossil materials in the areas that are slated for construction, and of implementing recovery efforts commensurate with the importance of the sites. Thus, a properly designed and thorough Phase I investigation should be implemented at each of the sites, and follow up Phase II and III recovery programs should be required, as appropriate, before construction begins.	The AM/UDP includes **21** locations were a qualified archaeological monitor will be present during construction activities, where archaeologically sensitive resources do, or may, occur adjacent or near the ROW. It is not anticipated that archaeological resources will be encountered in the remaining portions of the ROW, however, construction crew training, as outlined in the AM/UDP, is intended for inadvertent discoveries. During development of the PA, the SHPO and ACHP concurred that preconstruction field investigations within the archaeological APE were not feasible because this area is an active railroad right-of-way.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	Under the draft MOA, the mitigation is applicable only at the six sites that have been specifically identified and discussed in the FEIS, and does nothing to identify or protect resources at the numerous other potentially significant archaeological sites along the FEC right of way. As noted above, there are likely to be important archaeological resources along the Project corridor other than those that were called out in the FEIS. Archaeologists should conduct a field investigation of all higher probability locations (i.e., natural watercourses with adjacent uplands) along the Project corridor where watercourses cross the Atlantic Ridge, perform testing as needed to determine the archaeological importance of these sites, consider the nature and extent of the construction work proposed at each such location, and perform further archaeological investigations and recovery efforts, as called for in light of such analyses. All such work should be performed under the supervision of a Register of Professional Archaeologists ("ROPA")-qualified archaeologist whose credentials have been reviewed and found to be acceptable by the consulting parties.	The archaeological monitoring plan includes monitoring in the vicinity of 9 archaeological sites and areas of potential archaeological sensitivity, 9 cemeteries, the approaches to the Sebastian, St Lucie and Loxahatchee River bridges, and all bridge demolition and construction locations. The consulting parties, including Indian River County, participated in developing the PA and incorporated mitigation measures as described in the AM/UDP. During development of the PA, the SHPO and ACHP concurred that preconstruction field investigations within the archaeological APE were not feasible because this area is an active railroad right-of-way.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	The mitigation set forth in the FEIS with respect to the destruction and replacement of the historic St. Sebastian River Bridge require nothing more than continued consultation with the FSHPO at the 60 percent and 90 percent stages of design. Since the County understands that construction of the Project is imminent, we expect that 90 percent drawings are already, or soon will be, available. Drawings depicting the proposed design of the replacement bridge – and any substantive modification to those drawings – should be made available not just to the FSHPO, but also to the County and other affected consulting parties, and the MOA should include a mechanism for continuing consulting party review and approval.	Details regarding the bridge design are still in a preliminary phase, and will be made available to SHPO for consultation as stipulated. The PA includes the requirement that AAF form a Bridges Advisory Group to review the proposed design of the new replacement bridges at Eau Gallie River and St. Sebastian River, and the rehabilitation of existing bridges that are contributing elements to the FECR Historic District. the PA also stipulates that, prior to the demolition of the Eau Gallie River bridge and St. Sebastian River bridge, AAF will prepare documentation in accordance with HAER standards.						
The Board of County Commissioners of Indian River County, Florida	Historic Properties	Neither the FEIS nor the draft MOA make mention of mitigation measures aimed at protecting the Old Sebastian Town Historic Districts from the impacts of the Project, other than one requiring consultation with SHPO regarding the design of the grade crossing gates. No measures are identified to address the other contextual impacts, such as the noise, vibration, visual and community character effects that operation of the Project would have on these resources. The County appreciates that, due to the intercession of the Advisory Council, FRA now will be reinitiating the Section 106 consultation with additional local entities. However, it was clearly improper for FRA to issue the FEIS and make its statutory determinations without first completing the hard look at potential effects on cultural resources, and without working with the consulting parties to develop appropriate measures to mitigate those effects in compliance with NEPA, Section 106 and Section 4(f). Likewise, there should be no final MOA approval without the review and agreement of all the affected counties.	The National Register-listed Old Town Sebastian Historic District East (8IR1048B) and Old Town Sebastian Historic District West (8IR1048A) are located outside of the CRAR APE. The review of the site files available from the FMSF conducted as part of the background research for the CRAR showed that, while these districts were initially proposed as a single larger historic district, the initial boundaries were eventually split, as the two areas were considered distinct in character. The National Register boundaries created two smaller historic districts which do not traverse the railroad corridor and are located outside of the APE. The APE includes the anticipated extent of potential impacts; therefore there will be no adverse effects to districts located outside the APE. The FEIS determinations were based on analysis of effects that have the potential to impact the character-defining features of historic properties within the APE which contribute to their eligibility. Although the project would result in noise, vibration and visual effects, these effects would not be adverse in the context of Section 106 because they would not alter the historic properties or the character-defining elements of the historic properties.						
The Town of St. Lucie Village	Historic Properties	The significant cultural and historic resources within St. Lucie Village, including its National Register Historic District, are not adequately addressed.	The NRHP–listed St. Lucie Village Historic District (8SL76) is located over 500 feet outside of the FECR ROW to the east (more than 350 feet east of the APE). The mapped boundary and contributing buildings of this historic district are located along Indian River Drive adjacent to Indian River Lagoon, and the closest contributing resource is located over 500 feet east of the historic rail line. However, because the property limits of two historic properties included in the district do extend into the APE, the St. Lucie Village Historic District (8SL76) is included within the APE (4-137), and FRA concluded that there would be no adverse effects to this district (FEIS Section 5.4.5). The PA signed by the USACE, USCG, SHPO and ACHP concurred with this finding.						
The Town of St. Lucie Village	Historic Properties	Other than the listing of Fort Capron as an archaeological site in Table 4.4.5-14, there is no mention in the Draft EIS of the significant cultural and historic resources within the Village. The St. Lucie Village Historic District is on the National Register and is comprised of 33 contributing homes and structures. Many of the residential lots on which these historic homes are located abut the FECR right-of-way. The St. Lucie Village National Register Historic District will be degraded by the AAF project as a result of the detrimental impacts described in this document. In addition to Fort Capron and the Village's National Register Historic District, there are Pre-Columbian and pre-historic Ais middens and burial mounds within the Village. There is also a historic cemetery {Payne-Jones Cemetery) west of the FECR right-of-way, just south of Olsen Avenue. Section 5.4.5 of the Draft EIS states that the Project would have no direct or indirect effects (noise, vibration or change in setting) on the historic resources located adjacent to the N-S Corridor. However, in a May 39, 2014 e-mail from Ginny Jones of the State Historic preservation Office, she states that "Fort Capron does fall within the APE, that it is eligible for listing on the National Register of Historic Places, and that the impacts of the proposed project on the site have not yet been assessed." Also, Maps 52 and 53 of Appendix 4.4.5 83, Cultural Resources, proximate but do not accurately depict the Third Seminole War U.S. Army Fort Capron's {1850-1859) area. The Final EIS must properly address impacts of the AAF project on the significant cultural and historic resources of the Village.	The NRHP–listed St. Lucie Village Historic District (8SL76) is located over 500 feet outside of the FECR ROW to the east (more than 350 feet east of the APE). The mapped boundary and contributing buildings of this historic district are located along Indian River Drive adjacent to Indian River Lagoon, and the closest contributing resource is located over 500 feet east of the historic rail line. However, because the property limits of two historic properties included in the district do extend into the APE, the St. Lucie Village Historic District (8SL76) is included within the APE (4-137). No National Register-eligible archaeological sites located in St. Lucie Village were identified. The historic Payne-Jones Cemetery (recorded as 8SL1579, "St. Lucie Cemetery") is located over 150 feet from the project corridor, on the opposite site of Old Dixie Highway. As it is not in the APE, effects from the project are not anticipated. The May 2014 email from the SHPO regarding Fort Capron pre-dated the inclusion of Fort Capron in the effects assessment, based on inconsistent mapping of the site. The FEIS included Fort Capron, and the archaeological monitoring plan includes monitoring in the vicinity of the Fort Capron site. Many comments were submitted by many different individuals and agencies, including both Indian River County and the SHPO, on the draft EIS. The Final EIS was revised to include and address many of these comments regarding cultural resources.						

The Town of St. Lucie Village	Historic Properties	Other than references to Fort Capron as a historic site in Table 4.4.5-14 and St. Lucie Village Heritage Park (now St. Lucie Village Heritage Preserve) in Table 4.4.6-2, there is no mention of the Town of St. Lucie Village as an affected local government in the draft EIS document.	Section 4.1.1, Land Use and Section 4.4.1, Communities and Demographics of the FEIS recognize St. Lucie Village as an incorporated town. As noted in the FEIS, l the Town of St. Lucie Village accepted an invitation to become a consulting party (5-166). The PA identifies St Lucie Village as a consulting party.							
City of Vero Beach	Historic Resources	Page 5-171, What will be done to insure that pile driving is coordinated with the Vero Man site?	The PA developed by the USACE with the assistance of the Section 106 Consulting Parties (which included the Indian River County Historical Society, City of Vero Beach, and the Old Vero Ice Age Sites Committee) includes measures to protect the Vero Man sites during construction.							
The Board of County Commissioners of Indian River County, Florida	Indirect and Secondary Impacts	The NEPA regulations specifically require an EIS to examine not only the direct impacts of a project, but also its "[I]indirect effects and their significance." 40 C.F.R. § 1502.16(b). Thus, an agency must address impacts caused by the Project that "are later in time or farther removed in distance, but are still reasonably foreseeable." Id. at § 1508.8(b). Among such indirect impacts are "growth inducing effects related to induced changes in the pattern of land use, population density and growth rate …" Id. See also id. at §§ 1508.25(a)(2), 1508.7, 1508.27(b)(7). Given these clear mandates, it is inexplicable that FRA has ignored the DEIS comment submitted by the County calling for a thorough discussion of the impacts of the growth-inducing impacts of the Project. As the County pointed out in its comments, AAF currently owns more than 20 acres of real estate in the areas around the Project stations in downtown Fort Lauderdale, West Palm Beach and Miami, and has specific plans to implement a massive redevelopment program under which it would construct millions of square feet of transit-oriented residential and commercial space in these areas. Notwithstanding this ambitious Project-related real estate development program, the FEIS declares that "[t]he Project would not result in induced growth; no changes to land use due to induced growth would occur." FEIS at 5-5; see also FEIS at 5-138, ("the only potential growth-inducing component of the Project is use of the [Orlando] Intermodal Station"), FEIS at 5-45 ("Project is not anticipated to result in induced growth or development that could generate additional emissions of criteria pollutants, and would not result in indirect or secondary effects to air quality"). Indeed, the rudimentary analysis of the effects of ancillary development associated with the Project appearing in both the FEIS and the environmental assessment prepared for Phase 1 (the "EA") gives no hint of the massive indirect growth that is to come. The FEIS discloses only that "Phase 1 of the Project … includes development in the vicinity of each of the proposed stations. At West Palm Beach and Fort Lauderdale, there will be 10,000 square feet of retail space within the station. At Miami, the Project includes 30,000 square feet of retail within the station, 400 residential units, and a 200 room hotel." FEIS at 5-6. Likewise, the EA focused only on development on that modest scale, and provided no information about the potential traffic, air pollution, cultural or displacement impacts of the additional, unanalyzed millions of square feet of development that AAF (and other developers) have on the boards for the affected downtown areas in connection with the Project. There can be no doubt that such impacts are "reasonably foreseeable" since AAF has been developing its long-term redevelopment strategy for years. For example, before the DEIS was even released, AAF representatives met with the Northwest Progresso-Flagler Heights Redevelopment Advisory Board in Fort Lauderdale to discuss the Project. The minutes of that meeting indicate that those representatives advised the board that "AAF has purchased the parcels they will need in order to build [the] station, as well as additional transit-oriented development." See Minutes of Northwest Progresso-Flagler Heights Redevelopment Advisory Board, October 23, 2013. The minutes of the meeting go on to indicate that "All Aboard Florida will have a significant presence in Fort Lauderdale, as up to 500,000 square feet of development may occur in the City. There will be opportunities for multiple developers to invest in this area." More recently, the local press has reported that "[I]n Fort Lauderdale, AAF is working with the city to craft a	the Project evaluated in this EIS is All Aboard Florida Phase II, West Palm Beach to Miami. The stations referred to by the commenter - in Fort Lauderdale and Miami - are in Phase I and were evaluated in the Phase 1 EA. The reasonably foreseeable future development by AAF at these stations was disclosed in that EA.							
The Board of County Commissioners of Indian River County, Florida	Indirect and Secondary Impacts	The FEIS concedes that there is a potential for induced growth to result from the Project, but makes no attempt to analyze its impacts. Thus, it simply notes that "the three proposed stations … may result in secondary … development and redevelopment outside the development directly associated with the stations. This additional development may also create impacts such as induced traffic generated by those developments." FEIS at 5-17. Notwithstanding this concession, the FEIS does not examine the secondary impacts of the massive development that AAF itself is planning for Southeast Florida, or of the additional impacts that would be caused by other projects that are likely to follow. It thereby failed to disclose whether such induced growth would have contextual impacts on the historic resources in the vicinity of the Fort Lauderdale and West Palm Beach stations (e.g., the Clematis Street Historic District in West Palm Beach), whether traffic congestion would be adversely affected in and around the redeveloped areas, or whether indirect displacement or other adverse socioeconomic effects would occur. These deficiencies alone require that an SEIS be prepared.	As noted in the comment, the FEIS acknowledges that secondary development could result from the proposed AAF project and associated station construction. However, the specific extent and nature of this secondary development cannot be determined at this time. Similarly, there are no current proposals for expanded use of the existing FECR tracks at this time, and there is no plan for expanded use of the tracks, once the Project has been implemented. Therefore, any analysis of these potential future actions would be speculative and is not appropriate for inclusion in the EIS. These statutes were in Phase I and evaluated as part of that EA.							
City of Vero Beach	Land Use	Page 4-4, The land use plans for all cities should have been included in the review process;	Comment noted. However, since the proposed project does not affect land use, land use plans were not relevant to the environmental assessment.							
City of Vero Beach	Land Use	Page 4-134, In Table 4.4.5-8, the Vero Beach Community Center and 1146 21 st Street are incorrectly shown as "Cemetery" in the Resource Type column;	Comment noted.							
City of Vero Beach	Land Use	Page 6-9, Table 6.4.2-3, Vero Beach Community Center and 1146 21 st Street are inaccurately listed as "Cemetery".	Comment noted							
CARE FL	Mitigation	The FEIS fails to provide an adequate discussion of mitigation measures that should be implemented if the Project proceeds as planned.	Chapter 7, Mitigation Measures and Project Commitments in the FEIS provides a description of mitigation for short-term construction-period effects, permanent loss of protected resources, and long-term effects of Project operations, and responds to public comments on the Draft Environmental Impact Statement (DEIS) concerning mitigation of potential environmental impacts of the Project.							
City of Vero Beach	Mitigation	Page 7-8, Why are pole-mounted horns not being provided at all crossings in the Vero Beach city limits?	As stated in the FEIS, Section 7.2.4.1 Noise Mitigation, pole-mounted horns will be used at every grade crossing where train-mounted horns would result in a severe noise impact. The 15 locations where pole-mounted horns would be installed in Vero Beach were selected based on this criterion.							
Martin County	Mitigation	The FEIS fails to provide an adequate discussion of mitigation measures and fails to include many mitigation measures that should be required for the Project. In many cases it is impossible to tell from reading the FEIS exactly what mitigation measures are required, let alone why the FRA believes those poorly described measures will be effective at minimizing the Project's adverse impacts. Thus, in one striking example, the FEIS says on Page 7-4 that AAF will implement "initial grade crossing safety enhancements identified in the Diagnostic Team Report (see Section 5.4.4.2)," but neither Section 5.4.4.2, nor any other section of the FEIS, including the appendices, actually identifies those initial enhancements. Equally important, because the FEIS fails to take a hard look at the Project's impacts, many potential mitigation measures that should be required for the Project have been overlooked, ignored or unreasonably rejected.	Chapter 7, Mitigation Measures and Project Commitments in the FEIS provides a description of mitigation for short-term construction-period effects, permanent loss of protected resources, and long-term effects of Project operations, and responds to public comments on the Draft Environmental Impact Statement (DEIS) concerning mitigation of potential environmental impacts of the Project. Regarding grade crossing safety enhancements, specific at-grade crossing improvements according to the Diagnostic Team Report are discussed under Section 5.4.4.2, At-Grade Crossings, and Section 7.2.4.1, Noise Mitigation. Modifications would be consistent with FRA's Highway-Rail Grade Crossing Guidelines for High-Speed Passenger Rail (Appendix 5.4.4), and may include flashing lights and gates, pedestrian lights and gates, advance warning signs, additional signage, motion sensors, raised medians or barriers, improved crossing geometry, improved sight distances, or other modifications. FRA has considered all reasonable mitigation requests from local communities. Generally, final mitigation measures are described in detail the Record of Decision. AAF has signed an agreement with DOT to comply with the mitigation measures in the FEIS as a prerequisite to issuing their Public Assurance Bonds.							

Martin County	Mitigation	Rather than provide a clear description of the mitigation measures that will be required for the Project, along with an explanation of why the FRA has chosen those measures and why the FRA expects them to be effective, the FEIS mitigation discussion consists of little more than a series of internally inconsistent cross-references that provide no insight at all into what measures AAF will actually be required to implement. Indeed, the FEIS, on its face makes clear that the table it contains setting forth mitigation measures (Table 7.2-2) is nothing but proposed measures, not anything to which AAF has actually committed. See FEIS at 7-3. That is troubling given that the U.S. Department of Transportation previously indicated, in its December 2014 letter approving tax-exempt bond authority for the Project, that the FEIS would set forth the measures which AAF is actually required to perform.	The proposed mitigation measures outlined in Chapter 7, Mitigation Measures and Project Commitments, including those listed in Table 7.2-1 and 7.2-2, are mitigation measures that AAF is proposing to carry out should the Project progress. Commitments for mitigation, although proposed and outlined in the FEIS, are in fact provided by the Record of Decision (ROD). Generally, final mitigation measures are described in detail the Record of Decision. AAF has signed an agreement with DOT to comply with the mitigation measures in the FEIS as a prerequisite to issuing their Public Assurance Bonds.							
Martin County	Mitigation	On page 7-6, the FRA claims that Section 3.3.3 of the FEIS rejected raising bridge elevations as a mitigation measure "due to limitations on grade steepness and associated safety, cost, land impact and operational barriers." But Section 3.3.3 does no such thing. That section is not is not about bridge elevations at all, and the term "grade steepness" appears on just one page of the FEIS, page 7-6.	Under Section 3.3.5.3, North-South Corridor, the Bridges and Structures subsection of the FEIS discusses bridge clearance and elevations and describes conditions prohibiting bridge reconstruction or raising, including limitations to raising adjacent grade crossings and roadway approaches, limitations from vertical clearances, and additional safety, cost, operational, and land impacts.							
Martin County	Mitigation	On page 3-54, the FEIS says that AAF has committed to replacing or repairing the electrical systems on several bridges, but no mention of that commitment can be found in Chapter 7, which purports to list AAF's mitigation commitments. On page 1-23, the FEIS says AAF will work with Florida Operation Lifesaver on a public education campaign, but no such commitment appears in chapter 7 of the FEIS. These, and other examples, make clear that the FEIS nowhere explains what mitigation measures AAF is actually going to implement, let alone why the FRA believes those mitigation measures are adequate.	Section 7.2.2, Navigation, discusses AAF's proposal to making mechanical improvements to the Loxahatchee River bridge. Other mechanical and electrical upgrades associated with the safe and efficient operation of High Speed Rail will be installed along the entire corridor. The mechanical improvements are not discussed as proposed mitigation commitments, but are discussed as required improvements necessary for the operation of High Speed Rail. The FEIS is not a decision-making document, but an evaluation of the potential effects of various project alternatives; commitments for mitigation, although proposed and outlined in the FEIS, are in fact provided by the Record of Decision (ROD). Comments such as this on the FEIS are very helpful, and these mitigation commitments called out by Martin County will be incorporated in the ROD.							
The Board of County Commissioners of Indian River County, Florida	Mitigation	The FEIS contains little more than a generic laundry list of potential mitigation measures that could be implemented for virtually any project, anywhere. The document provides no details or specifics as to how the mitigation measures would be tailored to the Project's specific impacts and no information is provided to explain how the mitigation measures would be implemented along the Project's 235-mile corridor. This may be attributable in part to the document's grossly deficient assessment of impacts, but that does not excuse the fundamental omission of a meaningful and detailed assessment of mitigation measures. FEIS Chapter 7, which purports to present the mitigation measures for the Project, identifies measures "proposed" to address Project impacts but provides no commitments as to their implementation. No information is provided as to whether or how the Project sponsor's performance in implementing the vaguely-described mitigation would be monitored, or whether any enforcement mechanisms would be put into place to assure that the measures are effectively implemented. A generalized listing of proposed measures without such details cannot form the basis for any agency to reach a decision with regard to how to mitigate the Project's impacts.	The proposed mitigation measures outlined in Chapter 7, Mitigation Measures and Project Commitments, including those listed in Table 7.2-1 and 7.2-2, are mitigation measures that AAF is proposing to carry out should the Project progress. Commitments for mitigation, although proposed and outlined in the FEIS, are in fact provided by the Record of Decision (ROD). AAF has signed an agreement with DOT to comply with the mitigation measures in the FEIS as a prerequisite to issuing their Public Assurance Bonds.							
The Board of County Commissioners of Indian River County, Florida	Mitigation	NEPA requires that "to the fullest extent possible" an FEIS must disclose and assess the Project's impacts and consider the reasonable alternatives and mitigation measures that would avoid or minimize those impacts. See 42 U.S.C. § 4332; 40 C.F.R. § 1502.1. The fundamental purpose of these requirements is to ensure that federal decision-makers understand the Project's short and long-term impacts, and how such impacts will be addressed, before they take any action. As discussed above, the FEIS falls far short of these requirements. It fails to take a "hard look" at the environmental impacts of the Project, and does not adequately identify and assess effective measures to mitigate such impacts. As a result, the FEIS cannot form the basis for a record of decision, and a new supplemental environmental impact statement must be prepared.	FRA believes the FEIS provides a full and fair discussion of significant environmental impacts that informs decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.							
The Town of St. Lucie Village	Mitigation	The mitigation and commitment section of the draft EIS is inadequate. Public health and safety are not addressed, sealed corridor treatment is not considered, and there is no commitment to funding quiet zones.	Chapter 7, Mitigation Measures and Project Commitments in the FEIS includes proposed mitigation measures for Public Health and Safety (Section 7.2.11). Noise along the N-S Corridor and the WPB-M Corridor will be reduced by the use of pole-mounted horns at 117 grade crossings where severe noise impacts would occur in the absence of the pole-mounted horns, as described in Section 5.2, listed in Appendix 3.3.5-D, and required by the FONSI (FRA 2013). The FEIS addresses "sealed corridors" (or Four Quadrant Gates) under Section 3.3.5.3, and quiet zone designation and funding under Section 7.2.4.1.							
The Town of St. Lucie Village	Mitigation	Section 7 of the draft EIS addresses mitigation and commitments, but only in very general terms and with little specific mitigation. This section does not even contain a subsection on public health and safety. Clearly, the grade crossings are potentially dangerous and sealed corridor treatment would be merited (per the "Outside Engineering Field Report - Part 1"), but that is not even considered.	Chapter 7, Mitigation Measures and Project Commitments in the FEIS includes proposed mitigation measures for Public Health and Safety (Section 7.2.11). The FEIS addresses "sealed corridors" (or Four Quadrant Gates) under Section 3.3.5.3. Specific commitments for mitigation, although proposed and outlined in the FEIS, are in fact provided by the Record of Decision (ROD). AAF has signed an agreement with DOT to comply with the mitigation measures in the FEIS as a prerequisite to issuing their Public Assurance Bonds.							
CARE FL	Navigation	**The FEIS Cannot Be Finalized Because the Coast Guard Has Not Agreed** This is reflected in the fact that FRA has failed to obtain the required support for the project from the U.S. Coast Guard, the agency responsible for regulating operation of the bridges and for safeguarding the reasonable needs of navigation. In a letter dated December 3rd, 2014 the Coast Guard expressed no support for the Draft Environmental Impact Statement. To the contrary, it advised that the Navigation Discipline Report was inconclusive and would require independent evaluation by the Coast Guard. ***The service specifically stated that it had not made a determination that the project would meet the reasonable needs of navigation. Without this determination, the FEIS cannot be completed and the project cannot be permitted.*** To preserve the public interest and comply with the law, a corrected FEIS must be produced. It must include corrected analyses reflecting a much more accurate level of negative impact on navigation and the required determinations and actions by the Coast Guard. Only then will it truly be a "final" document and meet the requirements of the National Environmental Protection Act. Otherwise, the citizens of the Treasure Coast are put at risk. The FEIS and PAB may permit AAF to spend a massive amount of money to take the project forward, before the Coast Guard permitting process begins.	Concerns over the adequacy of the analysis of navigational impacts are addressed in the FEIS, Section 1.7.4. The U.S. Coast Guard will make the final determination of adequacy for the use of bridges as proposed in the FEIS. This determination will happen through a separate rulemaking process and not as part of the NEPA process. As stated in the FEIS, the Coast Guard is currently running a test procedure for bridge closures, with subsequent rulemaking to follow. USCG is also making separate determinations on AAF's applications for bridge permits to replace bridges over certain navigable waterways. The operation of movable bridges alone does not require a USCG permit or any other authorization under NEPA.							

CARE FL	Navigation	The waterways are open to navigation whenever the bridges are not closing or closed. In fact, only the most incautious mariner will transit beneath it when a bridge is in motion, either closing or opening. Cycle times are measured from the first moment the bridge begins to close to the first movement of the bridge to open. So, in addition to the measure bridge cycle time, the waterway is not available for use for an additional 90 seconds while the bridge is moving from closed to open. Additionally, in advance of the bridge beginning to close, most vessels will stop upon hearing the warning horn that signals the bridge is going to begin moving. After a bridge has reopened, there is also a short period when the waterway under the bridge is not used as vessels reposition and accelerate to transit the passage. These additional delays before and after can take at least 30 seconds each (one minute total). Thus there is an additional 2.5 minutes (90 seconds while the bridge is opening, and 30 seconds each before and after bridge movement) when the water beneath the bridge isn't or shouldn't be transited. To accurately assess the negative impact on navigation of a bridge closing, 2.5 minutes must be added to the nominal "closed" time for a bridge. The FEIS fails to incorporate these 12.5-13% negative factors into its calculations.	As discussed in the Navigation Discipline Report, the time during which bridges are in the process of closing before a train's arrival was included in the estimated times that the waterway would be unavailable to vessel passage (Navigation Discipline Report, page 27). This assumption was built into the Rail Traffic Controller (RTC) model and verified using 2014 video. It should also be noted that the bridges must be closed several minutes prior to the train's arrival to allow the signaling system to permit the safe and efficient passage of the train.							
CARE FL	Navigation	The AAF project will result in a 25% to 40% decrease in the average time each of the bridges will be closed per train crossing. The FEIS claims that these dramatic improvements will be the result of (1) higher train speeds and (2) improvements to the bridge mechanisms. Such dramatic reductions in average closure times due to train speed and mechanical upgrades are not possible for two reasons: a) Field measures have shown that a train is only on the bridge about 3.5 minutes (17.5% of the time) for an average 20 minute bridge closing. Much of the rest of the time is devoted to making sure the bridge is safely closed before the train arrives, and ensuring the train is well clear before beginning the opening sequence. b) Each of the bridges weighs hundreds of tons and must be moved carefully and deliberately. Improving upon the current time of 60 to 90 seconds to reposition the bridge would be both very expensive and even if achieved would not add much to the time the waterways would be actually available for use.	The Navigation Discipline Report discusses the methodology for modeling rail operations in relation to bridge closures. As discussed in Section 2.5.2.3 of the Navigation Discipline Report, infrastructure changes are anticipated to influence bridge closure times (in addition to marginal reductions from higher train speeds and mechanical improvements). Planned changes in dispatching procedures as a result of the proposed action would allow for bridges to be deployed approximately 7 minutes prior to train arrival (rather than the current 12 minute average). Additionally, bridges may be re-raised if another train is not anticipated within another 7 minutes (rather than the current 12 minute average). These infrastructure assumptions were included in the RTC model, the rail traffic simulation tool developed by Berkeley Simulation Software.							
CARE FL	Navigation	**That highly precise scheduling and operation will minimize the number of bridge closures by having two trains occupy the same bridge (going in opposite directions on parallel tracks) at exactly the same time** (i.e. the bridge will be closed the only the same number of minutes as if one train was passing). This assumption is modified slightly for the single track St. Lucie bridge with the two trains using the bridge one immediately after the other – all while reducing today's average time the bridge is closed by more than 25%! While these coincidences may happen occasionally, the number of times per day planned by the FEIS and assumed by the model is wildly unrealistic (see table). It is unusual, even for the high tempo, dense, New York City transit system, to see two trains pass each other in opposite directions on a bridge. To assert that precision scheduling and operations, designed for the purpose of minimizing the impact on navigation, will cause it to happen 10 to 22 times a day, on each of these Florida bridges is far beyond credible.	The Navigation Discipline Report discusses the methodology for modeling rail operations in relation to bridge closures. Passenger trains will operate under a set schedule and therefore were modeled as such since the predictability of the passenger service is critically important to overall performance. However, as discussed in Section 2.5.2.1 of the Navigation Discipline Report, to reflect actual conditions, the RTC model generates freight train arrivals at each bridge with a variance of up to 10 minutes plus/minus. This maintains a degree of randomness in forecast train arrivals at bridges. Reductions in average bridge closure times are primarily attributed to planned changes in dispatching procedures as a result of the proposed action would allow for bridges to be deployed approximately 7 minutes prior to train arrival (rather than the current 12 minute average). Additionally, bridges may be re-raised if another train is not anticipated within another 7 minutes (rather than the current 12 minute average).							
CARE FL	Navigation	It only takes one look at a satellite view of Florida to see that access to waterways is central to a great majority of its population. Businesses and homes are densely compacted around virtually every waterway within 50 miles of the coast. Other geographic areas, virtually identical except for the lack of a waterway, are much more sparsely settled. Access to a waterway is not simply a benefit for hundreds of municipalities and millions of homes – it is the very reason they are there in the first place. The broad and significant adverse impact of degrading access to these waterways is, therefore, hard to overestimate. Yet the FEIS ignores and/or minimizes the impact. It makes a series of false and contradictory assertions to justify its flawed methodology and unsupported conclusions that the impact is small or non-existent.	The proposed project will not change existing access to waterways. Concerns over the adequacy of the analysis of navigational impacts are addressed in the FEIS, Section 1.7.4. Findings of the navigation impact analysis are discussed in Section 5.1.3 of the FEIS.							
CARE FL	Navigation	Selecting a route that crosses three movable bridges over busy waterways means that, to be successful, the project would need to meet the reasonable needs of navigation in three separate locations. Just as the project would need to obtain rights of way across three farms it did not own, so the project needs determinations by the Coast Guard before it can use the three bridges as it proposes. In fact, for the project to proceed, the US Coast Guard must make six individual determinations and actions, each in favor of the project. If one of these determinations or actions does not support the project, the selected route will be not be viable and the project will fail. The Coast Guard must: Determine that, after implementation of the AAF proposal, the New River, Loxahatchee, and Port St. Lucie railroad bridges will not be unreasonable obstructions to navigation and therefore need to be rebuilt as part of the project (3 actions). Validate current or establish new operating regulations for the Port St. Lucie and Loxahatchee bridges (current or rebuilt) that accommodate successful implementation of AAF's business plan while not unreasonably obstructing navigation (2 actions). Establish operating regulations for the New River railroad bridge (current or rebuilt) that accommodate successful implementation of AAF's business plan while not unreasonably obstructing navigation (1 action). The Coast Guard is examining these issues now. Its first effort is to establish operating regulations for the New River bridge. In a test it has proposed that the bridge be open to navigation for one hour of every two. This seems unrealistic as such a scheme could regularly delay navigation by more than an hour when the time for closing and opening the bridge and dispersing vessels backed up in waiting lines is considered. If a 50/50 split between trains and navigation is to be made (which CARE FL does not necessarily agree meets "the reasonable need"), then 30 minutes of every 60 should be the standard. It is also important to note that reasonableness and operating regulations/schemes must be determined individually for each of the three bridges, and that the rulemaking process can be a long one.	Concerns over the adequacy of the analysis of navigational impacts are addressed in the FEIS, Section 1.7.4. The U.S. Coast Guard will make the final determination of adequacy for the use of bridges as proposed in the FEIS. This determination will happen through a separate rulemaking process and not as part of the NEPA process. As stated in the FEIS, the Coast Guard is currently running a test procedure for bridge closures, with subsequent rulemaking to follow.							

Martin County	Navigation	Martin County urges the FRA to carefully consider the comments submitted to it and the U.S. Coast Guard by CARE FL concerning the Project's impacts on marine navigation. Among other problems, the FEIS discussion of the Project's navigation impacts relies on faulty and incomplete data and makes assumptions that either have no factual support, or are contradicted by the known facts, or both. These problems are documented in extensive detail in the accompanying report prepared by Captain Dana Goward for CARE FL. See Exhibit B hereto. Captain Goward is a former Senior Executive Service official in the U.S. Coast Guard who was responsible for the permitting and regulation of over 18,000 bridges. In addition to the problems identified by Captain Goward, Martin County is especially concerned that the FRA appears to have underestimated the number of marine vessels that will be affected by closures of the St. Lucie River bridge and to have used unrealistic assumptions about bridge closure times and the ability of vessels to clear the bridges on high volume days. The FRA has also unreasonably assumed that AAF's passenger trains will be able to traverse the Orlando to Miami route in roughly three hours despite the use of a single track across the St. Lucie River bridge.	The Navigation Discipline Report provides a detailed assessment of potential impacts based on actual observation, quantitative data, and accepted statistical evaluation methods. Volumes of marine vessels were developed through a combination of direct observation and a thorough review of prior vessel traffic studies conducted for each of the bridge locations in all seasons. To determine whether the Proposed Action would unreasonably obstruct marine traffic, while at the same time accounting for the reasonable needs of land traffic, the Navigation Discipline Report assessment was developed pursuant to USCG Bridge Administration Manual COMDTINST M16590, which provides that drawbridge operating regulations must balance the needs of vessel, vehicular, and rail traffic in the overall public interest. Section 5.1.3.1 of the FEIS discusses the methodology for rail traffic. Bridge closure data was derived from RTC modeling data of train and bridge operations for both freight and passenger rail with the planned infrastructure improvements planned under the Proposed Action. Rail Traffic Controller is a rail traffic simulation tool developed by Berkeley Simulation Software. It is the de facto simulation tool used by all Class I carriers (the seven largest North American railroads) and the majority of rail consulting firms. Section 5.1.3 of the FEIS discusses potential navigational impacts, and Section 5.1.3.1 of the FEIS outlines the methodology for the navigational impact analysis. The single track across the St. Lucie River Bridge is accounted for in the RTC model in the Navigation Discipline Report, and is not anticipated to prohibit the planned operating schedule for passenger trains from Orlando to Miami.						
Martin County	Navigation	Many of the navigation-related problems with the Project would be avoided by selection of an alternative route. But if the FECR route is used, it is imperative that the St. Lucie, Loxahatchee and New River bridges be replaced with higher, more modern, safer bridges that do not create adverse noise, vibration or visual impacts on the surrounding communities. New bridges might not require 20 minutes to open and close (as the current bridges do), thereby resolving the key problem of blocking vessel traffic. The bridge openings for vessel navigation could be larger and permit safe two way vessel traffic when the bridge is open, not one way traffic as is currently the safest way to navigate.	Section 5.1.3 of the FEIS discusses potential navigational impacts in detail, including the potential for bridge replacement, bridge closure duration, and bridge clearance. The analysis provided in the Navigation Discipline Report demonstrates that the existing bridges, with mechanical and infrastructure improvements, are capable of safely accommodating the proposed project.						
Martin County	Navigation	If the moveable bridges are not replaced (and they should be), Martin County urges the FRA to consider additional navigation safety-related mitigation measures, such as the installation of vessel presence detection equipment at the St. Lucie River Bridge. A supplemental DEIS should be issued discussing such reasonable mitigation options.	Concerns over the adequacy of the analysis of navigational impacts are addressed in the FEIS, Section 1.7.4. All of the mitigation measures described in Section 7.2.2 of the FEIS would be in place to minimize effects to boaters and maritime businesses. AAF would implement a series of mitigation measures to improve safety and reduce vessel delays and safety at the three operable bridges (see Section 7.2.2). The USCG is the federal agency responsible for overseeing the operation of the moveable bridges; at this time no additional mitigation is proposed. If the USCG determines that mitigation of any type is required, this will be specified in the USCG's Record of Decision (ROD), not a supplemental DEIS.						
Martin County	Navigation	The FRA did not take into account the good data that does exist. Martin County collected data on the number of vessels transiting the St. Lucie River at the FEC bascule bridge. That information was submitted to the FRA on July 28, 2015—before the release of the FEIS—and we are including that report here. The bottom line is that the new data indicated there is far more vessel traffic than projected in the DEIS. Thus, the expected increase in bridge closures is an even more serious problem, due to the larger number of vessels. The DEIS utilized boat traffic data from a two week video assessment in January 2014 indicating that winter months are "peak boat traffic season." But data collected by Taylor Engineering over the past year shows that April counts are 83 percent higher than January counts. In fact, according to Taylor Engineering's data, the highest daily average to date was in April 2015, with an average of 280.9 boats per day. By comparison, the DEIS shows the average daily boat count during daylight hours to be 121 boats per day, and they included "casual observations at night" in that count. Given this discrepancy, the FRA's data is misleading in terms of: 1) what the peak vessel traffic season is; 2) what the average daily boat count is in those peak months; and 3) what the average boat count is on weekends. Martin County's data indicates far more boat traffic than projected in the DEIS for AAF, further exacerbating concerns that maritime traffic will be adversely affected by the project.	The Navigation Discipline Report provides a detailed assessment of potential impacts based on actual observation, quantitative data, and accepted statistical evaluation methods. Volumes of marine vessels were developed through a combination of direct observation and a thorough review of prior vessel traffic studies conducted for each of the bridge locations in all seasons. The U.S. Coast Guard will make the final determination of adequacy for the use of bridges as proposed in the FEIS, including anticipation of vessel traffic. This determination will happen through a separate rulemaking process and not as part of the NEPA process. The Coast Guard is currently running a test procedure for bridge closures, with subsequent rulemaking to follow.						
Indian River County, Florida; Martin County, Florida; and CARE FL	NEPA Process	Under the NEPA regulations, an EIS must consider "[c]umulative actions, which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. § 1508.25(a)(2). A "cumulative impact" to be addressed in an EIS is "the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. The NEPA regulations state explicitly that a proposed action's potential effect on public safety is within the scope of the environmental analysis the statute requires. 40 C.F.R. 1508.27(b). We note that Mr. Alexy indicated in his letter that the request to transport LNG along the FECR corridor has been under discussion with the FRA since September, 2014. In light of this fact we are surprised that no mention of this proposal - a related action with particular relevance to the cumulative safety impacts of the AAF project - appeared in either the December, 2014 DEIS or the August, 2015 FEIS. Thus, no assessment was presented in either of those documents of the potential cumulative impacts of "trains transporting LNG [passing] through highly populated areas, with more frequent crossings, while sharing tracks with passenger trains traveling at 110 mph." As we pointed out in our previous correspondence local authorities have a particular interest in matters relating to the safe operation of the railroads that run through their jurisdictions... who must respond in the first instance to accidents occurring as a result of those operations. Given these fundamental interests, the Counties - and public...- should be given the opportunity to participate meaningfully in an environmental review that accounts for all the risks posed to the public safety by AAF, including those that may arise from potential conflicts with trains transporting LNG. We have been denied that opportunity thus far, and for that reason alone an SEIS must be prepared and subject to the public review procedures under NEPA.	Hazmat shipments on freight lines are fairly common and the environmental impact statement analyzed hazmat shpments along the route.						
CARE FL	NEPA Process	The FEIS was not a good faith effort, but rather a document developed to support a pre-determined judgment in favor of the project. The FEIS must be invalidated and the project put on hold. If the Coast Guard determines that the route is feasible, the FEIS must be re-done by a more objective and independent entity to accurately reflect the negative navigation-related impacts on communities and economies.	As stated in Section 1.5 of the FEIS, FRA performed an objective and independent analysis and has prepared the FEIS to comply with the requirements of NEPA.						
City of Vero Beach	NEPA Process	As of August 18, 2015, we have not received the 90% complete design plans. It is inconceivable that the DEIS, and much less the FEIS, could be completed without having the 90% complete plans in hand. There is no way to accurately assess the impact of this project without 90% plans.	NEPA documents are typically prepared at a preliminary design stage, not a final (90%) design stage. Preparing NEPA documents early in the design process allows multiple alternatives to be advanced to a similar level of design for comparative purposes, without unduly burdening an application with the cost of bringing multiple alternatives to a final design stage.						

Indian River Neighborhood Association	NEPA Process	It is of great concern that the FEIS was released before a 90 Percent Plan was issued for our County. The most basic of all impact is contained in that Plan. Without it, the relevancy and accuracy of the FEIS cannot be determined.	NEPA reviews are part of a federal agency's planning process and are typically completed at the preliminary (30 percent) design stage in order to determine whether federal funds should be invested in developing a final design or advancing a project to construction.							
Indian River Neighborhood Association	NEPA Process	Throughout this process our local governments have been denied the ability to provide local knowledge through recognition of their jurisdictional authority. The governments of Sebastian, Vero Beach and Indian River County each submitted a separate application to become a designated Cooperating Agency and each was denied that status. The result is the absence of local knowledge. Conducting public workshops did little to factually address this matter.	Local communities throughout the project corridor were provided the opportunity to participate in the NEPA process through Scoping, public review of the DEIS, and public review of the FEIS. Local communities and county organizations have provided extensive comments to FRA, with an emphasis on local issues, throughout the NEPA process. The FRA has not received any requests from these communities to be Cooperating Agencies on the EIS.							
Indian River Neighborhood Association	NEPA Process	Our concerns involve the health, safety and well-being of all our communities which have been given only scant consideration in your documents. This correspondence addresses the failure of the FEIS to comply with NEPA concerning impact to Indian River County as evident in the lack of the 90 Percent Plan. We respectfully request that a Record of Decision be delayed until Indian River County is presented with the 90 Percent Plan and impacts are identified, analyzed and, where indicated, mitigated. We ask you to also include a time for public comment following release of that Plan and prior to the Record of Decision.	NEPA reviews are part of a federal agency's planning process and are typically completed at the preliminary (30 percent) design stage in order to determine whether federal funds should be invested in developing a final design or advancing a project to construction. NEPA does not require consideration of final design plans, and is typically completed well in advance of final design.							
Martin County	NEPA Process	The FEIS fails to take a "hard look" at the Project's impacts, especially its impacts on (i) public safety, (ii) navigation and the marine industry, (iii) quality of life, cultural resources and property values, and (iv) natural resources and the environment.	FRA disagrees. The FEIS takes a careful "hard look" at these issues in accordance with the level of analysis typically used by FRA in NEPA documents for rail corridors.							
Martin County	NEPA Process	To correct flaws in the FEIS and to fulfill its obligations under NEPA, the FRA should withdraw the FEIS and prepare a proper and comprehensive supplemental DEIS. In doing so, the FRA must squarely address the many changes that the Project will bring to the existing Florida East Coast Railroad corridor, rather than simply assuming that any impacts from the Project will be minimal because the corridor is already in use for freight traffic.	The FRA disagrees with this statement.							
Martin County	NEPA Process	The FEIS appears to be the result of the aggressive and perhaps unprecedented pressure that AAF put on the FRA to adopt AAF's descriptions of the Project wholesale, without scrutinizing the relevance of those descriptions. As revealed in recently disclosed emails between AAF and the FRA, AAF drafted materials about various subjects and then lobbied hard for those materials to be "fully lifted into the EIS." See March 11, 2014 email from Christopher Bonanti of AAF to John Winkle of the FRA. While the FRA properly recognized that such "lifting" is improper, it does not appear to have subjected AAF's positions and materials to the scrutiny they deserved. The issue is not simply whether AAF's data and conclusions were sound, but whether they were relevant. Many of AAF's assertions about the Project (such as its claim that the passenger trains will cross the intersections more quickly) are non-sequiturs that provide no meaningful assurance about how the Project's negative impacts will be mitigated.	FRA disagrees. The FEIS takes a careful "hard look" at these issues in accordance with the level of analysis typically used by FRA in NEPA documents for rail corridors.							
Micco Homeowner's Association	NEPA Process	Brevard County and the community of Micco have NOT received AAF's 90% plan. Without the basic information contained in the 90% plan concerning bridges and road crossings the FEIS cannot be accurately scrutinized.	NEPA reviews are part of a federal agency's planning process and are typically completed at the preliminary (30 percent) design stage in order to determine whether federal funds should be invested in developing a final design or advancing a project to construction. NEPA does not require consideration of final design plans, and is typically completed well in advance of final design.							
U.S. Environmental Protection Agency	Noise	Mitigation measures should be committed to in the FRA's ROD, and post-construction evaluation of noise is recommended. Full coordination and collaboration with local communities is also recommended and should continue as the project progresses.	The FRA's ROD includes all mitigation commitments and requirements, including noise assessment.							
City of Sebastian	Noise and Vibration	Per the EIS, the Main Street, Schumann. Drive, and 99th Street crossings will be improved with three-quadrant gates as part of the AAF Sealed Corridor. The City is interested in applying for a Quiet Zone (QZ) through FRA at subject crossings. It is unsure how the three-quadrant gate(s) system will be received by FRA for those QZ since they require, as a Supplemental Safety Measure (SSM), four quadrant gates at grade crossings.	Please refer to the FRA's "Guide to the Quiet Zone Establishment Process" for further information on the process of establishing a quiet zone including how risk is assessed at grade-crossings and how the need for Supplementary Safety Measures or Alternative Safety Measures is determined.							
City of Sebastian	Noise and Vibration	The report states AAF will pay the cost of all grade crossing safety improvements with an amended crossing agreement; does this agreement include the cost to cover all design improvements at each of the crossings within the City of Sebastian which will need Quiet Zone improvements?	As indicated in the FEIS (pg. 5-149), "As part of its infrastructure program, AAF has voluntarily assumed the cost of grade crossing safety improvements related to the introduction of passenger rail service." The FEIS (p. 7-8) clarifies that "the governmental entities or other authorities pursuing these quiet zones will at as the sponsors of such efforts and will be responsible for the application process and the associated costs, including the costs of any improvements."							
City of Sebastian	Noise and Vibration	The City is waiting to review the final design plans, construction cost and schedule for the grade crossings within Sebastian and will submit them to FRA with a "Notice of Intent" to implement a Quiet Zone for Sebastian.	No response required.							
City of Vero Beach	Noise and Vibration	Page 5-45, The report acknowledges the project would result in long-term noise and vibration adverse impacts to residents and properties, primarily along the North-South corridor;	Comment noted.							
Indian River Neighborhood Association	Noise and Vibration	The FEIS does not provide adequate information about noise and vibration. There exists an operating railroad that sets a high base level of noise and vibration. Train operations over and above this baseline must be established in order to identify any potential adverse impact to the natural and human environments. There should also be an evaluation of impact due to the length of the trains, both that which is established as baseline along with the projected expansion of rail services. Accordingly, these should be applied to the many varied interests adjacent to the rail tracks to determine impact.	Noise and vibration has been assessed according to guidelines specified in the Federal Railroad Administration's (FRA) High-Speed Ground Transportation Noise and Vibration Impact Assessment guidance manual and the Federal Transit Administration's (FTA) Noise and Vibration Impact Assessment guidance manual. Impact is assessed based on a comparison of existing and future noise and vibration conditions. Existing and future noise and conditions have been evaluated according to this guidance.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The assessment of noise and vibration impacts did not follow FRA's own guidance, and the FEIS failed to identify severe, permanent noise impacts by assuming in the impacts analysis the implementation of mitigation (wayside horns) that may or may not be put into place, and by failing to disclose impacts at locations proximate to any wayside horns that may be installed.	FRA disagrees. Noise and vibration have been assessed according to the FRA and FTA guidelines. As noted in Section 5.2.2.2, the Project would have no permanent noise impacts along the N-S Corridor due to the use of wayside horns. Mitigation measures would eliminate all severe noise impacts for residential and institutional receptors along the N-S Corridor. With the installation of wayside horns, total future noise levels would be comparable to existing levels, generally increasing by 0.2 to 0.3 dBA, along the mainline. Future noise levels would be substantially lower than existing noise levels at grade crossings, generally by 7 to 8 dBA.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The results of the noise and vibration assessment presented in the FEIS are based upon an analysis prepared by a consultant identified as AMEC, which apparently was retained by All Aboard Florida ("AAF"). Although that document is cited throughout the FEIS as "AMEC. 2013c. Technical Memorandum No. 5, Noise and Vibration for the All Aboard Florida Passenger Rail Project from Orlando to Miami, Florida. July 2013, Report," (the "AMEC Report") only a two page excerpt from that report is attached as an appendix to the FEIS. The County has repeatedly requested FRA to provide it with a copy of the technical report in its entirety, but thus far the agency has neither released the document for public review nor explained why it is declining to do so. As a result, the County and other members of the public have been left in the dark about the details of the noise and vibration analysis, and have been deprived of a meaningful opportunity to participate in the public review of that analysis.	Noise and vibration has been assessed according to guidelines specified in the Federal Railroad Administration's (FRA) High-Speed Ground Transportation Noise and Vibration Impact Assessment guidance manual and the Federal Transit Administration's (FTA) Noise and Vibration Impact Assessment guidance manual. Impact is assessed based on a comparison of existing and future noise and vibration conditions. Existing and future noise and conditions have been evaluated according to this guidance.							

Indian River County, Florida; Martin County, Florida; and CARE FL	**Noise and Vibration**	The results of the noise and vibration assessment presented in the FEIS are based upon an analysis prepared by a consultant identified as AMEC, which apparently was retained by All Aboard Florida ("AAF"). Although that document is cited throughout the FEIS as "AMEC. 2013c. Technical Memorandum No. 5, Noise and Vibration for the All Aboard Florida Passenger Rail Project from Orlando to Miami, Florida. July 2013, Report," (the "AMEC Report") only a two page excerpt from that report is attached as an appendix to the FEIS. After numerous requests were made to the FRA to provide a copy of the technical report in its entirety, Indian River County received an incomplete copy without any chart or data images. As a result, Indian River County and other members of the public have been deprived of a meaningful opportunity to participate in the public review of that analysis.	Noise and vibration has been assessed according to guidelines specified in the Federal Railroad Administration's (FRA) High-Speed Ground Transportation Noise and Vibration Impact Assessment guidance manual and the Federal Transit Administration's (FTA) Noise and Vibration Impact Assessment guidance manual. Impact is assessed based on a comparison of existing and future noise and vibration conditions. Existing and future noise and conditions have been evaluated according to this guidance. The full report is part of the project file and can be made available upon request.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	From the limited information provided in the FEIS, it is apparent that the noise and vibration assessment failed to adhere to fundamental principles established by guidance issued by FRA and the Federal Transit Administration ("FTA") for the thorough examination of noise and vibration impacts associated with rail projects. For this reason, and because the analysis overlooks critical aspects of the Project, the FEIS does not accurately or adequately characterize the noise and vibration impacts the Project is likely to cause, and does not identify the mitigation necessary to address such impacts. The mitigation it does identify is so vaguely described as to be virtually meaningless.	Noise and vibration has been assessed according to guidelines specified in the Federal Railroad Administration's (FRA) High-Speed Ground Transportation Noise and Vibration Impact Assessment guidance manual, the Federal Transit Administration's (FTA) Noise and Vibration Impact Assessment guidance manual, and the Federal Highway Administration (FHWA) guidelines as defined for Florida application by FDOT for traffic operations (FRA 2012a; FTA 2006; FDOT 2011c). Impacts are described in the FEIS, Section 5.2.2, and mitigation measures are described in FEIS Section 7.2.							
Indian River County, Florida; Martin County, Florida; and CARE FL	Noise and Vibration	From the limited information provided in the FEIS, it is apparent that the noise and vibration assessment failed to adhere to fundamental principles established by guidance issued by FRA and the Federal Transit Administration ("FTA") for the thorough examination of noise and vibration impacts associated with rail projects. For this reason, and because the analysis overlooks critical aspects of the Project, the FEIS does not accurately or adequately characterize the noise and vibration impacts the Project is likely to cause, and does not identify the mitigation necessary to address such impacts. The mitigation it does identify is so vaguely described as to be virtually meaningless. Some of the more glaring deviations from standard methodologies, as well as certain of the document's other deficiencies and omissions, are discussed below. These and a number of additional technical issues also are addressed in comments prepared by Acentech dated September 22, 2015. See Attachment A.	Noise and vibration has been assessed according to guidelines specified in the Federal Railroad Administration's (FRA) High-Speed Ground Transportation Noise and Vibration Impact Assessment guidance manual, the Federal Transit Administration's (FTA) Noise and Vibration Impact Assessment guidance manual, and the Federal Highway Administration (FHWA) guidelines as defined for Florida application by FDOT for traffic operations (FRA 2012a; FTA 2006; FDOT 2011c). Impacts are described in the FEIS, Section 5.2.2, and mitigation measures are described in FEIS Section 7.2. The Record of Decision requires AAF to perform more advanced Noise and Vibration analysis on the North - South corridor.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Technical guidance for the preparation of noise and vibration assessments has been published by FRA in a manual entitled "High-Speed Ground Transportation Noise and Vibration Impact Assessment" dated September 2012)(the "FRA Manual") and by FTA in a document entitled "Transit Noise and Vibration Impact Assessment" dated May 2006 (the "FTA Manual"). The FEIS states that it follows these guidance documents in analyzing noise and vibration impacts that may be caused by the Project. FEIS at S-12. But under both of the referenced guidance documents, noise and vibration assessments are supposed to follow three basic steps. First, a preliminary screening analysis is to be performed to determine whether there is a need for further analysis, given the nature of the project and the overall character of the area that would be affected. Next, a "general assessment" is to be conducted at an early stage of project planning, where existing and projected conditions are estimated based upon broad assumptions regarding nearby noise sources, the general characteristics of the area, noise generating characteristics of project equipment and facilities, and computer modeling. As a result of this general assessment, "the location and estimated severity of noise and vibration impacts" are determined. FTA Manual at 1-4. According to the FTA Manual, a general assessment may be all that is needed for "smaller projects". Id. For significant high speed rail projects, however, a third-level, detailed analysis "is appropriate for assessing noise impacts … after the preferred alignment and candidate high-speed train technologies have been selected ..." FRA Manual at 5-1. This detailed assessment "quantifies impacts through an in-depth analysis" that "delineates site-specific impacts and mitigation measures" for major projects, once the design details needed for that analysis become available. FTA Manual at 1-4. FRA has routinely followed this three-step approach in the NEPA review of high-speed rail projects across the nation.	Noise and vibration impact has been assessed based on the information that was available at the time of the study. The General Noise and Vibration impact assessment methods are typically more conservative than the detailed methods. Detailed Noise and Vibration impact assessment methods are appropriate once the preferred alternative has been selected and when more detailed design information is needed to define mitigation measures. FTA guidance manual (pg. 10-2) addresses specifically that; "..detailed vibration predictions are usually performed during the final design phase of a project when there is sufficient reason to suspect adverse vibration impact from the project." During final design, AAF will conduct soil characterization and pre-construction soil analyses to determine if mitigation measures, other than wheel and rail maintenance, are warranted, such as in areas that may be subject to liquefaction or are otherwise vulnerable to vibration. Based on the type of noise mitigation that has been proposed, wayside horns, and the fact that the Detailed Noise Assessment method does not provide further details on their implementation or effectiveness, these mitigation measures will be further refined during the final design of the project.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	As the County pointed out in its comments on the DEIS, the Project has progressed well beyond the point where the information needed for a detailed noise and vibration analysis is readily available. Nevertheless, the FEIS presents nothing more than the results of a "general assessment", which amount to rough estimates of the effects of the Project on noise and vibration in the surrounding areas. With respect to noise, sensitive receptors along the rail corridor are not identified; existing noise conditions in the vicinity of those receptors are not measured; and locations where train operations would generate particularly high noise levels (such as where trains would accelerate or decelerate, or special track work locations with switches and crossovers) are not identified or analyzed. Moreover, the modeling performed in the analysis is based on generic assumptions, like average train speeds across entire counties. Instead of considering whether intervening structures would or would not shield receptors from Project-related noise, census tract-level population data are used as a surrogate for a built-environment inventory. Not surprisingly, the result of this ten thousand foot analysis is of little use in determining with accuracy the effects of the Project at critical locations. For example, the FEIS indicates that high speed rail operations would result in incremental daytime noise levels of 63.5 dBA Leq at 50 feet from the rail corridor across all of Indian River County, except at the 32 grade crossings, where incremental noise levels of 63.9 dBA would be experienced at 50 feet in every case. Similarly uniform noise impacts are projected for each of the other counties affected by the Project.	Section 4.1.1 and Appendix 4.1.1 of the FEIS depict the existing land uses along the corridor. The FTA guidance manual (pg. 6-30) addresses the need to measure existing noise conditions as follows: "In general, it is better to measure existing noise than to compute or estimate it. Measurements are more precise than computations and estimates and therefore lead to more precise conclusions concerning noise impact. However, measurements are expensive, are often thwarted by weather, and take significant time in the field. So the choice between measurements and computations/estimates is a choice between the precision of measurements and the convenience of computations/estimates." Because the existing noise environment is dominated by rail activity, using prediction methods described in the FTA guidance manual to establish existing noise conditions is expected to provide accurate results based on average rail operations. Due to the variability in day-to-day freight operations, ambient measurements do not necessarily characterize average conditions. Noise impact was assessed based on the level of information that was available at the time. Specific new special track work locations and a detailed train speed profile (which provide specific speeds at specific locations on the track) were not available due to the on-going design of the track infrastructure (i.e. design speeds) and the performance of the specific trainset to run on the tracks was not determined. Based on the distance between stations and the generally straight alignment, the difference in noise and vibration predictions between average speeds and a specific speed profile is expected to be low. Therefore, using the average train speed is a reasonable assumption for estimating noise and vibration conditions throughout the corridor. With respect to noise impacts on sensitive receptors, as summarized in Section 1.7.5 of the FEIS, in accordance with FTA/FRA noise impact assessment guidelines, noise impact has been assessed at all sensitive receptors, including historic buildings with noise-sensitive use, at exterior locations. Interior noise conditions are not considered when assessing potential impact. Noise is only an adverse effect on historic properties if a quiet setting is an important element of the significance of the property (for example, a historic church). None of the historic resources within the noise impact area require a quiet setting.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Ground-borne vibration impacts were estimated with a very broad brush. That analysis was "based on the FTA generalized curve", FEIS at 5-50, so soil conditions and depth to water table information – which are critical to the accurate assessment of vibration impacts – were simply not considered. The reported results of the vibration impacts analysis could not have been more sketchy: instead of disclosing the vibration levels that were derived from the calculation, the text of the document simply indicates the number of properties estimated to experience impacts.	FTA guidance manual (pg. 10-2) addresses specifically that; "..detailed vibration predictions are usually performed during the final design phase of a project when there is sufficient reason to suspect adverse vibration impact from the project." During final design, AAF will conduct soil characterization and pre-construction soil analyses to determine if mitigation measures, other than wheel and rail maintenance, are warranted, such as in areas that may be subject to liquefaction or are otherwise vulnerable to vibration.							

The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Attached to the FEIS is Appendix 5.2.2-A2, which consists of high-altitude aerial photographs marked up with calculated noise and vibration contours. These figures are of no value in illustrating where any impacts would be experienced, because of their large scale and low resolution and because the aerial photographs do not identify landmarks such as towns and street names. Thus, the FEIS ignores the guidance in the FRA Manual, which notes at page 11-2 that "[I]t is important to illustrate noise and vibration impacts on base maps at a scale sufficient to provide location reference for the reader."	No response required.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The failure of the FEIS to include an analysis going beyond rough estimation has particularly significant consequences for ground-borne noise and vibration, because even with the efficiencies stemming from the generalized nature of the analysis the document predicts that there will be impacts at almost 4,000 locations along the North/South corridor, including 3317 residences, 513 unidentified "institutional receptors" and 18 "other vibration-sensitive land uses (TV studios, recording studios, auditoriums and theaters)". FEIS at 5-61. The federal guidance is crystal clear that under such circumstances a detailed analysis is to be performed. FRA Manual at 9-3 ("In locations where General Assessment indicates impacts, the more refined techniques of Detailed Assessment should be employed.") One of the primary reasons for this guidance is that the "[s]specification of mitigation measures requires more detailed information and more refined impact criteria than what were used in the General Assessment." Id at 8-4. Ignoring this guidance, the FEIS makes no serious effort to identify enforceable and effective mitigation for the thousands of impacted properties. Instead, it simply characterizes the vibration impacts in passing as "minor", although there is nothing in the document to indicate why that is so, and there is nothing in the FRA or FTA criteria creating a category of "minor impacts."	FTA guidance manual (pg. 10-2) addresses specifically that; "..detailed vibration predictions are usually performed during the final design phase of a project when there is sufficient reason to suspect adverse vibration impact from the project." During final design, AAF will conduct soil characterization and pre-construction soil analyses to determine if mitigation measures, other than wheel and rail maintenance, are warranted, such as in areas that may be subject to liquefaction or are otherwise vulnerable to vibration.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Potentially significant consequences ensue from the lack of a detailed noise analysis in the FEIS. Although the text of the document makes it seem as if no noise impacts would result from the Project, it appears from one table, and the aerial photographs noted above, that this is not really the case. Thus, the text of the FEIS states that "no receptors along the N-S corridor would experience noise levels that exceed the impact criteria." FEIS at 5-56. Table 5.2.2-13 is to the same effect, showing "0" impacts along the corridor. But the numbers in Table 5.2.2-9 tell a different story with respect to daytime impacts at non-residential receptors (such as parks, nature preserves, concert halls and schools). According to that table "Impact Criteria moderate)" are exceeded along the entire mainline in 5 of the 6 counties along the North/South corridor.	Table 5.2.2-9 presents the projected daytime Leq, nighttime Leq and 24-hour Ldn noise levels at 50 feet for at-grade crossings and mainline segments in each of five counties along the North-South Corridor. Additionally, the table presents the moderate impact criteria for Category 1,2 and 3 land use. This table does not include any results of the noise impact assessment which assesses noise levels at receptors at their specific distances from the track.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	According to the FRA Manual, a moderate impact "is noticeable to most people, but it may not be sufficient to cause strong, adverse reactions from the community. In this transitional area, other project-specific factors must be considered to determine the magnitude of the impact and the need for mitigation, such as the predicted level of increase over existing noise levels and the types and numbers of noise-sensitive land uses affected." FRA Manual at 3-6. The information necessary for such an analysis was not provided in the FEIS, because a detailed assessment was not performed.	The need for mitigation of moderate noise impacts is determined based on factors such as where noise levels are within the moderate range, the density and location of impacted receptors, the cost effectiveness and acoustical effectiveness of potential mitigation. The specific assessment method used to identify impact is not a factor in considering the need for mitigation.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The deficiencies of the FEIS with respect to the mainline noise is compounded by the fact that the analysis did not even conform to the guidance for a general assessment. The FRA Manual recognizes that where such an assessment is performed available information "is not sufficient to predict noise levels at all locations along the right of way, but by using conservative estimates (for example, maximum design speeds and operations at design capacities) it is sufficient to estimate worst-case noise impacts." FRA Manual at 4-5, 4-8. But the FEIS general assessment did not employ such conservative assumptions. Rather, it assumed "average" speeds in the analysis, and there is not the slightest indication that train operations were assumed to be running at "design capacities." Similarly, while the County has not been able to review the assumptions built into the AMEC Report, it appears that the assessment may have assumed that optimized rail and wheel conditions would be maintained for the life of the Project, without any details about how such maintenance would be achieved. Thus, the generic county-wide results appearing in the FEIS indicating "moderate impacts" across five counties could well be underestimated. The FEIS is bereft of the information needed to determine whether that is or is not the case.	Noise impact was assessed based on the level of information that was available at the time. A detailed train speed profile (which provide specific speeds at specific locations on the track) was not available due to the on-going design of the track infrastructure (i.e. design speeds) and the performance of the specific trainset to run on the tracks was not determined. Based on the distance between stations and the generally straight alignment, the difference in noise and vibration predictions between average speeds and a specific speed profile is expected to be low. Therefore, using the average train speed is a reasonable assumption for estimating noise and vibration conditions throughout the corridor.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The noise and vibration levels generated by the Project – both along the mainline and at grade crossings – have been underestimated for another important reason: they do not account for any changes to freight operations that will result from the Project. The FEIS indicates that Project improvements will allow freight train speeds to increase in many places, by up to 25, 30 and even 45 miles per hour. See FEIS Appendix 3.3.3-A4 pg. 7,11, 15, 18, 20, 21, 24, 25, and 27. The increases in freight train average operating speeds and maximum operating speeds as a direct result of the Project can be expected to increase noise and vibration. In addition, adding a second track will have the effect of moving some freight train operations closer to adjacent receptors. None of these Project effects were taken into account in the general assessment.	The FEIS (pg. 5-54) addresses this issue as follows; ".. freight operations are expected to continue with a planned annual growth of 3 percent. This continued growth will likely result in marginal increases in noise levels through possible increases in train speed, frequency, and length."							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The project would affect the temporal distribution of noise from passing trains in two significant ways. First, the Project would add 30 high-speed trains during daytime hours, not across the 24 hour period used for averaging impacts [FEIS Table 5.2.2-10]. This quadrupling of trains during the daytime hours, which could have very significant impacts on sensitive receptors such as schools, houses of worship, and outdoor recreational areas, is not identified or analyzed in the noise and vibration assessment.	Table 5.2.2-1 shows the proposed number of passenger train operations including 30 daytime operations and 2 nighttime operations. Noise impact has been assessed for Category 2 land uses (based on 24-hour Ldn) and Category 3 land uses, such as schools, libraries and houses of worship (based on peak transit-hour Leq).							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Increasing daytime trains by more than four times is likely to shift freight trains to nighttime hours due to scheduling conflicts with the proposed daytime passenger trains. While the FEIS acknowledges this issue was raised in comments received on the DEIS, it makes no attempt to address it or explain why it would not occur. As a result, the general noise and vibration impact assessment presented in the FEIS fails to identify and disclose the true daytime or nighttime impacts of the Project or identify the mitigation that should be implemented to address these impacts.	Future passenger and freight train operations and the period of the day they are anticipated to occur has been analyzed based on FECR's anticipated future passenger and freight demands.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The FEIS downplays the extent of the noise impacts the Project would cause at grade crossings along the North/South corridor, in that it does not clearly identify those locations where severe impacts would occur in the absence of mitigation. Instead, it assumes for purposes of the impacts discussion that certain mitigation (i.e., the replacement of train-mounted horns with wayside horns) would be put into place and thereby avoid impacts altogether. Thus, the document does not make the straightforward disclosure that severe noise impacts are predicted to occur at 117 grade crossings, and that mitigation would be required to address such impacts. Instead, it states that "AAF has committed to installing stationary wayside horns at each of the 117 grade crossings between Cocoa and West Palm Beach where severe, unmitigated impacts would occur using locomotive-mounted horns" so that "the Project would have no permanent noise impacts along the N-S Corridor due to the use of wayside horns." FEIS at 1-21. The problem with this conclusion is that there can be no assurance that train-mounted horns will no longer need to sound at the identified locations, since wayside horns may not replace train-mounted horns without agency coordination and government approval, and without the installation of "traffic operations system[s] … to secure railroad-highway crossings for the purpose of preventing vehicles from going around, under or through lowered railroad gates." Fla. Stat. § 351.03(3).3	Section 5.2.2 of the FEIS (Pg. 5-45) clearly states that "AAF has committed to installing stationary wayside horns at each of the 117 grade crossings between Cocoa and West Palm Beach where severe, unmitigated impacts would occur using locomotive-mounted horns (see Appendix 3.3.5-D)." The locations where severe impacts would occur and where pole-mounted wayside horns would be implemented are identified in Appendix 3.3.5-D. Train-mounted horns may still need to be sounded at all locations along the rail corridor under emergency conditions. Implementation of wayside horn systems do not require the same level of agency approval as quiet zones. Use of wayside horns is permitted by the Federal Railroad Administration in accordance with 49 CFR Parts 222 and 229 regarding the Use of Locomotive Horns at Highway-Rail Grade Crossings; Final Rule and Interim Approval by the Federal Highway Administration (dated August 2, 2004).							

The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The FEIS does not specify the agency approvals needed to implement the wayside horn mitigation, nor does it discuss any problems that may be encountered in securing those approvals. Moreover, the document is unclear as to whether AAF has committed to installing – and maintaining in perpetuity -- the grade crossing improvements needed under Florida law to "secure railroad-highway crossings for the purpose of preventing vehicles" from circumventing down-gates. On the one hand, it indicates that "AAF will incorporate all of the Sealed Corridor design treatments identified in the Grade Crossing Diagnostic Evaluation, where applicable, along the entire AAF service route." FEIS at 1-23. At the same time, it indicates that municipalities are typically responsible for funding all improvements and equipment maintenance associated with Quiet Zones within their jurisdictions."4 FEIS at 5-149. It would be wholly improper for the FEIS to give the impression that a severe noise impact would be avoided by a Project component such as wayside horns unless the Project Sponsor is assuming the ongoing expense of both the operation and maintenance of the equipment required for the measures that are credited as avoiding such impacts.	Please refer to the FRA's "Guide to the Quiet Zone Establishment Process" for further information on the process of establishing a quiet zone and the agency approvals that are required. AAF has committed to the installation of wayside horns. As stated in the FEIS (pg. 5-149); as part of its infrastructure program, AAF has voluntarily assumed the cost of grade crossing safety improvements related to the introduction of passenger rail service. However, the State of Florida requires municipalities to fund the maintenance of grade crossing equipment within their jurisdictions.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The wayside horns themselves will sound more than 50 times a day at 117 grade crossings, and can be expected to cause noise impacts on proximate sensitive receptors such as nearby residences and houses of worship. Yet the impacts on those receptors were not identified or analyzed for significance.	As noted in Section 5.2.2.2, the Project would have no permanent noise impacts along the N-S Corridor due to the use of wayside horns. Mitigation measures would eliminate all severe noise impacts for residential and institutional receptors along the N-S Corridor. With the installation of wayside horns, total future noise levels would be comparable to existing levels, generally increasing by 0.2 to 0.3 dBA, along the mainline. Future noise levels would be substantially lower than existing noise levels at grade crossings, generally by 7 to 8 dBA.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The FEIS includes a vaguely worded commitment that "AAF will implement mitigation measures as part of the Project design to reduce noise and vibration impacts from passenger train operations", but includes no discussion as to what those design measures might be. FEIS at 7-7. This empty statement is yet another departure from FRA guidance, which provides that "[I]incorporating noise control features during the specification and design of the vehicle is among the most effective noise mitigation treatments. The development and enforcement of stringent but achievable noise specifications by the project sponsor is a major step in controlling noise everywhere on the system. It is important to ensure that noise levels quoted in the specifications are achievable with the application of best available technology during the development of the vehicle and reasonable in light of the noise reduction benefits and costs. Effective enforcement includes imposing significant penalties for noncompliance with the specifications." FRA Manual at 5-37.	AAF has not proposed noise mitigation by means of including specific noise specifications for the vehicle. AAF has proposed mitigation by means of wayside horns.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	Without reviewing the assumptions in the AMEC Report it is not possible to discern whether the noise and vibration analysis was based on the assumption that such a program would be implemented (in which case the thousands of vibration impacts would occur even with such a program.) In any event, the FEIS does not provide detailed information about when, where, and how an effective maintenance program would be conducted, and makes no commitment that adequate rail condition and wheel condition monitoring systems would be installed. It is also unclear if freight trains would also be subject to the same requirements and if not, how the operation of freight trains on the tracks would degrade the rail surface causing additional noise and vibration from Project trains.	AAF will be developing the details of their passenger rail equipment maintenance program as the project develops.							
The Board of County Commissioners of Indian River County, Florida	Noise and Vibration	The FRA Manual calls for a detailed ground borne vibration analysis and the identification of specific mitigation measures when a general assessment reveals the potential for impacts. Rather than following that explicit guidance and designing into the Project the specific vibration-reducing measures needed to address the thousands of impacts identified in the general assessment (i.e., track support systems such as floating slabs and ballast mats), the document provides one more vaguely worded assurance. It states that "AAF will conduct soil characterization and preconstruction soil analysis to determine if additional mitigation measures are warranted, such as in areas that may be subject to liquefaction or are otherwise vulnerable to vibration." FEIS at 7-8. But such undefined assurances of future action – to be taken at the discretion of the Project sponsor -- are no substitute for the particularized mitigation analysis and specific, enforceable commitments that the FEIS should have included, under both the guidance in the FRA Manual and the requirements of NEPA.	FTA guidance manual (pg. 10-2) addresses specifically that; "..detailed vibration predictions are usually performed during the final design phase of a project when there is sufficient reason to suspect adverse vibration impact from the project."							
The Town of St. Lucie Village	Noise and Vibration	Noise impacts on the Village are addressed in a superficial manner and do not take into account the close proximity of residential land uses to the FECR right-of way. The generic analysis of vibration effects does not take into account the significant potential for increased freight traffic posed by the dual-track system and the impacts of increased vibration on historic homes within the Village.	As described (pg. 5-51) in the FEIS; According to FRA, historic properties are categorized according to their current use. For example, a historic home is categorized as a Category 2 residential receptor and a historic museum is categorized as a Category 3 institutional receptor (FRA 2012d). Potential vibration impact resulting and structural damage has been assessed at all structures adjacent to the Project including those which are registered or eligible to be registered as historic							
The Town of St. Lucie Village	Noise and Vibration	Significant impacts of the third track through most of the Village include the additional, extended noise of trains slowing down or stopping in the siding and again when they start gaining speed to leave the siding. For the many homes in close proximity to the triple track section, it will sound as if they are in an industrial "train yard", rather that the peaceful neighborhood they once knew with the occasional passage of freight trains. The triple-track center siding throughout most of the Village will also impact the visual aesthetics of the area and add significantly to the devaluation of property within the Village that will occur with the AAF project.	The FEIS (pg. 3-43) describes that "the AAF and FECR operating plan does not call for holding trains in any triple track section."							
The Town of St. Lucie Village	Noise and Vibration	Quiet Zone Costs. In order for the Village to maintain as much of its peaceful, residential character as possible in the event the FECR route is selected, implementation of quiet zones throughout the Village would be necessary. It is still not clear what the initial and recurring cost of these quiet zones would be, nor is it clear how they would be funded. Since the AAF project offers no benefits to the Village and all beneficial aspects of the project are realized by either AAF or communities well north or south of the Village, the cost of implementing quiet zones should be borne by AAF or other outside sources.	AAF has committed to the installation of wayside horns. As stated in the FEIS (pg. 5-149); as part of its infrastructure program, AAF has voluntarily assumed the cost of grade crossing safety improvements related to the introduction of passenger rail service. However, the State of Florida requires municipalities to fund the maintenance of grade crossing equipment within their jurisdictions.							
The Town of St. Lucie Village	Noise and Vibration	Train Horns and Crossing Audible Warning Signals. The more than three times increase in passages of trains through the Village resulting from the AAF project will significantly increase the noise impacts on Village residents. All homes in the Village are within 1,500 feet of the FECR right-of-way and can clearly hear the train horns. Switching to fixed horns at the crossings may reduce noise impacts for some residents, but noise impacts will still be significant due to the relatively close spacing of the six crossings. The magnitude of the increase in train horn and crossing audible signal "events" poses a serious threat to the peace and tranquility of the Village. Implementation of quiet zones throughout the Village would presumably mitigate some of these noise impacts. However, the cost of establishing the quiet zones in unknown at this point and the initial and recurring costs we have seen in various reports appear to be beyond the financial means of the Village	As noted in Section 5.2.2.2 of thee FEIS, the Project would have no permanent noise impacts along the N-S Corridor due to the use of wayside horns. Mitigation measures would eliminate all severe noise impacts for residential and institutional receptors along the N-S Corridor. With the installation of wayside horns, total future noise levels would be comparable to existing levels, generally increasing by 0.2 to 0.3 dBA, along the mainline. Future noise levels would be substantially lower than existing noise levels at grade crossings, generally by 7 to 8 dBA.							
The Town of St. Lucie Village	Noise and Vibration	Constructing a dual-track railway through the north-south corridor will have the secondary impact of increasing freight rail traffic in the future, and this will have a significant impact on future noise levels in the Village. The Final EIS should specifically address all of these noise impacts on the Village, as they are significant and have the potential to seriously degrade the quality of life in this historic residential area	The FEIS (pg. 5-54) addresses this issue as follows; ".. freight operations are expected to continue with a planned annual growth of 3 percent. This continued growth will likely result in marginal increases in noise levels through possible increases in train speed, frequency, and length."							

The Town of St. Lucie Village	Noise and Vibration	The Village is not satisfied that the generic analysis of vibration effects in the Draft EIS adequately addresses the long-term impacts of increased vibration on historic homes and structures in the Village, many of which are multi-story and well over 100 years old. Of particular concern is the potential that the dual-track railway has for greatly increasing freight traffic through the Village in the future and the vibration effects of the heavier, longer freight trains added to the frequent passage of passenger trains. The Final EIS should specifically address the secondary effect of increased freight traffic and the vibration effect on historic structures in the Village.	As described (pg. 5-51) in the FEIS; According to FRA, historic properties are categorized according to their current use. For example, a historic home is categorized as a Category 2 residential receptor and a historic museum is categorized as a Category 3 institutional receptor (FRA 2012d). Potential vibration impact resulting and structural damage has been assessed at all structures adjacent to the Project including those which are registered or eligible to be registered as historic.								
The Town of St. Lucie Village	Noise and Vibration	Noise of Train Passage. While we recognize that the AAF trains are lighter, quieter and pass through much faster, they still will constitute a significant increase in noise pollution for homes in close proximity to the tracks. This is particularly true in cooler seasons when residents leave their windows open. It appears there is little that can be done to mitigate this impact, other than move the north-south corridor to a more western location.	No response required.								
The Town of St. Lucie Village	Noise and Vibration	At subsection 7.2.4, in describing noise and vibration mitigation, the only specific mitigation is a commitment to the pole-mounted horns. There is a reference to quiet zones at the bottom of page 7-5; however, the note is that they are being considered by /(affected communities". AAF should be mitigating the consequences of its project, instead of placing the burden on the public and this should be addressed in the Final EIS. It is also of note, relative to specific impacts to this community, that there is no mitigation or commitment pertaining to the third track which is planned for the Village. This very definitely needs to be addressed in the Final EIS.	AAF has committed to the installation of wayside horns. As stated in the FEIS (pg. 5-149); as part of its infrastructure program, AAF has voluntarily assumed the cost of grade crossing safety improvements related to the introduction of passenger rail service. However, the State of Florida requires municipalities to fund the maintenance of grade crossing equipment within their jurisdictions. The noise impact assessment has determined that mitigation of horn noise by means of wayside horns or establishment of quiet zones is warranted and that no mitigation is required for noise or vibration effects associated with the third track.								
CARE FL	Operations	The analysis in the FEIS is based upon the entirely unrealistic assumption that the proposed system of 32 short fast passenger trains and 20 long slow freight trains each day, on 230 miles of track, over three bridges, through 8 counties and 10 cities in the most heavily and densely populated section of Florida will run with the precision of a Swiss watch. Even then, the project is only able to get the results it wishes and minimize the negative impact calculated by using a series of unrealistic and unwarranted assumptions as the entering arguments for their computer model. Even small changes in these assumptions to make them more grounded in the practicalities of day to day operations and greatly change the output of the model reflecting much greater negative impacts.	The impact assessment and methods of analysis presented in the FEIS are consistent with the level of analysis typically used by FRA in NEPA documents for rail corridors.								
City of Vero Beach	Parks	Page 4-148, In Table 4.4.6-2, Pocahontas Park is managed by Vero Beach, not Indian River County.	Comment noted.								
City of Vero Beach	Parks	Page 5-181, How will Pocahontas Park be affected? What will be done to prevent access to the tracks at this location?	Pocahontas Park, located immediately west of the FECR right-of-way in Vero Beach, would not be affected by the proposed project (see FEIS Chapter 6, Section 4(f) Determination). AAF has notified FRA that a hazard analysis, including an analysis of fencing, will be performed under the requirements and timeframes of the FRA system safety plan regulatory structure pursuant to 49 CFR 270.								
City of Vero Beach	Parks	Page 6-4, Table 6.4.1-1, Pocahontas Park is managed by Vero Beach, not Indian River County;	Comment noted.								
Indian River County, Florida; Martin County, Florida; and CARE FL	Public Health and Safety	6. Ownership Changes of Fortress and FECR Create Significant Environmental and Safety Uncertainties When the FEIS was issued in August 2015, Fortress Investment Group (Fortress) managed Florida East Coast Industries (FECI), parent company to AAF. Fortress also managed FECR, the freight railroad that owns the rail corridor on which AAF proposes to operate. In February 2017, Japanese company SoftBank Group (SoftBank) announced it would buy Fortress for about $3.3 billion. Subsequently, in March 2017, Mexican mining and railroad company Grupo Mexico announced it had agreed to buy FECR for $2.1 billion. Both deals have gone forward. ... The FEIS relies heavily on AAF to implement measures to mitigate the environmental and safety impacts of the Project, but those measures are described in the document only in the vaguest terms. Under such circumstances it is of utmost importance that FRA inquire carefully into the environmental and safety record of Grupo Mexico, include in an SEIS specific mitigation measures, and put into place the safeguards necessary to assure that such measures are implemented over the long term, in light of the results of that inquiry.	The recent change in ownereship of Florida East Coast Industries does not alter the mitigation commitments described in the FEIS and ROD. Any financial assistance to AAF will include the necessary safeguards to ensure that all required mitigation committments are met.								
CARE FL	Public Health and Safety	Stark differences in speed, stopping distance, length, contents, frequency of stops, and overall method of operation cause significant safety concerns and regularly bring passenger and freight rail operations into conflict across the country. The failure of the FEIS to address either safety or operational impacts of so heavily mixing these two disparate operations is inexcusable...the methodology that starts by assuming such a complex system with two types of widely different trains and functions will operate perfectly is wildly unrealistic, if not ridiculous. It shows a deliberate disregard of real-world practicalities.	As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. There are multiple rail corridors throughout the country that include different speed/stopping patterns/consist lengths, including the Northeast Corridor, which included freight operations and passenger rail travelling at speeds in excess of 100 MPH.								
City of Sebastian	Public Health and Safety	FRA recommends a Sealed Corridor at all at-grade crossings but the report states that AAF will not provide for a sealed corridor. If so, what happened to the fencing along Louisiana Street from Main Street to CR 512 where there is observed mid-block pedestrian crossings of the track?	In a letter dated June 4, 2014 to the Treasure Coast Regional Planning Council, Florida Secretary of Transportation Ananth Prasad, P.E., stated that AAF will be required “to comply with the Federal Railroad Administration’s guidelines for rail crossing safety as specified for higher speed passenger rail services” (See Grade Crossing Diagnostic Report Part 2). As a result of Secretary Prasad’s letter, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments where applicable along the entire AAF service route. AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings. The mid-block pedestrian crossing at this location is trespassing. AAF will replace/repair the fence at this location.								
City of Sebastian	Public Health and Safety	AAF will ensure where defined sidewalks exist with pedestrian gates. Does this include our proposed sidewalk projects at the railroad crossings of Barber Street, Schumann Drive and Main Street?	AAF will install pedestrian crossing gates at locations where there is an agreement for maintenance.								
City of Sebastian	Public Health and Safety	AAF will provide a Positive Train Control (PTC) system to enhance safety to comply with FRA 49 CFR part 229 Positive Control System Final Rule. Will it be tied into the County Signal System or possible signal pre-emption system?	As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. It is possible to tie the PTC system into the county's signal pre-emption system to enhance overall traffic flow. These details will be finalized in the final design of the project, including the specifications for the PTC system.								

Indian River County, Florida;	Public Health and Safety	In the nearly two years since the FEIS was completed, the Obama Administration ended and the Trump Administration began. This is significant because President Trump has used his Florida club and residence, Mar-a-Lago in Palm Beach County, as a site for both recreation and official business since taking office.Mar-a-Lago sits just across the Intracoastal Waterway from the FECR tracks, less than 7,000 feet from freight traffic. Up to 14 freight trains per day currently pass by, carrying dangerous and hazardous substances such as anhydrous ammonia and chlorine gas, and that number of freight trains is expected to increase to 20-28 (with trains also increasing in length and speed). The Fire Chief of Martin County recently conducted a new Railcar Chemical Release Vulnerability Study—similar to studies he has conducted at various intersections in Martin County—that demonstrates vulnerabilities that would result should a freight accident occur with one of these hazardous materials on board. See Attachment K. This study was conducted using standard software used in firehouses throughout the U.S., allowing fire chiefs to model scenarios based on the commodity, volume and climate conditions such as wind direction. The attached study shows potential chemical release plumes that place Mar-a-Lago in an imminent threat zone requiring evacuation due to life-threatening adverse health effects. This information was not relevant when the FEIS was completed in August 2015. As such, the FEIS should be reopened with this new safety and environmental risk in mind.	FRA acknowedges that Mar-a-Lago is 1.3 miles from the FECR freight line, and that FECR trains may carry hazardous materials. However, this situation is an existing condition and would occur in the future with or without the proposed AAF passenger service. As noted elsewhere, the implementation of a Positive Train Control system will improve safety along this corridor.						
Martin County	Public Health and Safety	The increased speed, frequency and number of trains, coupled with the grade crossings, creates multiple safety hazards as well as many other problems, such as additional disruptions to the local quality of life and to wildlife habitat. But rather than provide a balanced comparison of those adverse impacts to the alleged benefits of the Project, the FEIS again and again touts the alleged benefits while ignoring or minimizing the adverse impacts. For example, the FEIS proclaims that the Project will have a "beneficial effect" on safety based on the addition of positive train control, FEIS at 1-24, but simultaneously insists that it is not the FRA's role to examine the rate, frequency, location or severity of accidents that the new trains may cause. FEIS at 1-23.	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment.						
Martin County	Public Health and Safety	NEPA's regulations require federal agencies to consider impacts on "public safety" as part of their evaluation of whether a proposed action will have "significant" impacts. See 40 C.F.R. §1508.27. That means that the FRA should have taken a hard look at the Project's impacts on public safety as part of the FEIS. See City of Las Vegas, Nev. v. FAA, 570 F.3d 1109, 1115 (9th Cir. 2009) (based on the regulations, the FAA is "responsible for taking a 'hard look' at the project's effect on safety."). Indeed, the FRA's own NEPA procedures expressly require the FRA to address "public safety" in its environmental impact statements, and indicate that the FRA "should assess" the "level of protection afforded residents of the affected environmental from construction period and long-term operations" associated with proposed projects. See 64 Fed. Reg. 28545, 28555 (May 26, 1999). Despite those requirements, the FEIS fails entirely to take a "hard look" at the Project's safety impacts. To the contrary, the FRA proclaims that the Project will have a "beneficial effect" on safety, because it will involve the addition of new signaling equipment (or "positive train control") that is required for all passenger train service, but then insists that the agency has no obligation to predict the number, type, frequency or severity of accidents that the Project may cause. See FEIS at 1-24 & 1-23. That approach puts the cart before the horse and is entirely inconsistent with NEPA. Among many other problems, it means that neither federal agency decisionmakers nor the general public can assess the adequacy of any safety-related mitigation measures that may be required for the Project, because no serious effort has been made to anticipate the particular safety risks posed by the Project	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment.						
Martin County	Public Health and Safety	To be sure, the FEIS acknowledges that concerns about emergency vehicle response times have been raised, FEIS at 1-24 and 5-15, but suggests that "improved communication" "among" emergency responders during the Project construction period will have a beneficial effect on safety. Nothing is said about ensuring improved communication during the operation of the Project. And even with respect to improved communication during construction, the FEIS does not explain how communication will be improved or who will pay for the unspecified improvements. Thus, the FEIS nowhere grapples with the fundamental concern raised in the comments submitted to the FRA on the DEIS: How severely will emergency vehicle movement be hampered while the trains are running, and what can be done to mitigate the adverse impact that the new passenger trains will have on emergency vehicle movement?	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders **during both construction and operation**, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. Typical at-grade crossings (intersections of local roads with the FECR Corridor) would be closed an average of 54 times per day (3 times per hour), with average closure times ranging from 1.7 minutes (passenger) to 2.8 minutes (freight). The total average hourly closure would range from 4.2 minutes per hour to 4.5 minutes per hour, an increase of approximately 2 minutes per hour in comparison to the No-Action Alternative. Using a weighted average based on the total number of cycles per intersection, the average delay per auto would be 22.4 seconds. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.						
Martin County	Public Health and Safety	The FEIS implies that any emergency vehicle delays will be minimal because passenger train crossings will allegedly take less than one minute. See FEIS at 1-24 (emphasizing the amount of time it will allegedly take passenger trains to cross through intersections). But that misses the point. The issue is not how long the passenger trains take to cross each intersection, but rather how long it takes cars to clear the intersection. The FEIS indicates that motor vehicle delays caused by the passenger train crossings are expected to be (at least at some locations) significantly longer than 1 minute. See FEIS Appendix 3.3.5-C at 3-19 (predicting delays of up to 4.5 minutes per passenger train crossing at one Martin County intersection). The FEIS ignores the implications of those delays. It neither acknowledges the delays nor proposes any mitigation measures to address them. See FEIS at 7-4 (listing mitigation measures that will apply during the Project's operation). The FEIS also ignores the cumulative effect of delays from the new passenger trains and the ongoing freight service.	Typical at-grade crossings (intersections of local roads with the FECR Corridor) would be closed an average of 54 times per day (3 times per hour), with average closure times ranging from 1.7 minutes (passenger) to 2.8 minutes (freight). The total average hourly closure would range from 4.2 minutes per hour to 4.5 minutes per hour, an increase of approximately 2 minutes per hour in comparison to the No-Action Alternative. Using a weighted average based on the total number of cycles per intersection, the average delay per auto would be 22.4 seconds. Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders during both construction and operation, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. Improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.						
Martin County	Public Health and Safety	As documented in the comments submitted on the DEIS by CARE FL, emergency vehicle delays during the Project's operation (as opposed to its construction) are not some minor issue that can be passed off without consideration. The FRA has elsewhere warned that "[a]t-grade railroad crossings hinder emergency response times when trains block the crossings," and it should include such a warning here too. Even short ambulance delays can cost lives. As Dr. Michael Collins, the Medical Director for the Jupiter Medical Center's emergency department has publicly stated in relation to the Project: Sometimes eight seconds, fifteen seconds, thirty seconds is all we have to save a life in the emergency department. I'm very concerned about multiple trains going through our community, starting traffic jams that keep ambulances from getting to us. We get twenty percent of our patients via ambulance. We get almost all of Tequesta's ambulance patients, and the thought of them waiting behind multiple crossings during the day is worrisome to me. Well, you can say that ambulances can get through traffic jams because they have horns and sirens, but I'm also concerned about physicians that are trying to get to our hospital, obstetricians, surgeons, cardiologists, neurologists. Seconds do count in the world of critical care, and I feel that All Aboard Florida needs to address these issues to the public. They need to explain what their plan is to prevent communities from being cut off from their hospitals. In critical care times, seconds count.	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences. The total average hourly closure at each grade crossing would range from 4.2 minutes per hour to 4.5 minutes per hour, an increase of approximately 2 minutes per hour in comparison to the No-Action Alternative. Using a weighted average based on the total number of cycles per intersection, the average delay per auto would be 22.4 seconds, and would result in a minimal overall impact to traffic at grade crossings.						

Martin County	Public Health and Safety	The FEIS dismisses the need for an analysis of anticipated collisions as something that "is not a NEPA requirement." FEIS at 1-13. But although it is true that there is no specific statutory or regulatory provision requiring a collision analysis to be performed as part of an EIS, NEPA does require agencies to make reasonable predictions of what is likely to happen to safety. The FEIS nowhere explains why it is not appropriate to make those predictions at this time and the fact that such predictions may not be expressly required by a specific regulatory provision does not mean that the agency has taken a "hard look" at the issue of safety. Indeed, without such predictions, the agencies overseeing the Project have no way of assessing whether mitigation measures are necessary or adequate.	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. AAF has committed to a whole host of mitigation that will lessen the probability of these events, including: upgrades to grade crossing along the corridor based on a multi-faceted analysis of risk factors traffic volumes and train operation characteristics, implementation of a Positive Train Control system to lessen the chance of accidents, and a commitment to follow federal state and local regulations regarding the safe operation of railroad traffic. All of these elements show a commitment to minimizing potential safety issues associated with the construction and operation of passenger rail service along this line.							
Martin County	Public Health and Safety	CARE FL submitted extensive comments on this topic at the DEIS stage, which the FRA has largely ignored. The FRA also makes no mention of the safety analysis prepared by George Gavalla of Triad Railroad Consulting, LLC and submitted to the FRA on July 28, 2015 (the "Gavalla Report"). Martin County urges the FRA to revisit those materials and to revise its safety discussion to address the points made in both documents. See Ohio Valley Environmental Coalition v. U.S. Army Corps of Engineers, 2013 WL 1305732, * 11 (S.D. W.Va. March 28, 2013) (finding that Army Corps acted arbitrarily and capriciously when it failed to respond to comments that offered "extensive argument and factual information"). Mr. Gavalla is a former FRA Associate Administrator for Safety. The FEIS insists that AAF is developing a "hazard analysis" in advance of the start of train service "per federal regulations" and that the analysis will "identify collision hazards and will make an assessment of the potential frequency and severity of these incidents." But the FEIS fails to identify the specific regulatory provisions in question (other than referring to the totality of the FRA's regulations located at 49 CFR Parts 200-299) and in at least one place the FEIS appears to be referring to regulatory requirements that have merely been proposed, not to requirements that actually exist. See FEIS at 1-23 (referring to a "System Safety Program Plan" that AAF is expected to develop); 77 Fed. Reg. 55372 (Sept. 7, 2012) (proposing new regulations that would require some railroads to develop a System Safety Program plan). More importantly, a hazard analysis performed at some unspecified time in the future pursuant to unspecified regulations is not the same as a hazard analysis prepared in an EIS done to inform federal decision-makers and the public about potential safety risks and possible means of mitigating those risks. By delaying the hazard analysis to some unspecified time in the future, the FRA has avoided assessing safety hazards as part of its decision-making process and has deprived the public—and the Coast Guard—of the opportunity to evaluate the safety information. It has also ensured that any mitigation measures identified in the FEIS will be speculative at best—because the risks they are intended to mitigate have not been fully identified or described.	A Preliminary Hazard Analysis has not been completed. The FRA currently provides technical assistance to new passenger railroads for conducting a preliminary hazard analysis in the design phase. As the project progresses into the design phase, AAF will work with the FRA to conduct such an analysis and incorporate the results into the design of the corridor. AAF has worked with FRA and FDOT to examine and identify potential issues related to safety along this corridor, and to provide mitigation in the form of modifications to grade crossings and implementation of safety systems (such as Positive Train Control) along the corridor. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.							
Martin County	Public Health and Safety	Several facts illustrate that the Project will almost surely increase the risk of train collisions— collisions with cars, collisions with people and collisions with other trains. Those facts include, at a minimum, the following: The Project will retain 349 at-grade crossings, even though there is no genuine doubt that at-grade crossings are dangerous and present the "opportunity" for crashes. The Project will not merely retain the at-grade crossings, but will more than triple (from 14 to 52) the number of trains passing through those crossings each day, while also potentially nearly quadrupling (from 28.5 miles per hour to as much as 100 miles per hour) the speed of some of those trains. Pedestrian trespassing along certain parts of the Project's corridor is "epidemic." Frey March 2014 Field Report at 3. Yet AAF appears not to have committed to install measures designed to curtail such trespassing. Even assuming that the use of double-tracks and positive train control technology will help reduce the risk of collisions between passenger trains and freight trains, there are still times when freight and passenger trains will be sharing the same track – such as when going over one-track bridges on the St. Lucie River in Martin County. Regrettably, the FEIS contains almost no discussion of these facts, let alone an attempt to explain why these facts should not lead to outright rejection of the Project. Running passenger trains at speeds in excess of 79 miles per hour in the same right of way as slower stopping freight trains is a risk even if the FEIS fails to admit this. In Oregon, Union Pacific Railroad, the owner of a track sought to run high speed trains, has sounded the alarm about higher speed passenger trains and freight trains sharing the same right of way.9 The company stated that it will never allow speeds above 79 miles per hour on its tracks; anything faster would be far too dangerous. Simply put, the facts strongly suggest that there will be more frequent and more severe rail-related accidents under the Project than under the no-action alternative, and nowhere in the FEIS is evidence provided to the contrary.	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. AAF has committed to a whole host of mitigation that will lessen the probability of these events, including: upgrades to grade crossing along the corridor based on a multi-faceted analysis of risk factors traffic volumes and train operation characteristics, implementation of a Positive Train Control system to lessen the chance of accidents, and a commitment to follow federal state and local regulations regarding the safe operation of railroad traffic. All of these elements show a commitment to minimizing potential safety issues associated with the construction and operation of passenger rail service along this line. The 79 MPH speed limit on the Union Pacific RR relates to track class. The route in question is a Class 4 railroad, and has a maximum allowable operating speed of 79 MPH due to the physical characteristics and maintenance activities conducted on that line. AAF would be built to higher specifications, allowing higher speeds. There are only 170 highway-grade crossings in the corridor considered in this EIS, not 349. The remaining crossings were subject to a previous EA.							
Martin County	Public Health and Safety	The Gavalla Report emphasizes collision dangers: Highway-rail grade crossing risks are even greater on multi-track railroad lines where slower moving freight trains operate on tracks adjacent to the high speed passenger trains. On these mixed passenger and freight rail lines, there is the added risk that a passenger train will derail at high speeds and then collide with a freight train standing or moving on an adjacent track in what is known as a 'secondary collision'…Indeed the concern about the increased risk of highway rail grade crossing accidents resulting in deadly secondary collisions on multitrack railroad lines with freight operations is not just a theoretical concern. Just such an accident occur[ed] on January 26, 2005 in Glendale, California when a commuter passenger train collided with a motor vehicle that had become stuck at a highway-rail grade crossing. The passenger train derailed and then was struck by a passing train on another track. 11 passengers were killed and more than 100 people were injured. This deadly collision would most assuredly have been even worse had it involved a high speed passenger train rather than a commuter train.	As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. There are multiple rail corridors throughout the country that include different speed/stopping patterns/consist lengths, including the Northeast Corridor, which included freight operations and passenger rail travelling at speeds in excess of 100 MPH. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.							
Martin County	Public Health and Safety	Not once does the FEIS address the safety issues related to the many school buses that cross the tracks. Every single day of the school year, children board buses so that they can get to school, and those buses then traverse a route that often requires them to cross over railroad tracks.	The Grade Crossing Diagnostic Evaluation which was conducted for all grade crossings in the AAF corridor (On Site Engineering Field Report Part 1, dated March 20, 2014 and On-Site Engineering Field Report Part 2, dated July 18, 2014) considered this information when it was made available from local municipalities.							

Martin County	Public Health and Safety	There are 28 intersections in Martin County that intersect with the FECR tracks. These tracks run through some of the County's most congested areas. In May 2015, the County conducted a study titled Collection of Bicycle and Pedestrian Counts at FEC Rail Crossings. This study was submitted to the FRA on July 28, 2015, along with seven other AAF-related studies and data analyses. The study is attached to these comments as Exhibit G. For the bicycle and pedestrian study, the County examined four intersections—Bridge Road, Salerno Road, Indian Street and Jensen Beach Boulevard—all of which are the primary at-grade FECR crossings within the County's Community Redevelopment Areas (CRAs) that abut or are bisected by the railroad. These CRAs are areas of the County in which the poverty level and the percentage of those commuting via bicycle or walking are higher than County-wide averages. The County sought to examine the effects that rail traffic has on individuals and families who have to transit the tracks via alternative forms of transportation beyond standard automobiles. Some of these residents are on foot, some are on bicycles, some parents have children in tow, some are carrying groceries or other goods, some are commuting to work, some taking their children to school. Regardless of the particulars, these CRA residents and other citizens are accustomed to the current freight rail traffic, its frequency and, most importantly, its average speed of 32 miles per hour in Martin County. Should the AAF project and related increases in FECR freight rail move forward, the current experiences that these CRA pedestrians and bicyclists have in safely transiting the tracks will not have prepared them for the new high speed world they will face. Freight trains will be more frequent and longer, taking more time to fully clear the crossings and will travel at higher speeds than they do today. Further, adding 32 AAF passenger trains per day to travel through these crossings at much higher speeds than current freight traffic (at an average speed of 77 miles per hour in Martin County, according to the FEIS) will also add a new dimension to the crossings— leaving open the possibility that bicyclists and pedestrians could significantly misjudge the speed of an oncoming train when transiting the tracks. This drastic change will be true along any of the FECR/AAF crossings in Martin County, but will be particularly noticed at crossings such as the four that were studied within the County's CRAs, where the poverty levels are more pronounced and the percentage of residents walking or bicycling as their primary form of transportation is materially larger. Martin County produced important data at these four intersections and within the CRAs that demonstrate the frequency and demographics of those who will be encountering the increased rail traffic on a daily basis. Unfortunately, the discussion of bicycle and pedestrian safety in the FEIS is wholly inadequate. The FEIS' response to these bicycle and pedestrian safety concerns is inadequate. First, the FEIS incorrectly assumes there will be no significant impact on vehicular traffic conditions, and therefore no effect of bicycle and pedestrian traffic. Second, the FEIS on multiple occasions states that AAF will work with local municipalities with respect to the installation of pedestrian gates at grade crossings, but fails to indicate AAF has repeatedly taken the position that the affected committees will pay the maintenance fees to maintain the gates. Taken together, there is no recognition of safety risks to bicyclists and pedestrians, and no meaningful mitigation measures beyond AAF heaping the maintenance costs on the surrounding communities.	AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings. The FEIS included an evaluation of the impacts of the proposed project to minority and disadvantaged populations and found that there would be no disproportionate adverse impact to these groups.						
Martin County	Public Health and Safety	The implementation of a positive train control, or PTC, system is required by the Rail Safety Improvement Act of 2008 (for passenger trains), is designed to improve safety, and is expected to be interoperable between the AAF passenger trains and FECR freight trains. That said, it is simply not enough for the FRA to assume that the installation of a PTC system will automatically make the Project safer than the No-Action Alternative, without first taking a hard look at the above-referenced safety concerns. As a threshold matter, there is nothing in AAF's 90% plans that addresses PTC for Martin County. Rather, as noted in the Gavalla Report: "AAF did not provide any details nor did it provide even general schematics regarding its intended PTC system." Gavalla Report at 14. Thus, it appears that the promise of improved safety from the new PTC system is nothing but an assumption, not a reasonable conclusion that is based on a well-founded analysis. This is especially true given that the increased speed and frequency of trains under the Project may counteract any safety improvements offered by PTC.11 Indeed, the Project will not just increase train speed, it involves the introduction of a mix of train speeds—one set of speeds for freight trains and another for passenger trains. That creates the danger that motorists, emergency vehicles, bicyclists and pedestrians will significantly misjudge the speed of an oncoming train when transiting the tracks, or by following the vehicle in front which could be inadvertently stuck when traffic stops unexpectedly and the gates close.	As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. As a new technology, the details of the PTC system for the AAF Corridor have not been fully finalized, but will be developed as part of Final Design. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.						
Martin County	Public Health and Safety	A striking example of the FEIS's internal inconsistencies is found here: Page 7-4 of the FEIS directs readers to Section 5.4.4.2 for a list of "initial grade crossing safety enhancements" that AAF will implement. But that section nowhere mentions any such enhancements and instead refers the reader to "recommendations" identified in tables 3.3-8 through 3.3-12. Turning to tables 3.3-8 through 3.3-12 only deepens the mystery about what AAF is going to do, because those tables refer to "proposed improvements," not "recommendations," or "enhancements," let alone to actual commitments that AAF has made. In sum, the reader is never told what "initial grade crossing safety enhancements" are actually required as mitigation, let alone why the FRA believes those unidentified enhancements will be effective. That is not adequate under NEPA. See, e.g., Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372, 1381 (9th Cir. 1998) (criticizing agency for relying on "broad generalizations" and "vague references" rather than providing a detailed discussion of mitigation).	The "proposed improvements" are the changes listed and referred to in Tables 3.3-8 through 3.3-12, and Section 5.4.4.2. These changes are consistent with the improvements identified in both Diagnostic Evaluations conducted as part of this project (On Site Engineering Field Report Part 1, dated March 20, 2014 and On-Site Engineering Field Report Part 2, dated July 18, 2014). The FDOT Secretary of Transportation has instructed FEC/AAF "to comply with the Federal Railroad Administration's guidelines for rail crossing safety as specified for higher speed passenger rail services." As a result, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments (which are consistent with the recommendations listed in Tables 3.3-8 through 3.3-12) where applicable along the entire AAF service route.						
Martin County	Public Health and Safety	With respect to grade crossing improvements specifically, a series of emails from October 2014—after the release of the DEIS, and during the open comment period—between the FRA and AAF discuss the railroad's grade crossing commitments. First, the FRA requests more clarity on AAF's grade crossing commitments along the entire corridor, because "there seems to be some confusion on this topic." AAF then provides a statement via an attachment (which has not been produced to the public) and the FRA responds: I'm still not sure what AAF is committing to. The third paragraph with regard to phase 1 states that the diagnostic team recommended improvements at grade crossings but it doesn't say that AAF is committing to them. The fourth paragraph discussing WPB to Cocoa is even more opaque ('equipped with infrastructure elements satisfying the FRA Guidelines on High Speed Rail, which may consist of a combination of raised traffic separation and exit gates.') The last paragraph indicates that AAF will be implementing 'these and other recommendations', but overall there isn't much certainty here. Finally, there is no mention of wayside horns or any discussion of how any of these improvements relate to quiet zones. The FRA was right to express concern regarding AAF's reticence to be clear about its commitments to grade crossing improvements. That said, the FRA has failed to remedy the underlying problem in the FEIS. The FEIS nowhere explains what commitments AAF has actually made, raising the troubling prospect that the FRA caved into AAF's aggressive lobbying concerning the content of the FEIS. In all events, the failure to adequately identify the required mitigation measures is inconsistent with NEPA and requires that the FEIS be withdrawn and replaced with a new supplemental DEIS.	In a letter dated June 4, 2014 to the Treasure Coast Regional Planning Council, Florida Secretary of Transportation Ananth Prasad, P.E., stated that AAF will be required "to comply with the Federal Railroad Administration's guidelines for rail crossing safety as specified for higher speed passenger rail services" (See Grade Crossing Diagnostic Report Part 2). As a result of Secretary Prasad's letter, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments where applicable along the entire AAF service route.						

Martin County	Public Health and Safety	As detailed in the Gavalla Report, if the Project goes forward along the FECR corridor it must include many additional safety-related mitigation measures. At a minimum, it should include: (1) vehicle presence detection ("VPD") at every intersection; (2) remote health monitoring ("RHM") to ensure that the VPD system and other signaling components are functioning properly; and (3) very extensive public education and outreach to ensure that pedestrians, bicyclists and motorists understand not only that the number, frequency and speed of the trains is increasing dramatically, but also that the trains will be moving at mixed speeds, thereby minimizing the ability to predict how quickly any particular train is moving. None of those elements are currently required as mitigation. See FEIS Chapter 7 (listing required mitigation measures).	Vehicle Presence Detection with remote health monitoring would be installed at all locations (public and private crossings) where the trains are expected to operate between 80 - 110 MPH. This information has been included in Section 3.3.3.3. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.						
Micco Homeowner's Association	Public Health and Safety	AAF stated in their response to concerns about pedestrian, bicycle access as well as walking paths across the tracks they would develop a Hazard Analysis and System Safety Program Plan prior to the start of operations. Will local governments and residents be invited to comment on this process?	AAF will work with local governments in this process. AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings.						
Micco Homeowner's Association	Public Health and Safety	As shown in the original EIS Appendices, Transportation and Railroad Crossing Analysis AAF Passenger Rail Project from Cocoa to West Palm Beach, Florida AMEC Project No. 6063120212 – Table 4-1 (Page 4-4); AAF passenger trains will reach speeds up to 110 mph and over 79 mph at Micco Road (mile marker 209.23). This road crossing, as well as nearby Barefoot Blvd. (not a state road – mile marker 208.99), are recommended for three quadrant gates (see table 3.3-8 FEIS). The FEIS states on page 3-46 Alternatives that, "FRA recommends, "sealed corridor treatments" at all highway grade crossings where train speeds are expected to exceed 79 mph. Sealed corridor treatments, as described above, include four-quadrant gates, median separators, or other crossing devices to prevent vehicles from entering a grade crossing." Why aren't these two intersections earmarked for "sealed corridor" treatment and four quadrant gates?	The median separation provided by the landscaped median at Barefoot Boulevard negates the need for the installation of a four-quadrant gate. It would not be feasible to install four quadrant gates at Micco Road due to geometry issues.						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	Instead of analyzing the fundamental issue of public safety, the FEIS claims that public safety is not within NEPA's purview and relies almost entirely on AAF's assurances of future action to conclude that the Project would not cause safety hazards.	The EIS included an entire evaluation of Public Health and Safety pursuant to NEPA. This project is also subject to separate safety requirements based on regulations issued by the Federal Railroad Administration, which are separate from the NEPA process. It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	The FEIS includes no detailed analysis of the potential safety risks associated with the Project, or how such risks would be avoided or minimized. There is no substantive discussion of safety concerns that may be posed by the operation of 110 mph passenger trains along a right of way that is unfenced in many areas, and runs close by densely developed urban areas. Nor is there substantive discussion of risks that may be associated with running such high-speed passenger trains on an operational freight line, where one train is likely to pass behind a slower train several times a day. The FEIS is devoid of any detail on the risks posed to pedestrians crossing the right of way at both formal and informal grade crossings, even though one FRA official has reported that "[t]respassing is an epidemic along this corridor." See On Site Engineering Field Report-Part 1, All Aboard Florida dated March 20, 2014 (the "Field Engineering Report"), at p. 3. Indeed, one would not even know, reading the FEIS that 160 people have been killed on the FEC freight line over the last 10 years.	AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings.						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	The FEIS avoids presenting a detailed discussion of public safety concerns by asserting that it is a topic that need not be assessed under NEPA, and is to be addressed by FRA outside of the public eye. Thus, the document states that "[c]insistent with FRA safety requirements, which are not part of the NEPA process, AAF will develop a Hazard Analysis and System Safety [study] prior to the start of operations … The Hazard Analysis that AAF is developing in advance of the start of train service … will make an assessment of the potential frequency and severity of [ ] incidents. This is not a NEPA requirement." FEIS at 1-23; see also FEIS at 5-161. This statement reveals a profound misunderstanding of the obligations of a federal agency under NEPA. Where, as here, a project has the potential to result in significant impacts to public safety, such impacts must be thoroughly discussed and publicly aired in an EIS, so that the lead agency, informed by public comment, may identify alternatives, design elements and operational measures that would mitigate those risks. See 40 C.F.R. § 1508.27(b)(2) (requiring consideration in an EIS of "[t]he degree to which the proposed action affects public health or safety"). By shunting such a critical issue off to side-bar negotiations between AAF and FRA officials, the agency is denying the County and municipal entities the opportunity to provide input into federal decisions of profound local importance. It is also frustrating one of the primary purposes of NEPA: to inform agency decision-making with meaningful public comment.	The FEIS presented a complete and appropriate discussion of grade crossing and railroad safety issues, and identified the steps that AAF is required to complete before starting operations.						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	AAF apparently believes that the measures necessary to minimize the risks to public safety posed by this high speed rail project are not even a matter of federal regulation. According to one FRA official assigned to identify grade crossings where upgraded technology is needed to protect public safety, Project representatives in the first instance rejected his recommendations, reportedly indicating that "these are 'guidelines, not regulations,' … in which they are not obligated to incorporate any of the described crossing treatments." Field Engineering Report at p. 2. It appears from the FEIS that AAF now has agreed to incorporate the recommended grade crossing improvements under certain circumstances. Notwithstanding that apparent commitment, the FEIS is written to support AAF's position that it is under no regulatory obligation to do so. Thus, the document states that "AAF has voluntarily agreed" to implement such measures. FEIS at 3-22. However, there is a catch to that commitment: according to the FEIS, AAF will incorporate the recommended safety measures at vehicular crossings, but only "in conjunction with County and municipal execution of amendments to existing license agreements…." (emphasis added) FEIS at 3-45. The document does not elaborate on the nature or purpose of the amendments AAF is demanding.	In a letter dated June 4, 2014 to the Treasure Coast Regional Planning Council, Florida Secretary of Transportation Ananth Prasad, P.E., stated that AAF will be required "to comply with the Federal Railroad Administration's guidelines for rail crossing safety as specified for higher speed passenger rail services" (See Grade Crossing Diagnostic Report Part 2). As a result of Secretary Prasad's letter, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments where applicable along the entire AAF service route.						

The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	There is a caveat to AAF's commitment to install the gates required to keep pedestrians from entering grade crossings when a high speed train approaches: such safety devices will be installed only where "municipalities [have agreed] to maintain such gates" after they are installed. FEIS at 1-23. Thus, it appears from the FEIS that AAF views the measures identified by FRA as necessary to protect the public from the dangers created by high speed rail operations at grade crossings not as mitigation required under NEPA, but as purely voluntary Project benefits that it may either provide or withhold, depending upon whether localities accede to its contractual demands. Such a perspective is directly contrary to FRA's policy that "pedestrian treatments at vehicular crossings … are an essential safety element" because "highspeed passenger trains are difficult to detect visually and can be virtually silent until their arrival at any given location." FEIS App. 5.4.4 at 13. AAF's perspective on safety-related mitigation at crossings is not just evident in the language of the FEIS; it is also apparent from the work produced subsequent to the issuance of that document. Recently, after completing his review of the 90 percent drawings prepared by AAF for Martin County, FRA's safety engineer concluded: "In summary, unfortunately AAF failed to meet bare minimum safety requirements." See Frank Frey, Gen. Engineer-HSR, FRA, email to Terry Rauth, Deputy County Engineer, Martin County, sent August 28, 2015 (attached as Exhibit B).	In a letter dated June 4, 2014 to the Treasure Coast Regional Planning Council, Florida Secretary of Transportation Ananth Prasad, P.E., stated that AAF will be required "to comply with the Federal Railroad Administration's guidelines for rail crossing safety as specified for higher speed passenger rail services" (See Grade Crossing Diagnostic Report Part 2). As a result of Secretary Prasad's letter, the Project has since directed its signals consultants to incorporate all of the Sealed Corridor design treatments where applicable along the entire AAF service route.						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	With respect to areas outside of the formal grade crossings, the FEIS includes the general assurance that "the corridor will be fenced in locations where an FRA hazard analysis review determines that fencing is required for safety; this will be in populated areas where restricting access to the rail corridor is necessary for safety." FEIS at 3-44. The document also indicates that "AAF will conduct ROW [right of way] field surveys to observe, document and provide recommendations to minimize trespassing by employing fencing, warning signage, public outreach/information and other appropriate measures as required." Id. at 1-23. But no information is provided with respect to where fences would be installed; how and by whom such fencing decisions are to be made; whether municipal authorities and the public would have a voice in such decision-making; whether the fencing would be tamper resistant and designed to be consistent with community character; whether video monitoring also is to be deployed in high-traffic areas; or what other measures – like above-grade pedestrian walkways where necessary to maintain neighborhood continuity – would be put into place.	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. AAF has committed to a whole host of mitigation that will lessen the probability of these events, including: upgrades to grade crossing along the corridor based on a multi-faceted analysis of risk factors traffic volumes and train operation characteristics, implementation of a Positive Train Control system to lessen the chance of accidents, and a commitment to follow federal state and local regulations regarding the safe operation of railroad traffic. All of these elements show a commitment to minimizing potential safety issues associated with the construction and operation of passenger rail service along this line. The corridor will be fenced in locations where an FRA hazard analysis review determines that fencing is required for safety; this will be in populated areas where restricting access to the rail corridor is necessary for safety. Fencing will not be used in natural areas, where such fences could interfere with wildlife movement. Issues related to fencing design, materials, and installation will be developed as the design process continues.						
The Board of County Commissioners of Indian River County, Florida	Public Health and Safety	The FEIS waves away the serious safety concerns by stating that "[t]he Project would comply with all relevant health and safety regulations and would not adversely impact the public's health and safety." FEIS at 5-157. But unsupported generalities regarding regulatory compliance and future planning are no substitute for the careful analysis and public airing of potential impacts that NEPA demands. The FEIS is deficient because it does not identify and analyze potentially significant risks to public safety, and does not propose for public scrutiny a specific program of measures to minimize those risks.	It is impossible to predict the frequency, severity, or location of accidents, due to the numerous variables associated with such events. AAF has committed to a whole host of mitigation that will lessen the probability of these events, including: upgrades to grade crossing along the corridor based on a multi-faceted analysis of risk factors traffic volumes and train operation characteristics, implementation of a Positive Train Control system to lessen the chance of accidents, and a commitment to follow federal state and local regulations regarding the safe operation of railroad traffic. All of these elements show a commitment to minimizing potential safety issues associated with the construction and operation of passenger rail service along this line.						
The Town of St. Lucie Village	Public Health and Safety	Safety issues, including at-grade crossings, bicycle and pedestrian safety, trespasser issues, crossing delays and safety considerations for traffic on Old Dixie Highway are not adequately addressed.	In collaboration with FRA, Florida Department of Transportation, FEC, All Aboard Florida, and local city and county officials, an On Site Engineering Field Study (Grade Crossing Diagnostic) was conducted for all grade crossings in the AAF corridor (On Site Engineering Field Report Part 1, dated March 20, 2014 and On-Site Engineering Field Report Part 2, dated July 18, 2014). This Grade Crossing Diagnostic looked at engineering and operating characteristics and made recommendations for safety improvements as part of the AAF project. The Old Dixie Highway operates parallel to the FEC Railroad. AAF will work with local municipalities to ensure changes to grade crossings minimize any potential effect on this important road.						
The Town of St. Lucie Village	Public Health and Safety	Crossing Safety. The Village is very concerned that addition of 32 high-speed trains travelling at speeds of up to 110 mph will constitute a safety hazard at the six Village at-grade crossings. According to the Federal Railroad Administration (FRA) database, there have been 43 "crossing incidents" in the four counties between Cocoa and West Palm Beach and more than 30 trespasser fatalities over the past 15 years. While we recognize that the proposed safety improvements will offset some of the increased risk associated with more frequent and faster trains, we remain very concerned that electrical/mechanical malfunctions of the safety equipment, human error in operations, trespassers' determination to "beat the system", or driver/vehicle malfunctions will result in a much higher risk of accidents at crossings. All recommendations by the Federal Railroad Administration, including implementation of Vehicle Presence Detection systems, should be implemented. The risk of train derailment due to the mix of high-speed commuter trains with lower-speed freight trains, combined with the numerous at grade crossings, must be addressed in the Final EIS.	AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings. As part of the proposed project, a Positive Train Control (PTC) system will be implemented along the entire corridor. This system, which will include integrated command, control, communications, and information systems for controlling train movements that improve railroad safety by significantly reducing the probability of collisions between trains, casualties to roadway workers, and damage to equipment. Additionally, Vehicle Presence Detection with remote health monitoring would be installed at all locations (public and private crossings) where the trains are expected to operate between 80 - 110 MPH.						
The Town of St. Lucie Village	Public Health and Safety	Pedestrian and Bicycle Safety at Crossings. The FECR corridor bisects the Village throughout its 2.6-mile length. Residential lots are adjacent to the FECR corridor and Old Dixie Highway right-of way on either side, with the only notable exception being the 70-acre St. Lucie Village Heritage Preserve between Milton and Torpey Roads. There is pedestrian and bicycle traffic throughout this area. The safe passage of pedestrian and bicycle traffic through the crossings is not addressed in the Draft EIS. Of particular concern is the fact that the crossing streets at Old Dixie Highway are school bus stops, where school children of all ages are picked up and dropped off daily throughout the school year.	In collaboration with FRA, Florida Department of Transportation, FEC, All Aboard Florida, and local city and county officials, an On Site Engineering Field Study (Grade Crossing Diagnostic) was conducted for all grade crossings in the AAF corridor (On Site Engineering Field Report Part 1, dated March 20, 2014 and On-Site Engineering Field Report Part 2, dated July 18, 2014). This Grade Crossing Diagnostic looked at engineering and operating characteristics and made recommendations for safety improvements as part of the AAF project. This analysis included consideration of pedestrian and bicycle traffic.						
The Town of St. Lucie Village	Public Health and Safety	Trespasser Issues. The "Onsite Engineering Field Report - Part 1" noted that "Trespassing is epidemic along this corridor." The Village is no exception to this observation, as both local and itinerant pedestrian, bicycle and off-road sport vehicle traffic is commonly observed on or near the tracks within the Village. This is not addressed in the Draft EIS. If fencing or other barriers to restrict access are to be used to address the trespassing issue, maintenance and aesthetic issues associated with those barriers needs to be addressed in the Final EIS.	AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings. Fencing on the N-S Corridor would be upgraded based on existing public access locations and the potential for conflicts with the increased train frequency. Specific designs for fencing will be developed as the project advances.						
The Town of St. Lucie Village	Public Health and Safety	It is particularly disturbing that the Draft EIS contains no analysis of the impact of the third track on the Village. In fact, the EIS simply states that the triple track is going to be constructed and lists locations. That list doesn't even include St. Lucie County (although a third track is shown by Appendix 3.3-B4 to be in the Village which is in St. Lucie County). There is absolutely no analysis of the impact in this section; it is simply stated as a fact. Also, the third track is not addressed in Section 4.4.4, the section on existing and proposed conditions with respect to health and safety of the residents and communities. It is also not referenced in Section 5.4.4, the section on proposed conditions with respect to the health and safety of residents and communities.	In collaboration with FRA, Florida Department of Transportation, FEC, All Aboard Florida, and local city and county officials, an On Site Engineering Field Study (Grade Crossing Diagnostic) was conducted for all grade crossings in the AAF corridor (On Site Engineering Field Report Part 1, dated March 20, 2014 and On-Site Engineering Field Report Part 2, dated July 18, 2014), including the impact of a third track on operations and grade crossings. This Grade Crossing Diagnostic looked at engineering and operating characteristics and made recommendations for safety improvements as part of the AAF project.						
Lorec	Purpose and Need	My question is why would this be approved	No response required.						

The Town of St. Lucie Village	RRIF	Potential Non-local Tax Burden. The proposed $1.6 billion, federally-guaranteed Railroad Rehabilitation and Improvement Financing (RRIF) loan for the project has significant potential to put an added financial burden on U.S taxpayers. Passenger rail projects have consistently demonstrated an inability to fully pay debt service for the project from rider revenues. Relevant examples include the reported $58 million Tri-Rail loss on the Miami-to-Palm Beach route in 2013 and the $88 million Amtrak loss on the Miami-to-Orlando route in the same year. A detailed financial plan for the AAF project was not made available for public inspection, but it would seem like there is a significant potential for similar losses with the rail passenger aspect of the AAF project. Use of Private Activity Bonds (PABs) in conjunction with or in lieu of the RRIF loan would exempt the bond buyers from paying income tax on profits from the bonds, which would result in a loss of federal tax revenue in comparison with private financing alternatives for the project. The Government Accountability Office (GAO) should conduct a financial analysis of the AAF plan examining the potential risks and costs to taxpayers, the possible interest rates that would be appropriate for the RRIF loan, and whether or not private financing could be sustained for this project.	The FRA, in its review of the RRIF loan application, would conduct a financial analysis of the AAF application, taking into account the potential risks and costs to taxpapers. AAF has secured private financing for Phase 1 of the Project and is currently seeking private financing for Phase 2.							
Ruth Stanbridge on behalf of Indian River County Historical Society	Section 4(f)	Parks and Conservation Areas – Section 4 (f) and Section 6 (f): Under the review process, parks and conservation areas should be acknowledged and evaluated, but both the Draft EIS and the Final EIS failed to identify and discuss several properties that would fall into Section 4 (f) and Section 6 (f) and will be impacted by this proposed Project.	The FRA, in the FEIS and Section 106 documents, has identified all Section 4(f) properties that would experience a "use" as defined by Section 4(f).							
City of Sebastian	Transportation	The City has two County Road grade crossings within our proposed Quiet Zone corridor. They are County Road (CR) 512 Eastbound and Westbound. They were not listed in this final EIS report for any sealed corridor improvements or quadrant gates. The City is requesting inclusion of those crossings notwithstanding their one-way street classification.	The crossing at CR 512 would remain unchanged with the project.							
City of Sebastian	Transportation	Implementation of traffic Best Management Practice during the construction should also include coordination with the local agencies to minimize traffic impact along the parallel US 1 corridor at the grade crossing streets.	Any grade crossing closure will be evaluated with the input of the local municipality and be based on an evaluation of the overall traffic impacts. The total average hourly closure at each grade crossing would range from 4.2 minutes per hour to 4.5 minutes per hour, an increase of approximately 2 minutes per hour in comparison to the No-Action Alternative. Using a weighted average based on the total number of cycles per intersection, the average delay per auto would be 22.4 seconds, and would result in a minimal overall impact to traffic at grade crossings.							
City of Sebastian	Transportation	The technical report for Transportation and Railroad Crossing Analysis only reviewed two crossings in Indian River County. The report should have also reviewed the crossings in Sebastian at CR 512 East/West and Main Street since they are in close distance from US 1 and there is currently queuing of vehicles from these grade crossings into the intersections of US 1.	The grade crossing diagnostic reviewed all crossings and did not recommend improvements to CR 512 and Main Street. These grade crossings currently comply with FRA guidelines but the sidewalks are still under review. If the City of Sebastian agrees to sidewalks, the gates will also cross the sidewalks.							
City of Sebastian	Transportation	FRA recommends an independent consultant with extension experience of pre-emption and traffic signal timing operation as part of the crossing design and operations. Our City Engineer has over 25 years of traffic engineering experience working for two transportation consulting firms and he just completed an FOOT 04 Signal Timing in St Lucie County for all of US 1. He has extensive expertise in traffic signal timing and we offer his service in the design phase for our Sebastian crossings.	Comment Noted. The FRA will convey this information to AAF.							
City of Sebastian	Transportation	The technical report for At-Grade Crossing and Pole Mounted Horns did not list the at-grade crossing of Barber Street. Why not?	The noise analysis conducted for the Project did not identify Barber Street as a location where there would be severe noise impacts using train-mounted warning horns, and therefore pole-mounted horns are not warranted.							
City of Vero Beach	Transportation	Page 5-16, "As shown in Table 5.2.1-8, the diagnostic team review recommended that three local streets be closed for safety reasons." As stated previously, the City of Vero Beach has not agreed to any closures;	Comment noted.							
City of Vero Beach	Transportation	Page 5-160, In the At-Grade Crossing section, Appendix 5.4.4 and Tables 3.3-8 through 3.3-12 are referenced. No figures, tables or appendices were included;	Comment noted.							
Indian River Neighborhood Association	Transportation	The FEIS gives us information about the projected closure of 2 at-grade crossings in the City of Vero Beach. This threatens to place a major disruption to the historic road grid which provided for the City's downtown development and which remains essential. The planning of roads takes many years and any crossing closure requires careful coordination with the City of Vero Beach and the County's Metropolitan Planning Organization (MPO) to avoid massive disruption to vehicular travel in Vero Beach. Such coordination includes consideration of law enforcement, fire-rescue and other vital services.	Any grade crossing closure will be evaluated with the input of the local municipality and be based on an evaluation of the overall traffic impacts.							
Knox	Transportation	I noticed that the crossing at Pineda cswy wasn't included in the report in any capacity (no quiet zone or other consideration). Can you please explain why this main crossing was not included in the FRA?	The crossing at Pineda Causeway would remain unchanged with the project.							
Martin County	Transportation	The FEIS proclaims repeatedly, and accepts at face value, AAF's unrealistic assertion that the Project will remove a large number of cars from the Florida Turnpike and I-95, without devoting equivalent attention to the local traffic congestion problems that the Project will cause—and without any recognition that the Project would remove just as many cars from the road if it traversed the alternative routes rejected by the FEIS.	The CSX route, Florida Turnpike route, and I-95 route were all evaluated in the Level 1 alternatives screening process (Section 3.2.1). AAF evaluated alternatives under the primary screening criteria of meeting the purpose and need, feasibility to construct and operate, and impacts to the environment. Because AAF is a for-profit private enterprise, alternatives were evaluated primarily in the light of whether they could be constructed and operated in accordance with AAF's financial model. AAF selected the FECR Corridor as its preferred alternative because it meets the purpose and need while remaining feasible to construct and operate based on ridership and cost projections and potential environmental impacts. The FRA has reviewed AAF's analysis and validated the conclusions.							
Martin County	Transportation	The FEIS discussion of local traffic impacts is a prime example of the lack of balance in the FRA's approach to the Project's benefits and downsides. Although the FEIS recognizes that the Project will lead to increased local traffic congestion in Martin County, nowhere does it acknowledge the harms associated with that congestion, such as the economic harms documented in the economic study submitted to the FRA on July 28 by Martin County (and attached hereto as Exhibit E). The FEIS mentions the problem but displays no understanding of its significance.	In addition to calculating the delay at each of the identified crossings, the EIS determined the levels-of-service (LOS) at each crossing. LOS is an industry standard metric for the delay experienced by automobiles at an intersection and its values for signalized intersections range from LOS A (less than ten seconds of delay per vehicle) to LOS F (over 80 seconds of delay per vehicle). By 2016, the delay at each intersection would increase slightly, but only four of the 30 intersections would see their LOS decline from acceptable levels of service (A-D) to unacceptable levels of service (E or F) or see an increase in delay at an intersection that is already experiencing an unacceptable level of service (E or F). By 2036, the number of intersections with similar declines would increase from four to nine (out of 30 total). For the most part, these intersections with declines in LOS due to the Project in 2016 and 2036 would be operating at an unacceptable LOS without the project, and the effect of the Project at these locations would be minimal, and therefore there would be no economic harm.							

Martin County	Transportation	The FEIS improperly minimizes the local traffic problem, literally shoving it to the margins of the analysis. The FEIS repeats many times in the text that the new passenger trains will cross intersections more quickly than freight trains, but buries in its appendices the fact that despite those faster crossing times the passenger trains will still cause very extensive local traffic delays, in some cases as long as 4.5 minutes at a single intersection. Compare FEIS at 1-24 (emphasizing the amount of time it will allegedly take passenger trains to cross through intersections) with FEIS Appendix 3.3.5-C at 3-19 (predicting delays of up to 4.5 minutes per passenger train crossing at one Martin County intersection). That is not a balanced, or reasonable, approach.	The 239 second delay is the amount of time it takes a single train to pass through the intersection. Typical at-grade crossings (intersections of local roads with the FECR Corridor) would be closed an average of 54 times per day (3 times per hour), with average closure times ranging from 1.7 minutes (passenger) to 2.8 minutes (freight). The total average hourly closure would range from 4.2 minutes per hour to 4.5 minutes per hour, an increase of approximately 2 minutes per hour in comparison to the No-Action Alternative. Using a weighted average based on the total number of cycles per intersection, the average delay per auto would be 22.4 seconds.							
Martin County	Transportation	The Project will cause traffic delays at key intersections all along the North-South Corridor. See FEIS Appendix 3.3.5-C, Transportation and Railroad Crossing Analysis, Pages 3-16 to 3-26 (describing anticipated traffic queues and wait times). Yet the FEIS provides no discussion at all of how those delays may impact the ability of ambulances to reach hospitals or fire trucks to reach emergency sites.	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.							
Martin County	Transportation	The Gavalla Report discusses the importance of “storage space” at grade crossings. Also called “clear storage distance,” the report explains that storage space is important at highway-rail grade crossings where there is a nearby road running parallel to the track. When a motor vehicle crosses over and clears the track in a railroad crossing, (a distance six feet past the track) storage space is the amount of space that exists on the road before the motor vehicle reaches the next intersection. As Mr. Gavalla explains: The issue of insufficient storage space, noted above, is more than a theoretical concern. In 1995 at Fox River Grove, Illinois a commuter train collided with a school bus that was stopped on a highway-rail grade crossing because there was insufficient storage space for the volume traffic between the crossing and an intersection with a parallel street. Seven children were killed and more were injured.	The AAF project will ensure that all grade crossings, including the one at Old Dixie Highway in St. Lucie will conform to existing regulations (FRA, FDOT, MUTCD), which will include placing stop bars at locations outside of the grade-crossing area, to prevent vehicles from queueing on the grade crossing. Signal pre-emption will be installed at all locations where speeds are between 80-110 MPH, which will alert the train to vehicles on the tracks. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.							
Martin County	Transportation	Mr. Gavalla notes that if AAF constructs a second track, at least four crossings in Martin County will have almost no storage space, and that many other crossings will have no more than 23-30 feet of storage space. This is a particularly troubling scenario for school buses. In Martin County, approximately 190 occupied school buses travel through these grade crossings each school day, and these buses can be up to 40 feet long. It does not take a mathematician to see the potentially catastrophic impact that this lack of storage space could have on Martin County’s thousands of schoolchildren. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.	The AAF project will ensure that all grade crossings, including the one at Old Dixie Highway in St. Lucie will conform to existing regulations (FRA, FDOT, MUTCD), which will include placing stop bars at locations outside of the grade-crossing area, to prevent vehicles from queueing on the grade crossing. Signal pre-emption will be installed at all locations where speeds are between 80-110 MPH, which will alert the train to vehicles on the tracks. The comments included in the Gavalla Report will be addressed in the Final Engineering Diagnostic Evaluation.							
Martin County	Transportation	The Florida Department of Transportation (FDOT) and FECR are required to submit an “inventory form” for each crossing to the FRA that lists the crossing’s various characteristics, including the number of school buses that regularly traverse the crossing. Mr. Gavalla’s review of these inventory forms for each crossing in Martin County reveals zero school buses. “Thus, it appears that the safety of the approximately 190 occupied school buses and their approximately 1,800 crossings over the tracks each month in MC has not been adequately addressed by AAF.” Gavalla Report at 8. If other counties were asked, they could provide similar data. But FRA has not asked or inquired.	The improvements identified as part of the Grade Crossing Diagnostics were developed by a team of experts, including officials from Florida Department of Transportation (FDOT), FEC, All Aboard Florida (AAF); including local city and county officials at some locations.							
Martin County	Transportation	Martin County—in collaboration with Indian River County and St. Lucie County—retained a traffic engineer to study the effects of additional railroad crossings on vehicular delay, including time and fuel costs. The study—which was submitted to the FRA on July 28, 2015, and attached to these comments as Exhibit E—included ten railroad crossings affecting adjacent signalized intersections in the three Counties, including two crossings located in Martin County—South Colorado Avenue and SR-714 (SE Monterey Road). The study anticipated daily delays due to 32 new AAF passenger trains, with each closure lasting 120 seconds, and at least 20 longer freight trains. The traffic engineer applied the following rates to the anticipated delay to estimate the cost of delay—citizen time at $10 per hour and citizen cost of fuel consumption at $3 per gallon. Using the estimated time delays and fuel costs for the two Martin County crossings that were included in the report, the County then used that data to estimate total impacts on all 28 crossings in Martin County, using conservative estimates. Monterey Road carries the most traffic in the County, and if the anticipated delays at Colorado Ave are applied to the other 26 crossings, over $1 million of time and money will be lost annually. Specifically, the County found that the increases in AAF and freight rail closures would amount to 89,800 total delay hours annually, with $10 per hour costs equaling $898,000. With respect to fuel costs, the County estimated 44,900 additional fuel gallons related to the delays, at an annual cost of $134,600. Adding those two numbers together, estimated annual costs County-wide would be $1,032,800.	In addition to calculating the delay at each of the identified crossings, the EIS determined the levels-of-service (LOS) at each crossing. LOS is an industry standard metric for the delay experienced by automobiles at an intersection and its values for signalized intersections range from LOS A (less than ten seconds of delay per vehicle) to LOS F (over 80 seconds of delay per vehicle). By 2016, the delay at each intersection would increase slightly, but only four of the 30 intersections would see their LOS decline from acceptable levels of service (A-D) to unacceptable levels of service (E or F) or see an increase in delay at an intersection that is already experiencing an unacceptable level of service (E or F). By 2036, the number of intersections with similar declines would increase from four to nine (out of 30 total). For the most part, these intersections with declines in LOS due to the Project in 2016 and 2036 would be operating at an unacceptable LOS without the project, and the effect of the Project at these locations would be minimal.							
Micco Homeowner's Association	Transportation	Located at mile post 211.61, the Holly Street/Azalea Street road crossing, is not listed in Table 4.4.2-2 for improvements. The Space Coast Transportation Organization reports 895 vehicles per day traveling across the railroad at Holly/Azalea Street. Additionally, the Brevard County Public School District reports 6 school buses crossing each school day. Table 3.3-7 represents the speed of freight trains as 55 mph and passenger trains at 60 mph at mile post 212 the Sebastian River Bridge. Additionally, the installation of new track to the east of the existing rail will change the degree of curve currently found at the crossing possibly requiring a reconfiguration of the intersection. Concerned residents have no plans, drawing, permits or understanding of what to expect at the Holly/Azalea Street crossing and there is no information concerning road safety improvements planned at the crossing. This is unacceptable and FRA should require AAF to inform residents of their plans for the road crossing prior to	The crossing at Holly/Azalea Street would remain unchanged with the project. This was determined through a comprehensive diagnostic review of the design and overall traffic levels of the intersection as well as the proposed operating characteristics of the rail service.							
Quinn	Transportation	As a long time resident in Stuart Florida I am quite familiar with the traffic patterns of our community. Travel between the eastern section and the western sections of out community will be severely disrupted with the approval of this service. Grade crossings with inadequate safety devices combined with the seasonal volume of road traffic November through May annually will cause more than casual inconvenience. No one can predict the number and severity of accidents but it is all unnecessary if you just added one over pass crossing for vehicles at every 6 lane highway crossing. Thus emergency vehicles, school bus scheduled and commuters could be travel with much less daily delay>	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.							
The Town of St. Lucie Village	Transportation	Crossing Delays. Though the crossing time for the AAF trains should be shorter than that for the current freight trains, the more than three times increase in the number of trains passing through the Village will significantly increase the number of daily road closures at Village crossings. In addition to being a nuisance and potential safety hazard for residents entering and leaving their neighborhoods, it will cause much more frequent delays for emergency vehicles. Seconds count when responding to fires, health emergencies, or law enforcement issues, and this presents an increased risk to the health, safety, and property of residents east of the FECR corridor.	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.							

The Town of St. Lucie Village	Transportation	Old Dixie Highway Traffic Impacts. Constructing a second track west of the existing track will move the crossing gates west and will restrict or eliminate vehicle storage west of the crossing gates on the crossing streets, outside the travel lanes of Old Dixie Highway. This condition will require north-bound and south-bound traffic on Old Dixie Highway turning east into the side streets to stop in the travel lanes until the crossing gates are raised. Old Dixie Highway is a heavily-travelled road, used for local traffic and as an alternate to U.S.1 for traffic between Fort Pierce and Vero Beach. There are frequent vehicle accidents on Old Dixie Highway and increasing the occurrence of stopped vehicles in the travel lanes will increase the potential for accidents and degrade the level of service. This issue is not addressed in the Draft EIS. This impact is even more severe if the triple-track section remains in its current location, as discussed below.	AAF is responsible for ensuring that legal crossings along the corridor are safe and comply with existing regulations. AAF will work with Florida Operation Lifesaver, a statewide, non-profit public awareness and education program to ensure compliance with existing regulations regarding railroad crossings.							
The Town of St. Lucie Village	Transportation	The project as designed includes a third track beginning just north of St. Lucie Lane near the south end of the Village and extending about five miles throughout most of the Village and into Indian River County. AAF officials have indicated that the triple-track segment passes through nine at-grade crossings, four within the Village and five in northern St. Lucie and southern Indian River County. The stated purpose of this third track is to divert freight trains into a "center siding" to allow the faster AAF passenger trains to pass. While AAF personnel have stated that the intention is for the freight trains to maintain as much speed as possible as they are diverted through the siding and move them out of the siding as quickly as possible, they did state in meetings with Village officials that they could not rule out very slow passages through the siding, or even an occasional stopped freight train in the siding. This presents a huge problem for the Village. The northern four of the six grade crossings in the Village fall within this five-mile triple track section and the two southern ones will be impacted to a lesser extent by freight trains slowing down to enter the siding, or getting up to speed to exit the siding. The three northernmost Village crossings are the only points of access into those neighborhoods from Old Dixie Highway, as shown in Exhibits 2A, 2B and 2C. Extended delays at these crossings are bound to happen and they will present life safety issues, in addition to nuisance delays for residents. Emergency fire/rescue and law enforcement vehicles may face unacceptably long delays for a very slow or stopped train, losing valuable time to respond to a medical emergency, fire, or law enforcement emergency where delays could result in loss of life or property.	Upgrades to road-crossings will be coordinated with and/or communicated to local emergency responders, as activations at the road crossings are expected to be more frequent with the increased frequency of train traffic. However, the delays are also expected to be minimal, as the passenger trains should clear a typical crossing in less than a minute. This improved communication with emergency responders will have an overall beneficial effect on minimizing potential conflicts and their consequences.							
The Town of St. Lucie Village	Transportation	In our review of the Draft EIS, the Draft EIS appendices, and 30% crossing plans, we have not found definitive design information on the turnouts and crossovers that will be used to enter and leave the center siding. Based on the drawing in Appendix 3.3-B4, they do not appear to be designed for high entry and exit speeds. The Final EIS should address the design speed for these transitions to the center siding.	This information will be updated as the design of the project progresses. 90% Design plans have been submitted to the county.							
The Town of St. Lucie Village	Transportation	The third set of tracks will require placement of the crossing gates even further to the west than at the dual-track crossings, practically eliminating all vehicle storage in the crossing streets when the gates are down. This will force all north and south-bound traffic on Old Dixie Highway that intends to turn east onto the side streets to stop in the travel lanes until the gates are raised, possibly for an extended period when a freight train is passing very slowly through the siding or even stopped. Old Dixie Highway is a heavily-travelled county road that in addition to handling local traffic, functions as a frequently-use alternative to U.S.1 for traffic between Fort Pierce and Vero Beach. There have been many accidents on this road within the Village over the years. Having traffic stopped in both travel lanes on a regular basis, even if for a short time when the center siding is not being used, will create an unsafe condition and degraded level of service for this road.	The AAF project will ensure that all grade crossings, including the one at Old Dixie Highway in St. Lucie will conform to existing regulations (FRA, FDOT, MUTCD), which will include placing stop bars at locations outside of the grade-crossing area, to prevent vehicles from queueing on the grade crossing. Signal pre-emption will be installed at all locations where speeds are between 80-110 MPH, which will alert the train to vehicles on the tracks.							
The Town of St. Lucie Village	Transportation	The third track is not even considered in the Draft EIS analysis of traffic delays along the N-S Corridor at pages 5-11 through 5-13.	The traffic analysis included in pages 5-11 to 5-13 is based on input from the operational model used to evaluate freight and passenger speeds, which included the third track as part of its assumptions.							
City of Vero Beach	Water Resources	Page 4-59, The Floridian Aquifer is the major source of potable water in Indian River County;	Comment noted.							
Martin County	Wetlands	Table 7.2-2, for example, says: "To compensate for impacts to wetlands under the jurisdiction of the State of Florida AA proposes:" FEIS at 7-4. There is no text after the colon; the table is just blank there. Thus, there is no proposal to address wetlands impacts, let alone a commitment to do so. This could be the result of terrible drafting by the FRA, or it could mean exactly what it appears to mean: AAF is proposing to do absolutely nothing about impacts to wetlands that are subject to Florida's jurisdiction. Either way, the FEIS discussion of wetlands mitigation is unclear and does not comply with NEPA. In a similar vein, Section 7.2.7 Wetlands, on page 7-11, only describes mitigation measures proposed for federal jurisdictional waters and wetlands (namely, purchasing mitigation bank credits); there is no discussion of mitigation for wetlands under the State's jurisdiction. The proposals are also inadequate because no federal mitigation banks are located within Martin County. If those proposals are all that is done, Martin County will not be compensated for the harmful wetlands-related impacts of the Project.	As stated in Section 4.3.3.1, the FEIS assumes a preliminary jurisdictional determination and treats all waters and wetlands, which would be affected in any way by the proposed activity as if they are jurisdictional waters of the United States. Therefore, for the purposes of the FEIS, separate proposed mitigation for statewide wetlands is not identified. As described in the consistency review in Table 5.2.5-1, impacts to state wetlands would be mitigated through the implementation of standard construction BMPs as well as the acquisition and/or restoration of wetland habitats as required by State and Federal permits. Commitments for mitigation, although proposed and outlined in the FEIS, are in fact provided by the Record of Decision (ROD). FRA anticipates refinement of mitigation measures with Florida state jurisdictional agencies as the project progresses.							
Martin County	Wetlands	The FEIS's "leave-the-readers-guessing" approach is exemplified by the discussion of each potential route's impacts on wetlands. First, the FEIS is internally inconsistent about how wetlands were counted. Compare FEIS at 3-6 (stating that wetlands were evaluated within a 300-foot corridor centered on the track) with FEIS at 3-12 (stating that wetlands were evaluated within 100-feet of the track). Second, the FEIS introduces a new number for the FECR route (188 impacted acres, as opposed to 134 acres mentioned the DEIS) without explaining how either figure was derived. Finally, as with the DEIS, the FEIS focuses on the abstract number of wetlands impacts without adequately characterizing the boundaries of potential disturbances. All of these problems are discussed in the Passarella Report, with respect to the DEIS, and they have not been corrected in the FEIS.	The methods used to estimate wetland impacts were refined as each alternative was advanced to the next stage of study; the refinements resulted to slightly different wetland impact estimations at each stage. he estimated wetland impacts for the FEIS were based on more advanced engineering design, and are more precise wherever possible. The areas and limits of wetland alteration were provided to the USACE as part of the Section 404 permit application. The wetland delineations and the functional values of potentially impacted wetlands, and therefore the amount and type of mitigation, will be established by the state and federal resource agencies through the state and federal permit review process.							
U.S. Environmental Protection Agency	Wetlands	Impacts should be avoided to the maximum extent feasible, and unavoidable impacts should be fully mitigated.	As documented in the FEIS, impacts have been avoided to the maximum extent feasible and unavoidable impacts will be fully mitigated.							
U.S. Environmental Protection Agency	Wetlands	Alternative E, the Preferred Alternative, would have higher wetland losses (188 acres) based on updated wetland delineation data along the East-West Corridor segment. It is not clear why this data (188 acres) was not used throughout the FEIS and should be fully addressed in the Record of Decision.	The Record of Decision will fully address the impacts associated with the Preferred Alternative and the reason that Alternative E was selected as the Preferred Alternative.							
U.S. Environmental Protection Agency	Wetlands	The FEIS does not include an environmental evaluation (i.e., Uniform Mitigation Assessment Method) to determine the lost wetland functions and values of each proposed alternative. This information is a vital tool in evaluating each alternative, and in determining the preferred alternative based on the lost wetland functions and values of each alternative. Without this information, the mitigation costs associated with each alternative are unclear: these costs should also have been considered in the process of selecting the Preferred Alternative.	AAF prepared an environmental evaluation (Uniform Mitigation Assessment Method) as part of its applications for state Environmental Resource Permits and Section 404 Permit. During its evaluation of alternatives, AAF did not find that there was a substantive difference in mitigation costs between alternatives and this was not a factor in its decision.							
U.S. Environmental Protection Agency	Wetlands	Table 7.2-2 (page 7-4) of the FEIS does not identify all potential federally approved mitigation banks that may be used to offset project impacts.	At the time that the FEIS was completed, federally-approved mitigation banks had not been identified for the proposed project. AAF subsequently submitted a Section 404 permit application to the USACE in which it identified the specific mitigation banks for wetland impacts in each watershed and jurisdiction. The specific details of the wetland mitigation are properly addressed through the permitting phase of the project.							

Martin County	Wildlife	The FEIS is silent about the mitigation measures that could, or should, be used to address: (i) habitat fragmentation and barriers; (ii) state and federal park encroachment, (ii) harms to other listed plant and wildlife species; and (iv) harms to preferred habitat (such as pasture for caracara nesting). Indeed, while the FEIS discusses the need to mitigate harm to wildlife along the E-W Corridor, it fails to propose any such mitigation measures (such as wildlife crossings) along the N-S Corridor. New wildlife crossings for the N-S Corridor should be considered given that the Project will dramatically change the nature of train traffic in that corridor: It will spread it out over two tracks, increase the frequency of the trains and increase the speed of the trains. All of those changes will increase the likelihood of collisions with wildlife. AAF should commit to performing a proper analysis, with proper collection of accurate data including actual field observations, for all environmental impacts, and should assess the adequate amount of mitigation necessary to offset the varied impacts whether direct, indirect, or cumulative.	Comments regarding habitat fragmentation (wildlife crossings) and the natural environment are addressed in Section 1.7.6 of the FEIS. Proposed mitigation for potential wildlife impacts is detailed in Tables 7.2-1 and 7.2-2.							
		The Gifford Bones Site (FMSF#8IR07 and FMSF#8IR08) is also considered a “paleo” site and is well known by the local archaeological community. The location of this site is along the drainage basin of the Houston Creek/North Relief Canal (FMSF#8IR1498). It also extends to the west under Old Dixie Highway and the FEC Railway and to the east under U.S. 1. Like the Vero Man Site, the Gifford Bones Site may extend further north and south from the original location indicated in the Florida Master Site File. Recent attention at this Site has produced a recommendation that monitoring should be continued along the North Relief Canal in all directions. This site may also be a parallel site to the Vero Man located several miles to the south. Both the Gifford Bones Site and the Campbell Site were disregarded and dismissed in the Final EIS by a statement (page 4-138) that reads, “Two additional sites reported by DEIS commenters in Indian River County, the San Sebastian River Bridge (8IR2) and the North River Canal (8IR8), are listed in the FMSF as having undetermined locations, and thus could not be considered for this study.” By the way - It is the North Relief Canal – not the North River Canal!	Gifford Bones site #8IR8 is on file with the FMSF as a lithic scatter, with a note that the location is unknown and not able to be mapped (Memo on file with FMSF, dated 12/11/1995). The FMSF indicates that the closest portion of the Gifford Bones Site #8IR7 is located on the east side of Old Dixie Highway, which is located to the east of the railroad ROW. The site is separated from the APE by a roadway ROW. Although recent investigation of this site by Janus Research did not expand the portion of the site located between Old Dixie Highway and US1 outside of the limits indicated in the FMSF, this site is included in the AM/UDP stipulated in the PA to address any unanticipated effects to this site. Correction to name of canal is acknowledged.							
		The process followed by FRA – where consulting parties were excluded from the consultation until a draft decision document had been prepared, and where comments were requested at the last minute and then summarily rejected – complies with neither the letter nor the spirit of the NHPA Regulations. Indeed, the County understands that on July 30, 2015 – six days after FRA submitted the Final Determination of Effects (the “Final Determination”) to the Florida State Historic Preservation Office (“FSHPO”) and just days before the FEIS was released, a telephone conference was convened between the Advisory Council and FRA to “clarify how FRA will coordinate with the consulting parties to identify and evaluate historic properties and to assess the effects of the AAF project on historic properties.” See letter dated August 11, 2015 from Charlene Vaughn to Michael Johnsen (emphasis added). Certainly, the issuance of an FEIS and final determinations under Section 106 and Section 4(f) are wholly improper before consultation aimed at identifying historic resources, and assessing the impacts of the Project on those resources, had been completed.	FRA held public meetings in each of the eight counties along the corridor, during which the Section 106 process and impacts to historic resources were presented. Ken Hardin of Janus Research attended public meetings at many different locations along the project route. Comments from the general public and government agencies were invited and encouraged; many comments were submitted by many members of the general public and agencies, including both Indian River County and the FL SHPO, on the DEIS. The FEIS was revised to include and address many of these comments regarding cultural resources. to provide comments and input. Consultation resulted in changes to the project alignment, the effects determination, and additional stipulations to the draft PA to address concerns of the consulting parties. In addition, FRA held a consulting parties meeting on October 19, 2015 to solicit addition comments on affected properties, the PA, DOE and archaeological monitoring plan. Section 106 consultation can occur during the NEPA process, which is not concluded until the issuance of a ROD.							