

RESOLUTION NO. 13-14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REQUESTING FEDERAL FUNDING IN THE FORM OF A TRANSPORTATION INVESTMENTS GENERATING ECONOMIC RECOVERY (TIGER) GRANT FOR THE IMPROVEMENTS TO QUIET ZONES AT THE MUNICIPAL RAILROAD CROSSINGS LOCATED WITHIN THE FEC RAIL CORRIDOR TO PROVIDE A SAFE AREA WHERE TRAIN HORNS ARE NOT ROUTINELY SOUNDED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the FEC rail corridor is a linear rail corridor connecting historic mixed-use downtowns along Florida's east coast; and

WHEREAS, rail/roadway grade crossings occur throughout the historic downtowns along Florida's east coast;

WHEREAS, railroads are vital for commerce, but they can also create high noise levels from passing train horns; and

WHEREAS, the expansion of intermodal facilities such as Port Miami, Port Everglades and the Port of Palm Beach will enhance the ability to increase and process freight, expanding economic activity in South Florida; and

WHEREAS, these freight improvements are projected to increase the intensity of freight trains traversing the FEC corridor, both in number and size; and

WHEREAS, the installation of additional safety infrastructure and multi-modal connectivity at grade crossings will reduce neighborhood impacts from freight and improve the economic vitality of historic mixed-use downtowns;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The City Commission of the City of Delray Beach hereby formally supports Palm Beach Metropolitan Planning Organization's efforts to secure Federal funding in the form of a Transportation Investments Generating Economic Recovery (TIGER) grant for quiet zone improvements to provide a safe area where train horns are not routinely sounded.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 1st day of April, 2014.

ATTEST:


City Clerk


MAYOR

All Aboard Florida Update

DATE: March 11, 2014

SUBJECT: Status update for All Aboard Florida (“AAF”)

This update is intended to give a status of various aspects of the All Aboard Florida’s intercity passenger rail project (“Project”) including committee status, TIGER grant meeting and diagnostic review summary.

The diagnostic field reviews were held in Palm Beach County (PBC) from February 21st to the 27th. Various local representatives were present off and on throughout the review as well as representatives from the Federal Railroad Administration (FRA), Florida Department of Transportation (FDOT) and All Aboard Florida (AAF). Below is a brief summary of the diagnostic field review:

1. Tom Drake with the FRA is responsible for review of Quiet Zones. He informed me that he had heard that PBC was hoping for a county wide Quiet Zone. He believes this is a good approach and has indicated that he is willing to help us in working on our options. He has stated that he wants one person as a point of contact and does not intend on conversing individually with each community.
2. Tom Drake also brought up the consideration that as a part of the FONSI for Miami to West Palm Beach, AAF is committed to instituting the use of stationary wayside horns at the grade crossings where severe, unmitigated impacts are identified. I am checking on where these locations actually exist within our county.
3. When confronted, AAF stated that they are only paying for the “safety improvement” costs. They would not commit to paying for underground utilities and drainage impacted from the addition of their tracks. Statements regarding this are included in the draft agreement we are preparing.
4. There are numerous locations where it has been identified to revise their plans to include co-habitation of traffic signals with the railroad warning lights due to the close proximity of Old Dixie Highway. These locations were not identified on the 30% plans. AAF will revise their plans so as to identify these locations after which time I will set up meeting between AAF and PBC Traffic Division to discuss the details.
5. The representative from the FRA out of Washington DC, Frank Frey, was not comfortable with AAF proposed design for crossings north of 36th Street in West Palm Beach where the speeds of the train increase to potentially 110 mph. Mr. Frey felt that the crossings needed to include medians or quad gates in order to comply with current FRA federal standards. Changes will be made to the plans to reflect his comments. Mr. Frey’s office will review and must approve the proposed improvements to the rail system.

6. Originally AAF planned on moving their plans straight from 30% to 90% but based on changes required by the FRA Washington DC representative they are going to do an interim 65% set of plans showing his changes and the changes from the field diagnostics.
7. AAF's consultant, URS, requested CAD files of the proposed improvements at Toney Penna crossing. It was their belief that some minor modifications would make it such that none of what we would put in would be wasted. Files have been sent to URS and I have requested they keep me informed on any proposed changes and what those changes would do to the current construction cost estimate.
8. A complete set of 30% plans, rail safety improvement plans and civil plans, for all crossings within PBC were provided to me. AAF has stated that they will get me an electronic version as well.

There are two committees in existence for PBC to coordinate efforts regarding AAF; the Technical Committee (TC) and the Legal Committee (LC). The TC is trying to coordinate and standardize various technical aspects of the AAF project including crossing impacts due to the additional rail and issues related to Quiet Zones. The LC is developing a standard framework for agreements with the FECR and AAF to address responsibilities for funds, design and construction.

Marlene Everett and I have been working on a boilerplate agreement for the LC. A draft was given to the members of the LC committee. We have reviewed and incorporated their comments. We will be customizing the agreement and sending it for internal review in the next couple of weeks.

The LC has had discussions via telephone with attorneys for AAF and Florida East Coast Railway (FECR) on February 6, 2014 to clarify various issues involving the Project and to discuss revisions to the proposed agreement sent out by AAF on December 26, 2013.

Below is a brief summary of some of the questions asked of AAF/FECR attorneys and their responses:

- 1.) What other jurisdictions have entered into these agreements or similar agreements?

Response: AAF/FECR have made modifications to other agreements. They are providing a list of jurisdictions that have reached agreements. As yet, none of the agreements have been approved by the respective local governing bodies.

- 2.) Are all of the following included in the initial development costs: tracks, crossing surface (crossing pad), warning devices (fixed signs, flashing lights, bells, gates, etc.), traffic signal devices, railroad signalization equipment, lighting, drainage improvements, paving, curbs, medians, sidewalks, pedestrian controls?

Response: AAF/FECR will pay for all costs associated with the installation of the second track and any signalization equipment that will be required in excess of

what currently exists. At the time that they are installing the new track they will look to see if the current track needs replacement if so, they will also replace it at the same time, however, the municipality will be billed for that replacement cost.

- 3.) Will the existing track be replaced so that when it comes time to refurbish the crossings, both tracks will be done at the same time?

Response: No. Existing tracks at crossings will not be upgraded, replaced or repaired unless it is determined that it currently needs replaced. Any repairs to existing crossings will not be paid by AAF/FECR and will be the obligation of the Municipality as provided in the existing agreements. Drainage may be impacted but will be addressed upon installation; however, they also stated that there are no plans to change the elevation.

At the diagnostic field meetings AAF was reticent to agree that they will be paying for underground structures including existing drainage and utilities.

- 4.) The LC asked about the procedure for the planned initial development costs and the plans to see if plans for each crossing could be added to the agreement.

Response: No. However, plans are not expected to be completed prior to the signing of the agreements. AAF/FECR agreed to provide the cities with future cost estimates for any future crossing replacements (unrelated to the Project) earlier in the year for budgeting purposes.

- 5.) Do the initial development costs include improvements outside of the ROW?

Response: AAF/FECR do not anticipate many elevation changes or other impacts to drainage. If they do, they will provide such information and perform and pay for work outside the ROW as required.

- 6.) Will addition of a high speed rail require additional maintenance fees?

Response: AAF/FECR anticipate an increase of \$400-\$800 per crossing. Further, AAF/FECR assert that there is no real increase in the wear and tear on crossings from increase in number of trains and increase in the speed (although inspections will increase to daily inspections) and will not require the replacement of the crossings on a more frequent basis which is currently approximately every 10 years.

- 7.) Who will own and maintain the tracks once the new tracks are installed by AAF?

Response: The new tracks will be owned by AAF. AAF has a joint use agreement with FECR where FECR will be responsible for repair and maintenance under their agreement which will fall back onto our current agreements.

- 8.) Can you construct the crossings now to accommodate quiet zone protection, or make them more conducive to add quiet zone protection at a later date, if the city wants to install it at a later date, if so, will that be an increase in cost and do you have an estimate?

Response: FECR stated that Quiet Zone improvements can be done at the same time so that it will be cheaper and with less disruption. Any supplemental safety measures will not be paid for by FECR/AAF, however, they will coordinate and cooperate with us.

A meeting was held March 10, 2014 between the Broward County MPO, Palm Beach County MPO, and representatives of various Municipalities within Palm Beach and Broward counties to discuss the preparation of a TIGER Grant application.

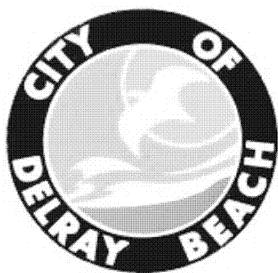
The following was discussed:

1. TIGER Grant application is due April 28, 2014.
2. Application is for the capital improvements required in addition to the AAF project to establish Quiet Zones and will encompass all of Palm Beach County and Broward County.
3. A consultant with experience with TIGER Grants and working with Broward County has been hired by the two MPO's to prepare and submit the grant application.
4. Nick Uhren has estimated that it would take \$17.9 million for PBC and \$11.6 million for Broward to upgrade all of the crossings to quad gates, totaling \$29.5 million. This is to enhance the crossings from what the initial plans from AAF are not to upgrade the crossings to Quiet Zones from their current configuration. The MPO's plan on contributing \$8.9 million. The grant request would be for \$20.6 million.
5. AAF confirmed that they will support the TIGER Grant application. They also indicated that they were not opposed to the grant including their costs for the system and listing their costs as a portion of the "match" amount provided by private funding for the grant application.
6. AAF confirmed that they will be stating construction sometime this year.
7. Grant needs to have unique elements and include improvements to transportation choices, service and access. **The MPO's have asked that each community look at their crossings and see if there are currently any plans for new sidewalks or multi-use pathways. Also if there are any locations that MAY be a desired location should the funding become available.** This information is to be provided to the MPO.
8. **Letters of support and Resolutions are an essential part of the application and need to be completed by April 12. Letters are needed from local governments, schools, organizations, communities, etc.** Sample letters and resolutions will be distributed by

Treasure Coast Regional Planning Council, League of Cities and the MPO's. Kim Delaney will serve as point of contact for Letters of Support.

9. Kim is going to contact Fred Wise to see if FDOT can give any of the \$11 million they have for rail safety each as part of the match.
10. Determination of who exactly will be the applicant and would therefore receive the funds should the grant be accepted. Initial speculation is to have the official applicant be FDOT.

Prepared by: Kristine Frazell-Smith, P.E.



MEMORANDUM

TO: Mayor and City Commissioners

FROM: Randal L. Krejcarek, P.E., LEED AP, GISP

THROUGH: Louie Chapman, City Manager

DATE: March 21, 2014

SUBJECT: **AGENDA ITEM 8.L - REGULAR COMMISSION MEETING OF APRIL 1, 2014**
RESOLUTION NO. 13-14

BACKGROUND

The Palm Beach and Broward MPO's are planning to file a joint Transportation Investment Generating Economic Recovery (TIGER) Grant with the US Department of Transportation for funding to implement secondary safety measures (SSM's) at all FEC at grade crossings within Palm Beach and Broward Counties. SSM's are a requirement for the establishment of quiet zones along this corridor. If this grant is not received, and the municipalities still request quiet zones, the cost of implementing the required SSM's will fall on the individual municipalities. Delray Beach has 12 FEC crossings, eleven of which are on city maintained streets. Linton Boulevard is a County maintained street. Preliminary estimates to implement the required SSM's to create a quiet zone throughout Delray Beach are between \$3,000,000 and \$3,500,000.

Attached is the resolution, letter of support to the Secretary of Transportation, minutes for the TIGER Grant application kickoff meeting and a memo providing an AAF status update.

RECOMMENDATION

Staff recommends approval of Resolution No. 13-14.

01 April 2014

Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Foxx:

The City of Delray Beach enthusiastically supports the installation of additional safety equipment to allow for quiet zones to be established along the Florida East Coast (FEC) railroad corridor.

Railroads are vital for commerce, but they can also create high noise levels from passing train horns. The expansion of intermodal facilities such as *Port Miami*, *Port Everglades* and the *Port of Palm Beach* will enhance economic activity in South Florida. It will also increase the number of trains traversing the FEC corridor.

A quiet zone will provide a safe area where train horns are not routinely sounded. The decreasing noise level for nearby residents, schools and businesses will improve quality of life while accommodating greater trade with domestic and international partners. We are in strong support of the application from Southeast Florida regarding the use of Federal dollars through the Transportation Investments Generating Economic Recovery (TIGER) program for this purpose.

Thank you for your consideration of this project.

Sincerely,

Cary Glickstein
Mayor
City of Delray Beach

MEETING MINUTES

Meeting Date: March 10th, 2014
Meeting Time: 8:45 am (planned); 9:05 am (actual)
Location: 6500 Congress Avenue, Boca Raton, FL
Attendees: See attached ([SignIn-Kickoff-TIGERApplication-20140310.pdf](#))
Preparation Date: March 10th, 2014 (initial draft, Nick Uhren)
Approval Date: March 17th, 2014 (Nick Uhren and James Cromar)
Prepared By: Todd A. Brauer
Re: Project Kickoff Meeting - TIGER Grant Application - Quite Zone

The following items are believed to have been discussed at the above dated meeting. Please request adjustments to these meeting minutes within two weeks from receipt, otherwise it will be filed as official documentation for this project.

1. Nick Uhren provided a brief overview of *All Aboard Florida* and the current status of efforts being conducted by the Florida Department of Transportation (FDOT), Palm Beach MPO and Broward MPO to analysis potential quite zones along the Florida East Coast (FEC) corridor within Palm Beach and Broward counties.
2. Todd Brauer provided a brief overview of the TIGER Grant application process:
 - Deadline for application is April 28th, 2014
 - Selection includes five (5) primary criteria:
 - Improves existing transportation system
 - Improve efficiency and reliability of goods and worker movement
 - Increase transportation choices, service and access
 - Improve energy efficiency/environmental benefit
 - Improve safety
 - Awarded funds must be obligated by September 30th, 2016
3. Attendees agreed to the following letters of support and/or resolutions protocols:
 - All letters of support and/or resolutions will be coordinated through James Cromar (Broward MPO for partners within Broward County) and Kim Delaney (Treasure Coast Regional Planning Council for partners within Palm Beach County).
 - Ms. Delaney agreed that to work through the League of Cities to ensure all communities within Palm Beach County are engaged.
 - Mr. Cromar and Ms. Delaney agreed that potential project supporters should include County commissions, municipalities, schools/school districts, hospitals, chambers of commerce, economic development agencies, etc.
 - All letters of support and/or resolutions will be submitted by all potential project supporters to Mr. Cromar and Ms. Delaney by April 14th, 2014.
 - Mr. Cromar and Ms. Delaney agreed to distribute draft support letter resolution and language as soon as possible (projected March 13th, 2014 by 5:00 pm)

- Letters of support and/or resolutions should include a commitment to fund additional O&M costs associated with TIGER funded infrastructure, pursuant to terms of existing local agreements with FEC.
- Potential project supporters should be encouraged to adjust their letters of support and/or resolutions to include how the project will directly benefit their members.

4. Attendees agreed to the following project narrative concepts:

- The project will include safety enhancements on FEC corridor; improve access for non-motorized users across FEC tracks and mitigate impacts of additional trains on corridor communities to improve regional livability.
- Focus on “Ladders of Opportunity” concept, show enhanced transportation safety and access benefits to key demographic areas along FEC corridor

5. Attendees agreed that the following preliminary financial request should be considered:

	Palm Beach	Broward	Total
Total Cost	\$17.9M	\$11.75M	\$29.65M
MPO funds	\$6.6M	\$2.0M	\$8.9M
TIGER ‘ask’	\$11.3M	\$9.75M	\$21.05M

6. Attendees agreed that the following questions need to be addressed:

- Who is the owner of the improvements?
 - What was precedent established by Town of Windsor Quiet Zone application in TIGER 3? (Town was applicant so presumption is town received funds)?
 - Group preference for FDOT as recipient of funds, enter into agreement with All Abroad Florida (AAF) for design/build installation of infrastructure.
- When will updated safety and quiet zone infrastructure needs assessment be available?
 - AAF realizes that it’s a priority and will working diligently to provide this information
 - Tom Drake, Federal Railroad Administration (FRA), was at each crossing for diagnostic review and noted what infrastructure would be required to declare each crossing as a stand-alone quiet zone.

7. Attendees agreed to the following action items:

- Mr. Brauer to provide template of letters of support and resolution to Mr. Cromar and Ms. Delaney by March 13th, 2014 at 5:00 pm.
- Mr. Cromar and Ms. Delaney will obtain as many letters of support and resolution by April 14th, 2014.
- MPOs will identify lead agency (MPOs will work with AAF, FDOT, SFRTA, etc.).
- MPOs to coordinate with federally elected officials to increase awareness of grant application.
- Palm Beach County will obtain required quiet zone infrastructure needs provided by Tom Drake (FRA).
- Mr. Brauer will confirm whether FDOT will utilize Quiet Zone Calculator as part of their efforts for FEC corridor analysis.

- Mr. Uhren to confirm AAF level of participation in grant application (co-applicant to count local investment is preferred)
 - Ali Soule, AAF, confirmed that the application could count AAF safety investment as local matc, but not sure that USDOT will allow this; AAF may be a “partner” for the application, but not a co-applicant (only one entity can receive funds)
- Corridor communities should identify key crossings where pedestrian safety enhancements are most appropriate and important

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City Clerk

MAYOR