



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

JUN 11 2014

Mr. Peter O'Bryan  
Chairman  
Indian River County Board of County Commissioners  
1801 27<sup>th</sup> Street, Bldg A  
Vero Beach, FL 32960

**RECEIVED**

**JUN 16 2014**

**BOARD OF COUNTY  
COMMISSION**

Dear Mr. O'Bryan:

Thank you for your May 20, 2014 letter, requesting that the Federal Railroad Administration (FRA) designate Indian River County, Florida a Cooperating Agency in the preparation of the Environmental Impact Statement (EIS) for the All Aboard Florida Miami to Orlando Passenger Rail Service Project (Project).

Under the National Environmental Policy Act (NEPA), Federal agencies responsible for preparing NEPA analyses do so "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise (42 U.S.C. §§ 4331(a), 4332(2)). In its regulations implementing NEPA, the Council on Environmental Quality reinforces that standard but clarifies that State or local agencies may become Cooperating Agencies only "by agreement with the lead agency" (40 CFR 1501.6).

FRA reviewed the County's request and decided to decline to designate Indian River County as a Cooperating Agency in the preparation of the EIS for the Project. Such designation happens only when there is clear jurisdiction by law or special expertise that is essential to the NEPA process. The letter does not specify how the County has jurisdiction by law over an aspect of the Project, nor what special expertise the County would provide during the NEPA process. Moreover, over a year has passed since FRA initiated the EIS process, and we have been very actively engaged in receiving input from parties such as the County, and in developing the Draft EIS. FRA anticipates publishing the Draft EIS in the next six weeks.

Once the Draft EIS is published, the public involvement process will begin, and the County will have ample opportunity to submit comments on the Draft EIS. FRA is encouraging all interested parties to submit comments on the EIS. For details on how to do so, please visit the Project page on FRA's website at <http://www.fra.dot.gov/Page/P0672> after the Draft EIS is published.

Sincerely,

David Valenstein  
Chief, Planning and Environment Division