

**BOARD OF COUNTY COMMISSIONERS**



September 19, 2014

The Honorable Debbie Mayfield, Representative  
1053 20<sup>th</sup> Place  
Vero Beach, FL 32960-5359

RE: Quiet Zone Grant

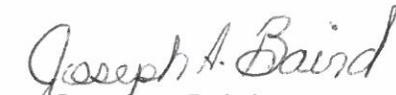
Dear Representative Mayfield:

Staff has coordinated with FDOT's administrator of the Quiet Zone grant program. Unfortunately, the County cannot apply for the grant at this time because the grant application requires information that will not be available until All Aboard Florida provides its crossing improvement plans for our area. Those plans are necessary to determine specific additional improvements, if any, that will be required to meet Quiet Zone standards. According to All Aboard Florida representatives, those plans will not be available until mid-December, two months after the October 15 grant submittal deadline. Staff has confirmed that October 15 is a hard deadline that will not be changed.

The FDOT grant program administrator also confirmed that the grant requires a 50% local funding match that cannot be satisfied or substituted by any future crossing improvements provided by All Aboard Florida. It is the County's position that no local funding be used for the project; therefore, local funding is not available.

We appreciate the opportunity to work with you and your office. Please let me know if you have any questions.

Sincerely,

  
Joseph A. Baird  
County Administrator

Attachment:

Information from County Attorney's office

**OFFICE OF THE COUNTY ADMINISTRATOR  
INDIAN RIVER COUNTY  
1801 27<sup>th</sup> Street, Vero Beach, FL 32960-3388  
PHONE: 772-226-1408 - FAX: 772-978-1822**

## MEMORANDUM

**TO:** Joseph Baird, County Administrator  
Stan Boling, Director of Community Development

**FROM:** Kate Pingolt Cotner, Assistant County Attorney

**DATE:** September 18, 2014

**SUBJECT:** **Whether the County Should Submit an Application by October 15, 2014, to Receive Grant Money from FDOT to Establish Quiet Zones?**

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It is the opinion of the Indian River County Attorney's Office that Indian River County ("County") will not have all of the required information to submit an application by October 15, 2014, to Florida Department of Transportation ("FDOT") for grant money to establish one or more quiet zones within the County.

According to the information that the County received in July at a Space Coast Transportation Planning Organization informational meeting, the FDOT grant application for quiet zones requires (1) a Notice of Intent to establish a quiet zone package as sent to FRA, (2) an estimated capital cost of quiet zone upgrades, (3) percentage of costs to be provided by applicant (at least 50%) and (4) projected project schedule. The County was also informed at this meeting that FDOT will award of grant funding based on (1) percent applicant contribution, (2) number of rail crossing closures submitted within quiet zone corridor, and (3) funds available within FY deadline (July 1, 2014, to June 30, 2015).

At this point in time, the County cannot complete and file a Notice of Intent to Establish a Quiet Zone with FRA because this document requires that the County give a date the quiet zone will go into effect. This information is simply not available at the present time. The County also cannot give an honest estimate of the capital costs associated with the quiet zone upgrades because it is waiting on the 90% plan from All Aboard Florida. The County Attorney's office met with Myles Tobin, the General Counsel for All Aboard Florida, earlier this week and was informed that the County should not expect to have the 90% plan until mid-December of 2014. Needless to say, this makes it impossible to estimate what percent, if any, the County would be willing to commit to installing the additional safety features to be eligible for a quiet zone. As we are all aware, the Board of County Commissioners has made it quite clear that it is want to use local monies to support the high speed passenger rail project. Finally, the County cannot give FDOT a projected project schedule because All Aboard Florida is constantly modifying its timeline and schedule.

Moreover, please be advised that the County Attorney's Office had a conference call with the Brevard County Attorney's Office on Wednesday, September 17, 2014. During this conversation, the topic of FDOT grant funding was raised that Brevard County confirmed that it came to the same conclusion as Indian River County.