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Release

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Martin and Indian River Counties' efforts to fight All Aboard Florida's use of taxpayer subsidized bonds pays off

Over two years ago, Martin and Indian River Counties filed federal lawsuits against the U.S. Department of Transportation (DOT) to stop the inappropriate use of taxpayer subsidized bonds to construct All Aboard Florida's (AAF, aka Brightline) passenger rail project. Following the August 2016 ruling by U.S. District Court Judge Christopher Cooper in favor of the Counties, AAF and DOT announced in a court filing their decision to withdraw the \$1.75 billion Private Activity Bond (PAB) allocation for the project. This was a critical victory for the Counties.

This PAB allocation withdrawal was a direct result of Martin and Indian River Counties' diligence and investment in the legal battle to protect its citizens.

Judge Cooper's August 2016 ruling stated: "The Court thus finds that removing PABs from the equation would significantly increase the likelihood that AAF would be unable or unwilling to proceed with Phase II, thereby averting Plaintiffs' claimed injury." Therefore, the withdrawal of the \$1.75 billion PAB allocation appears to leave AAF with no clear path of funding for Phase II, the portion of the project that would negatively impact the safety and way of life of Martin and Indian River County residents and citizens throughout the Treasure Coast.

Minutes ago, Judge Cooper dismissed the case filed by Martin and Indian River Counties because DOT had withdrawn the \$1.75 billion PAB allocation challenged by the Counties and that the challenged unlawful action was not reasonably expected to recur. The decision to dismiss the case at this time does not diminish the significant victory of the Counties as the Court issued a stern warning to DOT should it issue another PAB allocation to the project without first complying with the nation's environmental laws, stating "if DOT were to do so, Plaintiffs could readily call it to the carpet by renewing their lawsuits in this Court."

"This is a success story and a hard-fought win for our community, and it confirms our thoughtful litigation strategy was successful," said Martin County Attorney Sarah Woods.

In addition to the forced withdrawal of the \$1.75 billion PAB allocation that was intended to fund both phases of the AAF project—Phase I, running from Miami to West Palm Beach, and Phase II, running from West Palm Beach to Orlando, through Martin and Indian River Counties—the November 2016 filing also made public that

AAF had applied for, and DOT had approved, a “new” \$600 million PAB allocation intended to finance *only* Phase I of the project. This is only one-third of the prior \$1.75 billion allocation.

Martin County is assessing its next legal steps, as well as any new efforts from AAF to apply for PABs that inappropriately use taxpayer dollars for Phase II of the project.

For more resources and information on the many local and regional issues of concern relating to the proposed AAF passenger rail project, including presentations, studies, letters of concern to state and federal agencies and more, visit www.martin.fl.us.

In addition, please visit Martin County’s social media platforms, [Facebook](#) and [Twitter](#), for updates.

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