

Meeting Date
10/07/2014



AGENDA	
Section	Consent
Item No.	II.A.7

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Approval Re: Resolution in support of Space Coast TPO Efforts To Coordinate The Application For A Continuous Quiet Zone effected by All Aboard Florida Grade Crossings - Countywide
DEPT/OFFICE:	Public Works Department

**Requested Action:**

It is requested that the Board of County Commissioners adopt the attached Resolution supporting the efforts of Space Coast TPO to coordinate the application for a continuous quiet zone in central and south Brevard, and approve the Chairman to execute the Resolution.

**Summary Explanation & Background:**

The attached resolution supports Space Coast Transportation Planning Organization (TPO) partnering with Brevard County local government jurisdictions to seek designation of a continuous quiet zone that includes grade crossings on the FEC Railway from Canaveral Groves Boulevard to the Indian River County line. This also supports Space Coast TPO efforts to coordinate the application for quiet zone designation and state financial assistance that may be desired and/or available for construction of quiet zones.

Fiscal Impact: FY14/15 – Unknown at this time.

**Clerk to the Board Instructions:**

Exhibits Attached: Resolution, Space Coast TPO September 17, 2014 Memorandum

<b>Contract /Agreement (If attached):</b>		<b>Reviewed by County Attorney</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	PR <input type="checkbox"/>
County Manager		Assistant County Manager, Mel Scott	Department Director/Extension		
Stockton Whitten		Assistant County Manager, Venetta Valdengo	John P. Denninghoff / 57202		



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
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October 8, 2014

**M E M O R A N D U M**

**TO:** John Denninghoff, Public works Director

**RE:** Item II.A.7., Resolution Supporting Space Coast Transportation Planning Organization (TPO) Efforts to Coordinate the Application for a Continuous Quiet Zone Effected by All Aboard Florida Grade Crossings

The Board of County Commissioners, in regular session on October 7, 2014, adopted Resolution No. 14-186, supporting Space Coast TPO's efforts to coordinate the application for a continuous quiet zone effected by All Aboard Florida grade crossings. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

RESOLUTION NO. 2014   186  

A RESOLUTION OF THE BOARD OF BREVARD COUNTY  
COMMISSIONERS, SUPPORTING THE SPACE COAST  
TRANSPORTATION PLANNING ORGANIZATION IN ITS EFFORT TO  
COORDINATE THE CREATION OF A QUIET ZONE ALONG A  
PORTION OF THE FLORIDA EAST COAST RAILWAY CORRIDOR.

WHEREAS, the Florida East Coast (FEC) Railway traverses many local government jurisdictions in Brevard County; and

WHEREAS, additional freight trains are anticipated to use the FEC corridor in the near future; and

WHEREAS, All Aboard Florida (AAF) proposes to initiate passenger rail service on a portion of the FEC corridor in Brevard County; and

WHEREAS, it is deemed in the public interest to mitigate the impacts of the anticipated additional train traffic on the FEC; and

WHEREAS, public roads under the jurisdiction of seven Brevard County local governments and the Florida Department of Transportation cross the FEC at 50 locations between Canaveral Groves Boulevard and the Indian River County line; and

WHEREAS, all trains are required to sound their horn upon approaching each grade crossing; and

WHEREAS, a 'quiet zone' in which trains are not required to sound a horn at grade crossings is an effective mitigation method; and

WHEREAS, the creation of a continuous quiet zone from Canaveral Groves Boulevard to the Indian River County line will provide the highest level of community benefit; and

WHEREAS, AAF intends to install additional safety protection measures at the 50 crossings between Canaveral Groves Boulevard and the Indian River County line that are anticipated to largely meet the federal requirements for the creation of a quiet zone; and

WHEREAS, the State of Florida may provide matching funds to partially defray local government costs to implement quiet zones; and

WHEREAS, affected local governments are required to apply for quiet zone designation either individually or through a joint application; and

WHEREAS, the Space Coast Transportation Planning Organization (TPO) has offered to improve efficiency by assisting local governments and by coordinating the application for quiet zone designation and any request for state funds.


NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF BREVARD COUNTY COMMISSIONERS, FLORIDA:

Section 1: That it hereby supports partnering with Brevard County local government jurisdictions to seek designation of a continuous quiet zone that includes grade crossings on the FEC Railway from Canaveral Groves Boulevard to the Indian River County line.


Section 2: That it hereby supports the Space Coast Transportation Planning Organization in its effort to coordinate the application for quiet zone designation and state financial assistance that may be desired.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 7th day of October, 2014.

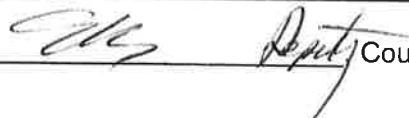
  
Mary Bolin Lewis, Chairman  
As approved by BCC: on 10/07/2014

ATTEST:

  
\_\_\_\_\_

Scott Ellis, Clerk of the Court

APPROVED AS TO FORM AND LEGALITY  
for the use and reliance of the County of Brevard,  
Florida, only.

\_\_\_\_\_  
 Deputy County Attorney



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DATE: September 17, 2014

TO: Bonnie Willbanks, Town of Malabar  
Frank O'Dea, Florida Department of Transportation  
Jim McKnight, City of Rockledge  
John Titkanich, City of Cocoa  
Michael McNees, City of Melbourne  
Richard Hood, Town of Grant-Valkaria  
Stockton Whitten, Brevard County  
Sue Hann, City of Palm Bay

FROM: Bob Kamm, SCTPO

SUBJECT: Space Coast TPO Assistance to Implement a Continuous Quiet Zone

The TPO wishes to advise local governments affected by All Aboard Florida that:

1. All Aboard Florida is currently designing grade crossing improvements that are anticipated to meet federal quiet zone requirements in most cases. Quiet zones are an effective means to eliminate train horn noise.
2. Local governments have a limited window of opportunity to take advantage of AAF's crossing upgrades and implement quiet zones. The cost of quiet zones will never be lower.
3. The TPO is offering to coordinate the application for a continuous quiet zone in central and south Brevard saving staff time and improving efficiency.
4. The TPO will assist local governments in preparing an application for quiet zone matching funds from FDOT

The purpose of a quiet zone is to eliminate the sounding of a train horn at each grade crossing. A quiet zone is one method to reduce the community impact from train traffic. Passenger and freight trains are required to sound a 110 dB horn when approaching a roadway that crosses the railroad tracks. The horn, particularly at night, is often considered a nuisance by residents near the crossing. Many Brevard grade crossings are situated in populated areas. The growth in train traffic on the FEC is expected to increase.

The train horn is considered part of the safety treatment at grade crossings. Eliminating the horn means other measures must be added to maintain the same level of crossing protection. The Federal Railroad Administration (FRA) has developed safety standards for quiet zones that govern what added safety measures must be installed. Common required upgrades are quad gates and a raised roadway median. A quiet zone must be at least one-half mile long.

The FRA also requires a higher level of crossing protection on rail lines with passenger trains. AAF is currently designing safety upgrades for 50 grade crossings between Canaveral Groves Blvd. and the Indian River county line. (Freight trains entering the North Cocoa yard may be required to switch tracks to accommodate the passenger trains, hence the improvements at Canaveral Groves Blvd.) AAF has agreed to pay for these improvements.

The safety measures AAF will install will meet quiet zone requirements in most cases. No local capital outlay will be needed for these crossings. The local government must simply apply to the Federal Railroad Administration for permission to institute a quiet zone.

When AAF completes preliminary design in a few months, crossings that will meet quiet zone standards can be identified. Additional safety measures beyond what AAF will provide may be needed at a few crossings on higher volume roads. AAF has agreed to design, procure and install additional quiet zone equipment as part of their crossing upgrades. This represents a significant potential savings to a local government. Furthermore, the 2014 legislature created a \$10 million program to provide up to 50% matching funds for quiet zone implementation.

*It will never cost less to implement quiet zones than now.* The timing appears conducive to seek designation for one continuous quiet zone from Canaveral Groves Blvd. to the Indian River County line. This will take full advantage of the multi-million dollar investment AAF will make in upgraded crossing protection. Including multiple crossings in a quiet zone will maximize public benefit at the lowest cost. Continuity avoids gaps where train horns continue to sound which will diminish the effectiveness of adjacent quiet zones.

The creation of a quiet zone is the responsibility of the local government that maintains the crossing where the quiet zone is desired. The FRA allows for multiple jurisdictions to jointly apply with one jurisdiction designated as the lead. (The TPO cannot apply because it does not maintain any grade crossings.) AAF will upgrade crossings maintained by seven local governments and the Florida Department of Transportation. Brevard County and FDOT maintain crossings within municipalities. Coordinated and consistent implementation between different jurisdictions appears desirable.

To that end, the Space Coast TPO is offering to provide technical assistance and support to facilitate submission of a coordinated joint application for a continuous quiet zone through central and south Brevard to the FRA. Specifically, the TPO will compile the forms required by FRA including updated rail crossing inventory forms; serve as a single point of contact for AAF, FRA, FDOT and local government staff; and prepare an application for state matching funds that may be needed for additional safety features.

It should be noted, the creation of a quiet zone will have little or no impact on long-term maintenance costs. Under current arrangements, local governments will be responsible for maintaining the upgraded crossing safety equipment AAF intends to install. In most cases those upgrades will meet quiet zone requirements so no added maintenance will accrue due to a quiet zone designation. Additional maintenance will only apply to the added safety equipment that may be needed above and beyond what AAF will construct.

As stated, AAF is now designing the safety treatment for Brevard crossings. AAF wishes to know where quiet zones are desired so any additional equipment needed to meet quiet zone standards can be included in the design and cost estimates. Brevard local governments have a small window to decide the issue of quiet zones and take advantage of the considerable cost savings presented by coordination with the AAF improvements. Although some residents have expressed opposition to AAF, waiting for resolution of larger questions about AAF will likely mean the cost savings for quiet zones and the state funding pool will no longer be available. It seems prudent to plan for implementing quiet zones so that if AAF begins operation the community will have the benefit of the zones from opening day.

The TPO requests that each of the seven jurisdictions affected by AAF please consider the attached resolution so the TPO can determine the level of interest, the extent of a potential quiet zone(s) and the scope of work required to process an application. Note, no financial commitment is requested. The TPO will consider moving forward on coordinating the quiet zone application process at their October 9 meeting.

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**INITIAL CONTRACT FORM**

**SECTION I**

The following information must be completed on all new contracts submitted to the Board.

<b>1. Contractor:</b>	
<b>2. Fund/Account #:</b>	<b>Division Name: Finance &amp; Contract Administration</b>
<b>4. Contract Description: Quiet Zone Resolution</b>	
<b>5. Contract Monitor: Tammy Thomas-Wood</b>	<b>6. Mail Stop #: 81</b>
<b>7. Dept./Office Director: Public Works/John Denninghoff</b>	<b>8. Contract Type: Resolution</b>
<b>ACTION DATE: 30 days from entry</b>	<b>ACTION REQUIREMENT: Need complete data</b>

**SECTION II**

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	<u>✓</u>	<u>      </u>	<u>      </u>	<u>09/18/14</u>
Risk Management	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
County Attorney	<u>✓</u>	<u>      </u>	<u><i>[Signature]</i></u>	<u>9/18/14</u>

If any office denies approval, the package will be returned immediately to the User Agency.

**NOTE:** *This form should be attached to all new contracts being submitted to the Board for approval. After the contract has been approved, the contract package, including this form, will go to the Clerk to the Board. The Clerk's office will return the Initial Contract Form to department for contract to be entered into the Contract Management System. See AO-29 for additional information.*

AO-29: EXHIBIT I