

## RESOLUTION 30-2014

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA 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; PROVIDING FOR AN EFFECTIVE DATE.

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 TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, 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.

This Resolution was moved for adoption by Council Member Milucky. This motion was seconded by Council Member Abare and, upon being put to vote, the vote was as follows:

Council Member Jim Milucky  
Council Member Wayne Abare  
Council Member Steve Rivet  
Council Member Dick Korn  
Council Member Marisa Acquaviva

Aye  
Aye  
Aye  
Aye  
Excused

PASSED AND ADOPTED this 22<sup>nd</sup> day of September, 2014.

Steve Rivet  
Chair Steve Rivet

ATTEST:

Debby K. Franklin  
Debby K. Franklin, C.M.C., Town Clerk/Treasurer

APPROVED AS TO FORM AND LEGALITY

Karl W. Bohn, Jr.  
Karl W. Bohn, Jr., Town Attorney