



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: ACTION: Title VI Complaint Against the
Florida Department of Transportation

Date: **NOV 10 2010**

From: *Brenda F. Armstead*
Brenda F. Armstead
Director, Investigations and Adjudications

In Reply Refer To: HCR-40

To: Mr. Calvin Gibson
Director, Office of Civil Rights (ROA-10)
Federal Railroad Administration

The attached complaint is being forwarded to your office for appropriate action. The issue raised in the complaint involves the Florida Department of Transportation's failure to provide notice of public hearings and failure to compensate for property regarding the Tri-County Commuter Rail Service project. The FHWA Office of Civil Rights received the complaint on October 21, 2010. The complainant has been advised of this referral to your office (copy attached). If you have any questions about this submission, you may contact me at 202-366-1583.

2 Attachments

cc: Mr. Martin C. Knopp, Division Administrator, FHWA, HDA-FL
Mr. Carey Shepherd, Equal Opportunity Specialist, FHWA, HDA-FL





2011-0041

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

October 21, 2010

Brenda F. Armstead, Director
Investigations and Adjudications
Federal Highway Administration
Office of Civil Rights
HCR-40, Room E81-328
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: EOO-2011-01 (b) (6)

Dear Ms. Armstead:

A complaint of discrimination has been filed by (b) (6) on behalf of his (b) (6) against the Florida Department of Transportation (FDOT). The complaint of discrimination alleges FDOT did not provide notice of public hearings to affected property owners along the proposed Tri-Rail route. He further alleges that his (b) (6) was not properly compensated for her property. (b) (6) alleges a violation of Title VI of the Civil Rights Act of 1964 was committed based on his (b) (6) race, sex, color, age and income status. He also alleges retaliation.

The enclosed complaint is against FDOT; therefore it is being forwarded to your office for processing and investigation. Feel free to contact me if you need additional information.

Sincerely,
Arthur E. Wright, Manager
Equal Opportunity Office

AEW/crt

cc: (b) (6)

2011-0041

State of Florida Department of Transportation
Title VI / Nondiscrimination Program
Complaint of Discrimination

275-010-10
EQUAL OPPORTUNITY OFFICE
03-07

Complainant(s) Name: (b) (6)

Complainant(s) Address: (b) (6)

Complainant(s) Phone Number: (b) (6)

Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc):

(b) (6)

Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You: FDOT employees and Administrator's in charge of Compliance in notice of public hearings to affected property owners, and the FDOT Real Estate Acquisition Process. Name Right of Way and FDOT Construction office

Names of the Individual(s) Whom You Allege Discriminated Against You (if known): The number and documentation shall identify the chain of custody who all touch it.

Discrimination Because Of:
 Race
 Sex
 Income Status
 Color
 Age
 Retaliation
 National Origin
 Handicap/Disability
 Other

Date of Alleged Discrimination: Since 1944 and continued to date.

Please list the name(s) and phone number(s) of any person, if known, that the Florida Department of Transportation could contact for additional information to support or clarify your allegation(s). your office speak for itself. However, in 1995 my son met with Secretary Ben Watts but the damage was already been done.

Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.
The Florida DOT Administrator refused to notify me concerning impact their proposed Tri-Rail project would have on me financially. FDOT through its former Rail bureau chief was aware, and made the State aware CSX Transportation doesn't own the property. However, FDOT officials elected to pay CSX without ownership. Subsequently, me and my entire family are suffering because of inappropriate actions by department offices. In short, without notice, and confiscation without compensation. And embracing "Jim Crow Statutes"

Complainant(s) or Complainant(s) Representative's Signature: (b) (6)

Date of Signature: October 21, 2010

October 21, 2010.

Federal Railroad Administration
Mr. Joseph Szabo
Administrator
c/o Mr. Jerome Melistull
1200 New Jersey Avenue, South East,
Washington DC 20590

Re: Title VI violations, Confiscation without Compensation.
Case theme: "Flag on the Play"

Dear, Mr. Melistull:

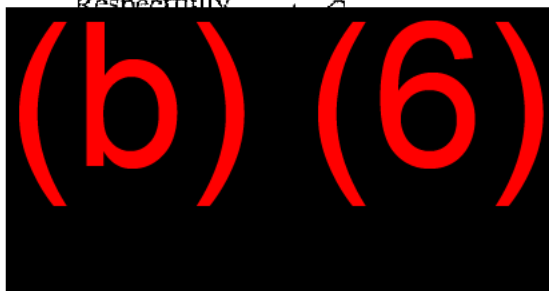
Enclosed please find the copies of official correspondence from the Florida Department of Transportation, the City of West Palm Beach, Florida, letter to Mr. John Kern Esq., and the response to comments received during the public review period.

The public hearing were only concerning the "core" project" from Miami, Florida to Boca Raton, Florida. No public hearing was ever had concerning affected property owners in Palm Beach County, Florida. My mother's property is in West Palm Beach, Florida, a subdivision of Palm Beach County, Florida. In addition, enclosed please find newspaper articles concerning this Tri-Rail project that discussing title problems and the proposed "bullet train".

Lastly, the senate oversight committee ranking member Senator Nelson is aware of our concerns. Would your office please help us bring this issue to successful resolution of full compensation.

The staff at the United States DOT and the Florida DOT are very intelligent and competent, and I'm sure that you all want let the inappropriate actions of a few damage the good name of the department. Please help us.

Respectfully,



(b) (6)

cc. Secretary Kopelousos, Mr. Michael K. Bowen, Office of the Governor Inspector General, Chief Financial Officer, Federal Railroad Administration Director of Civil Rights, Mrs. Charlotte Thomas, Mrs. Veronica H. James Civil Rights Land section US attorney's office

January 7, 2009

To: Federal Railroad Administration
Office of General Counsel
Attention: Mr. John Kern Esq.
1200 New Jersey Avenue, South East,
Washington D.C. 20590

Re: South Florida Regional Transit Authority (formerly Tri County Rail Organization
Material Misstatement in 505 Loan Application, and Confiscation without Compensation.

Dear, Mr. Kern:

Enclosed please find documentation to substantiate Federal Railroad Administration funding of a Commuter Rail program in Southeast Florida within Dade, Broward, and Palm Beach County. The Governor of the State of Florida directed F-Dot to enter into agreement with said counties to use their Police Powers to violate Federal Law, and using Federal funds to perpetrate unlawful acts.

I'm sure you are aware that the State of Florida, the Federal Government have Eminent Domain powers to lawfully take my (b) (6) property. This has yet to be done. Instead the State of Florida and CSX Transportation and a myriad of other users are collecting revenues derived from my mothers property. The property is located near mile post 969, in West Palm Beach, Florida.

Please my (b) (6) desire is that the government pay for the property.

If the trespassers continue to violate federal law, then we ask that ALL FUNDING FROM THE FEDERAL GOVERNMENT BE SUSPENDED.

I look forward to hear from you.

Respectfully submitted,

(b) (6)

cc Congressman Hastings
Senator Nelson

V. RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC REVIEW PERIOD

Two public hearings were held to afford interested persons the opportunity to express their views concerning the proposed Tri-County Commuter Rail Service operating the Seaboard System Railroad (now known as CSX Transportation, Inc.) between Boca Raton and Hialeah, Florida.

Public hearing notices were placed in three major newspapers: the Miami Herald, the Fort Lauderdale Sun-Sentinel, and the Palm Beach Post, on May 5 and May 21, 1986. In addition, notification of the public hearings was mailed to over 5,000 persons and businesses located within 300 feet of the center-line of the railroad line. Also, a copy of the public hearing notice was sent to 105 elected officials in the three-county area.

In order to afford maximum public participation these hearings were held in the evening at 7:30 p.m. on June 4, and June 5, 1986 at two central locations: the Pompano Beach Recreation Center in Pompano Beach, and the Knights of Columbus Hall in Hollywood. Attendance at both of these meetings totaled over 175 persons, with 37 persons presenting oral statements, and over 20 persons responding in writing following the public hearings.

Comments and issues raised by the public have been summarized and are presented with their respective responses. The responses for items 3, 11, 13, and 17 were prepared by FDOT, while FDOT's consultant prepared the remaining responses.

The comments, issues, and respective responses are as follows:

1. The project will produce adverse noise impacts. Noise barriers should be considered.

A detailed noise analysis was conducted for the project. Results are presented in Section III.D of the Environmental Assessment. Standard acceptable methodologies were used in the assessment of potential impact and degree of significance of impact. Based on the analysis in Section III.D, noise barriers are not considered appropriate for this project.

2. The project will adversely affect property values.

The existing CSX tracks have been present and used on a regular basis for both freight and passenger trains for many years. The value of adjacent property already reflects the proximity of the operating railroad. An additional sixteen train trips per day is not expected to produce a significant impact on property values.

3. What is the status of funding for the project?

The Florida Legislature included in its 1986 appropriations the funding for the commuter rail capital improvements and operating costs. Funds were approved for the system from West Palm Beach to the vicinity of

TRI-COUNTY COMMUTER RAIL SYSTEM PROPOSAL

Beginning in late 1987 and continuing for approximately 5 years, Interstate 95 will be under construction from Boca Raton to the Golden Glades interchange. This roadway serves as the major north/south transportation corridor for the southeast Florida region. This region consists of Palm Beach, Broward and Dade counties which in 1985 had a combined population of 3.6 million. By 1990, the population is expected to increase to 4 million. The construction activities on the Interstate will consist of the addition of high occupancy vehicle (HOV) lanes in the median. The reduction in the capacity of the Interstate during this time period is expected to be approximately 30%. This translates to approximately 63,000 vehicles per day. In addition, parallel corridors to I-95 such as Florida's Turnpike will also be under construction to increase their capacity. In order to provide for the movement of people through this corridor during the construction time period, the Florida Department of Transportation has proposed to operate a commuter rail system parallel to the Interstate.

The proposed commuter rail service would operate from the West Palm Beach downtown area to the Miami Airport for a distance of 65 miles and include a transfer point to the Metrorail System in Dade County. Approximately 16 trains will operate each day during the morning and afternoon peak hours in order to provide service to the commuting public. Commuter rail stations are proposed for West Palm Beach downtown, Palm Beach International Airport, Lake Worth, Boynton Beach, Delray Beach, Boca Raton, Deerfield Beach, Pompano Beach, Ft. Lauderdale, Hollywood and Miami. FDOT projections of ridership are approximately 14,000 passengers per day. The cost of the system is estimated to be approximately 60 million dollars. Funding for the project has been obtained from a combination of Federal Railway Administration Funds, Federal Highway Administration Funds, Oil Overcharge Accounts, State Funds, Farebox Revenues and the individual member counties.

To provide direction and implementation of the commuter rail service, a local organization was formed. This Tri-County Commuter Rail Organization is comprised of 2 elected officials from each of the 3 counties. This organization, along with the Department of Transportation, will initially operate the commuter rail service. Eventually the TCRO will be solely responsible for operation of commuter rail service in southeast Florida.

Memorandum City of West Palm Beach



OK
C.S.

TO: City Manager
FROM: Director of Engineering
SUBJECT: Tri-County Commuter Transit Study Report Submittal
DATE: May 30, 1986

The Florida DOT notification of public hearings concerning the Tri-County Commuter Transit project will deal primarily with the "core" service from Miami to Boca Raton. Extension service will be available to West Palm Beach terminating at the Amtrack Station on the Seaboard System Railroad at Datura Street and Tamarind Avenue.

The public hearing notice is designated from Hialeah Amtrack Station in Miami to Yamato Road in Boca Raton. The extension service to West Palm Beach will not be a significant factor at this time. Palm Beach County administration will probably be in attendance since they lobbied for the extension. Initial extension service parking is available in the existing parking facility at the West Palm Beach station.

I feel attendance at these particular public hearings is not warranted. To my knowledge, the City has not attended any other meetings regarding this service, except maybe the previous Mayor, Carol Roberts. It is my recommendation that the City wait for further development of the service, if any, from the public hearings.

Ronald W. Schutta

Ronald W. Schutta, P.E.
Director of Engineering

Frank Delino

RWS:gr

1/32

Memorandum City of West Palm Beach



TO: Ron Schutta, Director of Engineering

FROM: Paul Steinbrenner, City Manager

SUBJECT: Tri-County Commuter Transit Study DATE: May 22, 1986

This office has received a communication, copy attached, relating to the Tri-County Commuter Transit Study public hearing. Please review this communication, evaluate the information contained therein, and submit a report, including your recommendations, to my office within 2 weeks.

Paul Steinbrenner

Paul Steinbrenner
City Manager

PS/20

Attachment

RECEIVED

MAY 22 1986

DIRECTOR OF ENGINEERING

Florida



Department of Transportation

JOB GRAHAM
GOVERNOR

THOMAS E. DRAWDY
SECRETARY

780 S.W. 24th Street
Ft. Lauderdale, FL 33315-2696
Telephone: 305-522-4244



May 13, 1986

Samuel A. Thomas

The Honorable ~~Samuel A. Thomas~~
Mayor of the City of West Palm Beach
200 Second Street
West Palm Beach, FL 33402

Re: Tri-County Commuter Transit Study
W.P.I. Number 4810008
State Project Number 99004-1823
Federal Aid Project Number FL-09-8010
Dade, Broward and Palm Beach Counties

Thomas

Dear Mayor ~~Thomas~~:

We are enclosing a copy of the public notice with map attached for your information. This notice will be published in a local newspaper in the very near future.

If you desire further information concerning this hearing, please contact our office.

Sincerely,

Jamie Cochran

Jamie A. Cochran, AICP
District Transportation
Programs Manager

JAC/st

Enclosures

PALM BEACH COUNTY COMMISSION
and the
WEST PALM BEACH CITY COMMISSION

2:00 P.M. Tuesday May 19 1987
First Floor City Commission Chambers 200 2nd Street West Palm Beach Florida

A JOINT MEETING

PRESIDING: The Honorable Rick Rekenis, Mayor, City of West Palm Beach

AGENDA

- I. CALL TO ORDER.
- II. INVOCATION.
- III. INTRODUCTIONS.
- IV. COMMENTS BY THE CHAIR.
- V. ISSUES FOR DISCUSSION (IN ALPHABETICAL ORDER).
 - o City/County Downtown Transportation Task Force Projects, Status Report and Discussion. (See Attachment).
 - o County Courthouse Facility Complex, Status Report and Discussion.
 - o Downtown Convention Center, Status Report (From City and County) and Discussion.
 - o Downtown Development of Regional Impact (D.R.I.), Discussion
 - o Tri County Commuter-Rail Project
- VI. OTHER BUSINESS.
- VII. ADJOURNMENT.

PALM BEACH COUNTY COMMISSION

CHAIR	CAROL A. ROBERTS	(Dist. II)
VICE CHAIR-		
MAN	KENNETH M. ADAMS	(Dist. V)
	KAREN T. MARCUS	(Dist. I)
	CAROL J. ELMQUIST	(Dist. III)
	DOROTHY H. WILKEN	(Dist. IV)

WEST PALM BEACH CITY COMMISSION

MAYOR	RICHARD V. REIKENIS	(Dist. IV)
VICE-MAYOR	PAT PEPPER SCHWAB	(Dist. V)
PRESIDENT		
PRO TEM	JAMES O. POOLE	(Dist. I)
	SAMUEL A. THOMAS	(Dist. II)
	HELEN WILKES	(Dist. III)

"If a person decides to appeal any decision made by this (these) Commission(s) with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

Board of County Commissioner

Karen T. Marcus, Chair
Jerry L. Owens, Vice Chairman
Ken Spillias
Dorothy Wilken
Kenneth M. Adams

County Administrator
Jan Winters



RECEIVED
OCT 6 1986
BUIB

DATE: October 3, 1986
TO: The Honorable Karen Marcus and Honorable Members,
The Palm Beach County Commission.
INFORMATION: Jan Winters, County Administrator
FROM: William E. Broughton III, Director
Intergovernmental Affairs
SUBJECT: An Intergovernmental Meeting Between the Palm Beach
County Commission and The West Palm Beach City
Commission.

As you are aware, the West Palm Beach City Commission has requested a joint meeting with you to discuss various issues that involve both the City of West Palm Beach and Palm Beach County. Your calendars have all been checked, and 2:00 P.M. on Tuesday, October 21, 1986 has been reserved for this joint meeting. The meeting will be held in your sixth floor Chambers.

West Palm Beach has requested that the following items be included in the meeting agenda:

- The Proposed "Bullet Train" Station Site in Palm Beach County.
- The Noise Abatement Program at Palm Beach International Airport.
- Jail Space (or a lack thereof) in Palm Beach County.
- Progress by the City and the County on Road Construction to Improve Downtown Traffic Circulation.

Mr. Jan Winters is tentatively scheduled to meet with West Palm Beach City Manager Mr. Paul Steinbrenner on Wednesday morning, October 8, 1986 to, along with other subjects, make the final arrangements for this joint meeting. If any member of the Board of County Commissioners wishes to add any items to the agenda, you are requested to do so by contacting Ms. Anna Dumond in the County Administrators office, no later than 5:00 P.M. on Tuesday, October 7, 1986.

Thank you.

cc: Paul Steinbrenner, West Palm Beach City Manager
County Commission Aides
Anna Dumond, Executive Secretary

Tri-County Train system - 1/2 year or less no talks with City

"An Equal Opportunity - Affirmative Action Employer

BOX 1989 WEST PALM BEACH, FLORIDA 33402-1989
(305) 820-2030

Memorandum

City of West Palm Beach

P11
OK

TO: Paul Steinbrenner, City Manager

FROM: James M. Polatty, Director of Planning & Comm. Dev. J P

SUBJECT: Tri-County Commuter Transit Study DATE: June 2, 1986

DATE: June 2, 1986

319

Regarding your note of May 22, 1986, Dave Thatcher has contacted the Florida Department of Transportation office in Ft. Lauderdale. The Department of Transportation has sent a one-page summary of information on the commuter study which is attached. For your information the Tri-County study was conducted in 1984-85 with an Environmental Impact Statement completed in 1985. The study recommended that the train service operate between the Hialeah Amtrack station and Boca Raton. Local interest has resulted in a revised recommendation that the service be extended to West Palm Beach on the north end and the nearest Miami Metrorail station on the south.

The referenced public hearing will only deal with the section of track between Boca Raton and Hialeah because Florida Department of Transportation wants to close out the original study. This is so that Florida Department of Transportation can submit a loan application to the Federal Railroad Administration to fund that section. The extensions will be funded as follows: state funds for capital equipment, track work, etc. and 50% state/50% county funds for the additional operating expenses. The three (3) counties have agreed to fund their portions - approximately \$150,000 per year.

Sometime this summer Florida Department of Transportation will complete the study of the extensions and hold another set of public hearings. One of these will be in our ~~area~~

JMP/pyb

Title problem MIAMI HERALD holds up rail deal

FEB 9 1988

By FAWN GERMER
Herald Staff Writer

State negotiators have hit a snag in their \$300-million-plus deal to buy 67 miles of track for a commuter train between West Palm Beach and Hialeah: CSX Transportation can't prove it really owns the tracks.

"CSX can't show proof that they own the property," said John Cross, chief of the state Department of Transportation's Real Estate Bureau. "When our appraisers went out to evaluate the property, we had a hard time identifying who owned it. Florida law requires that we show absolute title."

The snag has forced the state to negotiate with CSX and Amtrak to lease the tracks so the Tri-Rail commuter train can start running later this year.

Meanwhile, CSX is handling for documents to prove it owns the rail corridor, part of the former Seaboard Airline Railroad that started up in 1927 as the first competition for Henry Flagler's Florida East Coast line.

Officials on both sides of the deal are confident enough that proof will be found, however, that they are continuing to negotiate. They plan to make the deal contingent on proof of title.

"I think this is probably more of a problem with definition and interpretation," CSX spokesman Lindsay Luckie said.

Tri-Rail and DOT officials say they also are close to reaching an agreement with Amtrak to operate the commuter train, whose planned July 1 startup date was postponed last week by at least three months.

"I would say our chances of agreement are very, very good," said Bill Howard, executive director of the Tri-Rail project. "I'm confident we will be able to resolve our differences and have Amtrak as our operator."

Amtrak negotiators walked away from the table late last year, irked for two reasons: Amtrak could be responsible for up to \$1 million in insurance claims under an insurance policy the state purchased, and the state would not agree to a condition in Amtrak's current contracts that some employees receive up to six years in severance pay should the rail service be terminated.

"The insurance issue is basically dead, and it was easy to resolve," Cross said. "The labor protection issue is still unresolved."

Negotiators are not at an impasse. Amtrak now says the six-year severance guarantee with its union applies only to "inter-city rail service," not "commuter service."

DOT attorneys are checking that out. They say Amtrak's reasoning makes sense, but a

... they are continuing to negotiate. They plan to make the deal contingent on proof of title.

"I think this is probably more of a problem with definition and interpretation," CSX spokesman Lindsay Luckie said.

Tri-Rail and DOT officials say they also are close to reaching an agreement with Amtrak to operate the commuter train, whose planned July 1 startup date was postponed last week by at least three months.

"I would say our chances of agreement are very, very good," said Bill Howard, executive director of the Tri-Rail project. "I'm confident we will be able to resolve our differences and have Amtrak as our operator."

Amtrak negotiators walked away from the table late last year, linked for two reasons: Amtrak could be responsible for up to \$1 million in insurance claims under an insurance policy the state purchased, and the state would not agree to a condition in Amtrak's current contracts that some employees receive up to six years in severance pay should the rail service be terminated.

"The insurance issue is basically dead, and it was easy to resolve," Cross said. "The labor protection issue is still unresolved."

Negotiators are not at an impasse. Amtrak now says the six-year severance guarantee with its union applies only to "inter-city rail service," not "commuter service."

DOT attorneys are checking that out. They say Amtrak's reasoning makes sense, but a judge could interpret the agreement differently and hold the state liable for the labor protection.

"Amtrak says it doesn't apply and that we shouldn't worry," Cross said. "But we still are. There is some risk exposure with this."

Cross said it is unlikely the clause would be invoked, even if it were applicable. For an employee to receive the severance pay, all Amtrak service from West Palm Beach to Hialeah would have to be cut off. Even if Tri-Rail fails, Amtrak would still run trains on the corridor as it does now.

"The risk doesn't seem as great as it did before, but it is still there. It's now a business decision and a legal question that may take legislation to resolve," he said.

CSX rights pursued for high-speed train

JUL 5 1987

MIAMI HERALD

RAIL/From IPB

property owners along the way. But ridership might suffer because the route includes extensive rural land.

• The corridor along Florida's Turnpike from West Palm Beach to Orlando and Interstate 4 from there to Tampa, which traverses more densely populated areas that might yield more riders. The state owns much of the right-of-way, but the route would still require some expensive land purchases.

"The CSX route is the cheapest and easiest way to go," said Sam Tabuchi, director of Japanese Railways, which has developed a system that it wants to use in Florida in which the train is suspended above its tracks by magnetism.

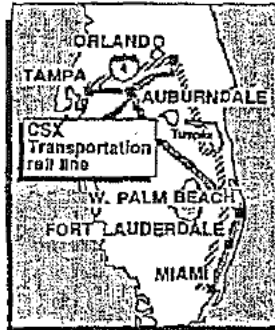
"But we can't run a 160- to 180-mph train [of that design] along that route," Tabuchi said. "It has too many curves."

A spokesman for TGV Co., which built the Paris-to-Lyon bullet train and is viewed as the third serious contender, agreed.

"There are really only two 'families' of routes," said Nick Brand, vice president of TGV's U.S. operations. "You either use the assembled right-of-way from CSX or you run north and south along the turnpike."

Florida High Speed Rail has a team of 40 consultants, marketing specialists, lawyers, engineers and others working to present a full-scale development plan next year.

One of the partners, AmeriFirst Development, is targeting areas that can be developed as residential or commercial property. It has hired Transportation Technology, a Virginia-based consulting



firm, to plan and build the high speed line.

Bombardier, another partner in that group, would build the transportation systems — perhaps jitneys or streetcars — linking those developments and the bullet train.

"We're approaching this as a total business opportunity," said Redding Stevenson, senior vice president of AmeriFirst. "We have pulled a lot of people from different disciplines into this."

TGV officials have signed on financial advisers, land development planners, environmental experts and rail consultants to help their effort, but say they are more interested in building a rail line than developing property.

"We're not a real-estate deal in search of a technology," Brand said. "We're interested in a rail project."

Firm puts rail talks in motion

CSX rights sought for bullet train

JUL 5 1987
By MARK PLATTE
Herald Staff Writer
MIAMI HERALD

A consortium that wants to build a multi-billion-dollar "bullet train" from Miami through Central Florida is negotiating with CSX Transportation to use its right-of-way from West Palm Beach to Orlando and Tampa, a consortium spokesman said.

Three companies are thought to have serious interest in building the high-speed train, which state planners expect will cost \$2 billion to \$3 billion and is scheduled to start operating in 1995. Little has been said about what route the train might take.

But spokesmen for the three leading firms said this week that only two routes now appear feasible — one along the CSX corridor, the other along Florida's Turnpike and Interstate 4.

One of the three firms, the Florida High Speed Rail Corp., has begun negotiations with CSX for permission to build a new set of tracks along its right-of-way, according to Elliott Barnett, the Broward lawyer representing that group.

"We are now meeting with CSX to talk about a trackage rights agreement from West Palm Beach to Orlando and Tampa," said Barnett, who represents a consortium consisting of AmeriFirst Development, the Canadian firm Bombardier and a Swedish rail company called ASEA Group. "We want to use their corridor for a dedicated track."

Bullet trains have existed in Japan since 1964 and are used in Europe and Canada. Florida wants to become the first state in the nation with a high-speed train, which would run at speeds of 160 to 180 miles an hour. Gov. Bob Martinez and his predecessor, Bob Graham, both have supported the plan.

A state commission has set a March 1988 deadline for proposals from interested companies, and plans to award a franchise to one of them in 1991. Charlie Smith, the commission's executive director, said he expects proposals from three companies: Barnett's group, TGV Co. of France and Japanese Railways.

The route has been the subject of speculation, but earlier this year the state narrowed the options considerably when it announced plans to buy the CSX tracks between Miami and West Palm Beach for use by the high-speed train and a slower commuter train.

Most observers expect that the bullet train itself, to be financed privately, won't make a profit. The would-be franchisors expect to make money from development projects in conjunction with landowners along the rail route.

The train is expected to have six to 12 stops. Only two routes now make sense, planners and company spokesmen say.

• The CSX right-of-way, which runs from West Palm Beach to Auburndale and splits to continue northeast to Orlando and southwest to Tampa. Planners say this option is less expensive because the franchise holder need only negotiate with CSX rather than buy land from private owners.

Please turn to page 14

DOT to pay \$250 million for Tri-County rail

FEB 27 1987

By GREG SCHWEM

Palm Beach Post Staff Writer

The Florida Department of Transportation has agreed to pay at least \$250 million for 80 miles of tracks for the Tri-County commuter railroad, a purchase one official said could "change the approach to transportation in Southeast Florida."

Under an agreement reached last week, DOT would buy the tracks between West Palm Beach and Miami from CSX Transportation for between \$250 million and

\$275 million, Bill Miller, DOT deputy assistant secretary for operations, said Thursday.

The purchase still must be approved by the state Legislature. Further, state and CSX negotiators must agree on how the state will pay for the tracks.

"I think that's a screaming bargain," Palm Beach County Commissioner Ken Adams said. "This is a priceless resource we will have."

Last month, in a move to keep the commuter rail on schedule, DOT agreed to lease the tracks

from CSX for \$10 million over five years. The agreement called for the state to make \$6 million in track improvements, pay an additional \$700,000 for use of stations and an average yearly track rental of \$670,000.

Owning the tracks means the commuter rail service could be around for more than five years, Miller said. It is scheduled to begin operating in July 1988.

"I'm not speaking for the department, but it's my personal opinion that it certainly enhances the long-

haul operation of Tri-County," he said.

DOT eventually could operate a long-haul, medium-speed train similar to Amtrak, a high-speed rail system and several freight operations in addition to the commuter train, Miller said. The various trains could move more than 1 million people a day, he said.

"If we end up owning this corridor, it becomes the primary spine of transportation activity in Southeast Florida for the next 50 years," he said. "It will cause everyone to

think altogether different."

Officials hope the commuter railroad will ease traffic jams during the five-year reconstruction of Interstate 95 between Dade and Palm Beach counties. The \$112 million project calls for widening I-95 from six to 10 lanes in some stretches and to 12 lanes in others.

CSX and DOT now are negotiating how the corridor will be paid for. Miller said DOT hopes to negotiate a "time-frame" payment sys-

Please see RAIL/10A

DOT to buy 80 miles of railway

FEB 27 1987

RAIL/From 1A

tem, with payments spread out over eight to 10 years.

If the state and CSX fail to reach an agreement, the DOT still can fall back on the lease arrangement, he said.

Chris Moore, a spokesman for the state Office of Budget and Planning in Tallahassee, said the payment plan will be reviewed by

Gov. Bob Martinez's office. The plan must not interfere with other DOT projects, she said.

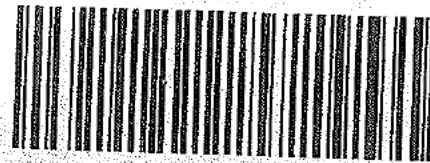
"We still need to satisfy ourselves that this is a viable project and we can finance it," she said.

DOT still intends to hire various parties, particularly CSX and Amtrak, for track maintenance and operation, Miller said. The agreement also gives CSX exclusive rights to operate freight service in

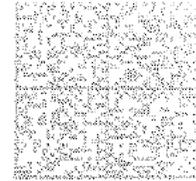
the corridor that does not conflict with commuter service, CSX spokesman Lindsey Leckie said.

Broward County Commissioner Ed Kennedy, chairman of the Tri-County Commuter Rail Organization, said buying the corridor could mean an expansion of commuter service. The commuter railroad is scheduled to run Monday through Friday during morning and evening rush hours.

CERTIFIED MAIL



7000 1530 0000 2005 1824



DOT Mailroom

TO: E81- 101

Building: DOT

Room: 8 East

Mailstop: HCR

external carrier: Certified

Sender:

Manufacturer:

Purchase Order:

Item 1 of 1



7000153000002005

BRENDA F ARMSTEAD DIRECTOR
INVESTIGATIONS AND ADJUDICATIONS
FHWA ADMIN OFFICE OF CIVIL RIGHTS
HCR-40 ROOM E81-328
1200 NEW JERSEY AVE SE
WASHINGTON DC 20590

FLORIDA DEPARTMENT OF TRANSPORTATION
EQUAL OPPORTUNITY OFFICE
605 SUWANNEE STREET, MS 65
TALLAHASSEE FL 32399-0450



U.S. Department
of Transportation
Federal Highway
Administration

NOV 10 2010

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2011-0041

(b) (6)

Dear (b) (6) :

This is in reference to your complaint of discrimination against the Florida Department of Transportation (FDOT) alleging violations of Title VI of the Civil Rights Act of 1964. The FDOT forwarded you complaint to the Federal Highway Administration (FHWA) on October 21, 2010, for appropriate action. In your complaint, you allege that the FDOT did not provide notice of public hearings for the Tri-County Commuter Rail Service project and that you were not properly compensated for your property.

After reviewing the information provided, the FHWA has determined that the project you reference is within the jurisdiction of the Federal Railroad Administration (FRA). Therefore, your complaint has been referred to the FRA for processing at the address below:

Mr. Calvin Gibson
Director, Office of Civil Rights
Federal Railroad Administration
Room W31-302
1200 New Jersey Avenue, SE
Washington, DC 20590
202-493-6010

If you have any questions regarding this referral, please contact me at 202-366-1583.

Sincerely yours,

Brenda F. Armstead
Director, Investigations and Adjudications

cc: Mr. Arthur E. Wright, Manager, Equal Opportunity Office, FDOT, 605 Suwannee Street,
Tallahassee, FL 32399-0450

