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Rail-transit labor issue big factor for session

A special session on rail transit could be tied up over AFL-CIO concerns about union busting.

By Marc Caputo & Steve Bousquet

Millions more dollars for commuter rail. A new agency to oversee a bullet train. An agreement to spare taxpayers from some major lawsuits.

All are part of the proposal for a special lawmaking session starting Thursday that Senate President Jeff Atwater and House Speaker Larry Cretul called to boost money for South Florida's Tri-Rail and to get Central Florida's troubled SunRail line off the ground.

But two crucial things are missing before lawmakers convene in Tallahassee: Actual, detail-filled legislation for lawmakers to consider and the 21 votes needed for the legislation to pass in the Florida Senate. The Senate has killed SunRail for the past two years due to concerns about the cost, taxpayer liability and railroad labor protections.

The proposal Atwater released Monday -- a summary of a bill still being drafted -- has no legal protections for railroad workers who would work on the SunRail commuter line once the state bought the tracks from CSX. Currently, federal rail workers receive strong pension and worker compensation benefits among other protections.

The AFL-CIO said the lack of protection amounted to "union busting" and is a deal killer. And that union opposition is a problem, said Margate Sen. Jeremy Ring, a Democrat who plans to sponsor the legislation.

"If I had union support, we would have 30 votes. Without union support, this will be tough," Ring said.

Right now, the Senate only has about 20 votes -- one shy -- to get the deal done.

Legislative leaders say that if the Legislature shows a stronger commitment to commuter rail, it will improve the state's chances of winning up to \$2.5 billion in federal money to build a bullet train, with the first leg connecting Orlando to Tampa.

The final vote on the rail legislation won't happen until next week, when legislators already had planned to be in Tallahassee for a week of committee hearings.

Under the latest proposal, Atwater said taxpayers would no longer be solely liable if the private company, CSX, was involved in an accident while hauling freight in Central Florida on tracks

that would also be used by SunRail. In some cases, CSX would be on the hook for up to \$10 million in damages.

The plan would also dedicate up to \$15 million yearly to South Florida's Tri-Rail system, which is in danger of defaulting on an agreement with the federal government to run 50 trains daily.

The legislation would also seek to establish the Florida Rail Enterprise, to oversee all the state's passenger rail systems.

All of that is not enough to sway the chief critic of SunRail, Lakeland Republican Sen. Paula Dockery. Legislative leaders have made SunRail the linchpin of the special session.

“This is all about giving a sweetheart deal to CSX,” said Dockery. “The fact is, they found money for Tri-Rail and they don't need a special session to fund or help Tri-Rail. And there is no need to have a special session to get high-speed rail.”

The state would pay about \$1 billion to buy tracks from CSX and build the 61-mile SunRail system in the Orlando area.

Because of Republican opposition over SunRail, legislative leaders need a few votes from Democrats to get the rail deal passed in the Senate. That's giving the AFL-CIO a stronger voice in the Legislature.

The Florida AFL-CIO's president, Mike Williams, suggested that transportation department is the real problem. He noted that FDOT sponsored a workshop for contractors last Feb. 24 titled “Staying Union-Free in a Pro-Union World.”

“We really see this as government-sanctioned union-busting at its best,” Williams said.

Williams initially said “thousands” of workers could lose job protections under the proposal, but then scaled back his number to fewer than 100. FDOT said only 12 Central Florida workers stand to lose benefits.

In South Florida, workers with the United Transportation Union sounded more supportive of the plans in the Legislature.

“It keeps the trains running,” said the union's local vice president, Steve Klemm. “It keeps our jobs.”