

Florida Legislature clears way for rail systems

By Bill Kaczor

A bill that would clear the way for commuter and transit rail systems, which may in turn attract federal stimulus money to also build a high-speed line, sped to Gov. Charlie Crist's desk Tuesday.

The measure was the sole subject of a six-day special session called by leaders of the Republican-controlled Legislature. Crist pushed for the bill's passage and he is expected to sign it into law.

"This is opening a door for us," said Sen. Jeremy Ring, a Margate Democrat who sponsored the bill in the Senate. "What's behind the door is still to be determined."

Lawmakers hope it'll be thousands of new jobs and \$2.6 billion in federal stimulus money for a high-speed line between Orlando and Tampa, which may be expanded to Miami in the future.

Federal officials, including the state's two U.S. senators, have warned that Florida cannot qualify for the high-speed money unless that system links to commuter rail.

Final passage came a day ahead of schedule on a bipartisan 27-10 vote in the Senate. The bill passed in the House 84-25 on Monday.

Senate debate focused on liability provisions needed to create the SunRail commuter system in central Florida and possibly others. Other provisions would create two new state entities to plan and oversee passenger rail systems across Florida and shift \$60 million to rail projects from other transportation spending starting in 2014.

The bill also would increase the state's present \$27 million annual subsidy for the financially troubled Tri-Rail commuter line in South Florida by up to \$15 million.

Opponents said SunRail would cost too much and the liability provisions would leave taxpayers on the hook for accidents caused by freight hauler CSX, which would share the track. The state plans to purchase 61.5 miles of track for \$432 million from CSX for SunRail in the Orlando area.

"We're overpaying for that track and we're setting a dangerous precedent," said Sen. Paula Dockery, a Lakeland Republican who also is seeking the GOP gubernatorial nomination.

SunRail has been on hold until the liability issue could be settled.

A similar transit project sharing CSX track has been proposed for the Tampa Bay area subject to voter approval of a 1 percent sales tax to help pay for it. That system, too, cannot go forward

without liability protection in case of an accident, Clearwater Mayor Frank Hibbard told a Senate committee earlier Tuesday.

The bill would require the state to purchase a \$200 million insurance policy for major accidents that would cover freight and passenger trains with CSX paying part of the premium. The state also would establish a self-insurance fund of up to \$10 million to cover smaller claims.

Critics complained the liability provisions would shield CSX from punitive damages if the carrier is at fault and leave taxpayers liable for damages more than the policy limits. The Senate defeated an amendment that would have stripped those provisions from the bill.

“We're allowing a private company to insure itself for criminal misconduct, for wanton misconduct, for gross negligence, for gross recklessness. which nowhere else in Florida have we ever done,” Sen. Dan Gelber said during a Judiciary Committee meeting.

The Miami Beach Democrat, who's seeking his party's nomination for attorney general, voted for the bill on the floor but said he still didn't like the liability provisions.

In floor debate, Judiciary Chairman Joe Negron, R-Stewart, said the bill provides “no-fault” coverage that would ensure timely payment to victims for their medical expenses.

If a freight train collides with a passenger train, CSX and the state would split liability equally regardless of who is at fault, Negron said.

Ring said the liability clause is similar to those in other states and essentially was copied from one in Massachusetts.

Shortly before the final vote, the Florida AFL-CIO dropped its opposition after reaching a compromise with the Florida Department of Transportation and South Florida Regional Transportation Authority, which runs the existing Tri-Rail commuter line.

Union officials said the contract deal would protect existing union rail jobs and their federal employment protection. The unions had feared both might be lost when commuter systems take control of CSX tracks.