

## **Florida Senate remains close on rail bill**

Gov. Charlie Crist twisted arms to try get legislation approved for Florida rail projects. But the bill's fate in the Senate is far from clear.

*By Steve Bousquet, Shannon Colavecchio and Marc Caputo*

A bill fast-tracking Florida rail projects raced out of the House with strong support Monday but slowed to a crawl in the Senate, barely surviving a 5-4 committee vote.

The close call, after an 84-25 House vote, underscores the challenge that backers of SunRail, Tri-Rail and high-speed rail are having in a skeptical Senate, where Gov. Charlie Crist lobbied three wavering Republican senators in separate closed-door meetings.

The rail measure likely would have died in the Senate Transportation Committee if Senate President Jeff Atwater had not stacked the deck last week by adding pro-rail Sen. Mike Fasano, R-New Port Richey, as a crucial fifth vote in place of an absent Democrat.

The most controversial part of the bill remains unchanged: liability protections for CSX Corp., the private company that's in negotiations with the state to sell 61 miles of Central Florida track for the SunRail commuter line. Total cost for the purchase and reconfiguration of CSX's tracks is about \$600 million. I

A gathering of Senate Democrats offered a preview of the tense debate expected when the bill reaches the Senate floor Tuesday.

Even though two Democrats, Sens. Al Lawson of Tallahassee and Jeremy Ring of Margate, co-sponsored the legislation, other Democrats raised concerns over state liability in crashes, effects on union rail jobs and cost.

“The state is being sued for not spending enough on education and they want to spend all this money on a choo-choo train,” said Sen. Gary Siplin, D-Orlando.

Democrats say they are angry about having to vote on a proposal that affects their constituents, yet was crafted without them. Sen. Tony Hill, D-Jacksonville, called it “totally disrespectful” that no one from the Department of Transportation came to talk to him about the legislation when he is vice chairman of one of two Senate committees that will consider the bill today.

Ring warned his colleagues that the federal government has threatened to demand repayment of \$256 million from Tri-Rail unless the state approves an additional \$13 million to \$15 million annual subsidy for the South Florida commuter rail -- a key component of the bill.

But the Legislature could fund Tri-Rail's shortfall in the regular session in March.

The Senate is composed of 26 Republicans and 14 Democrats, with one Democrat, Sen. Larcenia Bullard of Miami, ill and absent. If everyone else votes, Atwater must secure 20 votes for passage.

Without some Democratic votes, rail could be doomed because several Republicans are firmly opposed. Their leader, Sen. Paula Dockery of Lakeland, secured the four no votes in the Transportation Committee, hammering away relentlessly at the bill and at the DOT, the agency that would have exclusive jurisdiction over all rail in Florida.

Dockery, a candidate for governor, says she has the votes to kill SunRail for a third time. Supporters say they think they have the votes to pass it, with the help of previous critics such as Sen. Mike Bennett, R-Bradenton, whose shifting stance is a way to spare Atwater the embarrassment of failing to pass a top priority.

“We're in a box where you can't embarrass the Senate president,” Bennett said.

Dockery has become an emerging figure among some grass-roots conservatives who hosted a so-called “Tea Party” at the Capitol. About 20 activists waved signs saying “De-Rail CSX gravy train” and “Government behaving badly!”

Not only do some hard-line conservatives oppose the rail legislation, but so does the liberal-leaning AFL-CIO, which fears that some of its signalmen would lose federal railroad protections.

In the House, 10 of the 25 no votes were cast by Miami-Dade lawmakers, some of whom said the new money for Tri-Rail simply is not enough.

After the House roll call, four absent members cast yes votes, including Reps. David Rivera, R-Miami; Faye Culp, R-Tampa, and Oscar Braynon, D-Miami Gardens. Three others voted no, including Rep. Rick Kriseman, D-St. Petersburg.

One lawmaker changed her vote. Rep. Marlene O'Toole, R-Lady Lake, went from yes to no, as House rules permit.

*Herald/Times staff writers John Frank and Lee Logan contributed to this report. Steve Bousquet can be reached at bousquet@sptimes.com*