

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 10

From: Staff

Date: February 17, 2017 Council Meeting

Subject: Resolution Addressing Tri-Rail/Florida East Coast Railroad Liability

Introduction

The purpose of this item is to request Council approval of a resolution requesting the Florida Legislature enact legislation clarifying liability and indemnification for Tri-Rail service into Downtown Miami on the Florida East Coast (FEC) rail corridor. This service, known as the Downtown Miami Link, has been approved by the South Florida Regional Transportation Authority (SFRTA).

Overview and Analysis

For nearly two decades, Tri-Rail service, operated by the SFRTA has provided commuter rail service in Miami-Dade, Broward, and Palm Beach counties on the South Florida Rail Corridor. The SFRTA, local governments, and other agencies in the Region have consistently prioritized the extension of Tri-Rail service onto the FEC rail corridor as well. This extension, referred to as the Tri-Rail Coastal Link, would provide service to the coastal downtowns in southeast Florida and is essential for allowing service to be extended into northern Palm Beach County, which is a top priority of the Palm Beach Metropolitan Planning Organization as well as local governments. Tri-Rail service on the FEC rail corridor is also a core component of the Transportation Element of the Strategic Regional Policy Plan to help advance a balanced and integrated regional transportation system. Commuter passenger rail service on the FEC rail corridor has consistently been viewed as the central spine of a regional multi-modal transportation network.

In support of the Tri-Rail Coastal Link, the region's coastal communities have identified station locations, and undertaken station-area and community planning activities. These communities have also invested in multi-modal and land use projects to facilitate a transit-supportive development pattern, with better integration of transportation and land use, in advance of the Coastal Link project.

The construction of the new multi-modal Miami Central Station in downtown Miami encouraged the SFRTA to accelerate the first phase of the Coastal Link project. Known as the "Downtown Miami Link," the project includes the extension of Tri-Rail service onto the FEC rail corridor

and the construction of two Tri-Rail platforms within Miami Central Station. Earlier this year, the SFRTA completed an access agreement to enable Tri-Rail service to be extended onto the FEC rail corridor, which created a baseline for long-term discussion for the Coastal Link service to be extended into northern Palm Beach County. To fund the platforms, the SFRTA secured funding commitments from various public agencies, including Miami-Dade County, the City of Miami, Overtown Park West Community Redevelopment Agency, the OMNI Community Redevelopment Agency, and the Miami Downtown Development Authority.

Liability and indemnification for Tri-Rail service operating on a private rail corridor remains an outstanding item requiring a Legislative remedy. During the 2016 Florida Legislature's session, the House approved language in the omnibus transportation bill that would have clarified liability and indemnification obligations with respect to railways shared by inter-city public and private trains. These provisions would have reduced the liability exposure of the SFRTA for Tri-Rail service operations on the FEC rail corridor, which would be beneficial for the Downtown Miami Link service as well as the future Coastal Link service. The transportation bill was ultimately approved without this language, and the need remains for legislation in the current session to clarify these issues.

Conclusion

Tri-Rail service is a critical component of the regional transportation network. Expansion of this service onto the FEC rail corridor will expand mobility and transportation options for the traveling public. The FEC rail corridor is uniquely positioned to connect coastal communities in the Region, and additional Tri-Rail service for these communities would enhance redevelopment, improve efficiency, and help implement local government goals as well as the Strategic Regional Policy Plan. Legislation to clarify liability and indemnification will reduce the uncertainty associated with public transit service on this private transportation corridor and help advance Tri-Rail service as desired by these communities.

Recommendation

Council should approve and transmit Resolution 17-01 to the Governor and regional Legislative delegation.

Attachment

RESOLUTION #17-01

A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE 55 LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH, AND ST. LUCIE COUNTIES, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT CLARIFIES LIABILITY AND INDEMNIFICATION TO FACILITATE TRI-RAIL SERVICE INTO DOWNTOWN MIAMI

WHEREAS, Palm Beach, Martin, St. Lucie and Indian River counties form the four county region represented by the Treasure Coast Regional Planning Council (TCRPC); and

WHEREAS, TCRPC is responsible for the implementation of the Strategic Regional Policy Plan (SRPP) to help guide land use decisions in the Region; and

WHEREAS, the South Florida Regional Transportation Authority (SFRTA) operates the Tri-Rail commuter rail service in Miami-Dade, Broward and Palm Beach counties; and

WHEREAS, the SRPP emphasizes the benefits of commuter rail service in the form of Tri-Rail to help facilitate regional transportation flows and improve regional connectivity; and

WHEREAS, Tri-Rail service can be extended onto the Florida East Coast Railway to provide connectivity to the coastal communities in the three counties served by the SFRTA; and

WHEREAS, SFRTA has committed to fund the construction cost of two additional platforms needed at the Miami Central Station, to allow for the immediate connection of the current Tri-Rail service to Downtown Miami (the “Downtown Miami Link”) as well as provide the facilities needed to support the planned Coastal Link that will ultimately take Tri-Rail service north along the Florida East Coast (FEC) railway corridor to Jupiter, Florida; and

WHEREAS, the Downtown Miami Link and the Coastal Link are expected to provide greater public transportation options for residents who commute between Miami-Dade, Broward, and Palm Beach counties, with benefits extending throughout the Treasure Coast Region; and

WHEREAS, SFRTA has coordinated with a variety of partners, and has secured formal funding commitments with various public agencies, including but not limited to Miami-Dade County, the City of Miami, the Southeast Overtown Park West Community Redevelopment Agency, the OMNI Community Redevelopment Agency, and the Downtown Development Authority, to fund the construction costs of the additional platforms; and

WHEREAS, during the 2016 Florida Legislature’s session, language was amended into House Bill 7061 (“HB 7061”), an omnibus transportation bill by Representative David Santiago (R–Deltona) and Robert “Bob” Cortes (R–Maitland) that would have clarified liability and indemnification obligations with respect to railway shared by inter-city public and private trains; and

WHEREAS, such language would have facilitated Tri-Rail operating on FEC tracks into the Miami Central Station; and

WHEREAS, this liability and indemnification language eventually passed the House, but was amended out of the HB 7061 in the Senate; and

WHEREAS, the Governor eventually signed HB 7061 into law, Chapter 2016-239, Laws of Florida, without the liability and indemnification language; and

WHEREAS, clarification of liability and indemnification is a critical component of the completion of the Downtown Miami Link and the future construction of the Coastal Link because Tri-Rail will need to run on the privately owned FEC Railway; and

WHEREAS, the Florida Legislature continues to have an opportunity during the 2017 session to enact legislation that clarifies liability and indemnification and facilitates Tri-Rail service into Downtown Miami; and

WHEREAS, this Board wishes to urge the Florida Legislature to enact legislation that that clarifies liability and indemnification so as to facilitate Tri-Rail service into Downtown Miami and ultimately through all of Miami-Dade, Broward, and Palm Beach counties.

NOW, THEREFORE, BE IT RESOLVED BY THE TREASURE COAST REGIONAL PLANNING COUNCIL THAT:

SECTION 1. The Treasure Coast Regional Planning Council urges the Florida Legislature to enact legislation that clarifies liability and indemnification so as to facilitate Tri-Rail service into Downtown Miami and Tri-Rail Coastal Link.

SECTION 2. Certified copies of this resolution shall be transmitted to the Governor, the Senate President, the House Speaker, the Members of the Treasure Coast Legislative Delegation.

SECTION 3. This Resolution shall take effect immediately upon adoption hereof.

DULY ADOPTED by the Treasure Coast Regional Planning Council this 17th of February, 2017.

Doug Smith
Chair

Michael J. Busha
Executive Director