

## **Summary of Proposed Statewide Rail Transit Legislation**

### **FLORIDA RAIL ENTERPRISE**

Creates Florida Rail Enterprise within DOT, modeled after the existing Florida Turnpike Enterprise, that will be responsible for passenger rail systems, including high speed rail

- Sets the stage for a statewide policy on passenger rail transportation. Establishes policy for the overall framework for the future development of commuter rail in Florida.
- Until now, commuter rail has been a local issue.
- By raising the issue to a turnpike-like enterprise, the state can approach the issue in a statewide manner, both in terms of policy and funding.
- Provides statewide governance for passenger rail.
- Elevates passenger rail as a statewide transportation priority.
- The enterprise takes on responsibility for passenger rail; reports to DOT Secretary.

This issue was not included in SB 1212 during Regular Session.

### **PASSENGER RAIL COMMISSION**

The Passenger Rail Commission is created to advise FDOT in designing, building, operating, financing, and maintaining passenger rail systems. It will also monitor the efficiency, productivity, and management of SFRTA and future rail systems such as Sun Rail, TBARTA, and High Speed rail.

- Currently, the High Speed Rail Authority has a role in the development of high speed rail. The creation of the Passenger Rail Commission will create a role for such commission in the development and coordination of a comprehensive passenger rail system in the state.
- More comprehensive vision / mission than only high speed rail.
- Consistent with the vision of a comprehensive rail system for Florida.

This issue was not included in SB 1212 during Regular Session.

### **LIABILITY/INDEMNIFICATION**

The Indemnity and liability provisions in this proposed legislation will apply to all commuter rails systems developed through the acquisition of existing freight rail corridors. It establishes

the state liability obligations when acquiring rail corridors from freight operators. This is in keeping with a statewide rail vision and lays the groundwork for future commuter rail systems.

Under the proposed legislation:

- The freight operator is liable for incidents where a freight train hits a trespasser on the track or a car at a crossing
- In the case of a collision between two trains, freight operator would be responsible for paying the insurance deductible (up to \$10m) when punitive damages are awarded due to a willful or wanton act of its employees.

This is a departure from the provisions with SB 1212 during the 2009 Session which were criticized for placing the state on the hook for all accidents, even those caused by a freight operator.

### **Purchase of Rail Corridor**

This provision makes the purchase of the Central Florida commuter rail corridor contingent upon federal Full Funding Agreement (note, this not stimulus funds, the agreement is existing federal grant funds)

- Allows the department to begin the process for purchasing the central Florida commuter rail corridor.
- Closing funds would be escrowed; the purchase could not be finalized without receipt of the federal Full Funding Agreement.

This was included in SB 1212 during Regular Session

### **IMPACTS OF INCREASED FREIGHT MOVEMENT**

This provision requires DOT to identify and address impacts of freight traffic.

- Directs DOT to work with communities impacted by increased freight traffic due to central Florida commuter rail and future passenger rail systems.
- Allows DOT to access doc stamp funding for projects via the work program that would address freight rail impacts.

Similar to provisions within SB 1212 during Regular Session

### **DEDICATED FUNDING TO PASSENGER RAIL – TRI-RAIL OPERATIONS**

This provision provides the South Florida Regional Transportation Authority with the necessary funding to operate their Tri-Rail System.

- This is accomplished by maintaining current funding level combined with \$13m - \$15m recurring of new revenue (amount depends on whether SFTRA takes on operations, maintenance, and dispatch).
- Continues to require local contributions
- Earmarks a small portion of additional future transportation dollars to support the state priority of passenger rail.

This issue was not included in SB 1212 during Regular Session.

### **DEDICATED FUNDING TO PASSENGER RAIL – DOCUMENTARY STAMP PROCEEDS**

Consistent with a statewide rail vision, this provision creates a dependable, sustainable funding source for future rail projects.

- Provides the foundation for growing passenger rail and a source for future systems to tap into for development and construction of those new systems.
- First \$60 million of TRIP funds dedicated to passenger rail to be administered by the Florida Rail Enterprise

This issue was not included in SB 1212 during Regular Session.