

To: All Senators
From: President Jeff Atwater
Date: November 30, 2009
Subject: Special Session Update

I would like to provide you with an update on Special Session and the conversation I believe Florida should have regarding the role of rail as a part of a forward-looking transportation system.

Creating opportunities to bring employers and employees closer, to move goods and services more efficiently, and to capitalize upon existing transit corridors, is a fundamental component of a robust state economy. The time has come to recognize that we must complement our existing road systems with rail alternatives, as we seek to renew our urban industrial centers and build a stronger future for Florida.

For some time now, we have been working on legislation that would create a comprehensive rail transit policy for Florida. Such a transportation system is vital in order for Florida to remain competitive in a global economy. It is equally important that we act now. The people of Florida are hurting; many are experiencing the pain of unemployment. A statewide rail transit policy not only invests in Florida's future and lays the foundation for long-term economic development, it will also bring much-needed jobs at a time when almost a million Floridians are unemployed and looking for ways to meet their financial obligations. Delaying this decision further does a disservice to those most in need.

Attached is a brief summary of the proposed rail legislation. I want to highlight a few specific elements that I believe will address many of the issues Senators have raised in the past.

This is not simply a rewrite of last year's legislation. As previously noted, this bill is designed to establish a comprehensive, statewide rail transit policy for Florida. Given the scope of this vision, protecting the safety of our citizens and the security of our investments are paramount. Thus appropriate indemnity and liability provisions become critical to any comprehensive rail transit system. I listened to the legitimate concerns that were raised during last year's Session. I am pleased to report that over the last several weeks FDOT has been negotiating an improved liability contract. Under the proposed legislation, the freight rail operator will pay anytime their acts cause damages to people or property under certain circumstances, this includes those accidents that most commonly occur on the nation's rails today. Additionally, if a freight train and commuter train collide, and punitive damages are awarded, the private rail operator will be responsible for the willful and wanton acts by its employees.

Secondly, with respect to a dedicated funding source for the South Florida Regional Transportation Authority (SFRTA) commuter rail system, the legislation addresses this issue by using existing revenues that are dedicated solely to transportation projects. We are able to do this without affecting road construction projects within the current FDOT work program. This is a departure from previous legislative proposals that have included a \$2 rental car surcharge by voter referendum.

Finally, the legislation establishes the Florida Rail Enterprise, modeled after the nationally recognized and highly successful Florida Turnpike Enterprise. In an effort to meet Florida's growing transportation needs and enhance commerce, during the 1950s the legislature had the opportunity to invest in Florida's future through the construction and management of the Florida Turnpike. Today, the Florida Turnpike Enterprise manages over 600 miles of roadway and protects the public interest by utilizing best practices within the public and private sector. The Florida Rail Enterprise will not be a new layer of bureaucracy; no new positions have been created nor will any additional funds be diverted to support the Enterprise. Positions and duties that currently exist throughout FDOT will be streamlined into one office, which will be responsible for establishing a framework to guide and manage future development of rail in Florida.

Please take a moment to review the attached summary. We have carefully listened to concerns and addressed them to the best of our ability. Evolving our business models to meet the needs of a new century and new global realities is a challenge, but it is one we must face. Looking exclusively to the past, without acknowledging the demands of the future, is not an option for a state that should be leading the nation in innovation and business creation.

We are seeking nothing less than an investment in Florida's future by creating the foundation from which rail transit can become a viable transportation alternative for Florida's citizens, tourists, and businesses. I believe the proposed legislation accomplishes all of these goals and am especially pleased that it has been done without increasing the State's liability exposure or extracting a single additional dollar from Floridians.

I want to extend my gratitude to the Florida House and the Governor's office for their partnership in these efforts. We share the same goals of investing today to ensure a stronger future for Florida. We are working on a formal Special Session call and will send another email with the call once it is finalized. In the meantime, please make travel arrangements for a 9 AM Session on Thursday, December 3, 2009.

Once again, thank you for your patience and commitment to Florida. I look forward to seeing you all very soon.