

Provisions in CSX Deal Ease City's Opposition

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TALLAHASSEE | Last year's must-see legislative battle can't even fill a room this year, as House lawmakers Wednesday methodically moved toward approving a controversial commuter rail system through greater Orlando.

The two largest opponents of the plan have dropped out of the battle.

Trial lawyers were angered last year by limits on lawsuits triggered by negligent employees contracted by the state to work on the railroad.

But the powerful lobbying group dropped its opposition when that provision was removed. And Lakeland officials said Wednesday that new provisions in the bill to require the state to work toward moving displaced freight train traffic out of the city's downtown had soothed their concerns.

The new provision promises that increased freight traffic channeled through Lakeland because of the new commuter rail system will be "eliminated" within eight years of SunRail's start, which is estimated to be in 2011.

Lakeland's support

David Shepp, a lobbyist for the city, said the change addressed the city's long-term concern while short-term fixes like "quiet zones" can be pursued.

City Manager Doug Thomas said that with the new provision, "Lakeland is poised to support" the plan.

The drop in opposition was clear just by counting heads.

In a committee hearing last year in the same fourth-floor room of the House Office Building, reporters were forced to sneak in side doors as security officers limited the number of occupants in the packed room.

But on Wednesday, there were plenty of available seats and little real opposition as the House Economic Development and Community Affairs Policy Council approved the bill by a 13-3 vote.

In 2007, the Florida Department of Transportation and CSX Transportation proposed to a deal to purchase 61.5 miles of the company's rail line between DeLand and Poinciana for a state-run commuter rail line to begin operating in 2010.

The only thing lawmakers need to approve to complete the deal is a "no fault" plan that would make the company and the state responsible for their own equipment, employees and passengers regardless of who caused an accident.

To help offset that legal cost, CSX had agreed to pay the state \$10 million per year to use the new commuter line for its own freight traffic up to 12 hours per day.

The state has claimed the cost of the rail line came at a below-market rate.

To offset the difference, the DOT agreed to pay for improvements to CSX freight lines running from Jacksonville through Gainesville and Ocala to accommodate traffic displaced from the state-run commuter line.

The total cost of the purchase and upgrades is \$641 million with the state, local governments and the federal government slated to split the operating costs for seven years.

challenge in Senate

Passage of the deal is almost certain in the House, which approved the plan last year when it was opposed by trial lawyers and Lakeland.

The test will come in the Senate where Sen. Paula Dockery, R-Lakeland, has made defeat of the plan a personal crusade.

While Dockery supports the commuter rail system, she said it should not cost the state so much and should not force Lakeland to absorb more freight train traffic.

Dockery weighed in Wednesday with a new estimate that the project would cost more than \$2.6 billion over 30 years when operating costs, construction and bond fees were included.

But lawmakers will only consider the "no fault" portion of the plan with the promised protections for Lakeland and not the total cost.

"It is unfortunate that for a deal of this magnitude, the only question facing the Florida Legislature is whether to force taxpayers to pay for the negligence of a Fortune 500 company," said Dockery in a statement.

"As a fiscally conservative Republican, I am concerned about the transfer of liability and the ever-growing costs of the CSX deal. I urge my colleagues to demand a renegotiation on behalf of taxpayers."

Dockery faces a formidable political battle this year without the help of trial lawyers.

Unions have joined her opposition, saying the deal would eliminate experienced union workers from the new project.

But virtually every major business group, most of the state's most powerful lawmakers and Gov. Charlie Crist have begun a fevered lobbying battle this year in favor of the plan that they portray as an economic stimulus and a critical "green" method to avoid increased car and truck traffic on I-4.