



MEMORANDUM

AGENDA ITEM #IV.I

DATE: JANUARY 23, 2017

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: RESOLUTION IN SUPPORT OF THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA) INDEMNIFICATION LEGISLATION TO ALLOW FOR THE DOWNTOWN MIAMI LINK SERVICE AND COASTAL LINK PROJECT TO MOVE FORWARD

BACKGROUND

The South Florida Regional Transportation Authority (SFRTA) Indemnification Legislation will allow Tri-Rail to operate 26 trains across Florida East Coast Railroad (FECR) lines to offer a one-seat ride to Downtown Miami and much-desired service into the Miami Central Station.

The first part of this legislation applies only to Chapter 343 and is specific to SFRTA and the agreement entered into with the Florida East Coast Railroad, and All Aboard Florida (AAF) on August 19, 2016. More specifically, this language will:

- Allow SFRTA to operate commuter rail service on the rail corridor owned by FECR and/or AAF into the downtown Miami Central Station.
- Authorize SFRTA to indemnify FECR and AAF which will provide intercity rail service.
- Limit SFRTA's indemnification to the current liability insurance cap of \$295,000,000.
- Authorize SFRTA to maintain a \$5 million self-insurance retention fund as first layer of liability coverage similar to what FDOT currently holds for SFRTA.

The final piece of the SFRTA legislation applies to Chapter 341 and offers the opportunity for the FDOT to assume the obligations to indemnify and insure should they choose. This language is permissive and would ultimately save the \$1 million estimated insurance annual premium to indemnify.

Recommendation

Approve resolution.



RESOLUTION 17-01

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT CLARIFIES LIABILITY AND INDEMNIFICATION SO AS TO FACILITATE TRI-RAIL SERVICE INTO DOWNTOWN MIAMI; FURTHER URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO FUND, THROUGH THE FDOT FIVE-YEAR WORK PROGRAM, THE DOWNTOWN MIAMI LINK AND THE COASTAL LINK PROJECTS.

WHEREAS, the South Florida Regional Council is a regional public policy and planning agency representing the geographic area of Miami-Dade, Broward, and Monroe counties;

WHEREAS, the South Florida Regional Council is voluntarily created pursuant to an Interlocal Agreement of Monroe, Miami-Dade, and Broward counties, and Florida Statutes;

WHEREAS, the Council Board consists of county and municipal elected officials, gubernatorial appointees, and ex-officio representatives representing the South Florida Water Management District and the Florida departments of Transportation, Environmental Protection, and Economic Opportunity;

WHEREAS, the Council's mission is to work with, and provide assistance to, its member units of local governments and other regional stakeholders to develop and implement creative strategies that will result in more prosperous and equitable communities, a healthier and cleaner environment, and a more vibrant economy;

WHEREAS, in 2010 the South Florida and Treasure Coast Regional Planning Councils, in collaboration with regional stakeholders, spearheaded the development of the seven-county Southeast Florida Regional Partnership (Partnership) and its successful designation as an inaugural U.S. HUD Sustainable Community;

WHEREAS, completed in 2014, the Partnership's *Seven50: Southeast Florida Prosperity Plan*, a 50-year vision and plan, reflects general agreement around priority initiatives and investment in key areas of importance to Southeast Florida's future;

WHEREAS, broadly stated, these initiatives are focused on issues related to Everglades and waterways; balanced mobility / transportation; climate preparedness and resilience; education and workforce; and economic competitiveness and opportunity;

WHEREAS, the Partnership's *Seven50: Southeast Florida Prosperity Plan* highlights a "Region in Motion" as the preferred development scenario with an emphasis on quality transit and transit-oriented development as critical to the region's future resiliency and greater prosperity;

WHEREAS, the Tri-Rail service into downtown Miami, known as the Downtown Miami Link, and the future Coastal Link project, are integral parts of building a regional transit network;

WHEREAS, under Resolution #16-01, dated June 6th, 2016, the South Florida Regional Planning Council approved a resolution in support of Miami-Dade County's Strategic Miami Area Rapid Transit (SMART) Plan, which includes a segment of the Coastal Link corridor among its six (6) rapid transit corridors;

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, as well as provide funding support for the Downtown Miami Link and Coastal Link projects.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, that the Council hereby urges the Florida Legislature to enact legislation that clarifies liability and indemnification so as to facilitate tri-rail service into downtown Miami; and further urging the Florida Legislature and the Florida Department Of Transportation (FDOT) to fund, through the FDOT five-year work program, the Downtown Miami Link and the Coastal Link projects. These projects will advance implementation of the Southeast Florida Regional Partnership's *Seven50: Southeast Florida Regional Prosperity Plan* by reducing congestion and greenhouse gas emissions; enhancing connectivity and economic opportunity for communities and the region's workforce; and enhancing regional mobility.

ADOPTED BY THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL, THIS 23rd DAY OF JANUARY, 2017.

PATRICIA T. ASSEFF, CHAIR

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