



**RESOLUTION 2009 – 4
SUPPORTING SENATE BILL 1212**

WHEREAS, Senators Andy Gardiner and Lee Constantine have introduced Senate Bill (SB) 1212 relating to public transit; and

WHEREAS, this bill defines “commuter rail passenger”, “commuter rail equipment” and “rail corridor,” “commuter rail service” for the first time in statute; and

WHEREAS, this bill adds a new paragraph to s. 341.302, FS, providing the Florida Department of Transportation authority to indemnify and hold harmless freight rail operators from whom the department has purchased real property within the corridor and its agents from liability, regardless of fault; and

WHEREAS, this paragraph allocates fault as follows:

- If only a freight train is involved in an accident, then the freight operator pays 100 percent of the injury or damage (except for any commuter rail passengers, invitees, or trespassers in the corridor)
- If only a commuter train (or any other train not operated by the freight operator) is involved in an accident, the FDOT pays 100 percent of injury or damage
- If both a freight train and a commuter train collide, then the freight operator pays 100 percent of the commuter train and passenger damage including people within the corridor, and the freight operator and FDOT each pay 50 percent of any third party damage resulting outside the corridor, and

WHEREAS, FDOT’s duty to indemnify a freight rail operator is capped at \$200 million and any liability above that amount is the responsibility of the freight operator; and

WHEREAS, the passage of SB 1212 is critical to the pursuit of commuter rail here and throughout the state; and

WHEREAS, the stakeholders and citizens who have participated in the workshops for Envision 2035, the update of the TPO’s Long Range Transportation Plan, overwhelming support a vision for the future that includes commuter rail;

NOW, THEREFORE, BE IT RESOLVED that the North Florida Transportation Planning Organization strongly supports SB 1212 and encourages the members of our Legislative Delegation in Tallahassee to do the same.

Unanimously adopted by the North Florida TPO in regular meeting assembled in the City of Jacksonville the 9th day of April 2009.

ATTEST:

A handwritten signature in black ink, appearing to read "Art Graham".

The Honorable Art Graham, Chairman

A handwritten signature in black ink, appearing to read "Denise Bunnewith".

Denise Bunnewith, Executive Director