

SUNRAIL APPEARS TO REACH THE END OF THE LINE

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THE CAPITAL, TALLAHASSEE, April 30, 2009.....After starting this year's legislative session on the fast-track, the plan that would have allowed the proposed Orlando commuter rail known as SunRail to be built appeared to be derailed for good Thursday.

Train backers tried to put amendment that would allow the Department of Transportation to purchase 61 miles of existing tracks from CSX Corp to build the train on an omnibus transportation bill (HB 1021), but withdrew it after opponents almost ran out the clock on Thursday's Senate session questioning it. Another late-filed amendment favored by SunRail backers and supporters of the existing Tri-Rail commuter train in South Florida was defeated on 23-17 vote.

The original bill (SB 1212) that would have allowed SunRail to get going survived an arduous committee route to the Senate's calendar but hasn't managed to come to a vote. With one day left for non-budget items, it looks unlikely that its fortunes will change.

Having withdrawn the amendment after nearly an hour of questions from senators about the cost of the project, the liability provisions, the planned route of the train and the plan to re-route freight trains that currently run on the CSX tracks, sponsor Lee Constantine, R-Altamonte Springs, admitted the train had likely reached the end of the line this year.

Constantine said he would continue to try to find a way to bring the plan up for a vote on Friday. But any late filed amendment would require a two-thirds vote of the Senate, and Thursday's proceedings illustrated what an uphill battle that would be.

"There's still a day," Constantine told reporters after the vote, "Who's to say it's absolutely dead? You never know, maybe some people heard something they didn't know. Most of the information they've received has been anecdotal."

But just as quickly as he tried to show optimism that the train could get rolling again on the last day of regular session, Constantine admitted the odds were very long. He described what would be necessary to bring the plan up again Friday as a "miracle."

"Do I have a chance? You always have a chance," Constantine said. "Is it good? No."

Constantine's bleak outlook was shared by Orlando Mayor Central Florida Rail Commission Chairman Buddy Dyer. The usually sunny mayor's description of the bill's prospects Thursday was cloudy at best.

"The Florida Senate has just killed Sunrail, Tri-Rail and high speed rail," said a visibly disappointed Dyer, a former member of that Senate.

Those in favor of keeping the train from leaving the station lined up Thursday for what seemed to be an orchestrated dissection of the controversial plan. Sen. Mike Bennett, R-Bradenton, questioned Constantine about the cost of the train, projected to be \$1.2 billion. The plan called for \$641 million to be paid to CSX for use of the track and an additional \$600 million to build stations and purchase equipment.

"I like the idea of rail, I just don't like the idea of a bad business deal for Florida," Bennett said.

Sens. Ronda Storms, R-Valrico, and Jim King, R-Jacksonville, questioned the accident liability agreement with CSX Corp. that has drawn the ire of several senators, most notably Sen. Paula Dockery, R-Lakeland. Although the funding for the track purchase has already been included in the Department of Transportation's five-year workplan, the train hinges on legislative approval because the agreement had been deemed necessary to the purchase deal.

Backers tried to change the liability agreement - a "no fault" indemnification agreement that would have the state and CSX each responsible for its own equipment, workers and passengers no matter who causes an accident and third party damage being split - enough to woo critics, but senators said Thursday that state would still be too far on the hook.

Storms raised the specter of a CSX freight train running on the tracks when the SunRail trains were not - as the plan would have allowed - getting into an accident with a school bus.

"Say the CSX operator decides he going to get stoned on a couple of whatever drugs that they take and smoking pot too and drunk," Storms said. "And because of that, he sees the school bus but he can't respond because he's impaired. So he

hits the bus and little bodies are everywhere -- little children die. Who is responsible for that under those circumstances?"

Sen. Evelyn Lynn, R-Ormond Beach, questioned the plan to reroute freight trains that currently run on the CSX tracks through other communities.

"The traffic in overly crowded areas already will be severely impacted, holding up traffic for what could be hours," Lynn said. "In addition to that, we have hospitals that there will be no access (to), we have fire stations where in case of emergency there would be no access to across the tracks."

Critics even lampooned the proposed route of the SunRail train, which had been planned to run between DeLand and Poinciana.

"I wouldn't even care about the business plan if the rail was going where I would hope it would go," said Sen. Nancy Detert, R-Venice. "Is this going to go to Disney Land? Is it going to go to Universal Studios? Is it going to go Sea World? Because that's where our tourists go."

After the barrage of questions, Constantine said it was important the plan be brought up on the floor of the Senate, even if it appeared headed for defeat..

"We in Central Florida wanted a hearing on this," Constantine said before withdrawing his amendment. After the motion, the transportation bill was rolled to third reading with little debate.

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