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Orlando-area commuter rail will require some bargaining

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With the nine-week legislative session nearly one-fourth complete, Central Florida's biggest priority -- finalization of a \$491 million deal to bring commuter rail to the region -- sits stalled on the tracks.

The biggest reason: opposition from the city of Lakeland.

[CSX Corp.](#), the company planning to sell 61 miles of its tracks through downtown Orlando for commuter trains but still run some freight trains during off hours, has made clear it needs a liability agreement to protect it from lawsuits if there are accidents.

But a handful of lawmakers are demanding that the state Department of Transportation and CSX make additional accommodations for Lakeland, which would see extra freight-train traffic through its core business district if Orlando and Central Florida counties get their commuter rail.

And those demands are holding up the bill, which is not yet introduced in the House and is stuck in Senate committee without a hearing date.

"I'm not hearing it until I feel it's all ripe and ready to go. I don't have that," said Senate Transportation Chairman [Carey Baker](#), R-Eustis.

At the center of the fight is Sen. Paula Dockery, a Lakeland Republican whose husband was the driving force behind the now-repealed constitutional amendment to build high-speed rail between [Tampa](#) and Orlando.

Dockery says the deal that former Gov. [Jeb Bush](#) announced with CSX in 2006 was great for the company -- enabling it to expand its freight operations -- but a lousy one for her hometown.

The state agreed to pay about \$340 million to make improvements on the rail line going through Lakeland. That will divert trains away from Central Florida and help CSX ship more loads of coal, orange juice, cars and fertilizer right through the city's main drag.

"If we pay for them to have greater capacity, they can put more trains through downtown Lakeland," Dockery said.

Dockery has the power to hold up the bill because its next committee stop is the Judiciary Committee, chaired



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by Sen. Alex Villalobos, a Miami Republican and close ally of Dockery's.

"There's no reason to really push ahead if it's not going to be heard in Judiciary," Baker said.

Dockery wants the state to look at other ways to eventually bring commuter rail to her district and to the Tampa area. But she also wants CSX to abandon its plans to move its switchyard -- now in Taft, in south Orange County -- to land it owns in Winter Haven.

The company has resisted that suggestion. It also says that if it can't get liability protection, the deal is in jeopardy.

"If commuter rail does not pass, CSX will continue to run trains and continue to serve the growing freight demand in the state," said Craig Camuso, a CSX regional vice president in Tallahassee to lobby the bill. "But the state of Florida is going to miss out on qualifying for \$300 million in [federal transit] funds" that will help pay for commuter-rail trains.

A number of lawmakers outside Polk County are sympathetic to Dockery's concerns, uncomfortable with the liability issue or envious that in an extraordinarily bad budget year, Central Florida is in line to land big transit dollars.

"Other areas feel like they're going to be left behind," said Rep. Darren Soto, D-Orlando, one of several lawmakers who warned about 50 regional business leaders Tuesday that the deal could face trouble.

"These are things that happen, like business negotiations. We just have to work through them," said Rep. Franklin Sands, a Weston Democrat and future minority leader who criticized the CSX deal earlier this year.

The legal issues surrounding whether taxpayers or CSX would pay to settle injury lawsuits after a wreck "are a big deal and need to be resolved," he said.

The business leaders who flew to the Capitol for the Orlando Area Chamber of Commerce's annual lobbying event were warned to press the issue with other lawmakers.

"I would ask that you help us," Rep. Steve Precourt, R-Orlando, told them. "When \$500 million is sitting on the table, that's getting a lot of interest."

Top boosters for the project -- including future House Speaker Dean Cannon, R-[Winter Park](#), and Senate Majority Leader Dan Webster, R-[Winter Garden](#) -- say they're confident the deal will be sealed by the session's end in May.

And the group got some reassurance from [Gov. Charlie Crist](#), who hasn't weighed in forcefully on the project but told the delegation that the concept of commuter rail was "forward looking" and "a great idea."

"We just need to continue to push it along," said Orlando Mayor [Buddy Dyer](#), who planned to meet with Dockery while in Tallahassee.

"A lot of legislation doesn't get passed in the first two weeks."

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