

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 7, 2017

Consent

Regular

Ordinance

Public Hearing

Department

Submitted By: Administration

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, urging the Florida legislature to enact legislation that clarifies liability and indemnification so as to facilitate Tri-Rail service into downtown Miami and Tri-Rail Coastal Link.

Summary: The South Florida Regional Transportation Authority (SFRTA) is currently collaborating with Florida East Coast Industries (FEC) on constructing new links for Tri-Rail to operate into Downtown Miami as well as to extend service to Jupiter. However, due to Tri-Rail needing to operate on the privately owned FEC railway to make these connections a reality, clarification of liability and indemnification is critical. During the 2016 legislative session, language had been included in a bill that would have clarified the liability and indemnification obligations with respect to railway shared by inter-city public and private trains. This language passed the House but was removed from the bill in the Senate. Countywide (DW)

Background: On January 10, 2017, Commissioner Abrams requested that staff bring forth a resolution supporting Tri-Rail's efforts to urge the Florida legislature to clarify liability and indemnification obligations with respect to railway shared by inter-city public and private trains. In July 2016, the Miami-Dade County Commission passed a similar resolution. Palm Beach County partners with Miami-Dade, as well as Broward, in the Tri-Rail system. The South Florida Regional Transportation Authority, the operator of Tri-Rail, has asked the Palm Beach County Commission to pass this resolution to help facilitate bringing commuter rail service into downtown Miami as well as up the east coast to Jupiter.

Attachments:

- 1. Resolution

Recommended by:

R. D. [Signature]
Department Director

1/25/17
Date

Approved by:

[Signature]
Assistant County Administrator

2/1/17
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Agency _____ Org _____ Object _____ Program Code _____

B. Recommended Sources of Funds/Summary of Fiscal Impact

There is no fiscal impact associated with this item.

C. Department Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Administrator Comments:

Jana Pate 1/27/17
 OFMB ET 1/27 AK 1/27/17

Dr. J. Jacobson 1/27/17
 Contract Administrator 1/27/17 JW

B. Legal Sufficiency:

[Signature] 1/31/17
 Assistant County Attorney

C. Other Department Review:

 Department Director

Resolution No. 2017 - ____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT CLARIFIES LIABILITY AND INDEMNIFICATION SO AS TO FACILITATE TRI-RAIL SERVICE INTO DOWNTOWN MIAMI AND TRI-RAIL COASTAL LINK

WHEREAS, as part of the development of the Miami Central Station, a privately funded multi-modal transportation hub, the construction of two additional platforms will allow for the immediate connection of the current Tri-Rail service operated by the South Florida Regional Transportation Authority (SFRTA) to Downtown Miami (“the Downtown Miami Link”), as well as provide the facilities needed to support the planned Coastal Link that will ultimately take Tri-Rail service north along the Florida East Coast (FEC) railway corridor to Jupiter, Florida; and

WHEREAS, the Downtown Miami Link and the Coastal Link are expected to provide greater public transportation options for residents who commute between Downtown Miami, the northeast areas of Miami-Dade County, and Broward and Palm Beach counties; and

WHEREAS, the service, which is expected to increase Tri-Rail ridership, is significant because it will provide the first commuter rail link to Downtown Miami from Palm Beach and Broward counties; and

WHEREAS, Palm Beach is a partner with Miami-Dade and Broward counties in the Tri-Rail system and supports the development of the overall system; and

WHEREAS, during the 2016 Florida Legislature’s session, language was amended into House Bill 7061 (“HB 7061”), an omnibus transportation bill by Representative David Santiago (R– Deltona) and Robert “Bob” Cortes (R– Maitland) that would have clarified liability and indemnification obligations with respect to railway shared by inter-city public and private trains, thus facilitating Tri-Rail operating on FEC tracks into the Miami Central Station; and

WHEREAS, this liability and indemnification language eventually passed the House, but was amended out of HB 7061 in the Senate; and

WHEREAS, the Governor eventually signed HB 7061 into law, Chapter 2016-239, Laws of Florida, without the liability and indemnification language; 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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that this Board urges the Florida Legislature to enact legislation that clarifies liability and indemnification so as to facilitate Tri-Rail service into Downtown Miami and Tri-Rail Coastal Link.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Paulette Burdick, Mayor	-	_____
Commissioner Melissa McKinlay, Vice Mayor	-	_____
Commissioner Hal R. Valeche	-	_____
Commissioner Dave Kerner	-	_____
Commissioner Steven L. Abrams	-	_____
Commissioner Mary Lou Berger	-	_____
Commissioner Mack Bernard	-	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2017.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

**Sharon R. Bock, Clerk & Comptroller
Palm Beach County**

By: _____
Assistant County Attorney

By: _____
Deputy Clerk