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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 19, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: 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 or otherwise, the Downtown Miami Link and the Coastal Link projects; preliminarily identifying this item as a critical County priority for the 2017 legislative session

Resolution No. R-717-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.

Abigail Price-Williams
County Attorney

APW/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 19, 2016

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SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
7-19-16

RESOLUTION NO. R-717-16

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 OR OTHERWISE, THE DOWNTOWN MIAMI LINK AND THE COASTAL LINK PROJECTS; PRELIMINARILY IDENTIFYING THIS ITEM AS A CRITICAL COUNTY PRIORITY FOR THE 2017 LEGISLATIVE SESSION

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 the 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, SFRTA has been collaborating with Florida East Coast Industries, which is building the Miami Central Station for the All Aboard Florida inter-city rail service from Miami to Orlando, in order to make the Downtown Miami Link a reality; and

WHEREAS, SFRTA is required to fund the construction cost of the additional platforms and a prorated portion of the infrastructure to be shared between SFRTA and All Aboard Florida at the Miami Central Station; and

WHEREAS, SFRTA has coordinated with a variety of partners, and has secured formal funding commitments with various public agencies, including but not limited to Miami-Dade County, the City of Miami, the Southeast Overtown Park West Community Redevelopment Agency, the OMNI Community Redevelopment Agency, and the Downtown Development Authority, to fund the construction costs of the additional platforms; and

WHEREAS, the State of Florida was expected to, but has not, contributed funds for the track improvements needed to connect Tri-Rail's current service to Downtown Miami; and

WHEREAS, during the 2016 Florida Legislature's session, a provision 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; and

WHEREAS, such provision would have facilitated Tri-Rail operating on FEC tracks into the Miami Central Station; and

WHEREAS, this liability and indemnification provision 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 provision; and

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 will have another 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; and

WHEREAS, this Board wishes to preliminarily identify this item as a critical County priority for the 2017 state legislative session,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that clarifies liability and indemnification so as to facilitate Tri-Rail service into Downtown Miami.

Section 2. Urges the Florida Legislature and the Florida Department of Transportation (FDOT) to fund, through the FDOT Five-Year Work Program or otherwise, the Downtown Miami Link and the Coastal Link projects.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of FDOT.

Section 4. Directs the County's state lobbyists to advocate for the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board and to preliminarily identify this item as a critical priority when the Board determines priorities for the 2017 session as provided in Resolution No. R-764-13.

The Prime Sponsor of the foregoing resolution is Vice Chairman Esteban L. Bovo, Jr. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Annery Pulgar Alfonso