

# Florida Transportation

APRIL 2006

MONTHLY

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## **A PIONEER IN The Practice Of Transportation LAW**

*Thornton Williams of  
Williams, Wilson and Sexton, P.A.  
Has a Capital Idea*

Mel Wilson, Thornton Williams and Paul Sexton

## **Americans Still Believe Foreign Investment Is Good For Economy**

National poll indicates Dubai ports deal has not soured U.S. on "insourcing"

## **Florida's Black Bear Population Continues To Suffer Losses On Highways**

Vehicle-caused bear deaths exceed 100 per year

## **Work Zone Safety Is Theme Of FDOT Campaign**

Agency working to avoid construction zone crashes

## **Hollywood Looks To Develop A Transit Village**

First to use Transit Oriented Development (TOD) land-use designation



## Dear Reader:

Our cover story this month is about the law firm of Williams, Wilson and Sexton (WWS), formed in 1998 by former FDOT general counsel Thornton Williams. The firm has carved out a niche in a new area of practice: transportation law. Many of the larger firms have transportation expertise but WWS may be the only firm that has made transportation its major focus. WWS' three partners, Williams, Mel Wilson and Paul Sexton, are all former FDOT attorneys. The migration of legal talent to a law firm is similar to what has happened in the consultant engineering field for decades, where former FDOT engineers have moved to the private sector.

Also in this issue, we look at FDOT's efforts to promote work zone safety. With almost 4,000 crashes per year and more than 100 fatalities occurring on Florida highways, the problem is a real one and we applaud FDOT and other agencies for working to save lives.

Another story is about the development of a transit village in Hollywood. The development is believed to be the first development to be constructed under Florida's new Transit Oriented Development (TOD) land-use designation, which is reserved for mixed-use communities that are adjacent to and encourage the use of mass transportation for residents and visitors. This is a trend that could save us.

We feature the plight of the Florida black bear, which is losing the battle against increasing traffic and associated development in and around the bear's ranging territories. From 1976 to 2004, more than 1,300 bears were killed on Florida highways.

We also report the fluctuating state of gas prices. Being a monthly magazine, we cannot stay too current. Suffice it to say that gas prices are on the rise again and at press time the price of unleaded regular averaged more than \$2.50 per gallon.

Another report announces that Avis and Budget are rolling out new programs that allow rental car customers to purchase toll tags as part of the rental. Now, tourists will not have to figure out our toll road systems when they arrive from parts unknown. The services were rolled out in the Northeast and Texas but will make their way to Florida by year's end.

David P. Fierro | Editor & Publisher

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- 06 Gas Prices Edge Back Up In March, Reaching 2005 Levels**  
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- 34 Florida Black Bears Falling Victims To Growth And Development**  
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PIONEER -- WWS Managing Partner Thornton Williams has carved out a practice concentrating on transportation law.

# Former FDOT General Counsel Pioneers Transportation Law Practice

By David Fierro, Editor

**Thornton Williams' law offices are right across the street from the State Capitol here on Monroe Street and just around the corner from the Haydon Burns Building, headquarters for the Florida Department of Transportation.**

**W**illiams, who served as general counsel for FDOT from 1990-96, stays in close proximity to state government and the mammoth transportation agency where he once worked.

Williams left FDOT in 1996 to join Rumberger, Kirk and Caldwell as partner. Two years later, Williams launched Williams, Wilson and Sexton, P.A. (WWS), a law firm concentrating on a new area of practice: transportation law.

"We chose transportation law because the principals of the firm are all former FDOT lawyers," said Williams. "As we considered private practice, with our background in transportation law, it was a natural fit," he added.

"I don't know of any other firms that specialize in transportation in the manner that this firm does," said Pam Leslie, FDOT general counsel.

Both of Williams' partners, Mel Wilson and Paul Sexton, have FDOT experience.

Wilson spent 14 years as district general counsel for FDOT in Fort Lauderdale and served a stint as a litigation attorney in FDOT's Tallahassee office. Today, he runs the firm's Fort Lauderdale practice.

Sexton served as staff counsel for the Florida Public Service Commission from 1977 to 1986, spent six years in private practice and returned to government service in 1992 when he joined FDOT's office of general counsel. In 1994, he was appointed chief counsel for the agency's Administrative Law Division where he served until 1998.

Williams' experience in government started in 1982 as an assistant state attorney prosecuting criminal cases in the Second Judicial Circuit. He also served as an assistant general counsel to the Governor, staff attorney and deputy general counsel for the Department of Business Regulation.

In more than six years with FDOT, Williams was responsible for cost recovery at the agency and though the agency was exposed to some \$10-20M per year, paid out only 10 percent in claims each year. In addition, Williams recovered approximately 90 percent of property damage claims that averaged between \$1-3M per year.

Williams was one of five primary lobbyists for FDOT, lobbying the transportation committees, settling claims bills and providing technical legal advice on all legislation involving the agency.

"When we started our law firm in 1998, there were various law firms around the state that represented different transportation interests. To our knowledge, none of those firms had decided to represent the various individuals and businesses that appeared before the state's transportation agencies with transportation law as a focus," said Williams. "Given our training while employed by FDOT, and with the expressway authorities having similar issues, we thought that we could assist those individuals and businesses," he added.

Leslie, who worked as Williams' deputy at FDOT before his departure, considers him a mentor. "I feel like I learned a lot from him," she said.

Williams said his firm works hard to stay on top of what is happening in government at all levels.

"Legal issues involving transportation are generally driven by the policy decisions at the state, federal and local level. Major issues presently in transportation are congestion management and project funding. These issues are driving the concept of regional transportation systems, intermodal systems, public/private partnerships and 'hot lanes,'" he said. "Also, there will probably be some new mass transit models in the near future. These issues will generate various legal analyses as potential solutions are explored. A couple of issues are in the background. One is dedicated funding sources at the local level. Another background issue, with the document imaging transition that is occurring in the agencies and the industry, is the confidentiality of those documents," he added.

Williams said the re-emergence of public-private partnerships reflects government agencies revisiting policies that emerged in the 1980s.

**"Transportation matters are sometimes complex or on a fast track, which can lead a potential client to consider us because we are generally knowledgeable on the issues. Knowing how to translate a client's concern into the proper legal issue in a timely manner is paramount."**

*— Thornton Williams*

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( "FDOT" cont'd )

"It is interesting to see the re-emergence of public/private partnerships (PPP). Back in the late 80's and early 90's, the transportation industry discussed BOO's (Build, Own, Operate) and BOT's (Build, Own, Transfer). The big issues back then were: the rate of return on investment; ownership of the facility; if the private company had initial ownership, when (if ever) did the governmental entity get ownership back; and whether roads programmed as non-toll roads should become toll roads in order to build them faster," he said. "As we look at present-day PPPs, those same issues remain to be addressed for any blended financing, with the exception of whether projects originally slated only for public dollars should be built with public and private dollars. That question has been answered, 'yes'," he added.

WWS concentrates on construction litigation, bid protests, contract negotiations, pre-bid protests, contract negotiations, pre-bid analysis, post-bid contract litigation, amendments to contracts, outdoor advertising, asset management, design-build, public private partnerships and provides general legal counseling on a wide variety of transportation related matters.

"Transportation matters are sometimes complex or on a fast track, which can lead a potential client to consider us because we are generally knowledgeable on the issues. Knowing how to translate a client's concern into the proper legal issue in a timely manner is paramount," said Williams. "A fundamental aspect of our practice is risk analysis. We not only give the client legal options, but we believe that the client should have an understanding of the associated risk, so that he/she can make a sound business decision," he added.

Williams said his firm is carving out a niche in the transportation arena by delivering the high-end services of a large firm with the lower overhead of a smaller firm. WWS has eight lawyers and

20 employees overall but is clearly in an expansion mode.

"A firm such as Williams Wilson & Sexton, P.A. is competitive in the market because the background and training of the lawyers allows us to provide a range of legal services and a depth of experience characteristic of large firms but with the personal touch of smaller firms," said Williams. "In the eight years that we have been in existence, we have attracted a number of large businesses with major issues as clients, and we are pleased that they have selected us," he added.

The firm's client list includes some of the state's leading companies both inside and outside the transportation arena.

Another accomplishment in Williams' career was the opportunity to serve on Jeb Bush's 2002 transition team.

Williams said Florida's continued growth will make his focus on transportation a wise choice.

"Florida is changing rapidly and it is mainly due to growth. This type of change helps us because in a growing economy, transportation is a major component of that growth," he said. ■

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*— Thornton Williams*