

Federal Stimulus Dollars for High Speed Rail

By: Thornton J. Williams, Williams Wilson P.A.



On December 16, 2009, Governor Charlie Crist signed historic legislation aimed at securing over \$2.5 billion in stimulus money for the state of Florida to build high speed rail.¹ House Bill 1B, Relating to Transportation, was signed into law after it passed the Florida Legislature after a weeklong 2009 special legislative session.

Under the new bill, "high-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the enterprise.²

The term also includes a corridor, associated intermodal connectors, and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

Unquestionably, mass transit, especially rail, has had a long and tumultuous journey in Florida with support for these types of programs ebbing and flowing with the economic and political tide. The idea of a high-speed rail system has been in existence in Florida since November 2000, when the Florida voters approved a constitutional amendment mandating the construction of a high-speed transportation system for the state.³ To implement the constitutional amendment, the Florida Legislature enacted the Florida High-Speed Rail Authority Act and created the Florida High-Speed Rail Authority (Authority) in 2001.⁴

¹ The federal stimulus package includes up to \$8 billion for high speed rail that Florida could be eligible to tap in to.

² "Enterprise" means the Florida Rail Enterprise. The newly created Florida Rail Enterprise (created in HB1B), is modeled after the Florida Turnpike Enterprise and is tasked to locate, plan, design, finance, construct, maintain, own, operate, administer, and manage the high-speed rail system in the state.

³ Section 19, Article X of the State Constitution.

⁴ Sections 341.8201 through 341.842, F.S.

In November 2004, the 2000 constitutional amendment was repealed. However, prior to repeal of the constitutional amendment, the Authority developed a strategic plan for high-speed rail in Florida, undertook the project development and environmental study process for the initial Tampa to Orlando segment, and conducted a planning study for the Orlando to Miami segment.

A major catalyst for the recent resurgence in this arena, however, is heightened federal support, evidenced by the billions of federal dollars being made available for mass transit initiatives, as a result of the American Recovery and Reinvestment Act signed into law by President Barack Obama. The ARRA allocates \$9.3 billion for the development of intercity and high speed passenger rail systems, of which \$8 billion is being offered for the development of new intercity and high speed rail passenger infrastructure and service routes. Florida's Tampa-Orlando-Miami corridor⁵ is one of the many corridors eligible to compete for the coveted federal dollars based on the extensive ground work done in Florida to advance a high speed rail mass transit system along that corridor.

Additionally, President Obama has allocated another \$5 billion over the next five years in the fiscal year 2010 budget for high speed rail initiatives and Amtrak funding.⁶ The amount of funding being allocated for high speed rail is unprecedented in U.S. history

To date, the Florida Department of Transportation (FDOT) has submitted its Application for High Speed Rail as part of the ARRA "Vision for High Speed Rail in America" Program. FDOT is requesting \$2.6 billion to fund the implementation of the Tampa to Orlando route, and another \$30 million to advance planning on the Orlando-Miami route. If funding is awarded by year end 2009, Florida can begin the implementation of the first High Speed Rail Express system in the United States starting late in 2010.⁷ Florida's High Speed Rail Vision Plan envisions eventual statewide service, starting in the Tampa-Orlando-Miami corridor.

Florida is facing stiff competition for federal funding in this arena from states around the country. It has been reported that nearly 40 states and Washington, D.C., have sent in applications for rail money totaling nearly \$60 billion, with only \$8 billion to go around.⁸ The Federal Railroad Administration is currently reviewing all applications, with awards being announced likely in January 2010.

Undoubtedly, Florida has boosted its odds of landing stimulus dollars with the Legislature's passing and the Governor's signing of House Bill 1B. Florida will likely be one of the few states that will meet President Obama's short list federal funding requirement for "shovel ready" projects that can have the immediate economic benefit of creating needed jobs.

⁵ The first leg of the system will link Tampa and Orlando.

⁶ <http://www.gpoaccess.gov/usbudget/>

⁷ <http://www.dot.state.fl.us/planning/economicstimulus/hsr/>

⁸ <http://www.miamiherald.com/news/southflorida/story/1378363.html>

About the Author



Thornton J. Williams is a Managing Partner at Williams Wilson P.A.
He may be reached at: 850-224-3999 or by email:
twilliams@twalaw.com