

## HIGH-SPEED RAIL: ALL ARE NOT ABOARD!

By KELLY LAYMAN

**In the middle of the state's worst budget woes in 10 years, the nine-member High-Speed Rail Authority<sup>1</sup> grapples with a myriad of complex issues.**

In response to an ill-formed and ill-placed constitutional amendment passed on the 2000 general ballot, the Florida Legislature in its 2001 Session created a High-Speed Rail Authority. The legislature then gave the Authority an unrealistic deadline to generate a rushed concept with a development timeline that is unattainable, a mammoth billion-dollar price tag, and few complete answers to logistical mega-questions. As a result, these latest actions could leave the Florida Legislature and taxpayers paying into the next century for the overconfidence of the high-speed rail proponents.

### Overview

Florida's fledgling foray into the conceptualization of a high-speed rail has been one of rollercoaster proportions. And the ride is just beginning, unless state legislators act more judiciously in the upcoming 2002 Session as they are forced to partake in this 25-year saga.

High-speed rail is certainly attractive as a potential and partial solution to the state's growth demands of the future until one considers the unique conditions in Florida. In the middle of the state's worst budget woes in 10 years, the nine-member High-Speed Rail Authority<sup>1</sup> grapples with a myriad of complex issues. First, the group, which was formed in June 2001, had until Jan. 1, 2002, to submit to the legislature, cabinet, and governor whatever finding it could manage. Then, few of the involved parties expect to see enough substantive progress to justify construction commencement by Nov. 2003, a date mandated by the constitutional amendment.

The most consternation revolves around a continuing lack of complete, sound dollar figures for the following:

- Land purchases or the legal taking of same
- Construction, maintenance, and other basic infrastructure costs
- Environmental clean-up and protection of documented toxic sites and sensitive environs.

Most importantly, from this publication's perspective, is the lack of admission that neither start-up costs nor dependable long-term funding resources from local, state, or federal governments can be identified. Even if funding were acquired, not only would it be a faint drop-in-the-burgeoning-bucket, but governmental loans in most instances would have to be repaid to the grantor. In addition, the state's credit would be severely and negatively impacted by bond offerings at this dollar level and exposure.

The taxpaying corporate and individual citizenry, on which nearly everything in Florida's tax structure depends, can neither partially nor fully construct or maintain such a mammoth new enterprise. The private sector has come forward before, then turned away because the ultimate lack of funding resources was evident.<sup>2</sup>

Indeed, defining "high-speed rail" for Florida has migrated from a wish-list magnetic levitation system, or Maglev (200 to 300 mph), to conventional high-speed rail (150 to 200 mph), to its most recent bulleted-down fashion of a near-hybrid to meet a constitutionally mandated minimum 120-mph speed capability.<sup>3</sup> By comparison, the high-speed rail popular in

**Florida's Perpendicular Amtrak is not what voters were "sold" when they "bought" on Nov. 7, 2000.**

Europe runs 170 to 190 mph between cities. Also, when European riders reach their destinations in cities that have transit infrastructure in place, they do not need a car to complete their travels. But Floridians would need a car, adding significant doubts to the arguments about ridership viability and transit competitiveness of the state's high-speed rail proponents.

Ironically, in order to provide a multitude of stops along the Interstate 4 (I-4) corridor section of Tampa Bay to Orlando, the high-speed rail would be required to travel only at the more pedestrian speeds of Amtrak passenger trains planned for the East Coast of the state—a mere 65 mph. This stark irony has given way to the temptation to coin the current high-speed rail pursuit simply “Florida’s Perpendicular Amtrak”—not what Florida voters were “sold” when they “bought” on Nov. 7, 2000.<sup>4</sup> It is unclear how this latest ~~usage of high-speed rail~~ comports to the amendment language. Is it alright if the train is only capable of 120 mph but never reaches that speed? If so, then why spend so much money on it?

In the year since the constitutional amendment passed, however, the state's new high-speed rail “mandate” has become no more than a 90-degree link-up, a cross-Florida pathway, to complement Amtrak's East Coast line plans. Consider that Amtrak proposes to upgrade its existing East Coast rail lines in Florida (enabling future passenger rail service from Jacksonville to Miami) for \$40 million, a far smaller commitment from the state.

The following is a recap of the stop-and-start efforts to date, allotting the most attention to the actions of the Florida Legislature in the 2001 Session immediately following the voting public's passage of the constitutional amendment. It addresses some of the questions, but many will probably be left unanswered in the wake of an excessively stringent deadline of Jan. 1, 2002, for the Authority to bring forth a substantive, complete report.

**Back to the Future: 1976 - 2000**

Twenty-five years ago, the 1976 legislature mandated the first study of high-speed rail for the cross-state stretch of St. Petersburg to Daytona Beach. The study concluded that it

would be economically feasible if done in stages and with the joint use of existing interstate highway corridor (for example, government right-of-way and median exploration). At the time, a rail system with 150 mph minimum speed was estimated at \$585 million for construction only. In 2001 dollars, this equates to more than \$1.8 billion. Again, that amount represents construction capital only, without consideration for right-of-way and similar land issues and assessment needs or facility requirements—such as station structures, parking, on-site staff, and maintenance requirements—and their respective substantial costs.

Almost 10 years later, the legislature created a new commission to design a plan emphasizing public-private partnerships. In 1986, an industry expert firm estimated the cost of a Miami to Orlando to Tampa system at \$2.3 billion to \$2.7 billion. (For comparison purposes, this range by itself represents 13 percent of the state's entire \$41 billion annual budget, and about 3 percent of what is spent annually on a national level to maintain, repair, and expand the entire highway system and ground transportation infrastructure.)<sup>5</sup> Another estimate was as high as \$3.5 billion, and in 1990, the projected total costs were rising while the parties involved approached the legislature for a \$5.35 billion public funding price tag. Then-Gov. Lawton Chiles largely discouraged the idea and, likewise, few legislators championed the issue, especially publicly.

Over the next four years, both original bidders withdrew their proposals. In 1992, the legislature gave the Florida Department of Transportation (FDOT) the oversight and execution responsibility, with the originating law still in place. The largest-ever U.S. intercity market survey for ridership and transportation was conducted for Florida's project, but it was completed well before the realistic project engineering was in place to best complement the survey questions. Therefore, the results were widely viewed as incomplete and suspect.

In 1995, after reviewing the five submitted proposals,<sup>6</sup> FDOT announced a \$70 million per year funding commitment for 30 years to increase by 4 percent a year, along with its selection of Florida Overland eXpress (FOX), a consortium of firms. The system capital cost

**The James Madison Institute was the only group offering a thorough statistically based review of the true costs to the state regarding the pending amendment.**

was estimated at \$6 billion to \$8 billion with riders to begin traveling in 2010, almost 15 years later. Over the next two years, FOX's engineering and systems teams conducted an impressive array of beginning studies and assessments ranging from environmental reviews to funding mechanisms.

Nearly a week after he took office in 1999, Gov. Jeb Bush cut the funding mechanism of the so-called bullet train, saying the benefits did not justify the expense. Several months before the veto, The James Madison Institute had released a study and had engaged in a media and community relations initiative. The study brought to light the enormous public state dollars that would be committed to pursue a fairly narrow impact within a struggling transportation system, a view the governor echoed in his veto. And, at the same time, the federal General Accounting Office (GAO) released its thorough report to Congress. It criticized FOX for making grand assumptions on many levels, and questioned how FOX intended to meet its timeframes without cutting major corners. (See "In the Hands of the Authority," page 4 for details.)

But the proponents, though few in number at the time, were politically well-connected and had considerable financial wherewithal. Ever-determined, they successfully mounted a multimillion dollar citizens' petition drive and then caught stakeholders off-guard in securing the Florida Supreme Court's required approval of the ballot language only a month before Election Day in the Fall of 2000.<sup>7</sup> The absence of substantive analysis and evaluation of the measure nonetheless did not deter a slim majority approval of what sounded like a simplistic government measure addressing traffic congestion and exponential population growth. The James Madison Institute was the only group offering a thorough statistically based review of the true costs to the state regarding the pending amendment.<sup>8</sup>

**Session 2001: Ticket to Confusion**

And so the 2001 Florida Legislature—with 63 freshmen House legislators amid them—reported for duty with a so-called "mandate" to pass enabling legislation as required by the constitutional amendment's passage. According

to many legislators who were familiar with the bills, this quickly digressed to a "Who's on first?" comedy of errors.

Two House members, both in the Republican majority, filed separate bills to take very different paths.

1. House Bill 507 by Rep. Dennis Ross of Lakeland<sup>9</sup> was clearly the more aggressive of the two. It allowed the Authority to, among many other things: issue bonds; address eminent domain issues of taking government and private land; allow for tax exemptions; guarantee that the state would not limit nor alter the rights of the Authority; and undertake specified associated development projects. The bill put \$35 million in the budget for the next fiscal year and called for \$70 million each year after that until 2024. One version of this bill also paid the panel members a stipend of \$10,000 a year, a rarity in governmental appointed bodies, whose members normally are only reimbursed for travel expenses and hotel accommodations. A later version of the bill was completely rewritten and placed \$10 million in the 2002-03 state budget to fund the Authority.
2. Rep. Randy Johnson of Winter Garden filed House Bill 489 as a study-oriented effort to address the latest visage of high-speed rail. It would have had the Authority report back with solid costs and options, and gave the legislature the option to put another constitutional amendment on the November 2002 ballot, which would clearly enumerate the costs for voter consideration. Legislators who supported the bill preferred this more moderate stance and hoped this would appease the constitutional amendment mandate without putting the legislature in fiscal harm's way of being forced to commit overwhelming dollars and resources. In the final week of session, this concept prevailed. A once-\$3 million appropriation for the Authority in this bill was amended to \$4.5 million in the final week of session.

The response of the Florida Department of Environmental Protection (FDEP) during this

**Some lawmakers voted against a bill they had themselves originally co-sponsored.**

contentious time in the legislature deserves particular attention. Early in the session, FDEP's response outlined substantive, wide-ranging concerns especially on the complex certification processing schedule that it termed too brief and seriously flawed in the legislation. Siting acts do not normally function so smoothly as to allow any proposed timeline to be anything close to realistic, especially to a "green light" at less than two years away. The FDEP also had serious concerns with the fact that in House Bill 507, it would be the lead agency for certification. This would be a considerable new workload for which FDEP would likely receive no additional funds and would represent a significant departure from earlier assignments of the workload, even under FOX. By comparison, when the FOX project was vetoed, the certification process had not yet even begun. This was after three years of engineering design work with only 10 percent of total assessment completed.

In the end, the resulting legislation was a last-minute resolution (not to be confused with a compromise) far off-line in content from the originally filed bills. As a result, some lawmakers voted against a bill they had themselves originally co-sponsored.

The Florida High-Speed Rail Authority Act as passed and approved by the governor created the panel and directed it to plan, administer, and manage the preliminary engineering and preliminary environmental assessment of the project. It required that the first segment connect St. Petersburg and Tampa to Orlando with future service to Miami. It appropriated \$4.5 million for the Authority to perform these duties; by comparison, this is \$500,000 more than the state's *annual* half-share (with the federal government) for the next two decades for the Everglades restoration.<sup>10</sup>

An ancillary but intriguing legislative issue is the Transportation Outreach Program (TOPS) created by the legislature when the governor vetoed the transportation dollars for the FOX bullet-train project. Approximately \$70 million to \$100 million annually—once reserved for FOX—is now appropriated to other transportation projects through a new and subjective, unstructured process. The TOPS Commission has only seven members. In the

2001 Session, lawmakers dropped some of the projects reviewed and approved by the commission in favor of their own multimillion-dollar and unreviewed ones. This exposed the committee's loose selection methods in appropriating its allotment of \$115.8 million. After approval of the budget, the governor vetoed some of the individual TOPS projects, but certainly not all.<sup>11</sup>

If the high-speed rail project were to siphon TOPS dollars—something explored or assumed by some legislators—then local road, seaport, and other transit projects will be cancelled or interrupted to the aggravation of those state legislators with local transit projects funded wholly or partially by TOPS money. In fact, the \$4.5 million provided by legislators to the High-Speed Rail Authority came from the TOPS program.

**In the Hands of the Authority**

Apart from the general but serious concern over the unrealistic timeline of six months to produce full answers to issues and costs, it should be noted that pertinent information, for whatever reason, was neither included on the "List of Summaries of Studies and Reports" in the commission's first meeting nor since. Conspicuously absent from the debriefing book at the Authority's opening deliberations was the GAO's 55-page report in its duties as an independent review arm of the U.S. Congress—a 1999 report that specifically dealt with, and was highly critical of, the FOX project in Florida and its funding capabilities.<sup>12</sup> Many proponents of high-speed rail in Florida say that federal funding is a very real possibility, but the GAO itself—widely considered a thorough and objective eye over large, complex questions assigned to it by government—frowns heavily on federal funding for high-speed rail because of the proportional imbalance it would cause in overall transportation dollars. The report specifically states in part:

"...the [Florida] plan relies heavily on debt, is incomplete, and the project's sponsors have secured only 5 percent of the estimated need funding for the project. ...the ridership forecast for the project relies on optimistic assumptions and could be overstated by 30 percent or more. ...In

**Of note is that Amtrak, which itself has yet to turn a profit in its 30-year history, will be a subconsultant to the Authority and has emphatically stated in presentations before the Authority that it wishes to build, maintain, and operate Florida's high-speed rail.**

order to cover the cost associated with a \$2 billion loan to the Florida project, the Department may need to obligate over one-half of the . . . \$530 million. Providing [this] . . . would constrain the Department's ability to fund other projects that are potential candidates for credit assistance."<sup>13</sup>

The three methods of credit from Congress under the transportation investment programs—secured loans, loan guarantees, and lines of credit—can be used to fund only up to one-third of the costs of a project. All of these funds require that a project's sponsors receive a preliminary rating letter from at least one bond-rating agency to reflect a low probability of defaults, produced by solid costs.<sup>14</sup> The report also stated that bond-rating agencies "have little or no experience reviewing high-speed rail projects, but when asked to rate the project's proposed bonds, they will focus on the reliability of the ridership estimates and other important factors. . . ."<sup>15</sup>

In 2001, a \$71 billion congressional proposal in the House was filed<sup>16</sup> to build or maintain high-speed rail projects nationally, but again, these would be tax-exempt bonds and loans that would be paid back. The amount is unlikely to go very far with the amount of infrastructure currently in place. Additionally, the bonds are intended to finance projects "with a cruising speed of 125 mph."<sup>17</sup> Senate approval will be shaky. If the proposal is passed, competition for the relatively low amount will be steep among the Midwest High-Speed Rail Coalition (a rail that goes through the upper Western states) and states that are in the planning stages of high-speed rail at or far beyond Florida's effort. These include California—whose rail alone is estimated to cost \$30 billion in capital—Washington, Virginia, and North Carolina. Although the legislation would provide bonding authority directly to the state instead of to Amtrak, it is still too small an amount, and it forces states to continue on an uncoordinated and widely varying path of enormous considerations. Each state's respective interpretations, standards, technology, and equipment for "high-speed" rail will be unique and create an uneven evaluation process.

The Authority this past summer requested letters of interest to help it designate and hire a general consultant to provide "engineering,

planning, policy, financial, and other technical services."<sup>18</sup> And it has hired one of the six consortiums who responded to provide these services.

Of note is that Amtrak, which itself has yet to turn a profit in its 30-year history, will be a subconsultant to the Authority and has emphatically stated in presentations before the Authority that it wishes to build, maintain, and operate Florida's high-speed rail. Yet since its creation in 1971, Amtrak has received \$30 billion in federal subsidies; this year's losses alone are expected to be \$2 billion. Its Northeast corridor route is the only line that barely breaks even. Indeed, the Acela train, which had numerous planning delays due to equipment problems and postponed its official opening for six months, is promoted as traveling at up to 150 mph, but its actual average speed is only 70 mph. The Acela reaches its top speeds on only 18 miles of the 452-mile route from New York to Boston, a savings that the National Taxpayers Union notes is only 20 minutes over the automobile. It also runs behind schedule nearly 20 percent of the time.<sup>19</sup>

Congress has a mandate on Amtrak to reorganize and put in place measures for it to become self-sufficient in 2002-03, which even Amtrak does not expect to be realistic. A Bush administration plan for Amtrak was to be proposed in early 2002. An update on that transportation priority since Sept. 11 has not been available and is not a public priority in the current global military environment.

### **Looking to the 2002 Session and Beyond**

In an interesting twist amid impossible attempts to predict future legislative actions, a cadre of legislators might pursue a tongue-in-cheek satisfaction of the constitutional amendment by saying the legislature has "started construction" on a small portion of high-speed rail and let the issue die a quick death following that proclamation. It has been suggested that an example of this effort may be attempted in Miami, where an intermodal design at an airport may qualify as "turning dirt" on the constitutional mandate and long-term high-speed rail.<sup>20</sup>

The only organized grassroots group still vigorously opposed to high-speed rail is Derail the Bullet Train (DEBT), which was originally formed to urge the governor's veto that subse-

**The James Madison Institute continues its resolve and opposition to high-speed rail based on public cost and lack of sufficient projected ridership.**

quently occurred in 1999. The Palm Beach County-based group of volunteers, in consultation with local leaders, might proffer a citizens' initiative by petition signature. One of DEBT's primary advocates is state Sen. Ron Klein of Boca Raton, who plans to file legislation in the 2002 Session to propose changes and alternatives to efforts that amend the state constitution, as do a handful of other legislators. Both Klein and DEBT say the same financial problems and complex questions exist with the new Florida High-Speed Rail Authority's mandate that existed in a magnified form with the FOX project.<sup>21</sup>

The James Madison Institute continues its resolve and opposition to high-speed rail based on public cost and lack of sufficient projected ridership.

Powerful, fiscally conservative business groups, such as the Florida Chamber of Commerce and Associated Industries of Florida, previously have publicly expressed interest in a repeal effort of the high-speed rail amendment but do not have such plans in place as of Fall 2001.

A citizens' initiative would require 8 percent of the voters eligible in the most recent general election—or 488,722 qualified signatures—for a November 2002 ballot effort. Then the Florida Supreme Court must review and approve the wording to fit the "one-subject rule." Others have suggested a fiscal "price tag" be associated with a new high-speed rail initiative, with possible increased taxes to fund the project.

**Safety Issues**

While the new Authority's focus to date is rightly on the logistics and costs, exceptionally few remarks have been made about the considerable number of safety issues. Documented concerns are rife in both the national and international arena. Here are a few to illustrate the Pandora's box, depending on the type of rail technology considered:

- The preliminary planning documents of the FOX report documents the known contaminated sites along the proposed routes, drawing information from FDEP and "includes National Priority Sites, solid waste sites, state groundwater contamina-

tion sites, Florida Sites List locations, Toxic Release Inventory Sites, petroleum contamination sites, and dry cleaner sites."<sup>22</sup> Historically, addressing such sites has taken from several years to decades to complete thoroughly, depending on land size and proposed development.

- Test runs of the Seoul-Pusan high-speed rail link in Korea, due to open in 2004, uncovered major problems such as electronic waves created by the high-speed train, which runs on 25,000 kilowatts of electricity. The waves also disrupt TV signals within the railroad's 290-meter path. The Korea Electricity Research Institute and Dongnam Communication, assigned by the Korea High-Speed Rail Authority, identified the problems. Other defects as yet unsolved include defective wheels. Construction materials, including spikes for a stretch on the Naktong Bridge, also have failed to meet specifications.<sup>23</sup>
- Each night, refugees jump on the Eurotunnel to catch swift passage to other regions of hiding, but these attempts are often fatal. Surviving immigrants have been hit by trains, injured by razor wire, or killed by electrified rail. Meanwhile, the police and security guards who chase them are often likewise injured or maimed. Sensitivity to immigration is at an all-time high across the European Union as waves of displaced Africans, Middle Easterners, and Asians are desperate for the fast transit technology they believe will lead them to a better life.<sup>24</sup>
- This author was stranded on a New York-Boston Acela train in a deserted area during a thunderstorm. It took one hour for technical help to arrive and an additional hour for repairs when lightning again disrupted the rail's power source.

**Financial costs**

Last but certainly not least is the state's financial ability, and the federal government's assistance is again questionable at best. As indicated, the state is not in a position—especially with the accelerated and unrealistic work product demands from the Authority—to comprehensively study, assess, and calculate the following

**When the Olympic Bid Committee came to Florida for its initial site visit in August 2001, presentation materials hyped the passage of the constitutional amendment as an all-but-done groundbreaking.**

questions with any level of certainty before the 2002 Session:

1. The financial estimates for buying right-of-way and for construction, especially the I-4 issue in Orlando of a median-oriented build versus other methods
2. Eminent domain and protracted legal challenges
3. Realistic ridership numbers
4. Unprofitability (a certainty with projects of this magnitude and nature)
5. Maintenance costs, vendor agreements, advertising, and other licensing agreements
6. The cost per station including parking, staff, security, interstate exit ramps as needed, and related unit costs
7. Whether the rail will actually have the wherewithal—if constructed from Tampa to Daytona Beach—to extend north to Jacksonville and south to West Palm Beach or Miami as envisioned. This would be an exorbitant future cost with an unparalleled cost to the taxpayer. A question of fairness therefore ensues regarding future plans for the five largest urban cities, as outlined in and required by the constitutional amendment.
8. In the FOX proposal, more than 700 acres of wetlands were to be affected by the project's construction, triggering a 15-agency work plan between state and federal counterparts. Completing the complex environmental reviews for transportation projects will require more than five years (FOX had proposed a 2.6-year completion date, which was deemed highly unrealistic by the GAO report).<sup>25</sup>

**The Financial Games**

One of the most interesting coincidences of timing of the Florida rail phenomenon was the insatiable need by the Tampa Bay and Orlando areas to satisfy transport requirements in demonstrating competitiveness for the bid to host the 2012 Olympics, a now-defunct pursuit. The so-called guarantee of a rail system for that leg of geography could have been a make-or-break for the overall bid. When the Olympic Bid Committee came to Florida for its initial site visit in August 2001, presentation materials hyped the passage of the constitutional amend-

ment as an all-but-done groundbreaking.

In response to the Tampa 2012 bid question from the visiting committee, “*Describe the current state of access route to your city and the planned changes (if necessary)...*”, the written presentation stated, in part:

“... The most dramatic recent development, however, was the approval of [the] Florida high-speed rail amendment to the Florida State Constitution on November 7, 2000. While the Presidential election was a dead heat, the voters were utterly decisive in mandating by constitutional amendment the construction of a state-wide high-speed rail system capable of speeds of at least 120 mph, with construction to commence by 2003. In the Olympic corridor, the Florida Department of Transportation's Coast-to-Coast intercity rail study will provide recommendations ... on how to implement the Tampa Bay/Orlando segment. Under current highway plans a rail right-of-way envelope will be available in the interstate median for intercity trains from St. Petersburg to at least the Lakeland area, and most likely the Walt Disney Resort area. In the Orlando area, intercity rail service is likely to be initially implemented via the existing CSX rail line, which provides direct service to the Orlando Central Business District. The bid document will be supplemented with the recommendations and final plans as they develop.”<sup>26</sup>

The official county-by-county vote total returns from the election, however, indicate a less-than-decisive vote. From the overall number of votes cast of more than 5.5 million, there was a difference of only 292,758 total votes (see the table). Thirty of the state's 67 counties posted “no” as the majority vote, including several larger population counties such as Palm Beach (196,122 yes to 218,895 no) and Lee (68,494 yes to 105,518 no). Even in counties where the project would be constructed early on, the yes-to-no ratios were extremely close, considering the project's proximity (such as Hillsborough 181,467 yes to 154,771 no; Pinellas 222,321 to 152,351; and Orange 140,930 to 108,349).

But in October, while testifying at an Authority meeting during public comment, the Tampa 2012 Chairman and CEO stated clearly that without high-speed rail, Florida did not have a bid. Regardless, the Tampa 2012 bid was unsuccessful and legislators now are able to look purposefully and completely at the justification of high-speed rail on its own, without being influenced by the outside Olympic transit needs.

### **Final Comments and Considerations**

1. The high-speed rail project does not meet the principles of a conservative majority government, unless the project's costs can be fully covered by the private sector. Even then, considerable questions arise about design issues and a reasonable timeline under which the public sector can provide required review processes, inter-agency work product, and certifications during a decades-long span of project design and actual construction (30 years to connect the five largest urban areas in Florida).
2. Provide Authority members with the GAO report on high-speed rail in Florida and all other documents or studies that provide the "other side" of the issue for a balanced perspective and complete record of highly pertinent documents.
3. Legislators should provide an infusion of focus, effort, time, and financial resources to the Coast-to-Coast Rail Study, which is already farther ahead in its plans, providing more efficient use of taxpayer dollars. FDOT was to have released a final report in Fall 2001. It plans to use existing rail resources, and could usurp and/or avoid the Authority's long-term plans unless directed to be unaffected. Only in September did the Authority fully recognize the potential for overlap and designate a collaborative rapport with this long-standing public sector group. Especially given the number of proposed stops, why not then just pursue the Amtrak rail level of discussion—and leave the onus off of a state government that cannot pay for high-speed rail without the clear need for finding new ways, including taxes, to pay for it.
4. The high-speed rail system would be "dedicated" rail, meaning that the tracks could not be used for freight and other uses. Yet rail exists that provides multiple uses and must be explored fully if the high-speed rail dialogue moves forward.<sup>27</sup>
5. Fully examine the high-speed rail constitutional amendment so as to not set up Florida for a financial catastrophe that would exacerbate the budget restraints the state already faces. At a minimum, legislators should amend the statutes to alter the review period to ensure a decision occurs from the court with a minimum of 90 days from Election Day. One month from ballot language approval to the general election is too narrow an opportunity for voters to be educated and determine the full impact of an issue.
6. The legislature must acknowledge that if the Authority's purported goals in full are to address the growth and transit concerns in the five largest urban cities in Florida, then we are treating a "macro" problem with a "micro" solution. Currently, Miami-Dade, Broward and Palm Beach counties are virtually absent from discussion in the Authority proceedings, as is Jacksonville. The current geographic approach is a waste of the state's considerable time and money to focus on a triage effort while duplicating other work.
7. The Authority should establish dial-up capability to citizens so that its hearings and meetings can be heard by anyone anywhere in the state or nation. While the Authority is not a body required to enact this goodwill measure, it has become a common government service for high-level public commissions and has long been a service offered for legislative committee meetings operating in the purview of the state's open meetings laws. The Authority has conducted all of its summer and fall meetings so far without this access via telephone.

*Kelly Layman is president of In Layman's Terms, Inc., a governmental relations and public relations firm in Palm Beach County. She is a former journalist in Tallahassee and served in several state-level policy positions in the capital, including legislative liaison at the Florida Supreme Court.*

<sup>1</sup> The tenth member of the Authority is the Secretary of the Florida Department of Transportation, who is an ex officio participant.

<sup>2</sup> A bullet train was three years into its vast planning and design stages when Gov. Bush vetoed continuation of funds in 1999, essentially severing the project between Florida Department of Transportation and the FOX consortium (Florida Overland eXpress), a group of private companies that together bid on and won approval in 1995 to design and build a Miami-Orlando-Tampa route.

<sup>3</sup> The 1976 Cross-Florida Transit Corridor Study outlined improvements necessary to stage development of an advanced high-speed rail with speeds of 150 to 200 mph.

<sup>4</sup> A scant majority of the voters who participated in voting on this measure approved the proposed constitutional amendment on the 2000 General Election ballot. The total number of votes was 5,507,748, with 2,900,253 votes for it (52.7%) and 2,067,495 votes against (47.3%), a difference of only 292,758 votes.

<sup>5</sup> U.S. Department of Transportation, Federal Highway Administration, Report to the U.S. Congress: "1999 Status of the Nation's Highways, Bridges and Transit: Conditions and Safety."

<sup>6</sup> In 1995, the state received five proposals for service connecting Tampa, Orlando and Miami. The five were: 1) Florida Magplane, a \$5 billion "maglev" that existed only as a model at the time; 2) Florida Maglev Consortium, a \$3.8 billion "maglev" being tested at the time elsewhere; 3) Rail Florida, up to \$3.5 billion for a 125-mph diesel train—and later electric train—at 150 mph; 4) Florida Overland eXpress, a \$4.8 billion for 200-mph electronic trains on a new right-of-way; and 5) Privatized Italian National Railroad, for \$70 million per year to use existing technology such as a Pendolino train on existing rail corridors, at up to 180 mph.

<sup>7</sup> The Florida Supreme Court approved the item for the ballot on Oct. 3, 2000.

<sup>8</sup> Cox, Wendell B. "Constitutionally Mandated High-Speed Rail Alternatives: Realistic Projections." Background: "Constitutional Train Wreck: An Analysis of the Proposed Constitutionally Mandated Florida High-Speed Rail System," James Madison Institute, Tallahassee, Fla. Policy Report No. 28, October 2000.

<sup>9</sup> House Bill 507 died in committee, 2001 Session.

<sup>10</sup> Florida has committed \$4 billion of the \$8 billion in 2000 dollars to enact the document known as the Comprehensive Everglades Restoration Plan (CERP), only recently approved by the federal government after 20 years of massive work and politically oriented compromises and agreements among dozens of private industry and government stakeholders. State law provides for \$400 million a year to be appropriated toward this effort.

<sup>11</sup> During the 2001 Session, approximately 15 projects not reviewed by the TOPS Commission were amended into the conference budgets of the House Transportation and Economic Development Appropriations budget and the Senate General Government Appropriations Subcommittee budget. In the 2001-02 budget, \$115.8 million was in the TOPS fund.

<sup>12</sup> More than 15 separate state studies from the 25-year history of high-speed rail were presented to Authority members, along with copies of four private sector proposals, but with no inclusion or mention of the federal GAO report.

<sup>13</sup> U.S. General Accounting Office, Report to the Chairman, Committee on the Budget, House of Representatives: "Surface Infrastructure: High-Speed Rail Projects in the United States," Jan. 1999, p. 2.

<sup>14</sup> *Ibid.*, pp. 4, 10.

<sup>15</sup> *Ibid.*, p. 10.

<sup>16</sup> H.R. 2950 by U.S. Rep Don Young, Chairman, House Transportation and Infrastructure Committee.

<sup>17</sup> *Ibid.* at <http://www.thomas.loc.gov/cgi-bin/query> as noted in "High-Speed Rail: Making Tracks at Taxpayer Expense," by Paul Gessing, National Taxpayers Union, Issue Brief 130, Oct. 18, 2001.

<sup>18</sup> FHSRA General Consultant Scope of Services exhibit, Summer 2001.

<sup>19</sup> "High-Speed Rail: Making Tracks at Taxpayer Expense," by Paul Gessing, National Taxpayers Union, Issue Brief 130, Oct. 18, 2001.

<sup>20</sup> Interviews with state legislators and local officials, Aug. to Oct. 2001.

<sup>21</sup> *Ibid.*

<sup>22</sup> Florida Department of Transportation: "Status of Florida Overland Express Engineering & Environmental Work." Tallahassee, Fla., Aug. 6, 2001, p. 4.

<sup>23</sup> "Safety Problems Emerge During Hi-speed Rail Test-Runs." *Korea Times*, Oct. 20, 2000.

<sup>24</sup> "Perilous Passage: Refugees Try to Flee Via Eurotunnel," by Keith B. Richburg. *Washington Post Foreign Service*, Sept. 3, 2001. p. A14.

<sup>25</sup> U.S. General Accounting Office, Report to the Chairman, Committee on the Budget, House of Representatives: "Surface Infrastructure: High-Speed Rail Projects in the United States," Jan. 1999, page 17.

<sup>26</sup> Tampa 2012 — Presentation to the Olympic Bid Committee, Theme Fourteen: Transportation, Aug. 2001, p. 3.

<sup>27</sup> Cox, Wendell B., p. 4.

Table.

County-by-County Vote Count for the High-Speed Rail Amendment to the State Constitution, Fall 2000

	<i>Fla. County</i>	<i>YES for approval</i>	<i>NO for rejection</i>		<i>Fla. County</i>	<i>YES for approval</i>	<i>NO for rejection</i>
Yes	Alachua	40,592	39,418	Yes	Lake	45,167	35,544
No	Baker	3,322	3,743	No	Lee	68,494	105,518
No	Bay	18,328	36,370	Yes	Leon	51,718	44,313
No	Bradford	3,780	4,589	No	Levy	5,008	6,822
Yes	Brevard	126,122	82,679	No	Liberty	701	1,463
Yes	Broward	282,569	244,234	No	Madison	2,717	2,778
No	Calhoun	1,474	2,854	Yes	Manatee	54,196	48,548
No	Charlotte	27,494	37,692	Yes	Marion	49,647	46,688
Yes	Citrus	28,659	25,830	Yes	Martin	26,587	26,455
Yes	Clay	29,575	24,395	Yes	Miami-Dade	294,969	235,167
No	Collier	36,085	50,255	Yes	Monroe	17,060	13,608
No	Columbia	7,186	9,938	No	Nassau	11,118	11,662
No	Desoto	3,495	4,212	No	Okaloosa	29,806	35,824
No	Dixie	1,572	2,572	Yes	Okeechobee	5,174	4,264
Yes	Duval	137,888	121,431	Yes	Orange	140,930	108,349
No	Escambia	50,162	57,084	Yes	Osceola	31,172	20,470
Yes	Flagler	16,572	8,859	No	Palm Beach	196,122	218,895
No	Franklin	1,811	2,428	Yes	Pasco	74,930	57,169
Yes	Gadsden	7,301	6,175	Yes	Pinellas	222,321	152,351
No	Gilchrist	1,917	2,978	Yes	Polk	80,394	77,445
No	Glades	1,341	1,743	No	Putnam	11,961	12,044
No	Gulf	1,740	3,939	No	Santa Rosa	21,108	25,695
No	Hamilton	1,692	1,828	No	Sarasota	73,448	75,334
Yes	Hardee	2,652	2,595	Yes	Seminole	75,933	52,741
No	Hendry	3,095	3,954	Yes	St. Johns	30,507	26,504
No	Hernando	30,119	31,093	Yes	St. Lucie	44,893	26,769
Yes	Highlands	16,731	16,591	Yes	Sumter	11,547	9,284
Yes	Hillsborough	181,467	154,771	No	Suwannee	4,643	6,938
No	Holmes	1,834	4,691	No	Taylor	2,953	3,361
No	Indian River	26,144	20,285	No	Union	1,533	2,034
No	Jackson	6,205	8,785	Yes	Volusia	99,061	72,367
Yes	Jefferson	2,613	2,469	No	Wakulla	3,621	4,154
No	Lafayette	932	1,290	No	Walton	6,250	10,002
				No	Washington	2,089	5,159

Total            Yes – 2,900,253    = 52.7%  
                       No – 2,607,495     = 47.3%

Published by The James Madison Institute: A Foundation For Florida's Future as one of a series of short articles on issues important to Florida and the nation. Nothing in Point of View Series should be construed as necessarily reflecting the views of The James Madison Institute or as an attempt to aid or hinder the passage of any legislation.

Copyright 2002. Permission is hereby granted to reprint or broadcast this article, with appropriate credit given to the author and The James Madison Institute: A Foundation For Florida's Future. Please send tearsheets to The James Madison Institute, P.O. Box 37460, Tallahassee, Florida 32315-7460.