



Tri-County  
Commuter Rail Authority

**MEMORANDUM**

**RECEIVED**  
DISTRICT 4  
DISTRICT SECRETARY

JUL 26 1994

**FLA. DEPT. OF TRANSPORTATION**  
**FT. LAUDERDALE**

DATE July 25, 1994

TO Gilbert M. Robert  
TCRA Board of Directors  
Nick Serriani

FROM Gloria Y. Jacaruso *GMS*

SUBJECT FHWA Transfer Language

---

Attached is the Senate Appropriations Committee Report which includes specific language relative to the transfer of \$4 million of FHWA funds for Tri-Rail's operating use. This should serve to justify why the language has been deleted from the bill this year. One caution is that this is Committee Report language and could be subject to changes in the Conference committee, but that is unlikely I am told.



Board of Directors  
Ken Adams  
Rick Chesser  
Miquel Diaz de la Portilla  
Allen C. Harper  
Ed Kennedy  
Lori Nance Parrish  
Carol A. Roberts  
David Rush

Gilbert M. Robert  
Executive Director

Tri-County  
Commuter Rail Authority



FAX DISTRIBUTION LETTER

TO: Rick Chesser / Nick Seppiani  
SENDER: Gloria Jacaruso  
DATE: 5/23/94  
TIME:  
FAX #:  
SUBJECT:

NO. OF PAGES TRANSMITTED (INCLUDING THIS PAGE):

If you do not receive the number of pages indicated, please notify the sender immediately.

TELEPHONE: (305) 728-8512

MESSAGE: Good News about \$4 billion  
FHWA funding. DOT legal opinion  
on annual issue. We will advise  
Approp. Committee on status.

305 South  
Andrews Avenue  
Suite 200  
Fort Lauderdale  
Florida 33301

Customer Information  
1-800-874-7245

Executive Offices  
(305) 728-8512





U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

**Subject:** Interpretation of P.L. 103-122,  
Section 339(a), Florida Tri-county  
Commuter Rail Project

**Date:** MAY 19 1994

**From:** Assistant Chief Counsel  
Legislation and Regulations

**Reps ID:** HCC-10  
**Att. of:**

**To:** Amy S. Jernigan  
Office of Congressional Affairs

This is in response to a request for a legal opinion by Mr. Donald Worden, a representative of the Florida Tri-County Commuter Rail Project. He has asked if there is a need to have similar language to that contained in Section 339(a) of P.L. 103-122, the 1994 Department of Transportation (DOT) Appropriations Act, in subsequent DOT Appropriations Acts to assure continued funding. It is our conclusion, that it is not necessary to include this type of language in subsequent acts.

In the current language of section 339(a), the Secretary of Transportation is permitted to obligate up to \$4,000,000 each year that Interstate 95 is under reconstruction, in the area of Dade, Broward, and Palm Beach Counties. The statute allows this obligation to be used specifically for the Tri-County Commuter Rail project in this area of Florida. Such language is an authorization containing words of futurity. The key wording under this appropriations act is the phrase, "during each year that interstate 95 is under reconstruction." Under Section 339(a), Congress has specifically indicated when the authorization will expire, upon the occurrence of the legislatively prescribed condition, the completion of Interstate 95 in Dade, Broward, and Palm Beach Counties of Florida.

Our examination of certain past DOT Appropriation Acts find that this language has been included in each act since 1986. (e.g., P.L. 99-591). There is no legislative history to indicate Congressional intent in prior year enactments. Although this specific language has been included in each DOT appropriations act since 1986, it is our determination that it is not necessary to again include similar language in future DOT Appropriation Acts.



MAY 23 '94 11:40AM TRI-RAIL 3057631345

05/20/94 14:29

RBC ASSOCIATES 202 638 1045

P.3/3  
003

05-20-94 01:04PM

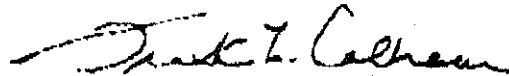
FROM DOT/OST/PROC-OPS-DIV

TO 9635:045

P003

2.

For legislative history purposes, it is our suggestion that this language again be inserted into the next appropriations bill to explain that the language is permanent and will not again appear in future acts. We also suggest that the committees which wrote the legislation be contacted for their input on their intention.



Frank Calhoun