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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2017	.	
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The Committee on Appropriations (Galvano) recommended the following:

**Senate Amendment**

Delete lines 94 - 220  
and insert:

(f) "Florida East Coast Railway" or "FECR" means Florida East Coast Railway, LLC, or its successors and assigns.

(g) "FECR rail corridor invitee" means any rail corridor invitee who is present on the rail corridor at the request of, pursuant to a contract with, or otherwise for the purpose of doing business with or at the behest of FECR. The term does not



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11 include patrons at any station; commercial or residential  
12 tenants of the developments in and around the stations or their  
13 invitees; or any third parties performing work at a station or  
14 in the rail corridor, such as employees and invitees of PI or  
15 related entities, utilities, and fiber optic companies or  
16 others, or invitees or employees of the department or any county  
17 or municipality.

18 (h) "Freight rail service" means any and all uses and  
19 purposes that are ancillary or related to current and future  
20 freight rail operations on, along, over, under, and across the  
21 rail corridor, including operating trains, rail cars, business  
22 cars, locomotives, hi-rail vehicles, and other rail equipment  
23 for the movement of freight in overhead and local service;  
24 interchanging rail cars with other freight railroads; providing  
25 pickups, setoffs, transloading services, or storage in transit;  
26 and any and all other activities that are ancillary or related  
27 to the transportation of freight on or along the rail corridor.

28 (i) "Intercity passenger rail service" means all passenger  
29 service on the rail corridor other than commuter rail service  
30 and is characterized by trains making less frequent stops along  
31 the rail corridor than the commuter rail service makes.

32 (j) "Joint infrastructure" means any portion or segment of  
33 the rail corridor which does not contain tracks or  
34 infrastructure designated for the exclusive use of the  
35 authority, AAF, or FECR and portions of the MiamiCentral station  
36 used by both AAF and SFRTA, including, but not limited to,  
37 stairs, elevators, and escalators.

38 (k) "Limited covered accident" means:  
39 1. A collision directly between the trains, locomotives,



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40 rail cars, or rail equipment of SFRTA and FECR only, where the  
41 collision is caused by or arising from the willful misconduct of  
42 FECR or its subsidiaries, agents, licensees, employees,  
43 officers, or directors, as adjudicated pursuant to a final and  
44 unappealable court order, or if punitive damages or exemplary  
45 damages are awarded due to the conduct of FECR or its  
46 subsidiaries, agents, licensees, employees, officers, or  
47 directors, as adjudicated pursuant to a final and unappealable  
48 court order; or

49 2. A collision directly between the trains, locomotives,  
50 rail cars, or rail equipment of SFRTA and AAF only, if the  
51 collision is caused by or arising from the willful misconduct of  
52 AAF or its subsidiaries, agents, licensees, employees, officers,  
53 or directors, as adjudicated pursuant to a final and  
54 unappealable court order, or if punitive damages or exemplary  
55 damages are awarded due to the conduct of AAF or its  
56 subsidiaries, agents, licensees, employees, officers, or  
57 directors, as adjudicated pursuant to a final and unappealable  
58 court order.

59 (1) "MiamiCentral" means the primary All Aboard Florida  
60 station located in downtown Miami, which includes exclusive  
61 areas used by the authority for commuter rail service.

62 (m) "Non-SFRTA commuter rail service" means AAF's  
63 operation, or an AAF third-party designee's operation, of trains  
64 in any commuter rail service on the rail corridor which is not  
65 SFRTA's commuter rail service. The term does not include:

66 1. Any service operated by the authority between the  
67 MiamiCentral station and any stations in Miami-Dade County,  
68 Broward County, Palm Beach County, or points north on the FECR



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69 rail corridor; and

70 2. SFRTA's commuter rail service on the South Florida Rail  
71 Corridor owned by the department.

72 (n) "Non-SFRTA commuter rail service operator" means the  
73 operator of any non-SFRTA commuter rail service.

74 (o) "Other train" means a train that is not SFRTA's train,  
75 FECR's train, AAF's train, a train of a non-SFRTA commuter rail  
76 service operator, or a train of any other operator of intercity  
77 rail passenger service and must be treated as a train of the  
78 entity that made the initial request for the train to operate on  
79 the rail corridor.

80 (p) "PI" means FDG Flagler Station II, LLC, which has an  
81 easement on the rail corridor for nonrail uses.

82 (q) "Rail corridor" means the portion of a linear  
83 contiguous strip of real property which is used for rail service  
84 and owned by FECR or owned or controlled by AAF. The term  
85 applies only when the authority has, by contract, assumed the  
86 obligation to forever protect, defend, indemnify, and hold  
87 harmless FECR, AAF, or their successors, in accordance with  
88 subsection (2), and acquired an easement interest, a lease, a  
89 right to operate, or a right of access. The term includes  
90 structures essential to railroad operations, including the land,  
91 structures, improvements, rights-of-way, easements, rail lines,  
92 rail beds, guideway structures, switches, yards, parking  
93 facilities, power relays, switching houses, rail stations, any  
94 ancillary development, and any other facilities or equipment  
95 used for the purposes of construction, operation, or maintenance  
96 of a railroad that provides rail service.

97 (r) "Rail corridor invitee" means any person who is on or



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98 about the rail corridor in which the AAF, SFRTA, or non-SFRTA  
99 commuter rail service operator has an easement interest, a  
100 lease, a right to operate, or a right of access and who is:

101 1. Present at the behest of an AAF, an SFRTA, an FECR, or  
102 the non-SFRTA commuter rail service operator for any purpose;

103 2. Otherwise entitled to be on or about the rail corridor;  
104 or

105 3. Meeting, assisting, or in the company of a person  
106 described in subparagraph 1. or subparagraph 2.

107 (s) "SFRTA" means the South Florida Regional Transportation  
108 Authority.

109 (t) "SFRTA rail corridor invitee" means any rail corridor  
110 invitee who is SFRTA's commuter rail passenger or is otherwise  
111 present on the rail corridor at the request of, pursuant to a  
112 contract with, for the purpose of doing business with, or at the  
113 behest of SFRTA. The term does not include patrons at any  
114 station, except those patrons who are also SFRTA's commuter rail  
115 passengers; any person present on the rail corridor who is a  
116 patron of the non-SFRTA commuter rail service or is meeting or  
117 assisting a person who is a patron of the non-SFRTA commuter  
118 rail service; commercial or residential tenants of the  
119 developments in and around the stations or their invitees; or  
120 any third parties performing work at a station or in the rail  
121 corridor, such as employees and invitees of PI or related  
122 entities, utilities, and fiber optic companies or others or  
123 invitees or employees of the department or any county or  
124 municipality.