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17 3. Meeting, assisting, or in the company of any person  
18 described in subparagraph 1. or subparagraph 2.

19 (e) "Commuter rail service" means the operation of the  
20 authority's trains transporting passengers and making frequent  
21 stops within urban areas and their immediate suburbs along the  
22 rail corridor for the purpose of passengers entraining and  
23 detraining, and including the nonrevenue movement of trains for  
24 storage or maintenance. The term does not include the operation  
25 of trains by AAF transporting passengers in intercity passenger  
26 rail service between passenger rail stations established by AAF  
27 at Miami-Dade, Fort Lauderdale, West Palm Beach, or future  
28 stations but shall include the provision of non-SFRTA commuter  
29 rail service by AAF or a third party designated by AAF,  
30 including SFRTA.

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

33 (g) "FECR rail corridor invitee" means any rail corridor  
34 invitee who is present on the rail corridor at the request of,  
35 pursuant to a contract with, or otherwise for the purpose of  
36 doing business with or at the behest of FECR. The term does not  
37 include patrons at any station; commercial or residential  
38 tenants of the developments in and around the stations or their  
39 invitees; or any third parties performing work at a station or  
40 in the rail corridor, such as employees and invitees of PI or  
41 related entities, utilities, and fiber optic companies or

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42 others, or invitees or employees of the department or any county  
43 or municipality.

44 (h) "Freight rail service" means any and all uses and  
45 purposes that are related to or ancillary to current and future  
46 freight rail operations on, along, over, under, and across the  
47 rail corridor, including operating trains, rail cars, business  
48 cars, locomotives, hi-rail vehicles, and other rail equipment  
49 for the movement of freight in overhead and local service;  
50 interchanging rail cars with other freight railroads; providing  
51 pickups, setoffs, transloading services, or storage in transit;  
52 and any and all other activities that are ancillary or related  
53 to the transportation of freight on or along the rail corridor.

54 (i) "Intercity passenger rail service" means all passenger  
55 service on the rail corridor other than commuter rail service  
56 and is characterized by trains making less frequent stops along  
57 the rail corridor than the commuter rail service makes.

58 (j) "Joint infrastructure" means any portion or segment of  
59 the rail corridor which does not contain tracks or  
60 infrastructure designated for the exclusive use of the  
61 authority, AAF, or FECR and portions of the MiamiCentral station  
62 used by both AAF and SFRTA, including, but not limited to,  
63 stairs, elevators, and escalators.

64 (k) "Limited covered accident" means:

65 1. A collision directly between the trains, locomotives,  
66 rail cars, or rail equipment of SFRTA and FECR only, where the

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67 collision is caused by or arising from the willful misconduct of  
68 FECR or its subsidiaries, agents, licensees, employees,  
69 officers, or directors, as adjudicated pursuant to a final and  
70 unappealable court order, or if punitive damages or exemplary  
71 damages are awarded due to the conduct of FECR or its  
72 subsidiaries, agents, licensees, employees, officers, or  
73 directors, as adjudicated pursuant to a final and unappealable  
74 court order; or

75 2. A collision directly between the trains, locomotives,  
76 rail cars, or rail equipment of SFRTA and AAF only, if the  
77 collision is caused by or arising from the willful misconduct of  
78 AAF or its subsidiaries, agents, licensees, employees, officers,  
79 or directors, as adjudicated pursuant to a final and  
80 unappealable court order, or if punitive damages or exemplary  
81 damages are awarded due to the conduct of AAF or its  
82 subsidiaries, agents, licensees, employees, officers, or  
83 directors, as adjudicated pursuant to a final and unappealable  
84 court order.

85 (l) "MiamiCentral" means the primary All Aboard Florida  
86 station located in downtown Miami, which includes exclusive  
87 areas used by the authority for commuter rail service.

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

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92 1. Any service operated by the authority between the  
93 MiamiCentral station and any stations in Miami-Dade County,  
94 Broward County, Palm Beach County, or points north on the FECR  
95 rail corridor; and

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

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

100 (o) "Other train" means a train that is not SFRTA's train,  
101 FECR's train, AAF's train, a train of a non-SFRTA commuter rail  
102 service operator, or a train of any other operator of intercity  
103 rail passenger service and must be treated as a train of the  
104 entity that made the initial request for the train to operate on  
105 the rail corridor.

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

108 (q) "Rail corridor" means the portion of a linear  
109 contiguous strip of real property which is used for rail service  
110 and owned by FECR or owned or controlled by AAF. The term  
111 applies only when the authority has, by contract, assumed the  
112 obligation to forever protect, defend, indemnify, and hold  
113 harmless FECR, AAF, or their successors, in accordance with  
114 subsection (2), and acquired an easement interest, a lease, a  
115 right to operate, or a right of access. The term includes  
116 structures essential to railroad operations, including the land,

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117 structures, improvements, rights-of-way, easements, rail lines,  
118 rail beds, guideway structures, switches, yards, parking  
119 facilities, power relays, switching houses, rail stations, any  
120 ancillary development, and any other facilities or equipment  
121 used for the purposes of construction, operation, or maintenance  
122 of a railroad that provides rail service.

123 (r) "Rail corridor invitee" means any person who is on or  
124 about the rail corridor in which the AAF, SFRTA, or non-SFRTA  
125 commuter rail service operator has an easement interest, a  
126 lease, a right to operate, or a right of access and who is:

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

129 2. Otherwise entitled to be on or about the rail corridor;  
130 or

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

133 (s) "SFRTA" means the South Florida Regional  
134 Transportation Authority.

135 (t) "SFRTA rail corridor invitee" means any rail corridor  
136 invitee who is SFRTA's commuter rail passenger or is otherwise  
137 present on the rail corridor at the request of, pursuant to a  
138 contract with, for the purpose of doing business with, or at the  
139 behest of SFRTA. The term does not include patrons at any  
140 station, except those patrons who are also SFRTA's commuter rail  
141 passengers; any person present on the rail corridor who is a

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142 patron of the non-SFRTA commuter rail service or is meeting or  
143 assisting a person who is a patron of the non-SFRTA commuter  
144 rail service; commercial or residential tenants of the  
145 developments in and around the stations or their invitees; or  
146 any third parties performing work at a station or in the rail  
147 corridor, such as employees and invitees of PI or related  
148 entities, utilities, and fiber optic companies or others or  
149 invitees or employees of the department or any county or  
150 municipality.

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