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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.