

MEMORANDUM

Special Item No. 7

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

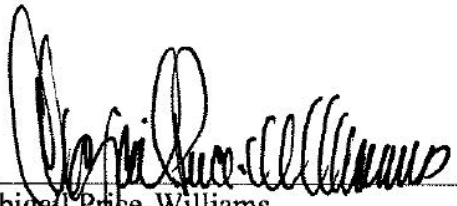
DATE: November 13, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to finalize negotiations with Brightline Trains Florida LLC ("Brightline") for the implementation of commuter rail service for the northeast corridor of the Strategic Miami Area Rapid Transit ("SMART") Plan, inclusive of (1) finalizing negotiations of an access agreement detailing terms of service and County payments to Brightline in an amount not to exceed \$50 million paid in one or more installments and \$12 million per year for an agreed upon term, (2) negotiating agreements for operations, maintenance, and funding and development for all capital improvements, and (3) completing all due diligence and any necessary approval by the Federal Transit Administration; further directing the County Mayor to submit the agreements to the Citizens' Independent Transportation Trust for its review and recommendation prior to this Board's consideration, and to provide reports

Resolution No. R-1154-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: November 13, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 7

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 7
11-13-20

RESOLUTION NO. R-1154-20

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FINALIZE NEGOTIATIONS WITH BRIGHTLINE TRAINS FLORIDA LLC ("BRIGHTLINE") FOR THE IMPLEMENTATION OF COMMUTER RAIL SERVICE FOR THE NORTHEAST CORRIDOR OF THE STRATEGIC MIAMI AREA RAPID TRANSIT ("SMART") PLAN, INCLUSIVE OF (1) FINALIZING NEGOTIATIONS OF AN ACCESS AGREEMENT DETAILING TERMS OF SERVICE AND COUNTY PAYMENTS TO BRIGHTLINE IN AN AMOUNT NOT TO EXCEED \$50 MILLION PAID IN ONE OR MORE INSTALLMENTS AND \$12 MILLION PER YEAR FOR AN AGREED UPON TERM, (2) NEGOTIATING AGREEMENTS FOR OPERATIONS, MAINTENANCE, AND FUNDING AND DEVELOPMENT FOR ALL CAPITAL IMPROVEMENTS, AND (3) COMPLETING ALL DUE DILIGENCE AND ANY NECESSARY APPROVAL BY THE FEDERAL TRANSIT ADMINISTRATION; FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT THE AGREEMENTS TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST FOR ITS REVIEW AND RECOMMENDATION PRIOR TO THIS BOARD'S CONSIDERATION, AND TO PROVIDE REPORTS

WHEREAS, Brightline Trains Florida LLC (formerly known as Virgin Trains USA Florida LLC) ("Brightline") has constructed and is operating a privately-owned, environmentally-friendly intercity passenger railway service with passenger train stations in Miami, Fort Lauderdale and West Palm Beach; and

WHEREAS, Brightline has a planned extension to Orlando, as well as planned inline stations in the Cities of Aventura and Boca Raton; and

WHEREAS, Miami-Dade County is experiencing continued growth and is seeking alternative transportation options to reduce traffic impacts on Miami-Dade County's roadways and minimize toxic pollutants from motor vehicles; and

WHEREAS, Miami-Dade County desires to commence the operation of trains transporting passengers and making frequent stops within urban and suburban areas along the heavily used northeast corridor of the Strategic Miami Area Rapid Transit (“SMART”) Plan (“commuter rail service”); and

WHEREAS, the jobs created and economic stimulus produced by the construction and operation of the commuter rail service would significantly benefit Miami-Dade County and support post coronavirus disease 2019 (“COVID-19”) economic recovery; and

WHEREAS, on June 2, 2020, this Board adopted Resolution No. R-558-20, which directed the County Mayor or County Mayor’s designee to negotiate agreements and funding commitments with Brightline and public and private interested parties along the northeast corridor of the SMART Plan, including, but not be limited to, the northeast Dade campus of Florida International University and the surrounding municipalities, for the implementation of commuter rail service along the corridor; and

WHEREAS, on October 20, 2020, this Board adopted Resolution No. R-1088-20, which identified certain top station priority locations and directed the County Mayor or County Mayor’s designee to consider proposals from public and private interested parties for other station locations along the northeast corridor of the SMART Plan; and

WHEREAS, Brightline and Florida East Coast Railway, LLC, have entered into a number of agreements, which include, but may not be limited to, the Corrected Second Amended and Restated Grant of Passenger Service Easement dated October 5, 2017 and recorded in Official Records Book 30712, Page 3065 of the Public Records of Miami Dade County, Florida and the Second Amended and Restated Joint Use Agreement dated December 27, 2016, as amended by the First Amendment to Second Amended and Restated Joint Use Agreement dated June 30, 2017, with respect to the shared use of the Florida East Coast Rail Corridor; and

WHEREAS, the estimated cost to support this project has been included in the proforma projections of the People's Transportation Plan; and

WHEREAS, this Board wishes to continue pursuing negotiations with Brightline and public and private interested parties along the northeast corridor of the SMART Plan for the implementation of commuter rail service along the corridor,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board directs the County Mayor or County Mayor's designee to finalize negotiations with Brightline for the implementation of commuter rail service for the northeast corridor of the SMART Plan and to conduct all necessary due diligence related to same, which shall include, but not be limited to:

- (1) Finalizing negotiations of an access agreement which shall detail, at a minimum, the frequency of service, number of cars per train per day or total cars per day to be operated, fare structure inclusive of fare transfer agreement, and County payment to Brightline in an amount not to exceed \$50 million paid in one or more installments and \$12 million per year for an agreed upon term for access to the Florida East Coast Rail Corridor, subject to complying with any conditions imposed by any agreements for the shared use of such corridor; and
- (2) Obtaining all relevant agreements from all necessary parties with respect to the shared use of the Florida East Coast Rail Corridor and to coordinate and negotiate with any such relevant parties to the extent required by any such document for the implementation of commuter rail service on that corridor; and

- (3) Negotiating one or more agreements for the funding and implementation of operations and maintenance of the commuter rail service, inclusive of all facilities, infrastructure, and rolling stock utilized for the service; and
- (4) Negotiating one or more agreements for the funding and development of any capital improvements necessary to operate the commuter rail service, including but not limited to land acquisition, station development, parking facilities, maintenance facility, rail infrastructure, and purchase or leasing of rolling stock; and
- (5) Reaching a final determination of the number and location of stations, inclusive of any review and approval that may be required from this Board or any other governmental, regulatory, or other private or public entity; and
- (6) Completing all necessary due diligence pertaining, but not limited to, any land acquisition, environmental reviews, title work, and Federal Transit Administration (“FTA”) Title VI service and fare equity analysis.

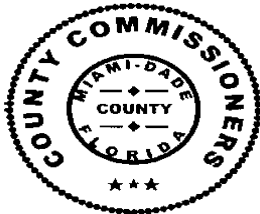
Section 2. Following any necessary review and approval by the FTA, this Board further directs the County Mayor or County Mayor’s designee to submit the final negotiated agreements and funding commitments referenced in section 1 above to the Citizens’ Independent Transportation Trust for its review and recommendation and to this Board for subsequent approval.

Section 3. This Board directs the County Mayor or County Mayor’s designee to place a status report on an agenda of the Board in accordance with Ordinance No. 14-65 within 120 days of the effective date of this resolution, and every 90 days thereafter, until such time that the agreements referenced in section 1 above are placed on an agenda of this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	absent	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 13th day of November, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Annery Pulgar Alfonso
Bruce Libhaber
Monica Rizo Perez