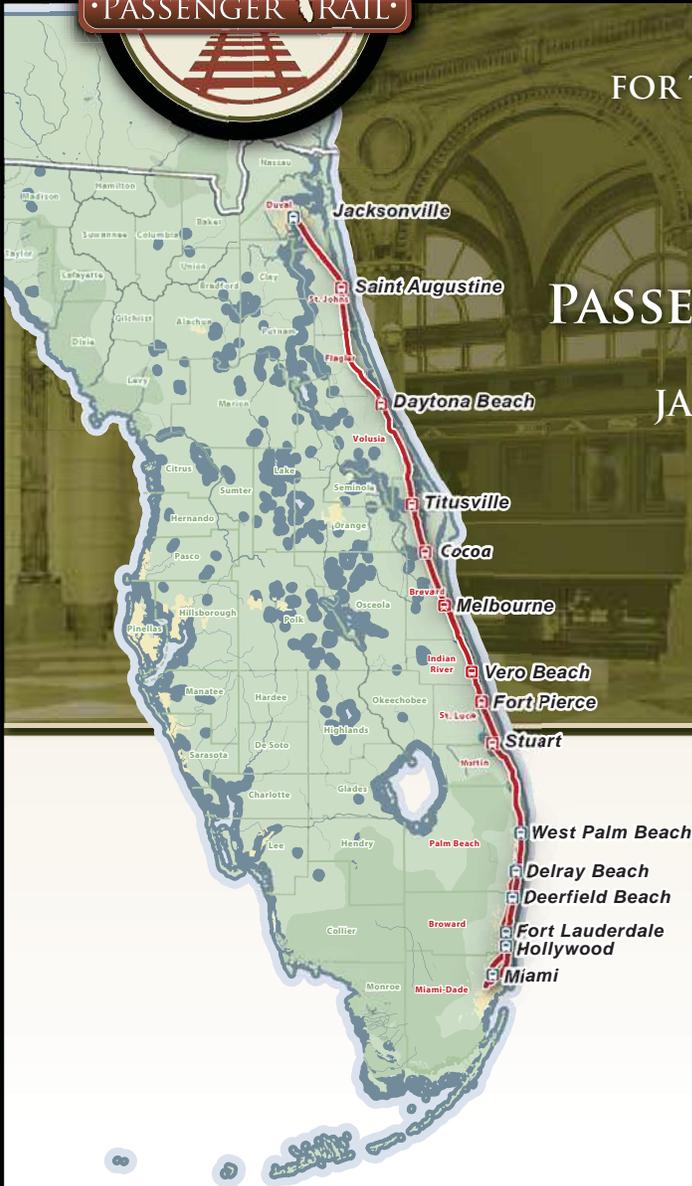


# PROJECT MANAGEMENT PLAN VERSION 2.0



## FOR THE FLORIDA EAST COAST (FEC) CORRIDOR AMTRAK SERVICE HIGH SPEED INTERCITY PASSENGER RAIL (HSIPR) PROGRAM

JACKSONVILLE (DUVAL COUNTY) TO MIAMI  
(MIAMI-DADE COUNTY), FLORIDA



AUGUST 2010

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# ***Acronyms***

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<b>AAR</b>	American Association of Railroads
<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ADA</b>	Americans with Disabilities Act
<b>AIP</b>	Agreement in Principle
<b>Amtrak</b>	National Passenger Railroad Corporation
<b>ANSI</b>	American National Standards Institute
<b>APTA</b>	American Public Transit Association
<b>ARRA</b>	American Recovery and Reinvestment Act of 2009
<b>AREMA</b>	American Railroad Engineering and Maintenance-of-Way Association
<b>ASTM</b>	American Society for Testing and Materials
<b>BOCA</b>	Building Officials and Code Administrators
<b>CADD</b>	Computer Aided Drafting Design
<b>CCIP</b>	Contractor Controlled Insurance Program
<b>CCNA</b>	Consultant Competitive Negotiations Act
<b>CDRL</b>	Contract Deliverable Requirement List
<b>CEO</b>	Chief Executive Officer
<b>CFR</b>	Code of Federal Regulations
<b>CM@RISK</b>	Construction Manager at Risk
<b>COO</b>	Chief Operating Officer
<b>COR</b>	Change Order Requests
<b>CPM</b>	Critical Path Method
<b>CSP</b>	Construction Safety Plan
<b>CSXT</b>	CSX Transportation
<b>DBC</b>	Design Build Contractor
<b>DBE</b>	Disadvantage Business Enterprises
<b>DMU</b>	Diesel Multiple Unit
<b>EEO</b>	Equal Employment Opportunity
<b>ERP</b>	Emergency Response Plan
<b>FEC</b>	Florida East Coast Railway
<b>FDOT</b>	Florida Department of Transportation
<b>FM</b>	Financial Management

<b>FPMS</b>	Funded Project Master Schedule
<b>FRA</b>	Federal Railroad Administration
<b>FTA</b>	Federal Transit Administration
<b>GEC</b>	General Engineering Consultant
<b>HSIPR</b>	High Speed Intercity Passenger Rail
<b>IEEE</b>	Institute of Electrical and Electronic Engineers
<b>IOS</b>	Initial Operating Segment
<b>ISO-RIMA</b>	Insurance Services Office-Railroad Protective Insurance Form
<b>JPA</b>	Joint Participation Agreement
<b>LPA</b>	Locally Preferred Alternative
<b>MOU</b>	Memorandum of Understanding
<b>MPO</b>	Metropolitan Planning Organization
<b>NBFU</b>	National Board of Fire Underwriters
<b>NEC</b>	National Electrical Code
<b>NFC</b>	National Fire Codes
<b>NFPA</b>	National Fire Protection Association
<b>NTP</b>	Notice to Proceed
<b>O&amp;M</b>	Operations and Maintenance
<b>OSHA</b>	Occupational Safety and Health Administration
<b>PHA</b>	Preliminary Hazard Analysis
<b>PMC</b>	Project Management Consultant
<b>PMP</b>	Project Management Plan
<b>PMS</b>	Project Master Schedule
<b>PRIIA</b>	Passenger Rail Investment & Improvement Act of 2008
<b>QA</b>	Quality Assurance
<b>QAPP</b>	Quality Assurance Program Plan
<b>QC</b>	Quality Control
<b>RFI</b>	Request for Information
<b>ROW</b>	Right-of-Way
<b>SFBC</b>	State of Florida Building Code
<b>SIS</b>	Strategic Intermodal System
<b>SSPP</b>	System Safety Program Plan
<b>STP</b>	Surface Transportation Program

<b>UL</b>	Underwriter's Laboratories
<b>USC</b>	US Code
<b>VE</b>	Value Engineering
<b>WBS</b>	Work Breakdown Structure
<b>YOE</b>	Year-of-Expenditure

# Chapter 1

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## 1.1 Purpose of the Project Management Plan (PMP)

This document is intended to provide the approach for ensuring successful implementation of intercity passenger rail services along the east coast of Florida. It fulfills the requirements of the Federal Railroad Administration (FRA) for funding under the High Speed Intercity Passenger Rail Program (HSIPR) and the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), which complement the American Recovery and Reinvestment Act of 2009 (ARRA). The interim guidance for the HSIRP/PRIIA was published in the Federal Register on July 1, 2010 (Vol. 75, No. 126, page 38344). The requirements for a Project Management Plan are described in Section 4.2.6 of the Federal Register notification. The required elements of the PMP are listed in Exhibit 1-1. Elements are indexed to the chapter(s) where each is addressed.

**EXHIBIT 1-1**  
Required Elements of a Project Management Plan

<b>FRA ARRA Interim Guidance Required PMP Elements</b>	<b>PMP Chapter</b>
Identification of a manager accountable for project or program delivery	Chapter 2
An organization/resource plan that describes (e.g., through an organization chart) the relationships among entities involved in the proposed program and a description of the relationships among the entities responsible for the financing, design, construction, operation, and maintenance of the proposed program	Chapter 3
Any new legal entities required, how they would be structured, and their relationship to existing entities	Chapter 4
Stakeholder agreements with owners of right-of-way, operators, or other entities critical to successful project/program delivery	Chapter 5
Required governmental actions and approvals	Chapter 6
An appropriate system safety plan for the entire project lifecycle consistent with FTA guidance for safety and security management plans. The project management plan should address the safety certification process and any required collision hazard analysis consistent with the FRA guidance	Chapter 7
Control of the PMP and document control procedure	Chapter 8

## 1.2 Project Overview

The proposed project, known as the Florida East Coast Corridor – Amtrak Service, is an expansion of Amtrak long distance passenger rail service along Florida’s east coast (with the ultimate objective of corridor service). This Project is generally planned by Amtrak in cooperation with the Florida Department of Transportation (FDOT) and the Florida East Coast Railway (FEC) back in 2002. Based on a corridor service development plan that will be jointly developed by FDOT, Amtrak, FEC and Tri-Rail, the Project will provide route and operational improvements on the FEC, construct eight new passenger rail stations between Jacksonville and Miami and acquire necessary rolling stock.

Passenger rail service on the FEC Corridor was available between Jacksonville and Miami from the early days of railroad in Florida until it was discontinued in 1968. In 2000, Amtrak, FEC, FDOT and regional authorities agreed to a service concept to reintroduce passenger rail along Florida's east coast on the FEC Corridor. Preliminary station locations, primarily in downtowns, were identified between Jacksonville and West Palm Beach. This new Amtrak long-distance service would utilize, to the maximum extent possible, the existing FEC tracks, with limited additional track sidings as needed. An existing interconnection in West Palm Beach between the FEC and FDOT-owned South Florida Rail Corridor (SFRC) tracks would be realigned to accomplish Amtrak service south to Miami.

Florida continues to have one of the highest population and economic growth rates in the United States, notwithstanding a recent downturn due to the national economic situation. This extraordinary growth places pressure on the State's major transportation network to provide mobility for resident and visitor populations. In order to meet the state's mobility needs, Florida has a well developed network of limited access highway facilities, as well as a highly developed airport system that serves intercity and interstate travel markets. Unfortunately, the ability to significantly expand those components of the network to meet existing and projected growth is becoming limited, due to environmental, social, economic and financial impacts.

Florida has, for several years, explored the potential of higher speed intercity rail service to assist in meeting the State's mobility needs in a multi-modal manner. Therefore, in August 2006, under the direction and guidance of FDOT, the Florida Intercity Passenger Rail "Vision Plan" was developed. This "Vision Plan" was for a statewide passenger rail system, to be incrementally implemented, and to serve the major travel markets within the State of Florida.

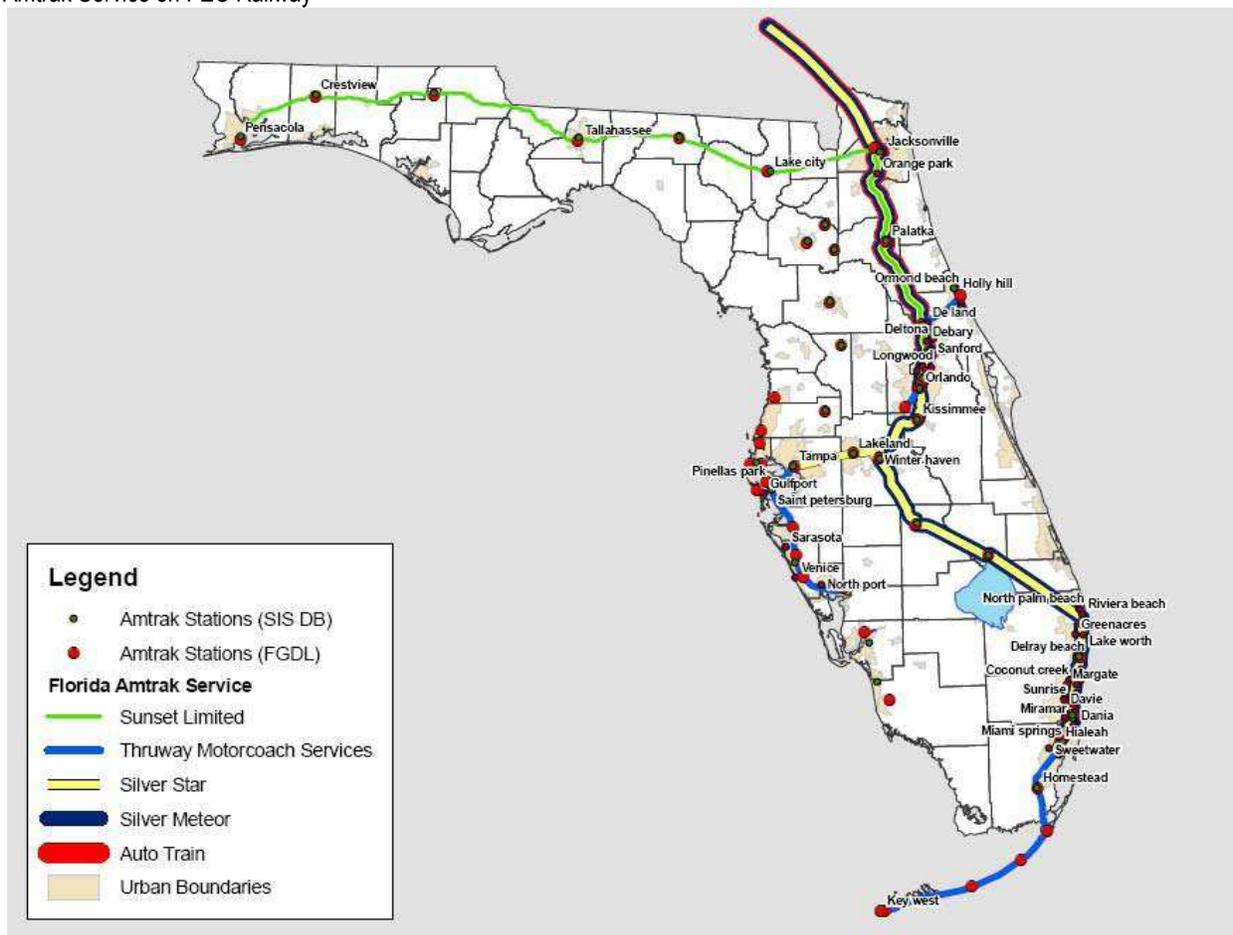
One of those incremental projects identified in the statewide vision was this proposed Project, the Florida East Coast Corridor - Amtrak Service. This Project is identified in the 2006 document as a portion of the "Coastal Route" (Exhibit 1-2). This Project also complements the long-range transportation/land use planning of the state's various land planning entities, including the regional planning councils and local governments along the corridor, reinforcing the trend of downtown redevelopment along the coast.

The "Vision Plan" evolved from a series of past corridor and system proposals to an integrated vision creating a 21st century statewide system, to be developed on an incremental, cost-effective basis.

## Florida East Coast Corridor - Amtrak Service

### EXHIBIT 1-2

#### Amtrak Service on FEC Railway



Sources: 2006 Florida Freight & Passenger Rail Plan (February 2007), Amtrak, Florida Geographic Data Library (FGDL), and Strategic Intermodal System (SIS) Database (DB) [refers to Amtrak stations that are designated to SIS].

Note: The Sunset Limited service has not been in service since August 2005 because of Hurricane Katrina. As of June 2010, Amtrak has not determined if or when service will be resumed. Amtrak provides accessible thruway motorcoach (i.e., bus) service on some routes.

The Florida “Vision Plan” benefits from the worldwide transformation of intercity passenger rail over the past twenty years into a modern dynamic business that provides competitive travel services in intercity corridors 100 to 300 miles in length. This transformation reflects the evolution in intercity rail technology, equipment and marketing approaches. However, the transformation also reflects the escalating costs of providing capacity for alternative modes, as experienced throughout the world as well as in Florida. When fully implemented, the Florida Intercity Passenger Rail System will offer higher train speeds, competitive train frequencies, intermodal connectivity, service reliability, on-board comfort and services equal to or better than traveling by auto or air. As presented in the “Vision Plan”, the proposed statewide system will connect the major cities of Florida, as well as numerous other communities not typically served by air or rail.

The “Vision Plan” addressed the travel and economic benefits derived through a series of incremental capital investments in existing rail and limited access highway corridors. The market, operating and infrastructure requirements for implementing the Florida Intercity

Passenger Rail System have been assessed at a detailed feasibility level and in terms of the financial and economic objectives of the USDOT Federal Railroad Administration (FRA) for intercity passenger rail. The key results of this assessment are –

- An affordable statewide intercity passenger rail system can be developed incrementally that eventually will link all of the major urban areas in the state.
- The system can be developed using a combination of FEC and SFRC rights-of-way, along with segments of highway corridors already owned by the FDOT and other public entities.
- The system will meet the FRA's public-private partnership, financial and benefit cost requirements, making the system eligible for Federal funding once the environmental assessment process has been completed.

The Coastal Route, which uses the FEC right-of-way to south Florida, follows USDOT FRA guidelines which suggest that new passenger rail systems be built on existing rail rights-of-way to the maximum extent feasible.

### **1.3 Project Description**

FDOT is proposing to restore intercity passenger rail service along 300 miles of Florida's east coast via the existing FEC line by expanding Amtrak's long distance passenger rail service from Jacksonville to West Palm Beach with continuation to Miami (see Exhibit 1-2). Built by Henry Flagler, passenger rail service on the FEC Corridor was available between Jacksonville and Miami from the early 1900s until it was discontinued in 1968. The project, Florida East Coast Corridor - Amtrak Service, is being considered for Federal Rail Administration (FRA) High Speed Intercity Passenger Rail (HSPIR) Program funds as a component of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and as a complement to the Federal stimulus plan, American Recovery and Reinvestment Act (ARRA). The Project extends along the FEC corridor from south of Jacksonville at Bowden Yard (St. Johns River Bridge) south to the West Palm Beach crossover track at Northwood, and continuing south to Miami along the South Florida Rail Corridor (SFRC). The southern terminus is at Miami Central Station (MCS), which is a part of the Miami Intermodal Center (MIC) project at Miami International Airport, under construction and scheduled for completion by 2012. The proposed Project includes construction of an Amtrak station at the MCS. This is not included in the current MIC construction program.

As a Corridor Development Program, there will be a phased approach to developing intercity passenger rail service and corridor service on the FEC corridor. The first phase will provide the infrastructure, stations/facilities and equipment (fleet) to extend Amtrak long-distance intercity service south on the FEC line from Jacksonville to Miami by 2013. The second phase will add corridor services between Jacksonville and Miami, including the provision of additional connections such as the extension of the northern terminus into the downtown Jacksonville Regional Transportation Center (JRTC), proposed by others. The proposed service plan consists of two southbound and two northbound trains per day. The total trip time between Jacksonville and Miami is estimated at about 6.5 hours inclusive of the eight new station stops.

Based on a service development plan that will be jointly developed by FDOT, Amtrak, FEC Railway and South Florida Regional Transit Authority (SFRTA/Tri-Rail), the Project will utilize

the existing rail lines and right-of-way, to the maximum extent possible, and provide several improvements needed to operate the passenger service trains at 90 mph and continue FEC's freight service on the corridor. The proposed improvements include:

- Eight new stations between Jacksonville and Miami: St. Augustine, Daytona Beach, Titusville, Cocoa, Melbourne, Vero Beach, Fort Pierce and Stuart
- New track sidings (2500-ft) at the new stations
- Track Signal Control
- 29 curve miles of surface track work of existing rail line for increased speed (90 mph)
- Upgrades at existing highway and pedestrian crossings
- New railroad crossings at sidings only
- Northwood Crossover track improvements
- Amtrak station facilities at the Miami Central Station and closing of the existing "end-of-the-line" station at Hialeah.

A preferred alternative station location has been identified in each of the eight communities, confirmed by resolution of the applicable local governments, and interagency meetings have been conducted with local officials at these cities. Two station types are proposed: "small" and "medium". The small stations would be unstaffed and consist of a platform, canopy, signage, lighting, and a semi-enclosed shelter. The medium stations would likely be staffed by one person and include a platform, canopy, signage, lighting and a small building with a waiting room, ticket office, and restrooms. It is anticipated that most of the stations will be the smaller unstaffed (care taker) station. In addition, parking will be provided at some of the stations where needed; however, at stations proposed in downtown, highly urbanized areas, existing parking may be available.

The MCS "end-of-the-line" station will consist of two new platforms with canopies, head house, and new platform track, plus vertical circulation to integrate the station with Metrorail, rental car, local bus, and international airport services.

# Chapter 2

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## Identification of Program Manager

### 2.1 Manager Accountable for Program Delivery

Mr. Kevin Thibault, P.E., Executive Director of the Florida Rail Enterprise, a division of the FDOT, has been identified as the “manager accountable for program delivery.” Mr. Thibault and Nazih Haddad, P.E., Chief Operating Officer (COO), with the full support of FDOT, will have the responsibility to successfully and safely complete the Florida East Coast Corridor - Amtrak Service program on schedule and within budget. Among the more significant responsibilities of Mr. Thibault are:

- Finalize and secure Federal and state funds by other agreements, contracts, resolutions and funding commitments;
- Establish the basis of design, operations and maintenance;
- Maintain the staff and assemble the consultant resources for project management, control, design, construction, procurements, quality assurance, safety and environmental compliance, related administration, start-up and testing;
- Reach agreement with each agency where their facilities or operations are impacted temporarily or permanently by the Program such that means of resolving such conflicts become formally agreed to in all respects;
- Execute the Project Management Consultant (PMC) and Design Consultant Work Orders for management, design, construction and procurements;
- Oversee the ongoing Project work of the PMC, the Design Consultant and Construction Contractors, other contractors, suppliers and other Project participants;
- Provide the planned levels of passenger rail service, including the adopted levels of system assurance, safety and security;
- Maintain an effective program of public information pertaining to the Program;
- Establish and maintain liaison with local, state and Federal agencies;
- Enter into agreements with developers and other private sector entities to effect their participation in Project implementation;
- Acquire real estate property for the Project including station locations and parcels along the corridor for alignment purposes, including imposition of powers of eminent domain, and obtain temporary or permanent easements as required;
- Protect FDOT rights and interests and defending same for the public good; and
- Review, test, approve and accept work products, equipment and items furnished by all consultants, contractors and suppliers.

As a member of FDOT's leadership, Mr. Thibault is located in the FDOT Florida Rail Enterprise Office in Tallahassee. Mr. Thibault will have the full support of FDOT and will have access to its resources. Mr. Thibault's and Mr. Haddad's resumes are included as Attachment A.

Mr. Thibault's contact information is as follows:

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# Chapter 3

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## 3.1 Entities Involved

The following existing entities are partnered for the Florida East Coast Corridor - Amtrak Service project:

- FDOT
- Amtrak
- FEC

A brief history of these three entities in Florida is provided below:

### *3.1.1 Florida Department of Transportation (FDOT)*

FDOT is responsible for the delivery and operation of a safe statewide transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of the environment and communities. The statewide transportation system consists of 131 public aviation facilities including 19 with scheduled commercial passenger service, 2,707 railway miles, 121,526 centerline miles of public roads, 14 deepwater seaports, and 29 fixed-route transit systems.

FDOT is responsible for an \$8 billion annual work program that includes project planning, engineering, environmental compliance, value engineering, real estate actions, intergovernmental coordination, contract administration and procurement, quality assurance/quality control, construction project management and control, and construction engineering and inspection.

FDOT's central office in Tallahassee is responsible for developing policies and procedures, and providing quality assurance while its seven district offices, Florida's Turnpike Enterprise and Florida's Rail Enterprise are responsible for the construction and maintenance of transportation projects including environmental clearance, engineering, and right-of-way acquisition. Throughout its history, FDOT has been delivering projects on schedule, within budget, and with quality.

The Florida Rail Enterprise was created by the Florida Legislature through passage of the Florida Rail Act, signed into law on December 16, 2009. The Florida Rail Act assigns primary responsibility to the newly created Florida Rail Enterprise, through its appointed Executive Director (CEO), for funding, developing, and operating high-speed and passenger rail systems in the State. This Act also re-assigns the former powers of the Florida High Speed Rail Authority contained in Florida Statutes to the Florida Rail Enterprise, including the following: authorization to plan, construct, maintain, repair, operate and promote a HSR system, to acquire corridors, and to coordinate the development and operations of publicly funded passenger rail systems; authorizing the Enterprise to cooperate, coordinate, partner, and contract with other entities to accomplish its purposes;

authorizing the executive director to employ staff; and work with the Florida Department of Transportation to acquire, construct, maintain, and acquire right of way for the system.

### 3.1.2 Amtrak

Throughout the first half of the 20th century, Americans relied heavily on intercity passenger rail to travel short and long distances. As automobiles became more economical and massive highway investments were made, the role of passenger rail quickly began to diminish in relationship to personal automobile travel. Consequently, the share of ridership on passenger railroads – both intercity and commuter – dropped significantly, leaving many passenger railroads out of business and forcing freight railroads with passenger operations to cease some services. Therefore, in 1968, passenger rail ceased to exist on the FEC Corridor.

However, in 1970, Congress created the National Railroad Passenger Corporation (Amtrak). While not currently operating on the FEC Corridor, Amtrak has provided intercity and long distance services to Florida for more than 35 years.

In Florida, Amtrak operates three distinct services, the Auto Train, the Silver Meteor, and the Silver Star. Amtrak operates in Florida over lines owned by CSX Transportation (CSXT) and the FDOT (South Florida Rail Corridor). Amtrak’s current Florida routes include:

- Auto Train offers nonstop service between Lorton, Virginia (just south of Washington, D.C.), and Sanford, Florida. The Auto Train operates daily, with afternoon departures in each direction.
- The Silver Star and the Silver Meteor offer service daily between New York City and Miami.
- Both services operate over mostly the same route within Florida, but follow different trajectories north of Savannah, Georgia, through the Carolinas. From the Florida-Georgia border, both routes operate over CSXT’s “A” Line south to Auburndale. At Auburndale, the Silver Meteor continues southeast to West Palm Beach via CSXT and the South Florida Rail Corridor into Miami. From Auburndale, the Silver Star travels southwest to Tampa and then back to Auburndale where it retraces the Silver Meteor’s aforementioned route to Miami. Within Florida, the Silver Star serves the following stations: Jacksonville, DeLand, Winter Park, Orlando, Kissimmee, Lakeland, Tampa, Winter Haven, Sebring, West Palm Beach, Deerfield Beach, Fort Lauderdale, Hollywood, and Miami. The Silver Meteor serves the same stations as the Silver Star, with the exception of Tampa. Exhibit 3-1 summarizes Amtrak’s current passenger rail service in Florida.

**EXHIBIT 3-1**  
Summary of Florida Amtrak Passenger Rail Service

Route	Frequency	Origin/Destination	Type of Service
Auto Train and personal auto transport to Sanford, Florida	Daily, each direction	Washington, D.C. (Lorton, Virginia)	Conventional
Silver Meteor	Daily, each direction	New York City to Miami	Conventional
Silver Star	Daily, each direction	New York City to Miami (via Tampa)	Conventional

Source: Amtrak

### **3.1.3 Florida East Coast Railway (FEC)**

With its start dating back to 1895 during the development of rail in the State of Florida by Henry Flagler, the FEC is a short line railroad which currently operates 351 miles of mainline track along the east coast of Florida between Miami and Jacksonville. The FEC is a Class II railroad with track maintained to Class IV standards, allowing for freight and passenger speeds up to 60 mph and 80 mph, respectively. With interchanges of Class I carriers, NS and CSXT the reach of the FEC is expanded throughout all of North America.

FEC moves major carload commodities of aggregate, automobiles, lumber, farm products, food and kindred, machinery, pulp and paper, petroleum products, and stone, clay and glass. Volumes for FEC exceeded 118,000 carloads in 2007.

FEC also serves five (5) intermodal terminals with volumes for 2007 exceeding 300,000 units.

## **3.2 FDOT's General/Overall Responsibilities**

The overall responsibility of FDOT is to successfully, and safely complete the Project "on schedule within budget and with quality." Among the more significant responsibilities of FDOT are:

- Complete an evaluation of background requirements for the Construction Contractors and develop a plan for procurement;
- Complete an evaluation of procurement strategies for the various capital improvements required by the projects, evaluate the availability of contractors and adopt a comprehensive procurement strategy implementing the project improvements
- Finalize the funding agreement with FRA and secure Federal and state funds by other agreements, contracts, resolutions and funding commitments, as appropriate;
- Regularly report to FRA on project progress, current project status and other items as required by funding obligations;
- Establish the basis of design, operations and maintenance;
- Maintain the staff and assemble the consultant resources for project management, control, design, construction, procurements, quality assurance, safety and environmental compliance, related administration, start-up and testing;
- Reach agreement with each agency where their facilities or operations are impacted temporarily or permanently by the Program such that means of resolving such conflicts become formally agreed to in all respects;
- Execute the Project Management Consultant (PMC) and Design Consultant Work Orders for management, design, construction and procurements;
- Oversee the ongoing Project work of the PMC, the Design Consultant and Construction Contractors, other contractors, suppliers and other Project participants;
- Manage risks inherent in the Program along the FEC and in its on-going operation;

- Maintain an effective program of public information pertaining to the Project by conducting a public information program;
- Establish and maintain liaison with local, state and Federal agencies;
- Enter into agreements with developers and other private sector entities to effect their participation in Project implementation;
- Acquire real estate property for the Project including station locations and parcels along the corridor for alignment purposes, including imposition of powers of eminent domain, and obtain temporary or permanent easements as required;
- Protect FDOT rights and interests and defending same for the public good; and
- Review, test, approve and accept work products, equipment and items furnished by all consultants, contractors and suppliers.

### **3.3 Specific FDOT Responsibilities**

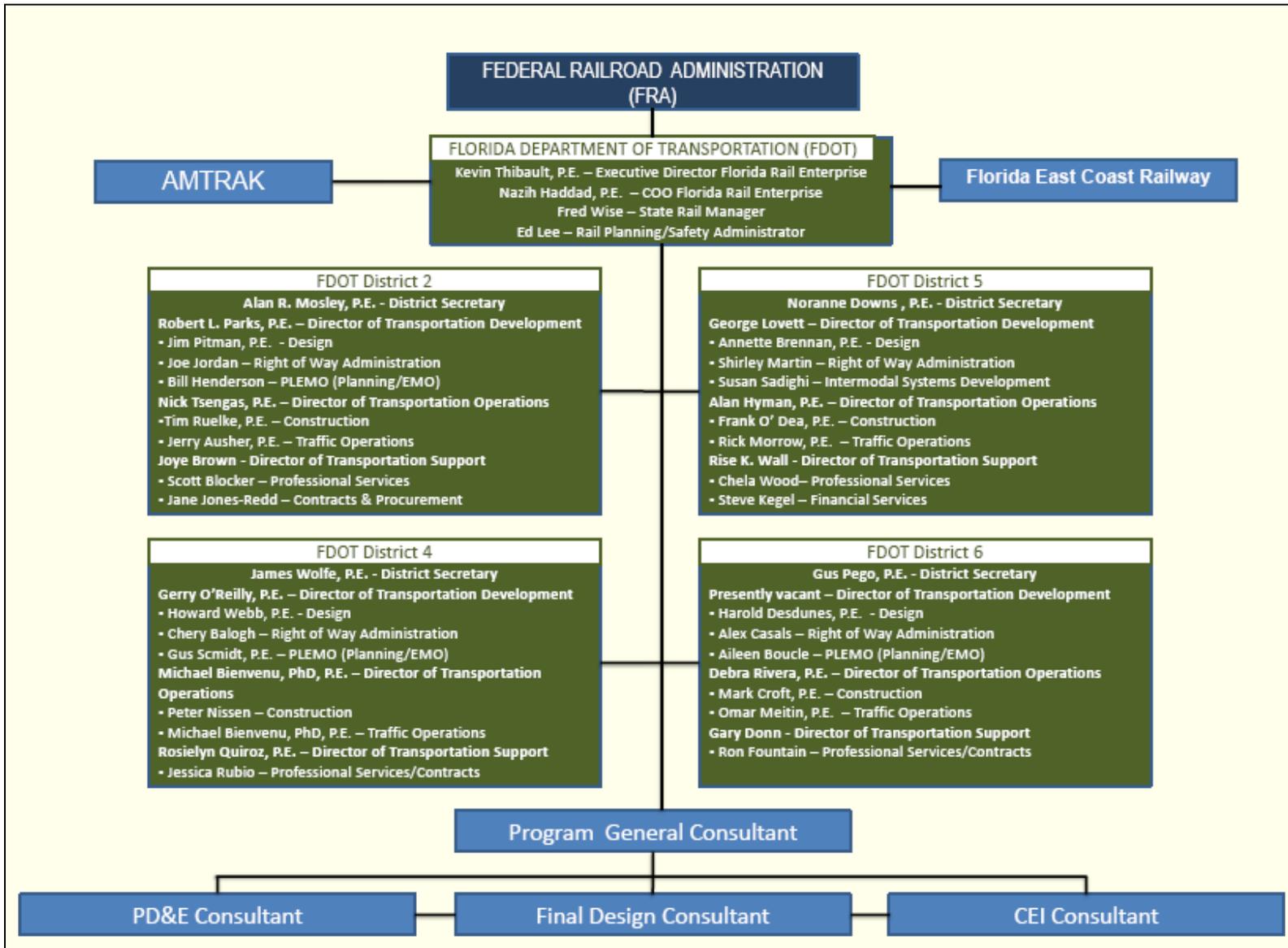
Despite the allocation of certain Project tasks to consultants, contractors, third parties, or other agencies, FDOT remains responsible for the successful implementation of the Project.

Exhibit 3-2 shows the organizational structure for the Project. FDOT has organized and staffed to maintain control of the Project and to oversee any work formally allocated to others. FDOT has established various policies and procedures to ensure that prudent decisions are made in a timely manner.

Although FDOT will retain consultants to oversee the day-to-day management of the Project, there are Program requirements and responsibilities that cannot be delegated by contract or agreement to entities beyond FDOT itself. These include:

- Adopting the Long-Range System Plan for service and facilities;
- Adopting a specific Project Financial Plan;
- Submitting the environmental documentation to the FRA;
- Oversight of consultants;
- Approval and control of consultants' work;
- Preparing various senior staff-level policies and procedures in furtherance of FDOT policies;
- Applying for, receiving, and administering state and Federal funds for Project implementation;
- Establishing and staffing an organizational structure supportive of the design and construction of the Project;
- Ensuring control over the Project;
- Establishing the basis of design and construction including the goals and standards for operations, maintenance, reliability, safety, security, dependability and quality of the finished works;

**EXHIBIT 3-2**  
 Florida East Coast Corridor Amtrak HSIPR Program Organizational Chart



- Quality Assurance and Quality Control oversight;
- Entering into agreements with other agencies and third-parties which permit changes to their facilities and operations necessary for implementation of the Project;
- Entering into agreements with other carriers of the region by which coordinated transportation services will be affected;
- Establishing risk management programs and related insurance coverage;
- Preparing and adopting annual budgets for operations and capital expenditures;
- Ensuring quality of system development, and;
- Certifying safety and security of the system.

### **3.4 Duties Delegated by FDOT**

Listed below are duties and tasks for which FDOT may engage consultants, contractors, and suppliers. FDOT has used a Program Management Consultant (PMC) organization in the past to assist with the technical oversight and management of projects. The PMC firm will provide Program Management Services by taking the lead in Stations; Systems Signals and Communications, Civil, Structural, Track work, Rolling Stock and the Vehicle Storage and Maintenance Facility.

#### ***3.4.1 Project Management Consultant Organization***

- Review a unified set of Design Criteria for FDOT;
- Review and finalize the Preliminary Engineering Documents to assure agreement with Design Criteria;
- Review design and contracting packages
- Recommend Project Delivery Strategy for all elements of the Project
- Review scope of work and selection criteria for the Construction contracts;
- Review Construction Contractor pre-qualifications package;
- Participate in the Construction Contractor pre-proposal conferences;
- Participate in the Construction Contractor qualifications evaluations;
- Review commercial terms and conditions of the Construction Contractor contracts;
- Review addenda to terms and conditions;
- Evaluate proposals/bids;
- Participate in negotiations with Construction Contractors;
- Provide quality assurance and quality control oversight;
- Provide construction management and oversight;

- Provide Amtrak and FEC with technical operations assistance
- Provide value engineering;
- Provide technical assistance for FDOT to acquire permits;
- Develop specification for rolling stock;
- Provide on-site review of vehicles during fabrication;
- Review and log shop drawings and change orders;
- Monitor and control schedule and budget;
- Monitor construction adherence to Project requirements;
- Witness testing of the Project work; and
- Prepare performance specifications
- Manage and maintain the Project Document Control System

### ***3.4.2 Design Consultant***

- Prepare unified set of Design Criteria for FDOT;
- Prepare and finalize the Preliminary Engineering Documents to assure agreement with Design Criteria;
- Prepare design and contracting packages
- Prepare scope of work and selection criteria for the Construction contracts;
- Prepare Construction Contractor pre-qualifications package;
- Participate in the Construction Contractor pre-proposal conferences;
- Participate in the Construction Contractor qualifications evaluations;
- Prepare commercial terms and conditions of Construction contracts;
- Prepare addenda to terms and conditions;
- Evaluate proposals/bids;
- Participate in negotiations with Construction Contractors;
- Provide quality assurance and quality control oversight;
- Provide construction management and oversight;
- Provide value engineering;
- Provide technical assistance for FDOT to acquire permits;
- Assist with the specification for rolling stock;

- Provide on-site review of vehicles during fabrication;
- Maintain and log shop drawings and change orders;
- Prepare Change Order recommendations
- Monitor and control schedule and budget;
- Monitor construction adherence to Project requirements;
- Witness testing of the Project work
- Prepare performance specifications

### ***3.4.3 Design/Build Contractors***

- Prepare detailed design and construction plans;
- Prepare Project Work Plan that adheres to FRA approved schedule and budget;
- Implement design criteria;
- Conduct Partnering workshops; (as required)
- Prepare required environmental documentation;
- Establish detailed alignment and station arrangement;
- Prepare working drawings for construction;
- Prepare methods for handling hazardous waste, utilities and environmental impact management plan;
- Prepare final specifications;
- Provide all design support for FDOT to acquire all permits;

### ***3.4.4 All Contractors***

- Provide quality assurance and quality control;
- Provide all construction surveys;
- Provide for relocation of all utilities;
- Construct fixed facilities/systems (excluding rolling stock);
- Supervise and inspect construction;
- Maintain record documents;
- Prepare as-built drawings in electronic format and hard copy;
- Provide for system safety, and integrity;
- Provide integrated functional testing and commissioning;

- Comply with FDOT operations and safety plan requirements to assure minimum construction-related disruption of service for all corridor users; and
- Provide Operations and Maintenance (O&M) procedures and manuals for all fixed facilities/systems

### **3.5 FDOT Design Process**

FDOT management of design and engineering for the Project is based on the concept of continuous supervision of consultants and the Construction Contractors, reinforced by in-depth reviews at pre-determined progress milestones. The primary objective of the design and engineering management task is to ensure that the detailed contract documents and Work Orders for the capital projects are complete, accurate, and in accordance with end user needs and in the case of the Florida East Coast Corridor - Amtrak Service Project, in accordance with FRA and FEC guidelines. This objective furthers the goals of receiving construction bids, which are within the budget and of keeping consultant and Construction Contractors' claims to a minimum.

#### ***3.5.1 Consultant Solicitation and Selection***

The COO of the Florida Rail Enterprise or his designee shall be responsible for the development of the Scope of Work and the solicitation and selection of consultants. The Contracts Administration and Procurement Department provides the process for obtaining consultants services, as contained in the Procurement Code and the Procurement Policies and Procedures Manual. The Code and Manual define contract documents and their development services, identify responsibilities of various staff, state the policy of the FDOT Board, provide selection methods, provide negotiation and agreement approval procedures, and describe the required contract administration procedures.

Throughout the process of selection, negotiation, agreement approval, and administration, the Contract Administrator is the common contact. The COO of the Florida Rail Enterprise or his designee will supervise the performance of the PMC and the Construction Contractors.

The deliverables required from the consultants are described in detail in work orders issued on the contract.

#### ***3.5.2 Design Reviews***

The COO of the Florida Rail Enterprise or his designee defines the policies and responsibilities of various organization and agencies in the review of designs for the Project. Design reviews are performed in accordance with FDOT's QAPP and the approved PMC and Construction Contractor Project QA/QC Plans respectively.

The COO of the Florida Rail Enterprise or his designee is responsible for the technical direction and coordination of the design and engineering of the Project. The PMC is responsible for reviewing the responses to design comments. When further design clarification or direction is required, the PMC is responsible for recommending a resolution of the differences to the COO of the Florida Rail Enterprise or his designee, who will resolve the differences.

### ***3.5.3 Value Engineering (VE)***

VE is a formal, systematic, investigative technique with potential for reducing capital, operating, and maintenance costs of the Project. VE reviews the Project to identify and analyze the functions that it has been designed to perform. The Project's total life cycle costs are calculated, and alternative designs are considered to determine the most cost-effective method of performing the identified functions, consistent with the requirements for quality, reliability, maintainability, and safety.

The Director of Transportation Operations in each district is responsible to ensure that the VE process is properly scheduled, staffed, and appropriately evaluated.

### ***3.5.4 Design Criteria and Standards***

The COO of the Florida Rail Enterprise or his designee establishes the criteria and standards for the preparation, revision, review, approval, and issue of design basis specification, criteria, quality standards, and directive drawings. The Design Criteria ensure that designs are developed in accordance with established requirements, that the functional requirements of the FDOT system are provided for, and confirm a proper understanding of the design direction and adherence to appropriate standards of professional practice.

The PMC will establish a unified set of design criteria to be used by the Construction Contractors for the Project. These criteria, along with the Project scope, will become the main documents that establish the quality and requirements of the final product delivered by the Construction Contractors.

### ***3.5.5 Design Criteria***

FDOT basic design criteria are summarized below:

- Environmental commitments made for the Florida East Coast Amtrak Service are to be considered a primary design guidance;
- The design must be safe and efficient;
- The design must be aesthetically pleasing and avoid disruption of the visual or physical integrity of the Project vicinity;
- Station concepts must be tailored to the concepts in the FDOT Design Criteria and must be integrated with surrounding neighborhoods;
- Stations are typically of the side platform type. However, stations may utilize center platforms where it is feasible and economically justified;
- Passenger access to platforms cannot be across railroad tracks, except at established cross-streets. Stations must have an overpass and at least one elevator on each side of the track, and the station design must include the necessary equipment rooms and ancillary facilities;
- Track and signal designs must conform to AAR, AREMA, or FEC standards, whichever is most strict;
- Existing grade crossings will be improved, and will be provided with gate monitoring and detection systems;

- Station designs must maximize parking per city code requirements;
- Stations will typically have bus drop-off locations, kiss-and-ride locations, taxi stands, and handicapped parking;
- Station design must comply with the ADA. Handicapped parking shall be located closest to the station platform;
- Signage must clearly indicate the location of the station;
- Trailblazer signs, station signage and pavement marking must clearly indicate circulation through the station site;
- Stations are to be similar in design and layout, to promote patron familiarity;
- Stations must have adequate lighting and separate standards will be provided for stations, platforms, and parking areas;
- Stations must have adequate protection from lightning;
- Landscaping and hardscaping must follow the Design Criteria and must result in an aesthetically pleasing effect while performing the requirements of noise abatement and visual buffering;
- Landscaping and hardscaping elements must be compatible with the overall environment, and must comply with local practices and ordinances and with primary regard to maintenance requirements; and
- Coordination with State, County and City jurisdictions is required.
- In addition to the above criteria, all designs for the Florida East Coast Amtrak Service project must approved by FEC and be compliant to FEC engineering standards.

### ***3.5.6 Design Standards***

Design documents must be prepared in full compliance with Design Criteria and all applicable standards and codes, including, but not limited to:

- American Association of Railroads (AAR);
- American Railroad Engineering and Maintenance-of-Way Association (AREMA);
- State of Florida Building Code (SFBC),
- Standard Building Code, with County Amendments;
- National Electrical Code (NEC);
- National Fire Codes (NFC);
- American National Standards Institute (ANSI);
- Occupational Safety and Health Act (OSHA);
- National Board of Fire Underwriters (NBFU);

- Underwriters Laboratory, Inc. (UL);
- American Association of State Highway and Transportation Officials (AASHTO);
- Federal, State and Local Accessibility Codes and Standards;
- Florida Landscape Guide; and
- FEC Engineering Standards

## **3.6 FDOT Facilities Design and Engineering**

### ***3.6.1 Introduction***

Consultants are conducting engineering design for the Project. These plans will be provided to the Construction Contractors to perform detailed design and complete construction documents. Final Design Documents will be used to bid/price Construction Contractor packages. Milestone design submittals are required for review by FDOT, PMC and other agencies.

All submittals are subject to FDOT acceptance. The submittals are used by FDOT to monitor conformance to design criteria and adherence to the scope of work and schedule constraints. Submittals are also used to measure design progress. Submittals are sequenced as follows:

- Preliminary Review forms the basis for defining the scope and design for the Construction contracts and provides a probable cost estimate of construction. This is also the end of Preliminary Engineering and start of Final Design.
- In Progress Reviews provide clear indication of design requirements outlined in the Preliminary Engineering. These reviews examine working drawings and catalogue samples of products and materials to be used by the Construction Contractor. Submittals will be subject to PMC peer review and review by FDOT.
- Final Review provides an opportunity for all agencies, FDOT, utilities, and railroads to review and concur with the proposed construction. This status is substantially complete except for finalizing and incorporating latest comments. This step will be the final submission of working drawings for the Construction Contractors and is subject to a detailed PMC peer review and constructability review.

### ***3.6.2 Conceptual Design***

The COO of the Florida Rail Enterprise or his designee establishes a basis for the Project design and outlines the steps involved in the design development of the expansion of the rail system.

The COO of the Florida Rail Enterprise or his designee is responsible for conceptual Project definition and design. The conceptual design is accomplished by the Preliminary Engineering consultants, reviewed by all FDOT departments, and coordinated with FDOT and other appropriate governmental agencies and developers.

The design review looks at track alignments, site layouts and plans, sections, elevations, and/or perspective drawings indicating the proposed Project design. A written description in

technical terms of the concepts of design considered and the recommended design concept to be detailed in the ongoing design effort shall be submitted and reviewed. This review assesses the refinements of the design, including the evaluation of possible alternatives and is intended to ensure that the designer is proceeding in accordance with FDOT and FEC requirements.

### ***3.6.3 Preliminary Design and Engineering***

This control point includes the review of the Preliminary Engineering drawings and other documents. This point of the design and engineering process is the stage at which drawings are completed and submitted for review and approval of the Project scope and definition. The Preliminary Engineering construction cost estimate is also prepared. Before the submittal, the consultant will provide FDOT with three complete sets of Preliminary Engineering drawings, sketches, etc., for familiarizing the Value Engineering Team with the proposed design. Drawings and other material shall be sufficiently refined and complete to enable FDOT technical staff to ascertain the details of the proposed facilities and all appurtenances.

A preliminary cost estimate, with pertinent back-up and adequate contingency as necessary for this level of design, shall be part of the submittal. The preliminary cost estimate will establish, upon acceptance by FDOT, a firm budget for the Construction contracts. Any apparent major budgetary overruns or discrepancies shall be resolved before issuing the solicitations for the Construction contracts. Resolution may come from design modifications, adjusting the scope of design to reconcile the cost estimate with the funds, which are available and budgeted. Budget adjustments may be made to effect this reconciliation. This submittal will consist of, but is not limited to, preliminary plans, sections, and elevations, indicating to appropriate scale, the design of the facilities. Drawings for this submittal shall be coordinated among the following disciplines, and shall specifically include the following as appropriate:

- Architectural Documents: site plans, with access and circulation; station and all other facilities plans, sections and elevations, with dimensions of major elements showing vertical circulation elements, and preliminary configuration of all equipment rooms.;
- Civil and Utility Documents: site plans indicating paving, grading, and drainage; right-of-way limits; existing utility information, and preliminary plan and profile plans;
- Structural Documents: preliminary foundation plans and framing plans in sufficient level to describe the structural systems being employed, and preliminary sections and details sufficient to detail to describe the structural systems being employed;
- Mechanical Documents: preliminary site and floor plans or design criteria and sections for all facilities, and preliminary Heating, Ventilation, and Air Conditioning, (HVAC), fire protection, vertical movement (escalator and elevator), and plumbing design criteria for all facilities;
- Electrical Documents: preliminary site plans (including electrical service) and one-line diagrams or design criteria, and preliminary electrical equipment/facilities space requirements;
- Landscape Documents: conceptual landscape plans;
- Geotechnical/Materials Documents: soil borings, materials sampling and testing, foundation recommendations, and geotechnical report;

- Surveying Documents: boundary surveys, and topographical surveys.
- Environmental Documents: analysis and approach reports for environmental problems and issues;
- Transportation Documents: traffic analysis, and traffic flow diagrams;
- Railroad Engineering Documents: track diagrams with existing signal locations;
- Outline Specifications incorporating appropriate codes and standards and highlighting specific requirements during design and construction phase;
- Calculations: all pertinent calculations for all disciplines used to advance the design to the Preliminary Engineering level; and
- Design Criteria and Standards.

Upon submittal of the described documents, the consultant will conduct an oral presentation for describing, in technical terms, the proposed design to the VE Team. Representatives from all disciplines, including the estimator and specification writer, will attend this meeting. This presentation signals the beginning of the VE workshop for Preliminary Engineering. Decisions from the VE process will be included in the bid documents for the Construction Contractors.

### ***3.6.4 Design/Build Contractors***

The Design/Build Contractors will prepare final design and plans for facilities, systems, and track with the information provided from the Preliminary Engineering documents. The Design/Build Contractors will initially prepare a Project Work Plan that will layout how the Project will be sequenced for construction. Based on that plan the Design/Build Contractors will prepare working drawings required by the plan. The Design/Build will submit Final Design 30, 70, and 100 percent working drawings respectively, so that FDOT, assisted by the PMC and others as applicable, can assure that the construction will meet all the contractual mandatory requirements and design criteria. The Design/Build Contractors will prepare specifications, as such, for his construction, materials and methods specifications and provide full product cut-sheets to assure that products and materials meet the appropriate codes, standards and design criteria required for this Project.

### ***3.6.5 In-Progress Design and Engineering***

Submittals will be made for review at approximately the Final Design, 30, and 70 percent completion level. FDOT staff, FEC, the Preliminary Engineering Design and the PMC, shall review all plans, drawings, specifications, and other material developed in the detailed design. All drawings from all disciplines must be submitted for review to demonstrate a coordinated effort. These shall include further developed architectural, structural and civil drawings, and also the following as a minimum:

- Mechanical Documents: floor plans for all facilities in sufficient detail to indicate routing and location of all mechanical and HVAC systems and equipment, fire protection, vertical movement (escalators and elevators), plumbing, and roof and floor drain layouts;

- Electrical Documents: site plans (including electrical service details), one-line diagrams, riser diagrams, lighting layouts, electrical equipment/facilities space requirements, lighting, power, and distribution panels;
- Specifications: Specifications identifying all anticipated materials, methods, and finishes to be used in the construction of the facilities; and
- Calculations: all pertinent calculations for all disciplines used to advance the design to the 30 and 70 percent completion level.

### ***3.6.6 Final (100%) Design and Engineering***

The Final submittal is submitted at this stage to demonstrate completeness and to ensure that all previous review comments have been properly addressed and that appropriate codes and standards have been met.

Final Design submittals shall be revised and resubmitted by the Design/Build Contractors to incorporate all comments from reviewers.

All Final Design drawings submitted by the Design/Build Contractors must be certified by an appropriate (by discipline) Professional Engineers licensed and registered in the State of Florida.

### ***3.6.7 Errors and Omissions***

The PMC is responsible for researching and verifying findings of deficient performance for recovering the cost of damages to FDOT. The cost recovery process is initiated if it can be demonstrated that there was (1) a breach of professional standards of care by reason of error, omission, or negligent act; and (2) a loss or expense. Recommendations to pursue recovery will be made by the PMC.

## **3.7 FDOT Construction Management**

FDOT construction management involves those actions and plans necessary to ensure the successful completion of the Project and the delivery of fully functional facilities safely, on time and budget, and with quality.

### ***3.7.1 Responsibility***

The Director of Transportation Operations in each District has overall responsibility for construction of the Project. The Director of Transportation Operations in each District or his designee (s) will plan, manage, and control the Project. The QA Manager will provide QA oversight of the PMC and Construction Contractors. The Director of Transportation Operations in each District has a core staff of experienced professional engineering, construction managers and will be supported by FDOT staff and the PMC during design and construction phases of the Project.

Construction will be performed in accordance with the Construction Contractors Work Plan and Construction Procedures, Construction Safety Plan, and Project QA/QC Plan approved by FDOT. FDOT will be responsible for the oversight of all work performed by the Construction Contractors, FDOT staff, the PMC and any other work associated with the Project.

The PMC will assist FDOT in the construction management, administration, safety and quality assurance oversight of the Project. The PMC will perform their duties in accordance with the contract requirements issued for the Project and FDOT approved PMC Project QA Plan and this PMP.

### ***3.7.2 Construction Safety***

*Safety is FDOT's number one priority.* Construction Contractors are responsible for safety during construction along the FEC. FDOT, with assistance from the PMC, will monitor the Construction Contractors' compliance with their approved Construction Safety Plan (CSP).

The Construction Contractors CSP shall designate a number of safety officers, as required for the number of tasks under way, who will hold job briefings before each work day or new task, hold regular "tool-box" safety meetings, submit an Accident Prevention Program for approval, and conform to the requirements of OSHA Construction Industry Standards 29CFR1926\1910.

An FEC certified flag person would assure FRA safety requirements are followed, and shall accompany construction work performed along the tracks.

Under the direction of FDOT Operations Director or Safety/Security Administrator, the PMC will be responsible for assuring that the Construction Contractors adhere to all safety requirements. FDOT Safety/Security Administrator or PMC Safety Officer shall promptly notify the Construction Contractors of any apparent safety violations. Violations may result in suspension of work until the violations are corrected, or termination of the contract. Repeated violations by an individual may result in FDOT ordering of the Construction Contractors or subcontractor to remove the individual (temporarily or permanently) from the construction site.

### ***3.7.3 Construction/Installation Site Security***

To ensure there is a safe and secure method of coordinating construction and testing activities, the CSP will be presented to all new employees of the Construction Contractors. This program will provide the processes and procedures governing the activities of Construction Contractors and FDOT staff working on or about the right-of-way. It will identify the individual responsible for managing track access and it will include the procedure, track warrant provisions, and specific reporting and scheduling requirements on or along the alignment. This program will also follow the FDOT "Standard Specifications for Road and Bridge Construction" (2007) as it pertains to construction safety and FRA/FEC Regulations as it relates to installation and site security. It will also address accident prevention, employee protective devices, medical treatment, as well as OSHA and other regulatory requirements.

### ***3.7.4 Construction Management Practice***

The Director of Transportation Operations in each District is responsible for the construction of the Project. The Director of Transportation Operations in each District will employ the PMC to provide construction management, supervision, and quality assurance and safety oversight of the Project. The duties and responsibilities of the PMC are described below.

### ***3.7.5 Role of PMC in Construction***

The PMC will serve as the FDOT Representatives in the field. The primary function is to supplement FDOT staff. The major construction tasks of the PMC include, but are not limited to, the following:

- Perform Quality Assurance monitoring, and surveillances of the Construction Contractors activities to assure compliance with the design criteria and appropriate codes and requirements and the Construction Contractors Project QA/QC Plan;
- Perform Quality Assurance Audits;
- Review construction document transmittals, i.e. shop drawings, Requests for Information, Requests for Change Orders, etc., submitted by the Construction Contractors prior to incorporation into the work;
- Attend regular progress review meetings with the Construction Contractors to ascertain job progress and identify and resolve problems;
- Review the Construction Contractors' cost-loaded schedule initially and monthly prior to recommending payment of monthly invoices;
- Review monthly Construction Contractors' invoices and recommend payment;
- Respond to all of the Construction Contractors' Requests for Information;
- Negotiate all changes with the Construction Contractors and perform cost control estimates prior to such negotiations;
- Maintain an accurate and current record of daily construction progress.
- Such record shall include daily reports, Resident Engineer's diary, use of photographs, minutes of all meetings and correspondence files;
- Maintain shop drawings logs, tracking the date submitted by the Construction Contractors, date returned to the Construction Contractors, and disposition code;
- Maintain Request for Information Logs and Request for Change Order Logs, tracking the data submitted by the Construction Contractors and date returned to the Construction Contractors;
- Respond to every notice of potential claim received from the Construction Contractors and take all steps necessary to mitigate delays and damages;
- Analyze all of the Construction Contractors' claims and make recommendations to FDOT as to possible resolutions;
- Review remedial or additional designs as may be necessary to resolve conflicts or problems arising out of the work; and
- Collect all Quality Assurance records including As-Built drawings, test reports, deviation reports, operation and maintenance manual. As-Built drawings (final revisions) shall be supplied by the Construction Contractors based on the as built conditions.

### **3.7.6 Change Orders**

*Contract Terms and Conditions, of the Design/Build, GC and CM @ Risk Procurement Documents* provides for conditional adjustments in costs and/or time between FDOT and the Construction Contractors. Conditional adjustments may be requested for, but not limited to the following:

- FDOT delays, permitting agency changes, utility changes and impacts, changes in law and regulation and other matters. These changes may or may not require a change in design documents; and
- The Construction Contractors must submit his request for a change order meeting Contract notice, support and documentation requirements. As stated in Book II, the request must contain Relief sought, and Grounds for entitlement under the Contract.

FDOT, with assistance from the PMC, will review the initial request and determine if merit has been established. If FDOT is of the opinion that there is no entitlement to a Contract change as requested from the Construction Contractors, FDOT will inform the Construction Contractors by letter that no action will be taken, and inform the Construction Contractors of his Contractual rights to submit a claim. If FDOT determines that merit does exist, then a request for supporting documentation will be requested from both the Construction Contractors and FDOT. Cost adjustments (design and construction) are supported by quantity breakdowns, unit prices and quotations of subs and suppliers.

FDOT, with assistance from the PMC, will perform an independent cost or price analysis.

Noted disagreements between the independent cost proposals of both parties regarding either time or dollars, will be resolved by direct negotiations.

The negotiating team will include FDOT and PMC Staff, as required depending on the subject and size of the change.

FDOT, with assistance from the PMC, develops the Memorandum of Negotiations to summarize the negotiation session which describes the change, details the necessity for the change order and lists the cost, schedule impacts and drawings/specifications to be revised.

If a time extension is negotiated, the time agreed upon will be shown on the Contract modification.

If an agreement cannot be negotiated, FDOT may issue a Contract Change Directive and track the change on a Time and Materials (Force Account) basis.

The FDOT change order approval committee must approve all change orders.

## **3.8 Design and Construction Process within Existing FEC Right-of-Way**

Due to FEC being an active railroad, the design and construction process for capital improvements within its existing right of way is modified from the process used for other project improvements. FDOT has worked extensively with the various railroads in the state, including FEC, to implement rail improvement projects on active railroads. For this project, FDOT and FEC will have a Joint Rail Project Agreement in place that will govern how the capital projects within the FEC right of way will be implemented.

All capital projects within the right of way of FEC will be designed and constructed by the railroad. FEC may use in-house staff or on-call consultants to provide the design services. Whether in-house or consultant, the designers will have extensive experience designing rail projects that meet the FEC standards. Both FEC and FDOT will review the final plans and approve them for construction. FDOT may use the Project Management Consultant for this review task.

For safety reasons, FEC will maintain full control of any construction project on its active rail corridor. The railroad has the option of determining whether the construction can be completed using its own forces or whether to contract out some or all of the work. FDOT will use its own staff or its on-call consultants to periodically monitor and oversee the construction process to ensure that the work is completed in accordance with the design plans, on schedule and on budget.

### **3.9 Design and Construction Process adjacent to the FEC Right of Way**

A slightly different process will be followed for those projects that are adjacent to the FEC right of way but can be constructed in a manner that minimally impacts daily rail operations. Examples of this type of project would include, but not limited to, platform construction or station siding construction. Also, in order to be accessed by Amtrak trains the platforms will need to be partially located inside the FEC right of way. Therefore, FDOT will directly manage the design and construction of these types of projects with review from FEC. The construction documents for these projects will include a provision for FEC flagmen during active construction. The final “tie-in” of the new facilities to the active railroad will be completed by FEC forces.

### **3.10 Materials and Equipment Procurement**

Equipment procurement is required for restoring Amtrak intercity service. Since Phase 1 of the Project is a part of the national intercity system, Amtrak will take the lead, using their process, in procuring the initial equipment for the service. Subsequent equipment procurement in later phases will be procured by FDOT in coordination and consultation with Amtrak using the process described below.

While FDOT is exempt from State sales and all excise taxes, the exemption cannot be passed to the Construction Contractors for its use in purchasing materials and supplies for the Project. In an effort to control and reduce the final cost to FDOT, a process has been established for FDOT to be able to take advantage of its tax-exempt status. The process is compliant with Rule 12A-1.094, Florida Administrative Code.

The Contractor shall include all State sales and all excise taxes in the bid Price. Following execution of the Contract, FDOT will provide the Contractor with FDOT blank purchase requisition forms. For all purchases from any supplier in excess of \$5,000, the Contractor will fill out a purchase requisition form indicating the supplier, quantity, item, price, and any other pertinent information necessary to process a purchase order, and submit this to FDOT. FDOT will issue a purchase order directly to the supplier, within 5 days from receipt of a completed purchase requisition. FDOT will not “bid shop” since the Construction Contractor’s Price was predicated on the stated source and price. The Construction Contractors retain the full

responsibility for the procurement, including scheduling, delivery, quality assurance, verification, storage, installation, warranties, etc., as if it issued the purchase order itself. All delivery tickets are required to be verified by a FDOT and/or PMC representative. The purchase order will be provided to the Contractor for issuance to the supplier.

As deliveries are made, the supplier will submit its invoices, through the Contractor, to FDOT, excluding any amounts for State sales taxes and any excise taxes. The Construction Contractors are responsible for approving the invoice before forwarding to FDOT, who will issue a check, within 30 days from receipt of an approved invoice, in the name of the supplier. The payment will be given to the Construction Contractors, who will then forward to the supplier in return for lien releases.

FDOT will deduct from the Contract amount, the amount of payments made and the applicable sales and excise taxes for any “direct pay” purchases.

In the event FDOT decides not to issue a “direct pay” purchase order for any item, the Construction Contractors acknowledge it will not be harmed financially, since the taxes were included in the Construction Contractor’s Price.

Procurement of signals, facilities, and communication systems is also the responsibility of the Construction Contractors. The Construction Contractors’ procurements must meet all applicable regulatory requirements specified in the FDOT Procurement Code and meets all contract requirements. Suppliers will produce materials and equipment in accordance with the Construction Contractors Project QA/QC Plan approved by FDOT, with input from the PMC. Suppliers or Vendors holding a QA Certification form ISO and/or AAR M-1003 QA Standards are automatically qualified to supply critical services and materials.

Procurement of equipment and rolling stock is the responsibility of FDOT Operations Department. Procurement will be based upon specifications prepared by the PMC. FDOT, with assistance from the PMC, will provide design review and on-site inspection of the vehicles being manufactured.

### ***3.10.1 Procurement Specifications***

Procurement specifications for materials, components, systems, equipment, and revisions to these specifications are prepared by the Construction Contractors and will be reviewed by FDOT, with assistance from the PMC, to ensure that all design criteria and requirements are met. Appropriate requirements include:

- FDOT Design and Quality Criteria;
- Applicable codes and standards;
- Process and inspection procedures to be submitted for review;
- Inspection and test reports to be furnished;
- Owner access to vendor, Construction Contractors and subcontractor facilities for performance or witnessing of inspections or test; and
- Compatibility with existing materials, components, systems, or equipment.

### ***3.10.2 Material and Equipment Configuration Control***

As required by applicable procurement specifications, material and equipment vendors will submit and obtain approval of changes in material and equipment configuration.

As required by applicable procurement specifications, material and equipment vendors and contractors will provide drawings, reports and manuals, showing the as-built configuration of materials and equipment, results of factory tests and alignments, and O&M manuals.

### ***3.10.3 Factory Inspection and Testing***

Material and equipment vendors will submit the procedures for and reports of factory tests to the Construction Contractors for approval. The Construction Contractors will plan and complete factory inspections for designated equipment, components, using qualified inspection personnel. These inspections will be reported to and reviewed by FDOT, with assistance from the PMC. In addition, FDOT may instruct the PMC to witness or conduct factory inspection and testing on selected long lead-time items.

### ***3.10.4 Receiving and Storage***

The Construction Contractors are responsible for receiving and storing procured materials and equipment in accordance with the contract provisions and Project QA/QC Plan. These will provide for the inspection, identification, protection, and storage, both before and after installation. These provisions will also provide for identification, segregation, reporting, and disposition of equipment that does not meet Project requirements.

The Construction Contractors are responsible for all materials management and Control.

### ***3.10.5 Testing During Construction***

The PMC will use testing laboratories on an as-needed basis throughout the Project. The testing laboratories will submit all test results to the PMC for review and records. Therefore, all such testing will be paid by FDOT through the PMC. The Construction Contractors, if required, must pay for re-testing. The Construction Contractors will be required to give ample notice to the PMC of upcoming events requiring testing, such as concrete pours, soil compaction tests, etc. The testing requirements, batch sizes, and other criteria are specified in the technical specifications. FDOT will not pay for multiple testing due to the Construction Contractors' nonconformance of the work to the contract documents.

## **3.11 FDOT R/W Acquisition Process**

Real estate acquisitions will be required near several station locations. Additionally, construction easements and/or staging areas may be acquired. Identification of real estate acquisition needs is the responsibility of the Director of Transportation Development. Facility locations and land requirements are being identified as part of the planning process. Once budget authority is in place, the Director of Transportation Development, assisted by the Director of Transportation Operations, is responsible for proper completion of acquisition of properties outside the corridor which are associated with stations, park & ride lots, and the Vehicle Storage and Maintenance Facility. FDOT is responsible for quality assurance for all properties located within the corridor. Acquisition by the consultant will be with concurrence and oversight of FRA.

FDOT has the authority to take land by eminent domain through the appropriate process. When the eminent domain option is applied to the acquisition, FDOT shall implement the State of Florida Statutory requirements.

The Director of Transportation Development is responsible for determining the manner and timing of disposal of excess property in the best interest of FDOT and in accord with FRA standards. Excess property is used in joint development partnerships or traded for other parcels, when such opportunities are available, or is sold on the real estate market. Fair market value of excess property is determined by independent appraisals. If the Director of Transportation Development determines that property should be disposed of prior to the end of its useful life, the FRA notification and reimbursement guidelines are followed.

### ***3.11.1 Scheduling and Funding Plan***

Proposed real estate acquisitions in FDOT current plan include properties for station facilities and alignment improvements all along the corridor. Since the real estate acquisition process may take considerable time, the Director of Transportation Development will schedule its acquisition activities once the facility design has begun. Acquisition activities will begin well before the parcel is required to ensure that the land is available, so that design and construction can begin in time to support the intended service date of the facility. The Director of Transportation Development shall coordinate all land acquisitions with the Director of Transportation Operations to assure that the property will accommodate the proposed design of the development. Upon selection of the property, the Director of Transportation Development shall determine the budget for the property, through the PMC Cost Estimation and/or the appraisal process.

### ***3.11.2 Right of Way Acquisition and Management Plan***

The Right of Way Acquisition and Management Plan (RAMP) is a detailed plan addressing the acquisition of property on the Florida East Coast Corridor - Amtrak Service Project in accordance with FDOT procedures and federal law. The RAMP consists of the following elements:

- Environmental issues;
- Land surveying (including topographic);
- Permitting;
- Title search (ownership and parties of interest);
- Real estate engineering (prepare site plans, sketches and parcel data sheets);
- Evaluation of joint development opportunities;
- Appraisal of property;
- Acquisition; and
- Property management of the property between the date of possession and clearance.

Clearance, through demolition of existing improvements on the property, will be through a separate demolition contractor. After construction of the Project, the final elements are excess

land sales or joint development of land in private/public or public/public partnerships. Real estate transaction and management activities are reported as required by the FRA for tracking purposes.

### ***3.11.3 Specific Project Real Estate Needs***

Information on real estate requirements is obtained from the Preliminary Engineering. Specific plans to satisfy real estate needs may include property interface options; agency requirements; railroad agreements; utility agreements, including utility relocation; and joint development plans.

In the planned acquisition, FDOT hires surveyors to establish property baselines and to provide land surveys at the proposed parcel areas. As part of this Project, FDOT, through consultants, will perform environmental assessments for additions to the corridor and environmental audits for all commercially improved or previously improved parcels. FDOT compliance with the Environmental Regulation during land acquisition is described in the FDOT Environmental Impact Management Plan. At the same time, the Director of Transportation Development, through consultants, starts preparing the title search.

Adjacent property owners and potential on-site joint development partners may be contacted for Joint Development proposals while FDOT consultants are preparing the site plans, since the proposals may influence the amount of property necessary and the final site plans. Then the consultants provide the Director of Transportation Development with the final site plans, master plans, and specific Project real estate needs.

### ***3.11.4 Site Plans, Parcel Sketches and Parcel Data Sheets***

The Director of Transportation Development, through consultants, prepares the following documentation:

- FDOT Right-of-Way map;
- Calculations for parcel boundaries;
- Additional field survey, if required;
- Parcel sketches;
- Drafting of sketch;
- Field inspection of parcel;
- FDOT Track Alignment Plans;
- Parcel Data Sheets;
- Legal descriptions of the parcel;
- Ownership and parties of interest, determined after the mark-up of the Title Search by the Engineer;
- Necessary legal instruments to be obtained/given at the real estate closing;

- Impact Statement to describe what effect the acquisition and Project will have on any remainder parcel;
- Changes to descriptions and sketches per design changes; and
- Final submittal for appraising the parcels.

### ***3.11.5 Acquisition Process***

The Director of Transportation Development in each district coordinates the parcel information with the Director of Transportation Operations in such district and with the end-user department to verify that the parcel meets all requirements. The real estate acquisition process commences upon completion of the preliminary site engineering described above. The following documents are needed to commence the appraisal process: legal description of the parcel to be acquired; sketch showing bearings and distances or other references contained in the legal description; sketch showing parcel to be acquired; preliminary track alignment plans; and owner and parties-of-interest.

### ***3.11.6 Appraisal Process***

Most commonly, the appraisal process consists of:

- Selecting a fee or contract appraiser with the necessary qualifications and credentials to complete a formal and extensive appraisal report;
- Submission of appraisal reports;
- Review of appraisal reports by a contract review appraiser, if required;
- Approval, after thorough review, of a just compensation amount by the appraiser; and
- Approval of the valuation amount and authorization to proceed with acquisition by the Board.

### ***3.11.7 Acquisition Process Completion***

The property is acquired for the Project when the acquisition staff has secured possession, or will secure possession through the following means:

- When property condemnation proceedings must be utilized through court order;
- When securing a settlement through an agreement for purchase and special warranty deed that has been approved by the Board and signed by the property owner and all subordinate interests have released claim by appropriate legal instruments;
- When a lease for the property has been executed by all parties;
- When required construction easements have been executed by the owner through appropriate legal instrument; or
- When no improvements will be located on a parcel a Right of Way occupancy permit can be utilized.

### ***3.11.8 Relocation***

When acquisition by condemnation is a threat, relocation of displaces by FDOT shall be in accordance with the Federal Uniform Relocation Assistance and Real Property Policies Act of 1970 (the Uniform Act).

### ***3.11.9 Record Keeping***

Extensive Project records are kept at every level of the real estate acquisition process. The Director of Transportation Development, with assistance from the PMC, is responsible for the control and maintenance of files which contain statements and/or copies of the documents and information given to property owners, tenants, and affected parties as required by local, State and Federal guidelines and laws.

# Chapter 4

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## New Legal Entities Required

### 4.1 New Legal Entities

No new legal entities need to be created for this Florida East Coast Corridor - Amtrak Service Project. The following existing entities will be involved in the Project:

### 4.2 Existing Legal Authority

#### 4.2.1 Florida Department of Transportation

Florida Statutes Chapter 343.302, require FDOT to “develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs.”

Among other responsibilities, FDOT shall:

- Provide the overall leadership, coordination, and financial and technical assistance necessary to assure the effective responses of the state’s rail system to current and anticipated mobility needs.
- Promote and facilitate the implementation of advanced rail systems, including high-speed rail and magnetic levitation systems.

A full copy of Florida Statutes Chapter 341.302 *Rail program, duties and responsibilities of the department* is available at [www.dot.state.fl.us](http://www.dot.state.fl.us) for reference.

The Florida Rail Enterprise was created by the Florida Legislature through passage of the Florida Rail Act, signed into law on December 16, 2009. The Florida Rail Enterprise, through its appointed Executive Director (CEO), is responsible for funding, developing and operating high-speed and passenger rail systems in the State. The Florida Rail Enterprise, by such legislation, is authorized to plan, construct, maintain, repair, operate and promote a HSR system, to acquire corridors, and to coordinate the development and operations of publicly funded passenger rail systems; authorizing the Enterprise to cooperate, coordinate, partner and contract with other entities to accomplish its purposes; authorizing the Executive Director (CEO) to employ staff; and to, on behalf of FDOT, acquire, construct, maintain and acquire right of way for the rail system.

#### 4.2.2 Amtrak

The Rail Passenger Service Act signed October 30, 1970 by President Nixon authorized the National Railroad Passenger Corporation (Amtrak) to manage the basic national rail network and operate trains under contracts with the railroads. A new chapter in railroad history began when Amtrak – a quasi-public corporation, dedicated to providing modern, efficient, attractive service, began operating the nation’s passenger railroads on May 1, 1971.

### **4.2.3 Florida East Coast Railroad**

The **Jacksonville, St. Augustine and Indian River Railway Company** was incorporated under the general incorporation laws of Florida to own and operate a railroad from Jacksonville in Duval County, through the counties of Duval, St. Johns, Putnam, Volusia, Brevard, Orange, Osceola, Dade, Polk and Hillsborough.

Laws of Florida, Chapter 4260, approved May 31, 1893, granted land to the railroad. At that time, it was already in operation from Jacksonville to Rockledge, the part south of Daytona having been constructed by them. The company had just filed a certificate changing and extending its lines on and across the Florida Keys to Key West in Monroe County.

The name was changed to the **Florida East Coast Railway Company** on September 7, 1895.

**Florida East Coast Industries** (FECI) incorporated in 1983 and was made the holding company for the Railway and the Commercial Realty/Flagler Development Company in 1984. The other subsidiaries are Orlando-based carrier, *EPIK Communications* and the logistics firm, *International Transit*.

FECI began operating independently of the St. Joe Company on October 9, 2000 when St. Joe shareholders were given Feci stock.

On May 8, 2007, Florida East Coast Railway Company's parent, Florida East Coast Industries (FECI), announced that Feci would be purchased with private equity funds managed by Fortress Investment Group in a transaction valued at \$3.5 billion.

Rail America acquired Florida East Coast Railway from Florida East Coast Industries in March, 2008. All three companies are owned by Fortress Investment.

# Chapter 5

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## Requisite Agreements

Florida is the 4th most populous state and has the 3rd largest state transportation budget. With an FY 2010/11 budget of \$6.9 billion, FDOT routinely manages large transportation projects. Most recently, FDOT has managed rail projects worth \$328 million in its Strategic Intermodal System program. Additionally, FDOT has a long history of developing large passenger rail projects, notably the acquisition of the SFRC and development of Tri-Rail commuter service. Consequently, FDOT has vast experience in developing and executing the necessary agreements between Federal Agencies, local governments, and railroads to bring large-scale rail projects to fruition.

FDOT has experience in managing rail investments and Corridor Programs similar to the proposed Florida East Coast Corridor - Amtrak Service as evidenced by Tri-Rail which was started by FDOT in 1989, at a cost of \$75 million; the Double Track Corridor Improvement Program, a \$333.8 million project included the installation of 43.5 miles of second mainline track; and the SunRail system, a \$1.2 billion project to own, control, and operate commuter rail on a 61-mile rail corridor in Central Florida.

The agreements needed for the Florida East Coast Corridor - Amtrak Service Project generally consists of three types of agreements: ownership, operating, and interlocal. A brief description of those agreements is as follows:

### 5.1 Ownership Agreements

An initial draft of an Agreement in Principle (AIP) between FEC and Amtrak is being developed to begin a dialogue between both parties. The AIP addresses the provisions that will be included in the “host” agreement. This AIP includes provisions for accommodating FEC freight traffic both during the construction required by the Florida East Coast Corridor - Amtrak Service Project and during the resultant new Amtrak passenger service.

The AIP also discusses the conditions agreed upon regarding the modification or construction of platforms at jointly shared Intercity Amtrak stations at St. Augustine, Daytona Beach, Titusville, Cocoa, Melbourne, Vero Beach, Fort Pierce, and Stuart. This AIP also focuses on the negotiation of an Operating Agreement for Amtrak service operating over FEC property.

While the AIP has only been initiated and is yet to be executed, FEC has provided a Letter of Support for the Project. A copy of this Letter of Support is attached as part of this application.

A Joint Rail Project Agreement (JRPA) has also been initiated between FDOT and FEC to allow for the funding of construction on FEC right of way. This JRPA outlines the parameters by which, upon securing appropriate funding, FDOT will fund the infrastructure improvements along the FEC corridor required for the Project. Terms included in this agreement are: those items that the FEC must accomplish; project cost; FDOT departmental participation; retainage; project budget and payment provisions; the required accounting records; and requisitions and payments.

This JRPA also stipulates that FEC shall not execute any contract or obligate itself in any manner requiring the disbursement of FDOT joint participation funds, including consultant, construction or purchase of commodities contracts or amendments thereto, with any third party with respect to the Project without the written approval of FDOT. FEC also agrees to comply with provisions of Chapter 287, F.S., Consultants' Competitive Negotiation Act. At the discretion of FDOT, the Railroad will involve FDOT in the Consultant Selection Process for all contracts. In all cases, the FEC's attorney shall certify to FDOT that selection has been accomplished in compliance with the Consultants' Competitive Negotiation Act.

By this agreement, FEC also agrees to carry out the Project in conformance with all applicable environmental regulations including the securing of any applicable permits.

A copy of this JRPA is attached as part of the application.

## **5.2 Operating Agreement**

Amtrak, as authorized by 49 U.S.C. § 24101 et seq., is charged with operating intercity passenger rail service in the United States and; FDOT, a duly created agency of the State of Florida, is authorized by Florida Statutes Chapter 343.302 to develop and implement a statewide rail program.

Based on the above statutory authority and mutual desires, FDOT and Amtrak have entered into an Agreement in Principle (AIP), which is part of this application. This AIP outlines the intentions of the applicant (FDOT) and the intended operator (Amtrak) to implement, in two phases, the Florida East Coast Corridor - Amtrak Service. Implementation of this Service is dependent on sufficient funding from the HSIPR Program.

The AIP states the proposed Florida East Coast Corridor - Amtrak Service will be done in three phases. Phase 1, "Improved Service", includes improving long distance passenger rail services from New York, NY to Miami by splitting Amtrak's Silver Star in Jacksonville to the FEC. One daily roundtrip corridor train will be added in Phase 1 between Jacksonville and Miami. This phase will also include the development of Amtrak stations in St. Augustine, Daytona Beach, Titusville, Cocoa, Melbourne, Vero Beach, Fort Pierce, and Stuart. Also included will be the development of a rail connection between the FEC Corridor and CSX at Northwood in Palm Beach County. In order to implement this service and allow for its efficient operation, additional rolling stock and other capacity improvements to the FEC line will be required.

Phase 2, "New Service", as outlined in the AIP, includes the introduction of three additional daily round trips between Cocoa and Miami upon the satisfactory completion of stations, facilities, and other infrastructure improvements as identified in Phase 1. Phase 3 will include one roundtrip corridor train between Jacksonville and Cocoa running Monday through Friday.

The AIP stipulates that FDOT and Amtrak will execute an agreement governing the provision by FDOT of stations, equipment maintenance facilities, and other facilities required for the Improved Service; the terms under which any Amtrak-owned equipment to be utilized for the Improved Service will be provided, including potential FDOT payments for any associated capital costs and for use of such equipment; implementation of the Improved Service, including mobilization, satisfaction of safety requirements, regulatory compliance, training and qualification of employees, and FDOT funding of associated costs incurred by Amtrak; and

terms and conditions for operation of the Improved Service by Amtrak, including FDOT funding of costs associated with the Improved Service in accordance with Amtrak's then-current FDOT supported service pricing policy as supplanted by the costing methodology developed under Section 209 of PRIIA.

### **5.3 Stakeholder Agreements**

FDOT has coordinated extensively with the local governments and communities along the proposed corridor, as well as the cities where stations are proposed to be located. To date, more than 160 resolutions and letters of support for the Project have been received from local governments, MPO Boards, regional planning councils, agencies, and state-wide organizations, including both public and private entities.

The following cities have passed resolutions of support: Belle Glade, Boca Raton, Boynton Beach, Bunnell, Cape Canaveral, Cocoa, Cocoa Beach, Daytona Beach, Delray Beach, Edgewater, Fellsmere, Fort Lauderdale, Fort Pierce, Greenacres, Jacksonville, Maitland, Margate, Melbourne, New Smyrna Beach, Oak Hill, Orlando, Ormond Beach, Palm Beach Gardens, Palm Coast, Pembroke Pines, Pompano Beach, Port St. Lucie, Riviera Beach, Rockledge, St. Augustine, Sebastian, Stuart, Titusville, Vero Beach, West Melbourne, West Palm Beach, and West Park.

The following Boards of County Commissioners have also passed resolutions of support: Brevard, Duval, Flagler, Indian River, Martin, Orange, Osceola, Palm Beach, St. Johns, St. Lucie, and Seminole.

In addition, the towns of Cloud Lake, Davie, Gulf Stream, Hypoluxo, Indian River Shores, Juno Beach, Jupiter, Lantana, Malabar, Mangonia Park, Ocean Ridge, St. Lucie Village, Sewall's Point, and South Palm Beach have passed resolutions in support of the Project.

The following MPO/TPO Boards have also passed resolutions in support of the Project: Broward County MPO, Central Florida MPO Alliance, Indian River County MPO, Martin County MPO, Metroplan Orlando, North Florida TPO, Palm Beach MPO, St. Lucie County TPO, Space Coast TPO, Volusia County MPO, Southeast Florida Transportation Council, Florida's MPO Advisory Council, and a resolution of support is scheduled for consideration by the Miami-Dade MPO Board in September 2010.

A complete listing and copy of the resolutions are included as part of this application.

As part of the planning for the Florida East Coast Corridor - Amtrak Service Project, station alternatives were studied along the entire FEC Corridor (Jacksonville to Miami). The analysis resulted in enhancements being proposed at the termini stations in Jacksonville and Miami as well as new passenger stations along the FEC Corridor. The improvements to the Jacksonville and Miami Amtrak stations are proposed by others and not included in this Project. New passenger stations proposed by this Project are located in eight cities: St. Augustine, Daytona Beach, Titusville, Cocoa, Melbourne, Vero Beach, Fort Pierce, and Stuart.

All of these cities have passed resolutions requesting the assistance of Florida's Governor and the Secretary of FDOT to prioritize the intercity rail component of the Florida East Coast Corridor - Amtrak Service Project (from Jacksonville to Miami) as part of the Federal Economic Stimulus package for the State of Florida.

## ***Florida East Coast Corridor - Amtrak Service***

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While the resolutions are not binding, they indicate consensus local support for the Project. Upon securing sufficient funding for the Project, these eight local governments will be expected to enter into Interlocal Government Agreements with FDOT. These Interlocal Agreements will describe the responsibilities and agreements of all parties regarding the acquisition, construction and ownership of the proposed passenger stations. Also included in the agreements will be the obligations, of the local governments, for operation and maintenance of the stations. The financial obligations of the FDOT and local government will also be specified in these agreements.

The local governments and the state have constructed a number of projects within the jurisdictions and along the SFRC to ensure the implementation of the Florida East Coast Corridor - Amtrak Passenger Service Project. These projects and amounts spent by the local jurisdictions and state are included as part of the Financial Plan for the Project. The financial expenditures of the local governments and state will be used as “matching funds” for the secured stimulus funding.

# Chapter 6

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## Required Governmental Actions and Approvals

Florida has in place a comprehensive, time-tested approach to plan, design and build transportation infrastructure projects. FDOT is a multi-modal organization that has been provided by the State of Florida the authority necessary to build and operate passenger rail improvement projects. The FDOT Work Plan is approved annually by the Florida Legislature. The Florida East Coast Corridor - Amtrak Service project is included in the current FDOT Work Plan. A copy of the Work Plan is available at [www.dot.state.fl.us](http://www.dot.state.fl.us).

The only required governmental actions necessary for implementation of the Florida East Coast Corridor - Amtrak Service Project as included in the High-Speed Intercity Passenger Rail (HSIPR) program application are those approvals related to complying with Federal regulations, State regulations and/or construction/environmental permitting.

### 6.1 Federal Regulations

As part of the High-Speed Intercity Passenger Rail (HSIPR) program application process, a Programmatic Environmental Assessment (PEA) has been prepared. A full copy of this PEA can be found at [www.sfecstudy.com/amtrak.html](http://www.sfecstudy.com/amtrak.html).

The following Federal statutes, Presidential executive orders and regulations apply to the proposed action and were considered during the preparation of the PEA:

- Bald and Golden Eagle Protection Act (16 USC 668)
- Coastal Zone Management Act of 1972 (16 USC 1461)
- Endangered Species Act of 1973 (16 USC 1531)
- Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801)
- Farmland Protection Policy Act (7 USC 4201)
- National Environmental Policy Act of 1969 (42 USC § 4321 et seq)
- Clean Water Act of 1977 (33 USC § 1251-1376)
- Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 USC 401)
- Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470)
- Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303 and 23 USC 138)
- Section 404 of the Federal Water Pollution Control Act (CWA) (33 USC 1251)
- Section 6(f) of the Land and Water Conservation Act of 1965 (16 USC 460)

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 USC 61)
- Executive Order 11988, Floodplain Management, 42 FR 26951, signed May 24, 1977
- Executive Order 11990, Protection of Wetlands, 42 FR 26961, signed May 24, 1977
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, signed February 11, 1994
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 FR 50121, signed August 11, 2000
- Federal Register, Federal Railroad Administration Procedures for Considering Environmental Impacts, 49 CFR Part 260.35, May 26, 1999
- Federal Register, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR parts 1500-1508, November 29, 1978
- Federal Register, Use of Locomotive Horns at Highway-Rail Grade Crossings; Final Rule, 49 CFR parts 222 and 229, April 27, 2005

## **6.2 State Regulations**

The following Florida Statutes apply to the proposed action and were considered during the preparation of the PEA:

- Intergovernmental Programs (ss. 163.01-163.65)
- Supplemental and Alternative Method Of Making Local Municipal Improvements (ss. 170.01 - 170.21)
- Community Development Districts (ss. 190.001-190.049)
- Motor and Other Fuel Taxes (ss. 206.41, 206.87)
- Tax On Sales, Use, and Other Transactions (ss. 212.055)
- Florida Greenways and Trails Act (ss. 260.0161)
- Historical Resources (Chapter 267)
- State Highway System (ss. 335.065)
- County Road System (ss. 336.021-336.025)
- Contracting; Acquisition, Disposal, And Use Of Property (ss. 337.251-337.273)
- Transportation Finance and Planning (Chapter 339)
- Railroads (ss. 351.03)
- State Water Resource Plan (ss. 373.012-373.200)
- Management and Storage Of Surface Waters (ss. 373.403-373.468)

- Florida Inland Navigation District Law (ss. 374.980-374.989)
- Outdoor Recreation And Conservation Lands (ss. 375.011-375.314)
- Pollutant Discharge Prevention And Removal (ss. 376.011-376.021)
- Marine Life (ss. 379.2401-379.26)
- Freshwater Aquatic Life (ss. 379.28-379.295)
- Bald Eagle (*Haliaeetus leucocephalus*)(FAC 68A-16.002)
- Wild Animal Life (ss. 379.3001-379.305)
- Environmental Land And Water Management (ss. 380.012-380.12)
- Offenses Concerning Dead Bodies And Graves (ss. 872.01-872.06)

### **6.3 Construction/Environmental Permitting**

The proposed action may be required to obtain the following permits and approvals prior to the start of construction:

- Section 404 General or Individual Permit – The U.S. Army Corps of Engineers (USACE) administers Section 404 of the Clean Water Act (CWA) on behalf of the U.S. Environmental Protection Agency (USEPA). Section 404(b)(1) regulates activities in Waters of the U.S, defined as navigable waterways and their tributaries. Waters of the U.S. may include wetlands with a surface water connection to a navigable waterway. A Section 404 individual permit would be required from the USACE for the discharge of dredged or fill material into Waters of the United States.
- Section 401 Water Quality Certification – Section 401 of the CWA requires that an applicant for a federal permit that may result in a discharge to Waters of the U.S. must first obtain certification from the state.
- U.S. Coast Guard Bridge Permit – Federal law prohibits the construction of any bridge across navigable waters of the United States unless first authorized by the USCG. The USCG approves the location and clearances of bridges through the issuance of bridge permits or permit amendments, under the authority of Section 9 of the Rivers and Harbors Act of 1899, the General Bridge Act of 1946, and other statutes. This permit is required for new construction, reconstruction or modification of a bridge or causeway over navigable waters of the United States.
- St. Johns River Water Management District and South Florida Water Management District Environmental Resource Permit (ERP) – An ERP must be obtained before beginning any activity that could affect wetlands, alter surface water flows, or contribute to water pollution.
- South Florida Water Management District Right-of-Way (ROW) Permit – A ROW Occupancy Permit is actually a revocable license granted pursuant to the District's proprietary interest in the rights of way acquired for the canal and levee system which

makes up the USACE Central and Southern Florida Flood Control Project, and for certain other canals and works.

- National Pollutant Discharge Elimination System (NPDES) – The EPA developed the federal NPDES stormwater permitting program in two phases. Phase I, promulgated in 1990, addresses the following sources:
  - “Large” and “medium” municipal separate storm sewer systems (MS4s) located in incorporated places and counties with populations of 100,000 or more, and
  - Eleven categories of industrial activity, one of which is large construction activity that disturbs 5 or more acres of land.

Phase II, promulgated in 1999, addresses additional sources, including MS4s not regulated under Phase I, and small construction activity disturbing between 1 and 5 acres. In October 2000, EPA authorized the Florida Department of Environmental Protection (FDEP) to implement the NPDES stormwater permitting program in the State of Florida (in all areas except Indian Country lands).

- Florida Fish and Wildlife Conservation Commission (FWC) Authorized
  - Gopher Tortoise Agent Permit – Authorized gopher tortoise agents are individuals who are permitted by FWC for some or all of the following activities: surveying, trapping, marking, transporting, and relocating gopher tortoises, and relocating gopher tortoise commensals. Each agent permit would clearly state what the agent is allowed to do and would be conditioned accordingly. Agent permits are authorizations to the agents and the assistants under their supervision to conduct the activities specified.
  - FWC Eagle Permit – If any development or construction activity occurs within 660 feet of a bald eagles nest and the guidelines cannot be followed, a FWC Eagle Permit would be required. The FWC would work with the U.S. Fish and Wildlife Service (USFWS) to implement a single permit framework for bald eagles. The USFWS may finalize this permitting process by time of the design/permitting project phases, therefore there may be additional, federal eagle nest permitting requirements should Bald eagles be found nesting within specified distances (such as the FWC specified 660 feet) of proposed project activities.

## **6.4 Local Governmental Approval and Support**

The reintroduction of passenger rail on the FEC Corridor between Jacksonville and West Palm Beach is an important component in the future success and viability of many of the municipalities along this route. Many of these municipalities are looking for ways to “jump start” economic recovery in a sustainable and viable manner. The reintroduction of passenger rail on the FEC Corridor has also been a high priority of many municipalities and regional planning organizations for nearly two decades. As part of a larger state-wide passenger rail system, expanded Amtrak service could provide enhanced inter- and intra-regional mobility as well as economic development in many of the coastal cities.

Therefore, in an effort to encourage the reintroduction of passenger rail in this corridor, an over-whelming majority of the municipalities along the corridor have passed resolutions supporting the proposed Project, including each of the eight cities where stations are proposed. In addition to the many municipalities, all of the regional planning organizations in the Project

area have also passed resolutions or provided official letters of support for the proposed Project. Eight of the nine MPO Boards along the corridor have also passed resolutions of support, with a resolution scheduled for consideration by ninth MPO (in Miami-Dade) in September 2010.

The following cities have passed resolutions of support: Belle Glade, Boca Raton, Boynton Beach, Bunnell, Cape Canaveral, Cocoa, Cocoa Beach, Daytona Beach, Delray Beach, Edgewater, Fellsmere, Fort Lauderdale, Fort Pierce, Greenacres, Jacksonville, Maitland, Margate, Melbourne, New Smyrna Beach, Oak Hill, Orlando, Ormond Beach, Palm Beach Gardens, Palm Coast, Pembroke Pines, Pompano Beach, Port St. Lucie, Riviera Beach, Rockledge, St. Augustine, Sebastian, Stuart, Titusville, Vero Beach, West Melbourne, West Palm Beach, and West Park. The towns of Cloud Lake, Davie, Gulf Stream, Hypoluxo, Indian River Shores, Juno Beach, Jupiter, Lantana, Malabar, Mangonia Park, Ocean Ridge, St. Lucie Village, Sewall's Point, and South Palm Beach have also all passed resolutions in support of the Project.

In addition to the strong support for the Project from the above mentioned municipalities, the following Boards of County Commissioners have passed resolutions of support for the Project: Brevard, Duval, Flagler, Indian River, Martin, Orange, Osceola, Palm Beach, St. Johns, St. Lucie, and Seminole.

A complete copy of all of the resolutions and letters of support for the Project are available as part of this application.

# Chapter 7

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## Safety & Security Program

FDOT has the motto *“Safety is FDOT’s number one priority.”* FDOT is committed to provide a safe, secure and reliable environment for its contractors, tenants, employees and passengers.

Amtrak has the guiding principle that *“No Job Is So Important and No Service So Urgent That We Cannot Take The Time To Perform Our Work Safely.”*

Therefore, the mission of all organizations with rail, maintenance, operations and construction responsibilities for the Florida East Coast Corridor - Amtrak Service Project is to perform all activities with a 100% commitment to safety.

The Florida East Coast Corridor - Amtrak Service Project Safety and Security Management Plan (SSMP) will serve as the guiding document for the integration of safety and security activities throughout all phases of the project life cycle. The intent of the Plan is to establish roles, responsibilities, and communication channels of all organizations working within the corridor so that day to day implementation of key safety processes and procedures are effectively used to eliminate unsafe behaviors and practices that lead to accidents and injuries.

The Project SSMP will describe the integration of safety and security activities into every phase of the Project. The SSMP will identify who will perform these activities, and who will be responsible for their oversight.

A Safety Integration Plan (SIP) will be developed for the Project. This plan will be jointly developed by FDOT, FDOT Contractors and Consultants, FEC, and Amtrak. Designated representatives from these organizations will have sufficient authority and organizational freedom to assure effective implementation of the plan requirements. FDOT recognizes that the establishment of an effective Safety Integration Plan (SIP) is fundamental to the success of the Florida East Coast Corridor - Amtrak Service Project. The specific purpose of this jointly developed plan will be to establish standards and procedures for communication and coordination between FDOT, the rail operators (FEC and Amtrak) and contractors responsible for operation, maintenance and construction activities within the corridor. The SIP provides a framework for how the obligation to maintain a safe corridor will coincide with the goal to maintain current train service while construction activities are completed for the new passenger rail service.

The objective of the safety plan is zero accidents and incidents during execution of the Project. In order for this plan to be successful, all parties must adhere to the principles and procedures of the plan and provide recommendations and comments when necessary to improve on the plan.

To fulfill the objective of an accident and incident-free rail corridor, it is imperative that all persons involved in design, construction, operations, and technical services conduct themselves in accordance with the plan. Recognizing the potential for increased risk of accidents and incidents, FDOT, FEC, Amtrak, and all contractors hired to perform work on the Project will agree that the Project is to be managed with safety in mind.

Both Amtrak and FDOT developed System Safety program plans which are briefly described below:

## **7.1 Amtrak System Safety Program Plan**

The purpose of the Amtrak System Safety Program is to provide a comprehensive description of current safety-related policies, programs and practices that aid in the prevention of and response to accidents, injuries and illnesses. Amtrak defines system safety as a detailed method of applying scientific, technical, operating, and management techniques and principles for the timely identification of hazard risk, and initiation of actions to prevent or control these hazards throughout the system life cycle and within the constraints of operational effectiveness, time, and cost.

The goal of Amtrak's System Safety Program is to seek to provide passengers and employees with the highest practical level of safety by formally integrating safety into all phases of the Amtrak system, including design, construction, modification and rehabilitation, operation, maintenance and procurement. These goals can be achieved through compliance with regulatory requirements, Amtrak's safety and operating rules, and the programs contained within the System Safety Program.

A full copy of Amtrak's System Safety Program plan is a part of this application.

## **7.2 FDOT System Safety Program Plan**

FDOT has developed a System Safety Program Plan (SSPP) including Emergency Response Plan (ERP) that provides the overall management and direction of all safety activities undertaken by FDOT. It provides guidelines for response to various types of emergencies that may occur and provides guidelines for restoration of service after an emergency has occurred. It is the primary tool for assuring that no safety measures are overlooked. It lays out the following roles and responsibilities:

- FDOT is responsible for the publication and implementation of the plan;
- The Safety/Security Administrator has the responsibility for maintenance of the plan;
- The Safety/Security Administrator is responsible for the development of safety rules and procedures system-wide;
- All employees must participate in and pass safety training; and
- FDOT is responsible for obtaining a Safety Certification for the System.

The Safety and Security requirements of the Project will be planned and built-in, starting with the development of the basis of design standards and systems performance requirements. System safety and security must be concerned with patrons, the operating and maintenance staff, and the safety of the public and the protection of facilities and equipment.

FDOT trains in revenue service offer all who interface with the system, a degree of safety and security that meets the U.S. Public Transit Industry Standards, while striving to provide Policies and Procedures a higher degree of safety. The SSPP including ERP for revenue operation will be implemented through the phases of design, specification, equipment selection, construction, installation and testing and operation.

These safety and security requirements are intended to provide acceptable standards to ensure safety and security are incorporated into the project system throughout the design, construction, and activation of the new construction.

These principles follow acceptable safety practices and guidelines used by other rail systems that have recently been designed, constructed and are currently operating throughout North America.

### **7.3 Criteria**

The Preliminary Engineering Consultant will consolidate the existing design criteria into a single set of criteria to be used during design of the Project. These criteria will include all of the safety and security requirements for each facility and system design. FDOT staff and the PMC will review the criteria and will revise them as applicable and include them as a part of the contract documents. The safety and security elements of the criteria will become part of requirements that must be addressed by the Construction Contractors through the development of specifications, drawings, design reviews, and final acceptance.

### **7.4 Preliminary Hazard Analysis**

Following Preliminary Engineering, a Preliminary Hazard Analysis (PHA) will be conducted by the Construction Contractors to identify any major safety and security issues and physical conditions that should be addressed and resolved throughout final design.

### **7.5 Standards and Codes**

Design, construction, and testing standards and codes will be identified and incorporated into all facility and system designs. These standards and codes are designed to incorporate safety as well as sound construction and manufacturing techniques. The Construction Contractors will be responsible for compliance with:

- All Standards;
- Testing Procedures;
- Building Codes;
- Ordinances;
- ADA Regulations;
- Other Applicable Safety Regulations; and
- Industry Practices, if appropriate.

Examples of the codes and regulations include the following:

- Association of American Railroads (AAR);
- American Railway Engineering and Maintenance-of-Way Association (AREMA);
- American National Standards Institute (ANSI);
- American Society for Testing and Materials (ASTM);

- Occupational Safety and Health Administration (OSHA);
- National Fire Protection Association (NFPA);
- Underwriter's Laboratories (UL);
- Building Officials and Code Administrators (BOCA);
- Institute of Electrical and Electronic Engineers (IEEE);
- Applicable Military Standards, Specifications, and Handbooks; and
- Local Codes and Ordinances.

## **7.6 System Safety and Emergency Response Plan**

FDOT has developed an SSPP including the ERP, which was developed in accordance with the FRA requirements and with APTA guidelines. The update of this plan will continue to address the safety and security issues of operating passenger rail service.

The SSPP will detail operating procedures to deal with incidents such as the following:

- Injuries and Fatalities;
- Grade Crossing Accidents;
- Stalled Trains;
- Derailment;
- Hazardous Material
- Bridge Accident;
- Adverse environmental and weather conditions;
- System Failure; and
- Security Situations

# Chapter 8

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## 8.1 Control of the Project Management Plan

The COO of the Florida Rail Enterprise or his designee is responsible for the maintenance and distribution of the PMP, as well as coordination of review, approval, and distribution of revised and new PMP documents. The COO of the Florida Rail Enterprise or his designee is responsible for retaining all master file copies, both hard copy and electronically stored versions, of the document, namely the PMP, referenced procedures, manuals, and plans including all exhibits. The maintenance and distribution of the PMP and revisions thereto, shall be in accordance with the Document Control Procedure.

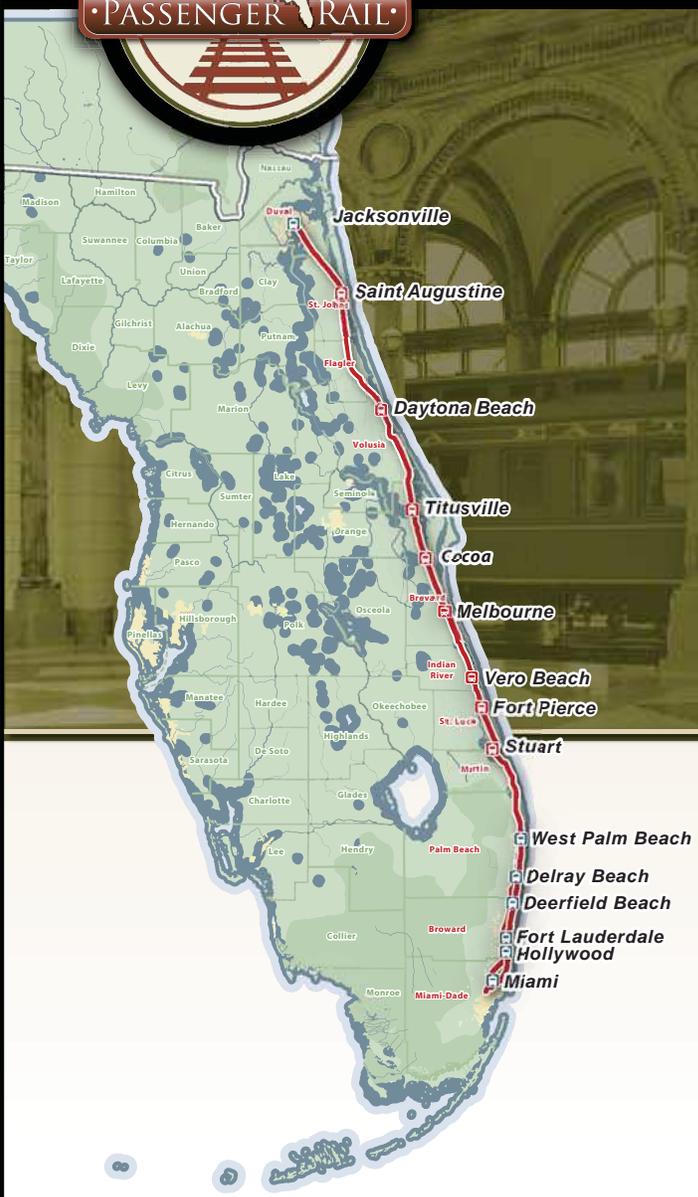
## 8.2 Document Control Procedure for Project Management Plan

This PMP is deemed to be a “living document” and as such will be further refined, including a more detailed organizational plan, upon the award of ARRA funding. This PMP will also be updated, as needed and appropriate throughout the project development process. The requestor of any revision to this PMP shall provide a brief description of the change, reason for the change, urgency, and identify other documents affected by the change to the COO of the Florida Rail Enterprise or his designee. The COO of the Florida Rail Enterprise or his designee shall determine whether the change is valid and will distribute the proposed change to the appropriate Departments for review and comment. The COO of the Florida Rail Enterprise or his designee, with assistance from the PMC, shall incorporate the approved revisions into this PMP and will distribute the revised document to the PMP holders. All revisions to this PMP shall be recorded on the attached Log of Project Management Revisions.

Log of Project Management Plan Revisions		
Revision	Date	Description of Changes
1.0	October 2, 2009	Original Issuance
2.0	August 5, 2010	Second Issuance

# ATTACHMENT A

## RESUMES



TBG08 14023233DR.L

Federal Funding Opportunity Number: FR-HSR-10-004





## **Kevin Thibault, PE**

Executive Director, Florida Rail Enterprise

### **Career Summary**

Kevin Thibault began his work with the Florida Department of Transportation in 1993, working with Florida's Turnpike Enterprise. In 1995, he was promoted to serve as the Turnpike's Director of Production, the chief engineering role within the Turnpike Enterprise. In that role, he oversaw the development of many elements of the Turnpike's expansion program, including the Polk Parkway in Central Florida and the Suncoast Parkway in Southwest Florida.

He previously held the position of Assistant Secretary for Engineering and Operations. In this position, Kevin was responsible for the Design, Construction, Maintenance, Right of Way, Safety, and Motor Carrier Compliance areas of the Department.

He currently serves as Executive Director of the recently created Florida Rail Enterprise, the entity responsible for the development of high-speed rail in Florida.

### **Education**

University of Massachusetts

### **Registration**

Registered Professional Engineer in Florida and Massachusetts

### **Professional Memberships**

National Society of Professional Engineers

Florida Engineering Society

American Society of Civil Engineers

### **Honors/Awards**

Ben G. Watts Leader of the Year Award; Scouting Awards



## **Nazih Haddad, PE**

Chief Operating Officer (COO), Florida Rail Enterprise

### **Career Summary**

Nazih Haddad is the Chief Operating Officer for the Florida Rail Enterprise at the Florida Department of Transportation, where he oversees the state's high speed rail (HSR) program. He previously served as the Executive Director of the Florida High Speed Rail Authority.

Over the past ten years, he has managed numerous HSR feasibility, corridor assessment, and ridership studies. Nazih also led the environmental assessment efforts and secured a final environmental impact statement (FEIS) for the Orlando-Tampa HSR project. He is currently leading the state's efforts to implement the Miami-Orlando-Tampa HSR program and is coordinating the planning and development activities for various passenger rail programs around the state.

### **Education**

MBA in Finance, Florida State University  
BS in Civil Engineering, University of Florida

### **Registration**

Registered Professional Engineer in Florida