



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: June 15, 2022
SUBJECT: FDOT Agreement for Brightline Improvements and Brightline Subrecipient Agreement

BACKGROUND.

On June 8, 2021, the Indian River County Board of County Commissioners ("Board") approved a settlement agreement with Brightline Trains Florida, LLC ("Brightline") resolving the outstanding litigation between the parties. As part of the settlement agreement, the parties agreed to fully cooperate in the pursuit of various grants for the funding of various safety improvements, which were estimated to cost \$31,604,565. Pursuant to Specific Appropriation 1915A of the 2021-2022 General Appropriations Act, Chapter 2021-36, Section 5, Laws of Florida, the Florida Department of Transportation ("Department") is authorized to provide \$2,584,099 in funding for some of the Brightline highway-railroad at grade crossing improvements in Indian River County. In order to provide that funding, the Department must enter into an agreement with Indian River County, with Indian River County serving as a pass thru entity of the funds. The funds will be used for safety improvements at various highway-railroad at grade crossings in Indian River County. As Indian River County will merely serve as a pass thru entity, Indian River County will need to enter into a subrecipient agreement with Brightline, in which Brightline agrees to meet the various requirements set forth in the agreement Indian River County will have with the Department.

FUNDING.

The \$2,584,099 for the improvements set forth in the State of Florida Department of Transportation Local Transportation Project Funding Agreement will be paid for by the State of Florida and will pass thru Indian River County. Funding for this expenditure will be allocated on a future budget amendment.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners vote to approve the State of Florida Department of Transportation Local Transportation Project Funding Agreement and the Indian River County - Brightline Subrecipient Agreement and authorize the chair to execute the agreements after final review and approval by the County Attorney.

ATTACHMENT(S).

State of Florida Department of Transportation Local Transportation Project Funding Agreement
Indian River County - Brightline Subrecipient Agreement