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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
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The Committee on Transportation (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 341.601, Florida Statutes, is created to
read:

341.601 Short title.—Sections 341.601–341.614 shall be
known as the “Florida High-Speed Passenger Rail Safety Act.”

Section 2. Section 341.602, Florida Statutes, is created to
read:



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11 341.602 Definitions.—As used in this act, the term:

12 (1) "Department" means the Florida Department of
13 Transportation.

14 (2) "Freight railroad carrier" means any person, railroad
15 corporation, or other legal entity in the business of providing
16 freight rail transportation.

17 (3) "Governmental entity" means the state, any of its
18 agencies, or any of its political subdivisions.

19 (4) "High-speed passenger rail system" means any new
20 intrastate passenger rail system that operates or proposes to
21 operate its passenger trains at a maximum speed in excess of 80
22 miles per

23 (5) "Pedestrian grade crossing" means a separate sidewalk
24 or pathway where pedestrians, but not vehicles, cross railroad
25 tracks.

26 (6) "Public railroad-highway grade crossing" means a
27 location at which a railroad track is crossed at grade by a
28 public road.

29 (7) "Rail corridor" means a linear, continuous strip of
30 real property that is used for rail service. The term includes
31 the corridor and structures essential to railroad operations,
32 including the land, buildings, improvements, rights-of-way,
33 easements, rail lines, rail beds, guideway structures, switches,
34 yards, parking facilities, power relays, switching houses, rail
35 stations, any ancillary development, and any other facilities or
36 equipment used for the purposes of construction, operation, or
37 maintenance of a railroad that provides rail service.

38 (8) "Railroad company" means any individual, partnership,
39 association, corporation, or company and its respective lessees,



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40 trustees, or receivers, appointed by a court, which develops or
41 provides ground transportation that runs on rails, including,
42 but not limited to any of the following:

43 (a) A high-speed passenger rail system.

44 (b) A freight railroad carrier.

45 (c) A company that owns a rail corridor.

46 Section 3. Section 341.603, Florida Statutes, is created to
47 read:

48 341.603 Legislative intent.—It is the intent of the
49 Legislature to:

50 (1) Encourage the creation of safe and cost-effective
51 transportation options for this state's residents and visitors,
52 including high-speed passenger rail systems.

53 (2) Promote and enhance the safety of high-speed passenger
54 rail systems operating within the state to protect the health,
55 safety, and welfare of the public.

56 Section 4. Section 341.604, Florida Statutes, is created to
57 read:

58 341.604 Applicability.—This act applies to any railroad
59 company operating a high-speed passenger rail system, or any
60 railroad company that allows a high-speed passenger rail system
61 to operate on or within its rail corridor.

62 Section 5. Section 341.605, Florida Statutes, is created to
63 read:

64 341.605 Powers and duties of the department; rules.—

65 (1) The department may regulate railroad companies in this
66 state insofar as such authority is not preempted by federal laws
67 or regulations.

68 (2) The department may obtain from any party all necessary



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69 information to enable it to perform its duties and carry out the
70 requirements set forth in this act.

71 (3) The department shall keep a record of all of its
72 findings, decisions, determinations, and investigations carried
73 out under this act.

74 (4) If a high-speed passenger rail system operates within
75 the same rail corridor or on the same set of tracks as another
76 railroad company that transports hazardous materials, the
77 department, in coordination with the Florida Division of
78 Emergency Management, shall offer the local communities and
79 local emergency services located along the rail corridor
80 training specifically designed to help them respond to an
81 accident involving rail passengers or hazardous materials.

82 (5) The department shall adopt rules, pursuant to the
83 requirements of chapter 120, to administer this section.

84 Section 6. Section 341.606, Florida Statutes, is created to
85 read:

86 341.606 Reporting requirements.-

87 (1) A railroad company operating a high-speed passenger
88 rail system shall furnish to the department a copy of the
89 accident reports filed with the Federal Railroad Administration
90 for each train accident that occurs within the rail corridor.

91 (2) The department shall annually publish on its official
92 website a report that discloses all of the fatalities, injuries,
93 and accidents during the reporting timeframe which have occurred
94 within a rail corridor where a high-speed passenger rail system
95 operates.

96 (3) A railroad company that transports liquefied natural
97 gas on the same tracks or within the same rail corridor as a



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98 high-speed passenger rail system within the state must submit an
99 annual report to the department containing:

100 (a) All insurance carried by the railroad company which
101 covers any losses resulting from a reasonable worst-case
102 unplanned release of liquefied natural gas.

103 (b) Coverage amounts and limitations, and other conditions
104 of the insurance identified in paragraph (a).

105 (c) The average and largest liquefied natural gas train,
106 measured in metric tons, operated in the state by the railroad
107 company in the previous calendar year.

108 (d) Information sufficient to demonstrate the railroad
109 company's ability to pay the costs of remediating a reasonable
110 worst-case unplanned release of liquefied natural gas,
111 including, but not limited to, insurance, reserve accounts,
112 letters of credit, or other financial instruments or resources
113 on which the company can rely to pay all such costs. The
114 department, in coordination with the Federal Railroad
115 Administration and other public and private entities, as
116 necessary, shall develop rules to determine applicable criteria
117 for a reasonable worst-case unplanned release of liquefied
118 natural gas.

119 (4) All reporting requirements are for informational
120 purposes only and may not be used to economically regulate the
121 railroad company.

122 Section 7. Section 341.607, Florida Statutes, is created to
123 read:

124 341.607 Minimum safety standards for high-speed passenger
125 rail.—

126 (1) A railroad company operating a high-speed passenger



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127 rail system shall comply with all of the federal laws and
128 regulations administered by the Federal Railroad Administration.

129 (2) A railroad company operating a high-speed passenger
130 rail system must install safety technology that has been
131 approved by the Federal Railroad Administration. Safety
132 technology at a minimum shall include positive train control and
133 remote health monitoring.

134 (3) Before operating a high-speed passenger rail system, a
135 railroad company shall also:

136 (a) Install or realign crossing gates, including those at
137 severely skewed, acute-angled locations identified by either the
138 department or the Federal Railroad Administration, so the gates
139 are parallel to the tracks and in accordance with the most
140 recent edition of the Manual on Uniform Traffic Control Devices
141 published by the Federal Highway Administration and adopted by
142 the state pursuant to s. 316.0745.

143 (b) Equip all automatic public railroad-highway grade
144 crossing warning systems with remote health monitoring
145 technology capable of:

146 1. Detecting false activations;
147 2. Detecting other crossing signal malfunctions; and
148 3. Notifying the train dispatcher and crossing signal
149 maintenance personnel whenever such a malfunction is detected.

150 (c) Construct and maintain fencing in accordance with s.
151 341.611.

152 Section 8. Section 341.608, Florida Statutes, is created to
153 read:

154 341.608 Maintenance and repair of roadbeds, tracks,
155 culverts, and certain streets and sidewalks.-



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156 (1) A railroad company that constructs or operates a high-
157 speed passenger rail system on tracks that intersect with a
158 public street or highway at grade shall, at its sole cost and
159 expense, construct and thereafter maintain, renew, and repair
160 all railroad roadbed, track, and railroad culverts within the
161 confines of the public street or highway, and the streets or
162 pedestrian grade crossings lying between the rails and for a
163 distance outside the rails of 1 foot beyond the end of the
164 railroad ties.

165 (2) If the railroad company that constructs or operates a
166 high-speed passenger rail system is required to install safety
167 improvements that modify the width of a roadbed, it is
168 responsible for ensuring that the impacted roadbed meets the
169 department's transition requirements as set forth in the most
170 recent edition of the department's Design Standards and the
171 Manual of Uniform Minimum Standards for Design, Construction,
172 and Maintenance for Streets and Highways.

173 (3) This section does not impair any existing contractual
174 agreements between the railroad company operating the high-speed
175 passenger rail system and a governmental entity within the
176 state.

177 Section 9. Section 341.609, Florida Statutes, is created to
178 read:

179 341.609 Safety inspections and inspectors.-

180 (1) In accordance with the State Rail Safety Participation
181 Program, which is designed to promote safety in all areas of
182 railroad operations to reduce deaths, injuries, and damage to
183 railroad property, the department's railroad inspectors must be
184 certified by the Federal Railroad Administration and shall



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185 coordinate their activities with those of federal inspectors in
186 the state in compliance with 49 C.F.R. part 212 and any other
187 federal regulations governing state safety participation.

188 (2) Unless otherwise confidential under state or federal
189 law, the department's railroad inspectors shall report in
190 writing the results of their inspections in the manner and on
191 forms prescribed by the department. These reports shall be made
192 available to the public on the department's website.

193 Section 10. Section 341.611, Florida Statutes, is created
194 to read:

195 341.611 Fencing and separation requirements to protect the
196 public.-

197 (1) The department shall adopt rules that identify
198 standards for conducting field surveys of the rail corridor
199 being used by a high-speed passenger rail system. The field
200 surveys must indicate areas where fencing is necessary for the
201 health, safety, and welfare of the public.

202 (2) At a minimum, the field survey should identify
203 pedestrian traffic generators, such as nearby schools and parks,
204 and signs of current pedestrian traffic that crosses the
205 railroad tracks. The department must hold at least one public
206 meeting in each community where new or substantially modified
207 fencing is proposed before designs and plans for such fencing
208 are finalized.

209 (3) Once it has been determined that a fence is necessary
210 to protect the health, safety, and welfare of the surrounding
211 community, the railroad company operating a high-speed passenger
212 rail system shall construct and maintain the fence on both sides
213 of its railroad tracks sufficient to prevent intrusion.



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214 (4) The fencing must be placed 1 foot inside the edge of
215 the railroad company's right-of-way.

216 (5) The fencing must be maintained by the railroad company
217 operating a high-speed passenger rail system, unless maintenance
218 is specifically addressed in a separate contract with a property
219 owner or local government.

220 (6) The fence must be at least 4 1/2 feet in height.
221 Ornamental fencing must be used within urban areas. Chain-link
222 fencing may be used in locations outside of urban areas.

223 (7) If a railroad company neglects to construct or maintain
224 a required fence, the railroad company is liable for all damages
225 arising from its failure to construct or maintain such fence
226 unless another entity is responsible for maintenance under
227 subsection (5).

228 Section 11. Section 341.612, Florida Statutes, is created
229 to read:

230 341.612 Operation of a high-speed passenger rail system
231 over the tracks of another railroad company.—A railroad company
232 operating a high-speed passenger rail system is solely
233 responsible for all rail corridor improvements or upgrades
234 relating to the system's operation and safety. A local
235 government or the state is not responsible for any costs
236 associated with the construction and maintenance of the
237 improvements necessary to operate a high-speed passenger rail
238 system unless it expressly consents in writing.

239 Section 12. Section 341.613, Florida Statutes, is created
240 to read:

241 341.613 Enforcement actions.—In addition to any
242 administrative action authorized by chapter 120 or by other law,



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243 the department may bring an action for the assessment and
244 collection of civil penalties or an action for injunctive relief
245 pursuant to 49 C.F.R. part 212, subpart B.

246 Section 13. Section 341.614, Florida Statutes, is created
247 to read:

248 341.614 Jurisdiction.—Jurisdiction to enforce this act
249 shall be as provided by s. 316.640, and any penalty for
250 violation of this act shall be imposed upon the railroad company
251 that commits such violation.

252 Section 14. This act shall take effect July 1, 2017.

253 ===== T I T L E A M E N D M E N T =====

254 And the title is amended as follows:

255 Delete everything before the enacting clause
256 and insert:

257 A bill to be entitled
258 An act relating to high-speed passenger rail; creating
259 s. 341.601, F.S.; providing a short title; creating s.
260 341.602, F.S.; providing definitions; creating s.
261 341.603, F.S.; providing legislative intent; creating
262 s. 341.604, F.S.; providing applicability; creating s.
263 341.605, F.S.; providing powers and duties of the
264 Florida Department of Transportation; authorizing the
265 department to regulate railroads where not federally
266 preempted; authorizing the department to collect
267 information from relevant parties; requiring the
268 department to keep certain records; requiring the
269 department, in coordination with the Florida Division
270 of Emergency Management, to offer certain response
271 training for accidents involving passengers or



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272 hazardous materials under certain circumstances;
273 requiring the department to adopt rules; creating s.
274 341.606, F.S.; providing reporting requirements for
275 certain railroad companies; requiring the department
276 to publish certain information on its website;
277 requiring the department, in coordination with the
278 Federal Railroad Administration and other necessary
279 entities, to adopt certain rules; specifying that
280 reporting requirements are for informational purposes
281 only and not to be used to economically regulate a
282 railroad company; creating s. 341.607, F.S.; providing
283 minimum safety standards for a high-speed passenger
284 rail system; requiring certain railroad companies to
285 comply with certain federal laws and regulations;
286 providing safety technology requirements for certain
287 railroad companies; providing certain requirements for
288 railroad companies before operating a high-speed
289 passenger rail system; creating s. 341.608, F.S.;
290 requiring construction, maintenance, and repair of
291 certain infrastructure by certain railroad companies;
292 specifying requirements for certain roadbed
293 modifications; providing for construction; creating s.
294 341.609, F.S.; requiring the department's railroad
295 inspectors, in accordance with a specified program, to
296 meet certain certification requirements and to
297 coordinate their activities with those of federal
298 inspectors in the state in compliance with certain
299 federal regulations; requiring the inspectors to
300 report the results of their inspections, subject to



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301 certain requirements; requiring the reports to be made
302 available on the department's website unless they are
303 deemed confidential; creating s. 341.611, F.S.;
304 requiring the department to adopt rules that identify
305 standards for conducting field surveys of certain rail
306 corridors; providing requirements for the field
307 survey; requiring the department to hold certain
308 public meetings; requiring certain railroad companies
309 to construct and maintain fences under certain
310 circumstances; providing fencing requirements;
311 providing that a railroad company is liable for all
312 damages arising from its failure to construct or
313 maintain the fence, under certain circumstances;
314 creating s. 341.612, F.S.; providing that a railroad
315 company operating a high-speed passenger rail system
316 is solely responsible for all rail corridor
317 improvements or upgrades relating to its operation and
318 safety; providing that a local government or the state
319 is not responsible for certain costs unless it
320 expressly assumes responsibility in writing; creating
321 s. 341.613, F.S.; authorizing the department to bring
322 certain actions for the assessment and collection of
323 civil penalties or for injunctive relief, in addition
324 to any administrative action; creating s. 341.614,
325 F.S.; establishing jurisdiction to enforce specified
326 provisions; requiring penalties for violations of
327 specified provisions to be imposed upon the railroad
328 company that commits such violations; providing an
329 effective date.