

HB 1123

2015

1 A bill to be entitled
 2 An act relating to railroad walkways; creating s.
 3 351.39, F.S.; requiring railroad companies to provide
 4 walkways adjacent to certain sections of tracks by a
 5 specified date; specifying requirements for the
 6 walkways; authorizing the Department of Transportation
 7 to grant waivers under certain circumstances;
 8 requiring a party alleging a violation to make a
 9 reasonable, good faith attempt at addressing the
 10 alleged violation with the railroad company;
 11 authorizing the department to impose a fine; providing
 12 an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Section 351.39, Florida Statutes, is created to
 17 read:

18 351.39 Railroad walkways.—

19 (1) WALKWAYS REQUIRED.—By January 1, 2016, railroad
 20 companies must provide a reasonably safe and adequate walkway
 21 adjacent to the tracks where its employees are regularly
 22 required to walk in performance of their duties, including all
 23 switching areas, both with and without yard limits. For purposes
 24 of this subsection, the term "regularly" means at least 2 days
 25 per week or one shift per day.

26 (a) A walkway must have a minimum width of 2 feet.

27 (b) A walkway must be surfaced with reasonably uniform
28 asphalt, concrete, planking, grating, native material, crushed
29 material, or other similar material.

30 1. If crushed material is used, 100 percent of the
31 material must be capable of passing through a 1.5-inch sieve
32 opening and at least 90 percent of the material must be capable
33 of passing through a 1-inch sieve opening. A de minimis
34 variation is not a violation of this section if the company has
35 made a good faith effort to comply with the percentage
36 requirements.

37 2. Smaller crushed material is preferable and should be
38 used where drainage and durability issues do not arise. Material
39 that is 0.75 inch or less in size is recommended for switching
40 lead tracks.

41 (c) A walkway must be maintained in a safe condition that
42 does not compromise track drainage.

43 1. A walkway must kept reasonably free of trash, debris,
44 spilled fuel oil, sand, posts, rocks, and other hazards or
45 obstructions.

46 2. Except for direct impingement of rain, wastewater, or
47 process water of any composition may not be allowed to flow onto
48 or over a walkway.

49 3. Encroachment of vegetation, such as weeds, brush, and
50 tree limbs, must be controlled on sides of tracks generally to a
51 distance of 8 feet from the center of the track, and overhead
52 generally to a distance of 18 feet above the top of the rail.

53 This subparagraph does not impose restrictions that are more or
54 less stringent than the applicable federal regulations.

55 (d) A walkway along a mainline or branch line track may
56 not have surfaces below the base of the ballast section of the
57 roadbed or above the top of the crossties. Cross slopes for a
58 walkway may not exceed 1 inch of elevation for each 8 inches of
59 horizontal length in any direction.

60 (2) WAIVERS.—The Department of Transportation may
61 authorize deviation from this section for any specific
62 installation for good cause upon application by a railroad
63 company. The application must include a full statement of the
64 conditions prevailing at the time and place involved and reasons
65 why the deviation is necessary.

66 (3) ENFORCEMENT; FINES.—

67 (a) A formal complaint of an alleged violation of this
68 section may not be filed until the filing party has attempted to
69 address the alleged violations with the railroad company. A
70 formal complaint of an alleged violation of this section must
71 contain a written statement that the filing party has made a
72 reasonable, good faith attempt to address the alleged violation
73 with the railroad company.

74 (b) The department may impose a fine of up to \$20,000 for
75 a violation of this section. A separate violation occurs for
76 each day the violation exists.

77 Section 2. This act shall take effect July 1, 2015.