

By Senator Clemens

27-00908-15

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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.

13  
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.

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

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

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

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

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

48 3. Encroachment of vegetation, such as weeds, brush, and  
49 tree limbs, must be controlled on sides of tracks generally to a  
50 distance of 8 feet from the center of the track, and overhead  
51 generally to a distance of 18 feet above the top of the rail.  
52 This subparagraph does not impose restrictions that are more or  
53 less stringent than the applicable federal regulations.

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

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

65       (3) ENFORCEMENT; FINES.—

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

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

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