

By Senator Clemens

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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 to address the alleged
10 violation with the railroad company; authorizing the
11 department to impose a fine; providing an effective
12 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, 2017, railroad
20 companies must provide a reasonably safe and adequate walkway
21 adjacent to the tracks where their employees are regularly
22 required to walk in performance of their duties, including all
23 switching areas, both within and beyond yard limits. For
24 purposes of this subsection, the term "regularly" means at least
25 2 days 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 1/2-inch sieve opening
32 and at least 90 percent of the material must be capable of
33 passing through a 1-inch sieve opening. A de minimis variation
34 is not a violation of this section if the company has made a
35 good faith effort to comply with these 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 3/4 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 be 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 of Transportation may impose a fine of
74 up to \$20,000 for a violation of this section. A separate
75 violation occurs for each day the violation exists.

76 Section 2. This act shall take effect July 1, 2016.