

**By** the Committee on Transportation; and Senators Mayfield and Gainer

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1                                   A bill to be entitled  
2       An act relating to high-speed passenger rail; creating  
3       s. 341.601, F.S.; providing a short title; creating s.  
4       341.602, F.S.; providing definitions; creating s.  
5       341.603, F.S.; providing legislative intent; creating  
6       s. 341.604, F.S.; providing applicability; creating s.  
7       341.605, F.S.; providing powers and duties of the  
8       Florida Department of Transportation; authorizing the  
9       department to regulate railroads where not federally  
10      preempted; authorizing the department to collect  
11      information from relevant parties; requiring the  
12      department to keep certain records; requiring the  
13      department, in coordination with the Florida Division  
14      of Emergency Management, to offer certain response  
15      training for accidents involving passengers or  
16      hazardous materials under certain circumstances;  
17      requiring the department to adopt rules; creating s.  
18      341.606, F.S.; providing reporting requirements for  
19      certain railroad companies; requiring the department  
20      to publish certain information on its website;  
21      requiring the department, in coordination with the  
22      Federal Railroad Administration and other necessary  
23      entities, to adopt certain rules; specifying that  
24      reporting requirements are for informational purposes  
25      only and not to be used to economically regulate a  
26      railroad company; creating s. 341.607, F.S.; providing  
27      minimum safety standards for a high-speed passenger  
28      rail system; requiring certain railroad companies to  
29      comply with certain federal laws and regulations;

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30 providing safety technology requirements for certain  
31 railroad companies; providing certain requirements for  
32 railroad companies before operating a high-speed  
33 passenger rail system; creating s. 341.608, F.S.;  
34 requiring construction, maintenance, and repair of  
35 certain infrastructure by certain railroad companies;  
36 specifying requirements for certain roadbed  
37 modifications; providing for construction; creating s.  
38 341.609, F.S.; requiring the department's railroad  
39 inspectors, in accordance with a specified program, to  
40 meet certain certification requirements and to  
41 coordinate their activities with those of federal  
42 inspectors in the state in compliance with certain  
43 federal regulations; requiring the inspectors to  
44 report the results of their inspections, subject to  
45 certain requirements; requiring the reports to be made  
46 available on the department's website unless they are  
47 deemed confidential; creating s. 341.611, F.S.;  
48 requiring the department to adopt rules that identify  
49 standards for conducting field surveys of certain rail  
50 corridors; providing requirements for the field  
51 survey; requiring the department to hold certain  
52 public meetings; requiring certain railroad companies  
53 to construct and maintain fences under certain  
54 circumstances; providing fencing requirements;  
55 providing that a railroad company is liable for all  
56 damages arising from its failure to construct or  
57 maintain the fence, under certain circumstances;  
58 creating s. 341.612, F.S.; providing that a railroad

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59 company operating a high-speed passenger rail system  
60 is solely responsible for all rail corridor  
61 improvements or upgrades relating to its operation and  
62 safety; providing that a local government or the state  
63 is not responsible for certain costs unless it  
64 expressly assumes responsibility in writing; creating  
65 s. 341.613, F.S.; authorizing the department to bring  
66 certain actions for the assessment and collection of  
67 civil penalties or for injunctive relief, in addition  
68 to any administrative action; creating s. 341.614,  
69 F.S.; establishing jurisdiction to enforce specified  
70 provisions; requiring penalties for violations of  
71 specified provisions to be imposed upon the railroad  
72 company that commits such violations; providing an  
73 effective date.

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. Section 341.601, Florida Statutes, is created to  
78 read:

79 341.601 Short title.—Sections 341.601-341.614 shall be  
80 known as the "Florida High-Speed Passenger Rail Safety Act."

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

83 341.602 Definitions.—As used in this act, the term:

84 (1) "Department" means the Florida Department of  
85 Transportation.

86 (2) "Freight railroad carrier" means any person, railroad  
87 corporation, or other legal entity in the business of providing

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88 freight rail transportation.

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

91 (4) "High-speed passenger rail system" means any new  
92 intrastate passenger rail system that operates or proposes to  
93 operate its passenger trains at a maximum speed in excess of 80  
94 miles per hour on or after July 1, 2017.

95 (5) "Pedestrian grade crossing" means a separate sidewalk  
96 or pathway where pedestrians, but not vehicles, cross railroad  
97 tracks.

98 (6) "Public railroad-highway grade crossing" means a  
99 location at which a railroad track is crossed at grade by a  
100 public road.

101 (7) "Rail corridor" means a linear, continuous strip of  
102 real property that is used for rail service. The term includes  
103 the corridor and structures essential to railroad operations,  
104 including the land, buildings, improvements, rights-of-way,  
105 easements, rail lines, rail beds, guideway structures, switches,  
106 yards, parking facilities, power relays, switching houses, rail  
107 stations, any ancillary development, and any other facilities or  
108 equipment used for the purposes of construction, operation, or  
109 maintenance of a railroad that provides rail service.

110 (8) "Railroad company" means any individual, partnership,  
111 association, corporation, or company and its respective lessees,  
112 trustees, or receivers, appointed by a court, which develops or  
113 provides ground transportation that runs on rails, including,  
114 but not limited to any of the following:

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

116 (b) A freight railroad carrier.

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

118 Section 3. Section 341.603, Florida Statutes, is created to  
119 read:

120 341.603 Legislative intent.—It is the intent of the  
121 Legislature to:

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

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

128 Section 4. Section 341.604, Florida Statutes, is created to  
129 read:

130 341.604 Applicability.—This act applies to any railroad  
131 company operating a high-speed passenger rail system, or any  
132 railroad company that allows a high-speed passenger rail system  
133 to operate on or within its rail corridor.

134 Section 5. Section 341.605, Florida Statutes, is created to  
135 read:

136 341.605 Powers and duties of the department; rules.—

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

140 (2) The department may obtain from any party all necessary  
141 information to enable it to perform its duties and carry out the  
142 requirements set forth in this act.

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

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146       (4) If a high-speed passenger rail system operates within  
147 the same rail corridor or on the same set of tracks as another  
148 railroad company that transports hazardous materials, the  
149 department, in coordination with the Florida Division of  
150 Emergency Management, shall offer the local communities and  
151 local emergency services located along the rail corridor  
152 training specifically designed to help them respond to an  
153 accident involving rail passengers or hazardous materials.

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

156       Section 6. Section 341.606, Florida Statutes, is created to  
157 read:

158       341.606 Reporting requirements.—

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

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

168       (3) A railroad company that transports liquefied natural  
169 gas on the same tracks or within the same rail corridor as a  
170 high-speed passenger rail system within the state must submit an  
171 annual report to the department containing:

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

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

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

180 (d) Information sufficient to demonstrate the railroad  
181 company's ability to pay the costs of remediating a reasonable  
182 worst-case unplanned release of liquefied natural gas,  
183 including, but not limited to, insurance, reserve accounts,  
184 letters of credit, or other financial instruments or resources  
185 on which the company can rely to pay all such costs. The  
186 department, in coordination with the Federal Railroad  
187 Administration and other public and private entities, as  
188 necessary, shall develop rules to determine applicable criteria  
189 for a reasonable worst-case unplanned release of liquefied  
190 natural gas.

191 (4) All reporting requirements are for informational  
192 purposes only and may not be used to economically regulate the  
193 railroad company.

194 Section 7. Section 341.607, Florida Statutes, is created to  
195 read:

196 341.607 Minimum safety standards for high-speed passenger  
197 rail.—

198 (1) A railroad company operating a high-speed passenger  
199 rail system shall comply with all of the federal laws and  
200 regulations administered by the Federal Railroad Administration.

201 (2) A railroad company operating a high-speed passenger  
202 rail system must install safety technology that has been  
203 approved by the Federal Railroad Administration. Safety

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204 technology at a minimum shall include positive train control and  
205 remote health monitoring.

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

208 (a) Install or realign crossing gates, including those at  
209 severely skewed, acute-angled locations identified by either the  
210 department or the Federal Railroad Administration, so the gates  
211 are parallel to the tracks and in accordance with the most  
212 recent edition of the Manual on Uniform Traffic Control Devices  
213 published by the Federal Highway Administration and adopted by  
214 the state pursuant to s. 316.0745.

215 (b) Equip all automatic public railroad-highway grade  
216 crossing warning systems with remote health monitoring  
217 technology capable of:

- 218 1. Detecting false activations;  
219 2. Detecting other crossing signal malfunctions; and  
220 3. Notifying the train dispatcher and crossing signal  
221 maintenance personnel whenever such a malfunction is detected.

222 (c) Construct and maintain fencing in accordance with s.  
223 341.611.

224 Section 8. Section 341.608, Florida Statutes, is created to  
225 read:

226 341.608 Maintenance and repair of roadbeds, tracks,  
227 culverts, and certain streets and sidewalks.—

228 (1) A railroad company that constructs or operates a high-  
229 speed passenger rail system on tracks that intersect with a  
230 public street or highway at grade shall, at its sole cost and  
231 expense, construct and thereafter maintain, renew, and repair  
232 all railroad roadbed, track, and railroad culverts within the



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233 confines of the public street or highway, and the streets or  
234 pedestrian grade crossings lying between the rails and for a  
235 distance outside the rails of 1 foot beyond the end of the  
236 railroad ties.

237 (2) If the railroad company that constructs or operates a  
238 high-speed passenger rail system is required to install safety  
239 improvements that modify the width of a roadbed, it is  
240 responsible for ensuring that the impacted roadbed meets the  
241 department's transition requirements as set forth in the most  
242 recent edition of the department's Design Standards and the  
243 Manual of Uniform Minimum Standards for Design, Construction,  
244 and Maintenance for Streets and Highways.

245 (3) This section does not impair any existing contractual  
246 agreements between the railroad company operating the high-speed  
247 passenger rail system and a governmental entity within the  
248 state.

249 Section 9. Section 341.609, Florida Statutes, is created to  
250 read:

251 341.609 Safety inspections and inspectors.-

252 (1) In accordance with the State Rail Safety Participation  
253 Program, which is designed to promote safety in all areas of  
254 railroad operations to reduce deaths, injuries, and damage to  
255 railroad property, the department's railroad inspectors must be  
256 certified by the Federal Railroad Administration and shall  
257 coordinate their activities with those of federal inspectors in  
258 the state in compliance with 49 C.F.R. part 212 and any other  
259 federal regulations governing state safety participation.

260 (2) Unless otherwise confidential under state or federal  
261 law, the department's railroad inspectors shall report in

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262 writing the results of their inspections in the manner and on  
263 forms prescribed by the department. These reports shall be made  
264 available to the public on the department's website.

265 Section 10. Section 341.611, Florida Statutes, is created  
266 to read:

267 341.611 Fencing and separation requirements to protect the  
268 public.-

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

274 (2) At a minimum, the field survey should identify  
275 pedestrian traffic generators, such as nearby schools and parks,  
276 and signs of current pedestrian traffic that crosses the  
277 railroad tracks. The department must hold at least one public  
278 meeting in each community where new or substantially modified  
279 fencing is proposed before designs and plans for such fencing  
280 are finalized.

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

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

288 (5) The fencing must be maintained by the railroad company  
289 operating a high-speed passenger rail system, unless maintenance  
290 is specifically addressed in a separate contract with a property

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291 owner or local government.

292 (6) The fence must be at least 4 1/2 feet in height.

293 Ornamental fencing must be used within urban areas. Chain-link  
294 fencing may be used in locations outside of urban areas.

295 (7) If a railroad company neglects to construct or maintain  
296 a required fence, the railroad company is liable for all damages  
297 arising from its failure to construct or maintain such fence  
298 unless another entity is responsible for maintenance under  
299 subsection (5).

300 Section 11. Section 341.612, Florida Statutes, is created  
301 to read:

302 341.612 Operation of a high-speed passenger rail system  
303 over the tracks of another railroad company.—A railroad company  
304 operating a high-speed passenger rail system is solely  
305 responsible for all rail corridor improvements or upgrades  
306 relating to the system's operation and safety. A local  
307 government or the state is not responsible for any costs  
308 associated with the construction and maintenance of the  
309 improvements necessary to operate a high-speed passenger rail  
310 system unless it expressly consents in writing.

311 Section 12. Section 341.613, Florida Statutes, is created  
312 to read:

313 341.613 Enforcement actions.—In addition to any  
314 administrative action authorized by chapter 120 or by other law,  
315 the department may bring an action for the assessment and  
316 collection of civil penalties or an action for injunctive relief  
317 pursuant to 49 C.F.R. part 212, subpart B.

318 Section 13. Section 341.614, Florida Statutes, is created  
319 to read:

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320       341.614 Jurisdiction.—Jurisdiction to enforce this act  
321 shall be as provided by s. 316.640, and any penalty for  
322 violation of this act shall be imposed upon the railroad company  
323 that commits such violation.

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