

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.; requiring a railroad company operating
 6 a high-speed passenger rail system to be responsible
 7 for certain maintenance, improvement, and upgrade
 8 costs; specifying that a governmental entity is not
 9 responsible for such costs unless the governmental
 10 entity consents in writing; providing construction;
 11 creating s. 341.604, F.S.; providing applicability;
 12 creating s. 341.605, F.S.; providing severability;
 13 providing an effective date.

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

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

19 341.601 Short title.—Sections 341.601-341.605 shall be
 20 known as the "Florida High-Speed Passenger Rail Safety Act."

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

23 341.602 Definitions.—As used in this act:

24 (1) "Freight railroad carrier" means a person, railroad
 25 corporation, or other legal entity in the business of providing

26 freight rail transportation.

27 (2) "Governmental entity" means the state, any of its
28 agencies, or any of its political subdivisions.

29 (3) "High-speed passenger rail system" means an
30 intrastate passenger rail system that operates or proposes to
31 operate its passenger trains at a maximum speed in excess of 80
32 miles per hour which was not carrying passengers before January
33 1, 2017.

34 (4) "Pedestrian grade crossing" means a separate sidewalk
35 or pathway where pedestrians, but not vehicles, cross railroad
36 tracks.

37 (5) "Public railroad-highway grade crossing" means a
38 location at which a railroad track is crossed at grade by a
39 public road.

40 (6) "Rail corridor" means a linear contiguous strip of
41 real property that is used for rail service. The term includes
42 the corridor and structures essential to railroad operations,
43 including the land, structures, improvements, rights-of-way,
44 easements, rail lines, rail beds, guideway structures, switches,
45 yards, parking facilities, power relays, switching houses, rail
46 stations, any ancillary development, and any other facilities or
47 equipment used for the purposes of construction, operation, or
48 maintenance of a railroad that provides rail service.

49 (7) "Railroad company" means an individual, partnership,
50 association, corporation, or company and its respective lessees,

51 trustees, or receivers, appointed by a court, which develops or
52 provides ground transportation that runs on rails, including,
53 but not limited to:

54 (a) A high-speed passenger rail system;

55 (b) A freight railroad carrier; or

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

57 Section 3. Section 341.603, Florida Statutes, is created
58 to read:

59 341.603 Safety improvements associated with operation of
60 high-speed passenger rail system.—

61 (1) A railroad company operating a high-speed passenger
62 rail system shall be solely responsible for all maintenance
63 costs associated with the safety equipment installed at public
64 railroad-highway grade crossings and at pedestrian grade
65 crossings which are related to the system's operation and
66 safety. A governmental entity is not responsible for any costs
67 associated with the maintenance necessary to operate a high-
68 speed passenger rail system unless the governmental entity
69 expressly consents in writing.

70 (2) A railroad company operating a high-speed passenger
71 rail system shall be solely responsible for all costs associated
72 with the improvements and upgrades at all public railroad-
73 highway grade crossings on which the state does not use federal
74 funds to eliminate hazards and at pedestrian grade crossings
75 relating to the system's operation and safety. A governmental

76 entity is not responsible for any costs associated with the
77 improvements necessary to operate a high-speed passenger rail
78 system unless the governmental entity expressly consents in
79 writing.

80 (3) This section does not impair any existing contractual
81 agreements between a railroad company and a governmental entity
82 within the state.

83 (4) This section does not require a railroad company to
84 share in the cost of work for the elimination of hazards at
85 public railroad-highway grade crossings on which the state uses
86 federal funds to eliminate hazards.

87 Section 4. Section 341.604, Florida Statutes, is created
88 to read:

89 341.604 Applicability.—This act applies to any railroad
90 company operating a high-speed passenger rail system and any
91 railroad company that allows a high-speed passenger rail system
92 to operate on or within its rail corridor.

93 Section 5. Section 341.605, Florida Statutes, is created
94 to read:

95 341.605 Severability.—If any provision of this act or its
96 application to any person or circumstance is held invalid, the
97 invalidity does not affect other provisions or applications of
98 this act which can be given effect without the invalid provision
99 or application, and to this end the provisions of this act are
100 severable.

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101 | Section 6. This act shall take effect July 1, 2018. |