

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/SB 1002

INTRODUCER: Senator Hutson

SUBJECT: Motor Vehicles and Railroad Trains

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1002 clarifies the duties of law enforcement with respect to the collection of information required for crash reports in the event of a motor vehicle crash involving a railroad train. The bill specifies that in the event of specified motor vehicle crashes involving a railroad train, the collection of required crash report information is at the discretion of the law enforcement officer having jurisdiction to investigate.

The bill revises the definition of “railroad train” to provide that a railroad train is not a motor vehicle for purposes of the Florida Uniform Traffic Control Law, and provides that a member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of certain crash reports.

Additionally, in the event of a motor vehicle crash involving a train, the bill requires a train crew member to furnish the date, time, and location of the crash; a description of the vehicles involved; ; and the names and addresses of witnesses and parties involved. The bill requires the train crew to also furnish the train engineer’s and the conductor’s federally-required, railroad-issued certificates, upon the request of the law enforcement officer investigating the crash.

The fiscal impact is indeterminate but expected to be positive. See the “Fiscal Impact” heading.

The bill takes effect July 1, 2019.

II. Present Situation:

Florida Uniform Traffic Control Law

The Florida Uniform Traffic Control Law, ch. 316, F.S., is intended “to make uniform traffic laws to apply throughout the state.”¹ Section 316.003, F.S., defines terms used throughout the chapter.

Section 316.003(63), F.S., defines “railroad train” as “a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a street.” For purposes of this chapter, the term “motor vehicle”² excludes a vehicle that is “operated upon rails or guideway.” Similarly, the term “vehicle”³ excludes a device “used exclusively upon stationary rails or tracks.” Additionally, the terms “driver”⁴ and “operator”⁵ are defined as any person in actual physical control of a vehicle or motor vehicle on the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Duties Related to Motor Vehicle Crashes

Among other requirements, s. 316.027, F.S., requires the driver of a vehicle involved in a crash resulting in injury to a person other than serious bodily injury,⁶ serious bodily injury to a person, or death of a person, to immediately stop the vehicle at the crash scene and remain until the driver has provided personal and vehicle identification information or contacted law enforcement to report the crash, and rendered aid to any injured person, including transportation to medical care, if necessary.⁷

Section 316.061, F.S., requires the driver of a vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person to comply with the same duties described above.⁸

Section 316.065, F.S., requires the driver of a vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least \$500 to immediately give notice of the crash to local law enforcement.

¹ Section 316.002, F.S.

² Section 316.003(42), F.S.

³ Section 316.003(99), F.S.

⁴ Section 316.003(20), F.S.

⁵ Section 316.003(48), F.S.

⁶ Defined in s. 316.027(1)(a), F.S., as “an injury to a person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.”

⁷ Section 316.062, F.S.

⁸ *Id.*

Section 316.066, F.S., requires a report to be filed with the Department of Highway Safety and Motor Vehicles (DHSMV) within 10 days after an investigation is completed by the law enforcement officer investigating a motor vehicle crash if such crash:

- Resulted in the death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- Involved a violation of s. 316.061, F.S., for failure to immediately stop a vehicle involved in a crash resulting only in damage to a vehicle or other property; or a violation of s. 316.193, F.S., for driving under the influence;
- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
- Involved a commercial motor vehicle.

Crash Report Forms

Law enforcement personnel must complete a report of each motor vehicle crash and provide it to the DHSMV. This report must include the following information:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers in the vehicles involved;
- The names and addresses of any witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.⁹

However, current law is unclear as to how to treat the passengers and crew of a railroad train when a motor vehicle crash involves a train. Because the current statute can be read to include every person on the railroad train as a “passenger” or “witness” for purposes of the crash report, law enforcement may feel compelled to interview every passenger and crew member on a railroad train as a potential witness, even though in many instances, depending on a person’s location on the train, nothing relevant was actually witnessed.

The process of interviewing every passenger and crew member on a railroad train may keep the train at the crash scene for hours, resulting in a number of potential issues, such as deteriorating passenger safety and comfort, blocked railroad crossings, and economic loss.

Railroad Train Accident Reports

Florida law does not address railroad company reporting requirements related to accident reports. However, federal regulations generally require railroad companies to submit a monthly report to the Federal Railroad Authority (FRA) of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents; and
- Death, injury, or occupational illness.¹⁰

⁹ See ss. 316.066(1) and 316.068, F.S.

¹⁰ 49 C.F.R. §§ 225.11 and 225.19.

In addition, each railroad must immediately report certain types of accidents or incidents by calling the National Response Center.¹¹ The FRA or the National Transportation Safety Board may choose to investigate such train accidents or incidents.¹²

Certification of Locomotive Engineers and Conductors

Present Situation

Federal regulations prescribe minimum federal safety standards for the eligibility, training, testing, certification, and monitoring of all locomotive engineers¹³ and conductors.¹⁴ The Federal Railroad Administration (FRA) does not test or certify engineers or conductors itself. Instead, the regulations require each railroad to adopt training and certification programs that meet the minimum requirements in the regulations,¹⁵ and the FRA must approve the design of individual railroad programs.¹⁶

Ultimately, an individual who successfully completes a railroad's FRA-approved engineer or conductor certification program receives a certificate that identifies the railroad company and person certified, and that shows the qualifications, conditions and limitations of the certification. The certificate must be signed and wallet-sized for ease of carry.¹⁷ Each locomotive engineer and conductor who receives a certificate is required to have the certificate in his or her possession while on duty.

III. Effect of Proposed Changes:

The bill seeks to clarify the duties of law enforcement with regard to collecting required information for certain crash reports.

Section 1 of the bill amends s. 316.003(63), F.S., the definition of "railroad train," to provide that a railroad train is not a motor vehicle for purposes of the Florida Uniform Traffic Control Law.

Section 2 amends s. 316.068(2)(c) and (d), F.S. These paragraphs, respectively, currently require a crash report to include the names and addresses of the parties involved in a crash and the names and addresses of all drivers and passengers in the motor vehicles involved. The bill provides that in the event of a crash covered by s. 316.027, F.S.; s. 316.061, F.S., s. 316.065, F.S., or s. 316.066, F.S., involving a railroad train, collection of names and addresses is at the discretion of the investigating law enforcement officer.

¹¹ 49 C.F.R. § 225.9.

¹² See FRA, *FRA Investigations of Railroad Accidents*, <https://www.fra.dot.gov/Page/P0474> and NTSB, *The Investigative Process*, <https://www.nts.gov/investigations/process/Pages/default.aspx> (last visited Feb. 6, 2018).

¹³ 49 C.F.R. s. 240.

¹⁴ 49 C.F.R. s. 242.

¹⁵ See, e.g., 49 C.F.R. s. 240.101 and 49 C.F.R. s. 242.101.

¹⁶ 49 C.F.R. s. 240.103 and 49 C.F.R. s. 242.103.

¹⁷ 49 C.F.R. s. 240.223 and 49 C.F.R. s. 242.207.

This section of the bill also amends s. 316.068(2)(g), F.S., to provide that a member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of completing crash reports. This section is also amended to require a train crew member to furnish:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved; and
- The names and addresses of witnesses.

Lastly, the bill requires the train crew to furnish the train engineer's and conductor's federal certificates under 49 C.F.R. parts 240 and 242, respectively, upon the request of the law enforcement officer with jurisdiction to investigate the crash.

Law enforcement officers may exercise discretion in their investigations of motor vehicle crashes involving a railroad train and collection of information relevant to such crashes. Delays associated with collecting necessary information for crash reports may be reduced.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The fiscal impact is indeterminate, but the bill may positively impact railroad train companies and their operations if all crew members and passengers of the train are not required to be interviewed in the event of a motor vehicle crash involving a train.

Railroads may incur indeterminate expenses associated with the requirement that a train crew member collect and furnish the specified information. To the extent that this requirement results in delay for the train crew, the expected positive fiscal impact may be offset.

C. **Government Sector Impact:**

Indeterminate, but the bill may have a positive fiscal impact on government personnel involved in the investigation of train accidents. These persons will no longer need to get the name and address of each person on the train, unless these persons are still considered witnesses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.003 and 316.068.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on March 11, 2019:

The committee substitute requires a member of the railroad train crew to furnish specified information relating to a crash, as well as the train engineer's and conductor's certificates issued by the railroad in accordance with federal regulations.

- B. **Amendments:**

None.