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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2020	.	
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The Committee on Infrastructure and Security (Mayfield)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

341.601 Short title.—Sections 341.601–341.611 may be cited
as the “Florida High-Speed Passenger Rail Safety Act.”

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



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11 341.602 Definitions.—As used in ss. 341.601-341.611, the
12 term:

13 (1) "Department" means the Department of Transportation.

14 (2) "Freight railroad carrier" means any person, railroad
15 corporation, or other legal entity engaged in the business of
16 providing freight rail transportation.

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

19 (4) "Hazardous materials" includes all materials, wastes,
20 or substances designated or defined as hazardous by 49 C.F.R.
21 parts 100-199 and their implementing regulations, by 42 U.S.C.
22 s. 9601, or in any state law, rule, or program that regulates
23 the handling or transporting of such materials, wastes, or
24 substances.

25 (5) "High-speed passenger rail system" means any intrastate
26 passenger rail system that operates or proposes to operate its
27 passenger trains at a maximum speed in excess of 80 miles per
28 hour.

29 (6) "Public railroad-highway grade crossing" means a
30 location at which a railroad track is crossed at grade by a
31 public road.

32 (7) "Rail corridor" means a linear, continuous strip of
33 real property that is used for rail service. The term includes
34 the corridor and structures essential to railroad operations,
35 including the land, buildings, improvements, rights-of-way,
36 easements, rail lines, roadbeds, guideway structures, switches,
37 yards, parking facilities, power relays, switching houses, rail
38 stations, any ancillary developments, and any other facilities
39 or equipment used for the purposes of construction, operation,



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40 or maintenance of a railroad that provides rail service.

41 (8) "Railroad company" means any individual, partnership,
42 association, corporation, or company and its respective lessees,
43 trustees, or court-appointed receivers which develops or
44 provides ground transportation that runs on rails, and includes,
45 but is not limited to, any of the following:

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

47 (b) A freight railroad carrier.

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

49 (9) "Sealed corridor" means a rail corridor that uses
50 safety measures to block all lanes of travel where a roadway
51 crosses a railroad track and that uses pedestrian treatments at
52 grade crossings and controls between crossings to prevent
53 trespassing.

54 Section 3. Section 341.603, Florida Statutes, is created to
55 read:

56 341.603 Legislative intent.—It is the intent of the
57 Legislature to:

58 (1) Encourage the creation of safe and economical
59 transportation options, including high-speed passenger rail
60 systems, for this state's residents and visitors.

61 (2) Promote and enhance the safe operation of high-speed
62 passenger rail systems within this state to protect the health,
63 safety, and welfare of the public.

64 Section 4. Section 341.604, Florida Statutes, is created to
65 read:

66 341.604 Applicability.—This act applies to any railroad
67 company that operates a high-speed passenger rail system and any
68 railroad company that allows a high-speed passenger rail system



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69 to operate on or within its rail corridor.

70 Section 5. Section 341.605, Florida Statutes, is created to
71 read:

72 341.605 Powers and duties of the department; rules.-

73 (1) To the extent that such authority is not preempted by
74 federal law or regulation, the department shall:

75 (a) Regulate railroad companies in this state.

76 (b) Obtain from any party all necessary information to
77 enable it to perform its duties and carry out the requirements
78 of this act.

79 (c) Keep a record of its findings, decisions, and
80 determinations made, and investigations conducted, under this
81 act.

82 (d) Adopt rules by January 1, 2021, to administer this act.

83 Such rules must include minimum standards or criteria for:

84 1. Public railroad-highway grade crossing design,
85 including, but not limited to, installation of appropriate
86 safety equipment, such as remote health monitoring and traffic
87 signal preemption systems;

88 2. Implementation of sealed corridors and of safety
89 measures to be used at sealed corridors;

90 3. Installation or realignment of crossing gates at
91 severely skewed, acute-angled public railroad-highway grade
92 crossings along the rail corridor; and

93 4. Field surveys of the rail corridor to be conducted for
94 the purpose of identifying areas where fencing is necessary to
95 protect the health, safety, and welfare of the public,
96 including, but not limited to, minimum requirements for
97 construction and materials.



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98 (2) The department may impose on a railroad company an
99 administrative penalty not exceeding \$10,000 for each violation
100 of the rules adopted by the department as provided in this
101 section. Each violation constitutes a separate violation.

102 Section 6. Section 341.606, Florida Statutes, is created to
103 read:

104 341.606 Training for local communities and local agencies.-
105 If a high-speed passenger rail system operates on a rail
106 corridor or on a set of tracks which is also used to transport
107 hazardous materials, the Division of Emergency Management must
108 offer the local communities and local agencies located along the
109 rail corridor training specifically designed to help them
110 respond to an accident involving rail passengers or hazardous
111 materials.

112 Section 7. Section 341.607, Florida Statutes, is created to
113 read:

114 341.607 Reporting requirements; rulemaking.-

115 (1) A railroad company that operates a high-speed passenger
116 rail system shall furnish to the department a copy of the
117 accident reports filed with the Federal Railroad Administration
118 for each train accident that occurs within the rail corridor.

119 (2) The department shall annually publish on its website a
120 compendium of the reports that include any fatalities, injuries,
121 or accidents during the reporting timeframe which occurred
122 within a rail corridor where a high-speed passenger rail system
123 operates, unless notified by the Federal Government that the
124 compendium is inconsistent with federal requirements.

125 (3) A railroad company that transports liquefied natural
126 gas on the same tracks, or within the same rail corridor, used



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127 by a high-speed passenger rail system within this state shall
128 submit an annual report to the department containing the size of
129 the average and largest liquefied natural gas train, as measured
130 in metric tons, operated in this state by the railroad company
131 in the previous calendar year.

132 (4) All reporting requirements are for informational
133 purposes only. The information reported may not be used to
134 economically regulate the railroad company.

135 (5) The department, in coordination with the Federal
136 Railroad Administration and other public and private entities,
137 as necessary, shall adopt by rule criteria to determine a
138 reasonable worst-case unplanned release of liquefied natural
139 gas.

140 Section 8. Section 341.608, Florida Statutes, is created to
141 read:

142 341.608 Minimum safety standards for high-speed passenger
143 rail systems.—In addition to complying with federal law, Federal
144 Railroad Administration regulations, and other applicable
145 federal regulations, a railroad company operating a high-speed
146 passenger rail system shall comply with the rules adopted by the
147 department pursuant to s. 341.605.

148 Section 9. Section 341.609, Florida Statutes, is created to
149 read:

150 341.609 Maintenance and repair of roadbeds, tracks,
151 culverts, and certain streets and sidewalks.—

152 (1) If the railroad company that constructs or operates a
153 high-speed passenger rail system is required to install safety
154 improvements that modify the width of a roadbed, the company is
155 responsible for ensuring that the impacted roadbed meets the



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156 department's transition requirements as set forth in the most
157 recent edition of the department's Design Standards and the
158 Manual of Uniform Minimum Standards for Design, Construction,
159 and Maintenance for Streets and Highways.

160 (2) This section may not be construed to impair any
161 existing contractual agreements between a railroad company
162 operating a high-speed passenger rail system and a governmental
163 entity within the state.

164 Section 10. Section 341.6101, Florida Statutes, is created
165 to read:

166 341.6101 Safety inspections and inspectors.-

167 (1) In accordance with the State Rail Safety Participation
168 Program, which is designed to promote safety in all areas of
169 railroad operations to reduce deaths, injuries, and damage to
170 railroad property, the department's railroad inspectors must be
171 certified by the Federal Railroad Administration and shall
172 coordinate their activities with those of federal inspectors in
173 this state in compliance with 49 C.F.R. part 212 and any other
174 federal regulations governing state safety participation.

175 (2) Unless the results are otherwise confidential under
176 state or federal law, the department's railroad inspectors shall
177 report in writing the results of their inspections in the manner
178 and on forms prescribed by the department. The department shall
179 make these reports available on its website for the public to
180 access.

181 Section 11. Section 341.611, Florida Statutes, is created
182 to read:

183 341.611 Severability.-If any provision of this act or its
184 application to any person or circumstance is held invalid, the



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185 invalidity does not affect other provisions or applications of
186 this act which can be given effect without the invalid provision
187 or application, and to this end, the provisions of this act are
188 severable.

189 Section 12. Sections 341.601-341.611 are remedial in nature
190 and shall apply retroactively.

191 Section 13. This act shall take effect July 1, 2020.

192

193 ===== T I T L E A M E N D M E N T =====

194 And the title is amended as follows:

195 Delete everything before the enacting clause
196 and insert:

197 A bill to be entitled
198 An act relating to high-speed passenger rail safety;
199 creating s. 341.601, F.S.; providing a short title;
200 creating s. 341.602, F.S.; defining terms; creating s.
201 341.603, F.S.; providing legislative intent; creating
202 s. 341.604, F.S.; providing applicability; creating s.
203 341.605, F.S.; requiring the Department of
204 Transportation to regulate railroad companies when
205 that authority is not federally preempted; requiring
206 the department to obtain information necessary to
207 perform its duties; requiring the department to keep
208 certain records; requiring the department to adopt
209 rules; providing requirements for such rules;
210 authorizing the department to impose administrative
211 penalties; creating s. 341.606, F.S.; requiring the
212 Division of Emergency Management to offer accident
213 response training to certain local communities and



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214 local agencies under certain circumstances; creating
215 s. 341.607, F.S.; requiring certain railroad companies
216 to furnish copies of federal accident reports to the
217 department; requiring the department to annually
218 publish certain information on its website; requiring
219 railroad companies that transport liquefied natural
220 gas on or within certain tracks or corridors to submit
221 an annual report to the department containing
222 specified information; prohibiting the use of reported
223 information for the purpose of economically regulating
224 railroad companies; requiring the department, in
225 coordination with the Federal Railroad Administration
226 and other necessary entities, to adopt certain
227 criteria by rule; creating s. 341.608, F.S.; requiring
228 certain railroad companies to comply with federal law
229 and certain regulations; creating s. 341.609, F.S.;
230 providing that certain railroad companies are
231 responsible for ensuring that impacted roadbeds meet
232 specified transition requirements under certain
233 circumstances; providing construction; creating s.
234 341.6101, F.S.; requiring the department's railroad
235 inspectors, in accordance with a specified program, to
236 meet certain certification requirements and to
237 coordinate their activities with those of federal
238 inspectors in this state in compliance with certain
239 federal regulations; requiring the department's
240 inspectors to report the results of their inspections
241 to the department, subject to certain requirements,
242 unless the results are confidential under state or



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243 federal law; requiring the department to make the
244 reports available on its website; creating s. 341.611,
245 F.S.; providing severability; providing for
246 retroactive application; providing an effective date.