

By Senator Mayfield

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1 A bill to be entitled
2 An act relating to high-speed passenger rail safety;
3 creating s. 341.601, F.S.; providing a short title;
4 creating s. 341.602, F.S.; defining terms; 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.; requiring the Department of
8 Transportation to regulate railroads when that
9 authority is not federally preempted; requiring the
10 department to obtain certain information from parties;
11 requiring the department to keep certain records;
12 requiring the department to adopt rules; creating s.
13 341.606, F.S.; requiring the Division of Emergency
14 Management to offer accident response training to
15 certain local communities and local agencies; creating
16 s. 341.607, F.S.; requiring certain railroad companies
17 to furnish copies of federal accident reports to the
18 department; requiring the department to annually
19 publish certain information on its website; requiring
20 railroad companies that transport liquefied natural
21 gas on or within certain tracks or corridors to submit
22 an annual report to the department containing
23 specified information; prohibiting the use of reported
24 information for the purpose of economically regulating
25 railroad companies; requiring the department, in
26 coordination with the Federal Railroad Administration
27 and other necessary entities, to adopt certain rules;
28 creating s. 341.608, F.S.; requiring certain railroad
29 companies to comply with federal law and certain

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30 regulations and install certain safety equipment;
31 requiring railroad companies to meet specified
32 requirements before operating a high-speed passenger
33 rail system; requiring sealed corridors at certain at-
34 grade crossings; providing safety measure requirements
35 for sealed corridors; creating s. 341.609, F.S.;

36 requiring railroad companies to be responsible for
37 ensuring that impacted roadbed meets specified
38 transition requirements under certain circumstances;
39 providing construction; creating s. 341.6101, F.S.;

40 requiring the department's railroad inspectors, in
41 accordance with a specified program, to meet certain
42 certification requirements and to coordinate their
43 activities with those of federal inspectors in the
44 state in compliance with certain federal regulations;

45 requiring the department's inspectors to report the
46 results of their inspections to the department,
47 subject to certain requirements, unless the results
48 are confidential under law; requiring the department
49 to make the reports available on its website; creating
50 s. 341.611, F.S.; requiring the department to adopt by
51 rule standards to be used in conducting field surveys
52 of certain rail corridors; providing minimum
53 requirements for the field surveys; requiring the
54 department to hold certain public meetings; requiring
55 certain railroad companies to construct and maintain
56 fences under certain circumstances; providing fencing
57 requirements; specifying that a railroad company
58 operating a high-speed passenger rail system is liable

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59 for all damages arising from its failure to construct
60 or maintain the fence, under certain circumstances;
61 creating s. 341.612, F.S.; establishing jurisdiction
62 for the state to enforce specified provisions;
63 requiring penalties for violations of specified
64 provisions to be imposed upon the railroad company
65 that commits such violations; creating s. 341.613,
66 F.S.; providing severability; providing an effective
67 date.

68

69 Be It Enacted by the Legislature of the State of Florida:

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

73 341.601 Short title.—Sections 341.601-341.613 may be cited
74 as the “Florida High-Speed Passenger Rail Safety Act.”

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

77 341.602 Definitions.—As used in ss. 341.601-341.613, the
78 term:

79 (1) “Department” means the Department of Transportation.

80 (2) “Freight railroad carrier” means any person, railroad
81 corporation, or other legal entity engaged in the business of
82 providing freight rail transportation.

83 (3) “Governmental entity” means the state, any of its
84 agencies, or any of its political subdivisions.

85 (4) “Hazardous materials” includes all materials, wastes,
86 or substances designated or defined as hazardous by 49 C.F.R.
87 parts 100-199 and their implementing regulations, by 42 U.S.C.

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88 s. 9601, or in any state law, rule, or program that regulates
89 handling or transporting of such materials, wastes, or
90 substances.

91 (5) "High-speed passenger rail system" means any intrastate
92 passenger rail system that operates or proposes to operate its
93 passenger trains at a maximum speed in excess of 80 miles per
94 hour and that was not carrying passengers before January 1,
95 2017.

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

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

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

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

114 (b) A freight railroad carrier.

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

116 (9) "Sealed corridor" means a rail corridor that uses

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117 safety measures to block all lanes of travel where a roadway
118 crosses a railroad track and that uses pedestrian treatments at
119 grade crossings and controls between crossings to prevent
120 trespassing.

121 Section 3. Section 341.603, Florida Statutes, is created to
122 read:

123 341.603 Legislative intent.—It is the intent of the
124 Legislature to:

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

128 (2) Promote and enhance the safe operation of high-speed
129 passenger rail systems within the state to protect the health,
130 safety, and welfare of the public.

131 Section 4. Section 341.604, Florida Statutes, is created to
132 read:

133 341.604 Applicability.—This act applies to any railroad
134 company that operates a high-speed passenger rail system and any
135 railroad company that allows a high-speed passenger rail system
136 to operate on or within its rail corridor.

137 Section 5. Section 341.605, Florida Statutes, is created to
138 read:

139 341.605 Powers and duties of the department; rules.—

140 (1) The department shall regulate railroad companies in
141 this state to the extent that such authority is not preempted by
142 federal law or regulation.

143 (2) The department shall obtain from any party all
144 necessary information to enable it to perform its duties and
145 carry out the requirements of this act.

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146 (3) The department shall keep a record of its findings,
147 decisions, and determinations made, and investigations
148 conducted, under this act.

149 (4) The department shall adopt rules to administer this
150 act.

151 Section 6. Section 341.606, Florida Statutes, is created to
152 read:

153 341.606 Training for local communities and local agencies.-
154 If a high-speed passenger rail system operates on a rail
155 corridor or on a set of tracks which is also used to transport
156 hazardous materials, the Division of Emergency Management must
157 offer the local communities and local agencies located along the
158 rail corridor training specifically designed to help them
159 respond to an accident involving rail passengers or hazardous
160 materials.

161 Section 7. Section 341.607, Florida Statutes, is created to
162 read:

163 341.607 Reporting requirements; rulemaking.-

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

168 (2) The department shall annually publish on its website a
169 compendium of the reports that include any fatalities, injuries,
170 or accidents during the reporting timeframe which occurred
171 within a rail corridor where a high-speed passenger rail system
172 operates.

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

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175 by a high-speed passenger rail system within the state shall
176 submit an annual report to the department containing:

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

180 (b) Coverage amounts, limitations, and other conditions of
181 such insurance.

182 (c) The size of the average and largest liquefied natural
183 gas train, as measured in metric tons, operated in the state by
184 the railroad company in the previous calendar year.

185 (d) Information sufficient to demonstrate the railroad
186 company's ability to remediate a reasonable worst-case unplanned
187 release of liquefied natural gas, including, but not limited to,
188 insurance coverage, reserve accounts, letters of credit, or
189 other financial instruments or resources on which the company
190 can rely for such remediation.

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

194 (5) The department, in coordination with the Federal
195 Railroad Administration and other public and private entities,
196 as necessary, shall adopt by rule criteria to determine a
197 reasonable worst-case unplanned release of liquefied natural
198 gas.

199 Section 8. Section 341.608, Florida Statutes, is created to
200 read:

201 341.608 Minimum safety standards for high-speed passenger
202 rail systems.—

203 (1) In addition to complying with federal law and with

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204 Federal Railroad Administration regulations, a railroad company
205 operating a high-speed passenger rail system shall install
206 safety equipment that has been approved by the Federal Railroad
207 Administration and include, at a minimum, positive train control
208 systems as provided in 49 C.F.R. part 236.

209 (2) Before operating a high-speed passenger rail system, a
210 railroad company shall also:

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

218 (b) Equip all automatic public railroad-highway grade
219 crossing warning systems with remote health monitoring
220 technology capable of constantly monitoring the highway-railroad
221 crossing to:

222 1. Detect false activations;
223 2. Detect other crossing signal malfunctions; and
224 3. Notify the train dispatcher and railroad maintenance
225 personnel whenever such a malfunction is detected.

226 (c) Construct and maintain fencing in accordance with s.
227 341.611.

228 (3) (a) Sealed corridors must be required at any at-grade
229 crossing where a high-speed passenger rail system operates on
230 tracks that are also used to transport hazardous materials,
231 regardless of the speed at which the high-speed passenger rail
232 system is operating on such at-grade crossing.

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233 (b) Safety measures that must be used at a sealed corridor
234 include, but are not limited to, the following:

235 1. A four-quadrant gate system with separate pedestrian
236 crossing gates on the two-way streets;

237 2. Gate arms extending across all lanes of travel on paired
238 one-way streets; and

239 3. Median arrangements.

240 Section 9. Section 341.609, Florida Statutes, is created to
241 read:

242 341.609 Maintenance and repair of roadbeds, tracks,
243 culverts, and certain streets and sidewalks.-

244 (1) If the railroad company that constructs or operates a
245 high-speed passenger rail system is required to install safety
246 improvements that modify the width of a roadbed, the company is
247 responsible for ensuring that the impacted roadbed meets the
248 department's transition requirements as set forth in the most
249 recent edition of the department's Design Standards and the
250 Manual of Uniform Minimum Standards for Design, Construction and
251 Maintenance for Streets and Highways.

252 (2) This section does not impair any existing contractual
253 agreements between a railroad company operating a high-speed
254 passenger rail system and a governmental entity within the
255 state.

256 Section 10. Section 341.6101, Florida Statutes, is created
257 to read:

258 341.6101 Safety inspections and inspectors.-

259 (1) In accordance with the State Rail Safety Participation
260 Program, which is designed to promote safety in all areas of
261 railroad operations to reduce deaths, injuries, and damage to

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262 railroad property, the department's railroad inspectors must be
263 certified by the Federal Railroad Administration and shall
264 coordinate their activities with those of federal inspectors in
265 the state in compliance with 49 C.F.R. part 212 and any other
266 federal regulations governing state safety participation.

267 (2) Unless the results are otherwise confidential under
268 state or federal law, the department's railroad inspectors shall
269 report in writing the results of their inspections in the manner
270 and on forms prescribed by the department. The department must
271 make these reports available on its website for the public to
272 access.

273 Section 11. Section 341.611, Florida Statutes, is created
274 to read:

275 341.611 Fencing and separation requirements to protect the
276 public.-

277 (1) The department shall adopt by rule standards to be used
278 by the department in conducting field surveys of the rail
279 corridor being used by a high-speed passenger rail system. The
280 field surveys must indicate areas where fencing is necessary to
281 protect the health, safety, and welfare of the public.

282 (2) At a minimum, the field surveys must identify
283 pedestrian traffic generators, such as nearby schools and parks,
284 and signs of current pedestrian traffic that crosses the
285 railroad tracks. The department shall hold at least one public
286 meeting in each community in which new or substantially modified
287 fencing is proposed before designs and plans for such fencing
288 are finalized.

289 (3) Once it has been determined that a fence is necessary,
290 a railroad company operating a high-speed passenger rail system

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291 shall construct and maintain the fence on both sides of its
292 railroad tracks in a manner sufficient to prevent intrusion. The
293 fencing must be:

294 (a) Placed 1 foot inside the edge of the railroad company's
295 right-of-way.

296 (b) At least 4 1/2 feet in height. Ornamental fencing must
297 be used within urban areas. Chain-link fencing may be used in
298 locations outside of urban areas.

299 (c) Maintained by the railroad company operating a high-
300 speed passenger rail system, unless a governmental entity has
301 contractually consented to undertake the responsibility for
302 maintaining the fence within its jurisdiction.

303 (4) If a railroad company operating a high-speed passenger
304 rail system does not construct or maintain a fence as required
305 under subsection (3), the railroad company is liable for all
306 damages arising from its failure to construct or maintain such
307 fence unless another entity is responsible for maintenance as
308 provided by paragraph (3) (c).

309 Section 12. Section 341.612, Florida Statutes, is created
310 to read:

311 341.612 Enforcement.—Jurisdiction to enforce ss. 341.601-
312 341.613 is as provided in s. 316.640, and any penalty for a
313 violation of ss. 341.601-341.613 must be imposed upon the
314 railroad company that commits such violation.

315 Section 13. Section 341.613, Florida Statutes, is created
316 to read:

317 341.613 Severability.—If any provision of this act or its
318 application to any person or circumstance is held invalid, the
319 invalidity does not affect other provisions or applications of

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320 this act which can be given effect without the invalid provision
321 or application, and to this end the provisions of this act are
322 severable.

323 Section 14. This act shall take effect July 1, 2020.