A bill to be entitled
An act relating to high-speed passenger rail safety;
creating s. 341.601, F.S.; providing a short title;
creating s. 341.602, F.S.; defining terms; creating s.
341.603, F.S.; providing legislative intent; creating
s. 341.604, F.S.; providing applicability; creating s.
341.605, F.S.; requiring the Department of
Transportation to regulate railroads when that
authority is not federally preempted; requiring the
department to obtain certain information from parties;
requiring the department to keep certain records;
requiring the department to adopt rules; creating s.
341.606, F.S.; requiring the Division of Emergency
Management to offer accident response training to
certain local communities and local agencies; creating
s. 341.607, F.S.; requiring certain railroad companies
to furnish copies of federal accident reports to the
department; requiring the department to annually
publish certain information on its website; requiring
railroad companies that transport liquefied natural
gas on or within certain tracks or corridors to submit
an annual report to the department containing
specified information; prohibiting the use of reported
information for the purpose of economically regulating
railroad companies; requiring the department, in
coordination with the Federal Railroad Administration
and other necessary entities, to adopt certain rules;
creating s. 341.608, F.S.; requiring certain railroad
companies to comply with federal law and certain
regulations and install certain safety equipment;
requiring railroad companies to meet specified
requirements before operating a high-speed passenger
rail system; requiring sealed corridors at certain at-
grade crossings; providing safety measure requirements
for sealed corridors; creating s. 341.609, F.S.;
requiring railroad companies to be responsible for
ensuring that impacted roadbed meets specified
transition requirements under certain circumstances;
providing construction; creating s. 341.6101, F.S.;
requiring the department’s railroad inspectors, in
accordance with a specified program, to meet certain
certification requirements and to coordinate their
activities with those of federal inspectors in the
state in compliance with certain federal regulations;
requiring the department’s inspectors to report the
results of their inspections to the department,
subject to certain requirements, unless the results
are confidential under law; requiring the department
to make the reports available on its website; creating
s. 341.611, F.S.; requiring the department to adopt by
rule standards to be used in conducting field surveys
of certain rail corridors; providing minimum
requirements for the field surveys; requiring the
department to hold certain public meetings; requiring
certain railroad companies to construct and maintain
fences under certain circumstances; providing fencing
requirements; specifying that a railroad company
operating a high-speed passenger rail system is liable
for all damages arising from its failure to construct
or maintain the fence, under certain circumstances;
creating s. 341.612, F.S.; establishing jurisdiction
for the state to enforce specified provisions;
requiring penalties for violations of specified
provisions to be imposed upon the railroad company
that commits such violations; creating s. 341.613,
F.S.; providing severability; providing an effective
date.

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

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

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

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

341.602 Definitions.—As used in ss. 341.601-341.613, the
term:
(1) “Department” means the Department of Transportation.
(2) “Freight railroad carrier” means any person, railroad
corporation, or other legal entity engaged in the business of
providing freight rail transportation.
(3) “Governmental entity” means the state, any of its
agencies, or any of its political subdivisions.
(4) “Hazardous materials” includes all materials, wastes,
or substances designated or defined as hazardous by 49 C.F.R.
parts 100-199 and their implementing regulations, by 42 U.S.C.
s. 9601, or in any state law, rule, or program that regulates handling or transporting of such materials, wastes, or substances.

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

(6) “Public railroad-highway grade crossing” means a location at which a railroad track is crossed at grade by a public road.

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

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

(a) A high-speed passenger rail system.

(b) A freight railroad carrier.

(c) A company that owns a rail corridor.

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

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

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

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

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

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

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

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

341.605 Powers and duties of the department; rules.—
(1) The department shall regulate railroad companies in
this state to the extent that such authority is not preempted by
federal law or regulation.

(2) The department shall obtain from any party all
necessary information to enable it to perform its duties and
carry out the requirements of this act.
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(3) The department shall keep a record of its findings, decisions, and determinations made, and investigations conducted, under this act.

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

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

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

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

341.607 Reporting requirements; rulemaking.—

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

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

(3) A railroad company that transports liquefied natural gas on the same tracks, or within the same rail corridor, used
by a high-speed passenger rail system within the state shall submit an annual report to the department containing:

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

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

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

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

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

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

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

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

(1) In addition to complying with federal law and with
Federal Railroad Administration regulations, a railroad company operating a high-speed passenger rail system shall install safety equipment that has been approved by the Federal Railroad Administration and include, at a minimum, positive train control systems as provided in 49 C.F.R. part 236.

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

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

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

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

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

(3)(a) Sealed corridors must be required at any at-grade crossing where a high-speed passenger rail system operates on tracks that are also used to transport hazardous materials, regardless of the speed at which the high-speed passenger rail system is operating on such at-grade crossing.
(b) Safety measures that must be used at a sealed corridor include, but are not limited to, the following:

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

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

3. Median arrangements.

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

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

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

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

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

341.6101 Safety inspections and inspectors.—

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

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

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

341.611 Fencing and separation requirements to protect the public.—

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

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

(3) Once it has been determined that a fence is necessary, a railroad company operating a high-speed passenger rail system...
shall construct and maintain the fence on both sides of its railroad tracks in a manner sufficient to prevent intrusion. The fencing must be:

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

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

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

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

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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