

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Transportation &  
 2 Infrastructure Subcommittee  
 3 Representative Miller, M. offered the following:

**Amendment (with title amendment)**

Remove lines 232-327 and insert:

7 (4) If a railroad company that constructs or operates a  
 8 high-speed passenger rail system is required to install safety  
 9 improvements that modify the width of a roadbed, it shall be  
 10 responsible for ensuring that the impacted roadbed meets the  
 11 department's transition requirements as set forth in the most  
 12 recent edition of the department's Design Standards and the  
 13 Manual of Uniform Minimum Standards for Design, Construction and  
 14 Maintenance for Streets and Highways.

15 (5) If a railroad company that constructs or operates a  
 16 high-speed passenger rail system enters into a contractual

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17 agreement with a governmental entity that requires the  
18 governmental entity to reimburse a private entity for the  
19 installation or maintenance of the track improvements or  
20 crossing safety improvements necessary to operate a high-speed  
21 passenger rail system, the work to be performed must adhere to  
22 the department's applicable requisition and procurement  
23 procedures.

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

28 Section 8. Section 341.609, Florida Statutes, is created  
29 to read:

30 341.609 Safety inspections and inspectors.-

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

39 (2) The department's railroad inspectors shall report in  
40 writing the results of their inspections in the manner and on

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41 forms prescribed by the department. These reports shall be made  
42 available on the department's website for the public to access.

43 Section 9. Section 341.611, Florida Statutes, is created  
44 to read:

45 341.611 Fencing and separation requirements to protect the  
46 public.-

47 (1) The department shall adopt rules that identify  
48 standards for conducting field surveys of the rail corridor  
49 being used by a high-speed passenger rail system. The field  
50 surveys must indicate areas where fencing is necessary for the  
51 health, safety, and welfare of the public.

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

59 (3) Once it has been determined that a fence is necessary  
60 to protect the health, safety, and welfare of the surrounding  
61 community, the railroad company operating a high-speed passenger  
62 rail system shall construct and maintain the fence on both sides  
63 of its railroad tracks sufficient to prevent intrusion.

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64       (4) The fencing must be placed 1 foot inside the edge of  
65 the railroad company's right-of-way, except in locations where  
66 the railroad intersects with a highway or road.

67       (5) The fencing must be maintained by the railroad company  
68 operating a high-speed passenger rail system, unless maintenance  
69 is specifically addressed in a separate contract with a property  
70 owner or local government.

71       (6) The fence must be at least 4 1/2 feet in height.  
72 Ornamental fencing must be used within urban areas. Chain-link  
73 fencing may be used in locations outside of urban areas.

74       (7) If a railroad company neglects to construct or  
75 maintain a required fence, the railroad company is liable for  
76 all damages arising from its failure to construct or maintain  
77 such fence unless another entity is responsible for maintenance  
78 under subsection (5).

79       Section 10. Section 341.612, Florida Statutes, is created  
80 to read:

81       341.612 Operation of a high-speed passenger rail system  
82 over the tracks of another railroad company.—A railroad company  
83 operating a high-speed passenger rail system shall be solely  
84 responsible for all rail corridor improvements or upgrades  
85 relating to the system's operation and safety. A local  
86 government or the state shall not be responsible for any costs  
87 associated with the construction of the improvements necessary  
88 to operate a high-speed passenger rail system unless it

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89 expressly consents in writing. This section does not apply to  
90 segments of railroad corridors acquired and owned by a railroad  
91 company in fee simple, or any segment of railroad corridor  
92 occupied by two railroad companies when one of the railroad  
93 companies has ownership rights on the corridor segment through  
94 grants of easements or leases.

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97 **T I T L E A M E N D M E N T**

98 Remove lines 35-67 and insert:

99 passenger rail system; specifying requirements for  
100 certain roadbed modifications; requiring certain  
101 contractual agreements to adhere to the department's  
102 requisition and procurement procedures; providing for  
103 construction; creating s. 341.609, F.S.; requiring the  
104 department's railroad inspectors, in accordance with a  
105 specified program, to meet certain certification  
106 requirements and to coordinate their activities with  
107 those of federal inspectors in the state in compliance  
108 with certain federal regulations; requiring the  
109 inspectors to report the results of their inspections,  
110 subject to certain requirements; requiring the reports  
111 to be made available on the department's website;  
112 creating s. 341.611, F.S.; requiring the department to  
113 adopt rules that identify standards for conducting

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Published On: 3/27/2017 6:52:03 PM

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114 field surveys of certain rail corridors; providing  
115 requirements for the field survey; requiring the  
116 department to hold certain public meetings; requiring  
117 certain railroad companies to construct and maintain  
118 fences under certain circumstances; providing fencing  
119 requirements; requiring a railroad company to be  
120 liable for all damages arising from its failure to  
121 construct or maintain the fence under certain  
122 circumstances; creating s. 341.612, F.S.; requiring a  
123 railroad company operating a high-speed passenger rail  
124 system to be solely responsible for all rail corridor  
125 improvements or upgrades relating to its operation and  
126 safety; prohibiting a local government or the state  
127 from being responsible for certain costs unless it  
128 expressly consents in writing; providing  
129 applicability; creating s. 341.613,