

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.; providing definitions;
5 creating s. 341.603, F.S.; providing legislative
6 intent; creating s. 341.604, F.S.; providing
7 applicability; creating s. 341.605, F.S.; requiring
8 the Department of Transportation to regulate railroads
9 when that authority is not federally preempted;
10 requiring the department to obtain certain information
11 from parties; requiring the department to keep certain
12 records; requiring the department to adopt rules;
13 creating s. 341.606, F.S.; requiring the Division of
14 Emergency Management to offer accident response
15 training to certain local communities and local
16 agencies; creating s. 341.607, F.S.; requiring certain
17 railroad companies to furnish copies of federal
18 accident reports to the department; requiring the
19 department to annually publish certain information on
20 its website; requiring railroad companies that
21 transport liquefied natural gas on or within certain
22 tracks or corridors to submit an annual report to the
23 department containing specified information;
24 prohibiting the use of reported information for the
25 purpose of economically regulating railroad companies;

26 requiring the department, in coordination with the
27 Federal Railroad Administration and other necessary
28 entities, to adopt certain rules; creating s. 341.608,
29 F.S.; requiring certain railroad companies to comply
30 with federal law and certain regulations and install
31 certain safety equipment; requiring railroad companies
32 to meet specified requirements before operating a
33 high-speed passenger rail system; requiring sealed
34 corridors at certain at-grade crossings; providing
35 safety measure requirements for sealed corridors;
36 creating s. 341.609, F.S.; requiring railroad
37 companies to be responsible for ensuring that impacted
38 roadbed meets specified transition requirements under
39 certain circumstances; providing construction;
40 creating s. 341.6101, F.S.; requiring the department's
41 railroad inspectors, in accordance with a specified
42 program, to meet certain certification requirements
43 and to coordinate their activities with those of
44 federal inspectors in the state in compliance with
45 certain federal regulations; requiring the
46 department's inspectors to report the results of their
47 inspections to the department, subject to certain
48 requirements, unless the results are confidential
49 under law; requiring the department to make the
50 reports available on its website; creating s. 341.611,

51 F.S.; requiring the department to adopt by rule
 52 standards to be used in conducting field surveys of
 53 certain rail corridors; providing minimum requirements
 54 for the field surveys; requiring the department to
 55 hold certain public meetings; requiring certain
 56 railroad companies to construct and maintain fences
 57 under certain circumstances; providing fencing
 58 requirements; specifying that a railroad company
 59 operating a high-speed passenger rail system is liable
 60 for all damages arising from its failure to construct
 61 or maintain the fence, under certain circumstances;
 62 creating s. 341.612, F.S.; establishing jurisdiction
 63 for the state to enforce specified provisions;
 64 requiring penalties for violations of specified
 65 provisions to be imposed upon the railroad company
 66 that commits such violations; creating s. 341.613,
 67 F.S.; providing severability; providing an effective
 68 date.

69

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

71

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

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

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

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

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

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

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

86 (4) "Hazardous materials" includes all materials, wastes,
 87 or substances designated or defined as hazardous by 49 C.F.R.
 88 parts 100-199 and their implementing regulations, by 42 U.S.C.
 89 s. 9601, or in any state law, rule, or program that regulates
 90 handling or transporting of such materials, wastes, or
 91 substances.

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

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

100 (7) "Rail corridor" means a linear, continuous strip of

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

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

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

115 (b) A freight railroad carrier.

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

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

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

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

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

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

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

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

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

140 341.605 Powers and duties of the department; rules.—

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

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

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

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

151 act.

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

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

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

164 341.607 Reporting requirements; rulemaking.—

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

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

175 (3) A railroad company that transports liquefied natural

176 gas on the same tracks, or within the same rail corridor, used
177 by a high-speed passenger rail system within the state shall
178 submit an annual report to the department containing:

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

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

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

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

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

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

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

203 341.608 Minimum safety standards for high-speed passenger
204 rail systems.—

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

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

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

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

224 1. Detect false activations.

225 2. Detect other crossing signal malfunctions.

226 3. Notify the train dispatcher and railroad maintenance
 227 personnel whenever such a malfunction is detected.

228 (c) Construct and maintain fencing in accordance with s.
 229 341.611.

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

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

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

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

241 3. Median arrangements.

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

244 341.609 Maintenance and repair of roadbeds, tracks,
 245 culverts, and certain streets and sidewalks.—

246 (1) If the railroad company that constructs or operates a
 247 high-speed passenger rail system is required to install safety
 248 improvements that modify the width of a roadbed, the company is
 249 responsible for ensuring that the impacted roadbed meets the
 250 department's transition requirements as set forth in the most

251 recent edition of the department's Design Standards and the
252 Manual of Uniform Minimum Standards for Design, Construction and
253 Maintenance for Streets and Highways.

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

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

260 341.6101 Safety inspections and inspectors.—

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

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

275 Section 11. Section 341.611, Florida Statutes, is created

276 to read:

277 341.611 Fencing and separation requirements to protect the
278 public.-

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

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

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

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

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

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

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

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

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

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

319 341.613 Severability.—If any provision of this act or its
320 application to any person or circumstance is held invalid, the
321 invalidity does not affect other provisions or applications of
322 this act which can be given effect without the invalid provision
323 or application, and to this end the provisions of this act are
324 severable.

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