

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1482

INTRODUCER: Senator Young

SUBJECT: Motor Vehicles and Railroad Trains

DATE: February 5, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	Favorable
2.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1482 specifies that for the purposes of ch. 316, F.S., the Florida Uniform Traffic Control Law:

- A railroad train is not considered a vehicle or motor vehicle; and
- A railroad train engineer operating a railroad train is not considered a driver or an operator.

The bill also amends s. 316.068, F.S., which relates to forms for motor vehicle crashes, to specify that a member of a railroad train crew or a passenger on a railroad train is not considered a passenger for purposes of that statute. The insertion of the new language into the statute may emphasize to accident investigators that they are not required to gather information from every passenger on a train that is involved in a motor vehicle crash.

II. Present Situation:

Overview

Within 10 days after a serious motor vehicle crash, the statutes require a report to be filed with the Department of Highway Safety and Motor Vehicles (DHSMV). This report must include, among other things, the name, address, and insurance information of every passenger and the name and address of every witness. In the case of a motor vehicle crash involving a train, the statutes can be read to include every person on the train as a “passenger” and “witness” for the purposes of the report. Accordingly, initial investigations of these incidents can take many hours, while every passenger on the train is required to remain at the scene.

The Florida Uniform Traffic Control Law

The Florida Uniform Traffic Control Law, ch. 316, F.S., is intended “to make uniform traffic laws to apply throughout the state.”¹ Section 316.003, F.S., defines terms used throughout the chapter.

Section 316.003(61), F.S., defines “railroad train” as “a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar.” “Motor vehicle” is defined to exclude a vehicle that is “operated upon rails or guideway.” Similarly, “vehicle” is defined to exclude a devices “used exclusively upon stationary rails or tracks.” Additionally, the terms “driver”² and “operator”³ are defined as any person in actual physical control of a vehicle or motor vehicle on the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Crash Reports

Law enforcement personnel must complete a report of each motor vehicle crash and provide it to the Department of Highway Safety and Motor Vehicles (DHSMV). This report must include the following information:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers in the vehicles involved;
- The names and addresses of any witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.⁴

A traffic crash report form must be completed and submitted to the DHSMV in the event of a traffic crash involving a motor vehicle.⁵ A train is not considered a motor vehicle for purposes of a crash report.⁶ According to the DHSMV, a Florida Traffic Crash Report is only completed in a train crash if the crash also involves a motor vehicle.⁷ However, the DHSMV does not specify whether the report needs to include information regarding the train and its occupants. For example, the DHSMV does not specify whether the people who were riding the train are considered “passengers” for the purpose of the report, or whether every train passenger is considered a “witness.”

¹ Section 316.002, F.S.

² Section 316.003(19), F.S.

³ Section 316.003(46), F.S.

⁴ See ss. 316.066(1) and 316.068, F.S.

⁵ Section 316.066(1)(a), F.S.

⁶ See DHSMV, *Uniform Traffic Crash Report Manual* (December 2017), available at <https://www.flhsmv.gov/dcl/ecrash/CrashManualComplete.pdf> at p. 97 (last visited Jan. 31, 2018) and s. 316.003(40), F.S.

⁷ DHSMV, *Frequently Asked Questions Related to CRASH Reports*, available at <https://www.flhsmv.gov/dcl/ecrash/Crash-FAQ.pdf> at 12 (last visited Jan. 31, 2018).

Railroad Train Accident Reports

Florida law does not address railroad company reporting requirements related to accident reports. However, federal regulations generally require railroad companies to submit a monthly report to the Federal Railroad Authority (FRA) of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents; and
- Death, injury, or occupational illness.⁸

In addition, each railroad must immediately report certain types of accidents or incidents by calling the National Response Center.⁹ The FRA or the National Transportation Safety Board may choose to investigate such train accidents or incidents.¹⁰

III. Effect of Proposed Changes:

The bill specifies that for the purposes of ch. 316, F.S., the Florida Uniform Traffic Control Law:

- A railroad train is not considered a vehicle or motor vehicle; and
- A railroad train engineer operating a railroad train is not considered a driver or an operator.

The bill also amends s. 316.068, F.S., which relates to forms for motor vehicle crashes, to specify that a member of a railroad train crew or a passenger on a railroad train is not considered a passenger for purposes of that statute.

Together, these changes emphasize that accident investigators who are investigating an accident involving a railroad train are not required to collect the names and addresses of every passenger on the train.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ 49 C.F.R. §§ 225.11 and 225.19.

⁹ 49 C.F.R. § 225.9.

¹⁰ See FRA, *FRA Investigations of Railroad Accidents*, <https://www.fra.dot.gov/Page/P0474> and NTSB, *The Investigative Process*, <https://www.ntsb.gov/investigations/process/Pages/default.aspx> (last visited Jan. 31, 2018).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may positively impact railroad train companies and their operations if all crew members and passengers of the train are not required to be interviewed in the event of a motor vehicle crash involving a train.

C. Government Sector Impact:

The bill may have a positive fiscal impact on government personnel involved in the investigation of motor vehicles accidents that involve trains. These persons will no longer need to get the name and address of each person on the train, unless these persons are still considered witnesses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill appears intended to stop investigations of motor vehicle crashes involving trains from being protracted because of a misreading of the law. However, under the bill, the law could still be read to require the investigating agency to record and report the name and address of every train passenger if the agency considers these people to be “witnesses.”

The bill amends s. 316.068, F.S., to specify that a “member of a railroad train crew or a passenger on a railroad train is not a passenger for purposes of this section.” A similar provision may be warranted in s. 316.066, F.S., which sets forth the reporting requirements for law enforcement agencies investigating motor vehicle crashes, including those involving trains.

Alternatively, the Legislature may wish to create a new statute that exclusively governs the investigations of accidents involving a train. In that statute, the Legislature could expressly state that only the material witnesses to the cause of accident need to be identified during an accident investigation.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003 and 316.068.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
