

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 Transportation

BILL: SB 1482

INTRODUCER: Senator Young

SUBJECT: Motor Vehicles and Railroad Trains

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			JU	
3.			RC	

I. Summary:

SB 1482 clarifies that for the purposes of the Florida Uniform Traffic Control Law:

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

In addition, the bill provides that a member of a railroad crew or a passenger on a railroad train is not considered a passenger for purposes of Florida’s crash report forms.

The bill takes effect July 1, 2018.

II. Present Situation:

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.” For purposes of this chapter, the terms “motor vehicle”² and “vehicle”³ exclude a vehicle operated upon rails. Additionally, the terms “driver”⁴ and “operator”⁵ 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.

¹ Section 316.002, F.S.

² Section 316.003(40), F.S.

³ Section 316.003(97), F.S.

⁴ Section 316.003(19), F.S.

⁵ Section 316.003(46), F.S.

Crash Report Forms

The Department of Highway Safety and Motor Vehicles (DHSMV) must prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for crash reports. The form must contain detailed information on the cause and conditions and the persons and vehicles involved in a crash. Every crash report form must contain the policy numbers of liability insurance and the names of carriers covering any vehicle involved in a crash. The crash report form must contain:

- 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.⁶

A traffic crash report form must be completed and submitted to the DHSMV in the event of a traffic crash involving a motor vehicle.⁷ A train is not considered a motor vehicle for purposes of a crash report.⁸ According to the DSHMV, a Florida Traffic Crash Report is only completed in a train crash if the crash involves a train and a motor vehicle.⁹

Railroad Train Accident Reports

Florida law does not currently address railroad company reporting requirements related to accident reports. With certain exceptions, railroad companies are required to submit to the Federal Railroad Authority (FRA) a monthly report of all railroad accidents or incidents that are:

- Highway-rail grade crossing accidents;
- Rail equipment accidents; and
- Death, injury, or occupational illness.¹⁰

In addition, each railroad must immediately report certain types of accidents or incidents by calling the National Response Center.¹¹ The FRA or the National Transportation Safety Board (NTSB) may choose to investigate such train accidents or incidents.¹²

⁶ Section 316.068, F.S.

⁷ Section 316.066(1)(a), F.S.

⁸ See DHSMV, *Uniform Traffic Crash Report Manual* (December 2017), available at <https://www.flhsmv.gov/ddl/ecrash/CrashManualComplete.pdf> at p. 97 (last visited Jan. 22, 2018) and s. 316.003(40), F.S.

⁹ DHSMV, *Frequently Asked Questions Related to CRASH Reports*, available at <https://www.flhsmv.gov/ddl/ecrash/Crash-FAQ.pdf> at 12 (last visited Jan. 22, 2018).

¹⁰ 49 C.F.R. 225.11 and 225.19

¹¹ 49 C.F.R. 225.9

¹² 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. 23, 2018).

III. Effect of Proposed Changes:

The bill amends s. 316.003, F.S., to clarify 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., to provide that a member of a railroad train crew or a passenger on a railroad train is not considered a passenger for purposes of Florida's crash report forms.

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.

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 does not appear to have a fiscal impact on state or local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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.
