

By the Committee on Infrastructure and Security; and Senator
Mayfield

596-02444-20

2020676c1

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.; defining terms; creating s.
5 341.603, F.S.; providing legislative intent; creating
6 s. 341.604, F.S.; providing applicability; creating s.
7 341.605, F.S.; requiring the Department of
8 Transportation to regulate railroad companies when
9 that authority is not federally preempted; requiring
10 the department to obtain information necessary to
11 perform its duties; requiring the department to keep
12 certain records; requiring the department to adopt
13 rules; providing requirements for such rules;
14 authorizing the department to impose administrative
15 penalties; creating s. 341.606, F.S.; requiring the
16 Division of Emergency Management to offer accident
17 response training to certain local communities and
18 local agencies under certain circumstances; creating
19 s. 341.607, F.S.; requiring certain railroad companies
20 to furnish copies of federal accident reports to the
21 department; requiring the department to annually
22 publish certain information on its website; requiring
23 railroad companies that transport liquefied natural
24 gas on or within certain tracks or corridors to submit
25 an annual report to the department containing
26 specified information; prohibiting the use of reported
27 information for the purpose of economically regulating
28 railroad companies; requiring the department, in
29 coordination with the Federal Railroad Administration

596-02444-20

2020676c1

30 and other necessary entities, to adopt certain
31 criteria by rule; creating s. 341.608, F.S.; requiring
32 certain railroad companies to comply with federal law
33 and certain regulations; creating s. 341.609, F.S.;
34 providing that certain railroad companies are
35 responsible for ensuring that impacted roadbeds meet
36 specified transition requirements under certain
37 circumstances; providing construction; creating s.
38 341.6101, F.S.; requiring the department's railroad
39 inspectors, in accordance with a specified program, to
40 meet certain certification requirements and to
41 coordinate their activities with those of federal
42 inspectors in this state in compliance with certain
43 federal regulations; requiring the department's
44 inspectors to report the results of their inspections
45 to the department, subject to certain requirements,
46 unless the results are confidential under state or
47 federal law; requiring the department to make the
48 reports available on its website; creating s. 341.611,
49 F.S.; providing severability; providing for
50 retroactive application; providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Section 341.601, Florida Statutes, is created to
55 read:

56 341.601 Short title.—Sections 341.601-341.611 may be cited
57 as the "Florida High-Speed Passenger Rail Safety Act."

58 Section 2. Section 341.602, Florida Statutes, is created to

596-02444-20

2020676c1

59 read:

60 341.602 Definitions.—As used in ss. 341.601-341.611, the
61 term:

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

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

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

68 (4) "Hazardous materials" includes all materials, wastes,
69 or substances designated or defined as hazardous by 49 C.F.R.
70 parts 100-199 and their implementing regulations, by 42 U.S.C.
71 s. 9601, or in any state law, rule, or program that regulates
72 the handling or transporting of such materials, wastes, or
73 substances.

74 (5) "High-speed passenger rail system" means any intrastate
75 passenger rail system that operates or proposes to operate its
76 passenger trains at a maximum speed in excess of 80 miles per
77 hour.

78 (6) "Public railroad-highway grade crossing" means a
79 location at which a railroad track is crossed at grade by a
80 public road.

81 (7) "Rail corridor" means a linear, continuous strip of
82 real property that is used for rail service. The term includes
83 the corridor and structures essential to railroad operations,
84 including the land, buildings, improvements, rights-of-way,
85 easements, rail lines, roadbeds, guideway structures, switches,
86 yards, parking facilities, power relays, switching houses, rail
87 stations, any ancillary developments, and any other facilities

596-02444-20

2020676c1

88 or equipment used for the purposes of construction, operation,
89 or maintenance of a railroad that provides rail service.

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

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

96 (b) A freight railroad carrier.

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

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

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

105 341.603 Legislative intent.—It is the intent of the
106 Legislature to:

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

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

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

115 341.604 Applicability.—This act applies to any railroad
116 company that operates a high-speed passenger rail system and any

596-02444-20

2020676c1

117 railroad company that allows a high-speed passenger rail system
118 to operate on or within its rail corridor.

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

121 341.605 Powers and duties of the department; rules.-

122 (1) To the extent that such authority is not preempted by
123 federal law or regulation, the department shall:

124 (a) Regulate railroad companies in this state.

125 (b) Obtain from any party all necessary information to
126 enable it to perform its duties and carry out the requirements
127 of this act.

128 (c) Keep a record of its findings, decisions, and
129 determinations made, and investigations conducted, under this
130 act.

131 (d) Adopt rules by January 1, 2021, to administer this act.

132 Such rules must include minimum standards or criteria for:

133 1. Public railroad-highway grade crossing design,
134 including, but not limited to, installation of appropriate
135 safety equipment, such as remote health monitoring and traffic
136 signal preemption systems;

137 2. Implementation of sealed corridors and of safety
138 measures to be used at sealed corridors;

139 3. Installation or realignment of crossing gates at
140 severely skewed, acute-angled public railroad-highway grade
141 crossings along the rail corridor; and

142 4. Field surveys of the rail corridor to be conducted for
143 the purpose of identifying areas where fencing is necessary to
144 protect the health, safety, and welfare of the public,
145 including, but not limited to, minimum requirements for

596-02444-20

2020676c1

146 construction and materials.

147 (2) The department may impose on a railroad company an
148 administrative penalty not exceeding \$10,000 for each violation
149 of the rules adopted by the department as provided in this
150 section. Each violation constitutes a separate violation.

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

153 341.606 Training for local communities and local agencies.-
154 If a high-speed passenger rail system operates on a rail
155 corridor or on a set of tracks which is also used to transport
156 hazardous materials, the Division of Emergency Management must
157 offer the local communities and local agencies located along the
158 rail corridor training specifically designed to help them
159 respond to an accident involving rail passengers or hazardous
160 materials.

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

163 341.607 Reporting requirements; rulemaking.-

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

168 (2) The department shall annually publish on its website a
169 compendium of the reports that include any fatalities, injuries,
170 or accidents during the reporting timeframe which occurred
171 within a rail corridor where a high-speed passenger rail system
172 operates, unless notified by the Federal Government that the
173 compendium is inconsistent with federal requirements.

174 (3) A railroad company that transports liquefied natural

596-02444-20

2020676c1

175 gas on the same tracks, or within the same rail corridor, used
176 by a high-speed passenger rail system within this state shall
177 submit an annual report to the department containing the size of
178 the average and largest liquefied natural gas train, as measured
179 in metric tons, operated in this state by the railroad company
180 in the previous calendar year.

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

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

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

191 341.608 Minimum safety standards for high-speed passenger
192 rail systems.—In addition to complying with federal law, Federal
193 Railroad Administration regulations, and other applicable
194 federal regulations, a railroad company operating a high-speed
195 passenger rail system shall comply with the rules adopted by the
196 department pursuant to s. 341.605.

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

199 341.609 Maintenance and repair of roadbeds, tracks,
200 culverts, and certain streets and sidewalks.—

201 (1) If the railroad company that constructs or operates a
202 high-speed passenger rail system is required to install safety
203 improvements that modify the width of a roadbed, the company is

596-02444-20

2020676c1

204 responsible for ensuring that the impacted roadbed meets the
205 department's transition requirements as set forth in the most
206 recent edition of the department's Design Standards and the
207 Manual of Uniform Minimum Standards for Design, Construction,
208 and Maintenance for Streets and Highways.

209 (2) This section may not be construed to impair any
210 existing contractual agreements between a railroad company
211 operating a high-speed passenger rail system and a governmental
212 entity within the state.

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

215 341.6101 Safety inspections and inspectors.—

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

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

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

232 341.611 Severability.—If any provision of this act or its

596-02444-20

2020676c1

233 application to any person or circumstance is held invalid, the
234 invalidity does not affect other provisions or applications of
235 this act which can be given effect without the invalid provision
236 or application, and to this end, the provisions of this act are
237 severable.

238 Section 12. Sections 341.601-341.611 are remedial in nature
239 and shall apply retroactively.

240 Section 13. This act shall take effect July 1, 2020.