

TERMS

Applicant is any person, group, railroad, governmental entity or neighborhood association.

Application is a Railroad Grade Crossing Application Form 725-090-66 to open or close a public at-grade crossing.

Public railroad-highway grade crossing is a location at which a railroad track is crossed at grade by a public road.

Stipulation of Parties is a voluntary agreement between FDOT, a railroad, a governmental entity and other parties. The stipulation establishes the responsibilities and actions of each party and permits the opening or closure.

Notice of Intent is FDOT's recommendation to permit or deny the applicant's request. It is based upon an analysis of the request and Rule 14-57.012, Florida Administrative Code criteria, impacts and relevant facts.

Administrative Hearing is a hearing based on Section 120, Florida Statutes, in which an administrative law judge hears testimony and argument on all issues involved.

Recommended Order is entered by the administrative law judge, following the hearing, which supports or denies the opening or closure.

Final Order is issued by the FDOT Secretary. It may be an adoption of the Recommended Order or may overrule the order, authorizing or denying the applicant's request.

Department-Owned Active Rail Corridor means a Department-owned lineal property acquired from a railroad that is operational for the use of rail transportation, such as the South Florida Rail Corridor (Tri-Rail) and the Central Florida Rail Corridor (SunRail). To enhance transportation facilities and services, and protect the safety of the traveling public, the Department prohibits all new at-grade rail crossings on Department-owned active rail corridors.

STAKEHOLDERS

- State Government Agencies
- City/County Planning Departments
- City/County Traffic Operations
- Municipal Planning Organizations
- Railroad Companies
- Neighborhood Organizations
- Industrial Parks
- Design Consultants and Developers



For more information on the FDOT Public Railroad-Highway Crossings Opening and Closure Program

**Florida Department of Transportation
Freight & Rail Office (FRO)**

Location: 605 Suwannee Street, Mail Station 25
Tallahassee, FL 32399-0450

Phone: 850-414-4528

Fax: 850-414-4508

Email: ocp@dot.state.fl.us

For applications:
www.fdot.gov/rail/programs/opening-closure



Florida Administrative Code (F.A.C.)
14-57.012
**FLORIDA
PUBLIC RAILROAD
CROSSINGS
OPENING & CLOSURE
PROGRAM**



The Florida Department of Transportation (FDOT) has regulatory authority over all public railroad-highway grade crossings in the state, including the authority to issue permits which shall be required prior to the opening and closing of such crossings.

(based on 335.141, Florida Statutes)



FACTS

Applications for a public rail grade crossing opening can only be submitted by:

- A government body entity that has jurisdiction over the public street or highway.
- Railroads operating trains through the crossing

Applications for a public rail grade crossing closure can only be submitted by:

- Jurisdictional governments
- Railroads
- Individuals or neighborhood organizations that may be impacted by the closure

In considering an application for a crossing permit, the following criteria will apply:

- Safety
- Necessity for rail and vehicle traffic
- Alternate routes
- Effect on rail operations and expenses
- Closure of one or more public railroad-highway crossing to offset opening a new crossing
- Design of the grade crossing and road approaches
- Presence of multiple tracks and their effect upon railroad and highway operations
- When the estimated highway traffic is 30,000 vehicles or more a day across main line tracks, an engineering and benefit-cost analysis must be performed by the applicant to determine if a grade separation is warranted

Costs:

The expense of crossing closures or openings will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

Rail Corridor Crossing Permits:

New rail corridor crossing permits for public or private roadways are prohibited on active rail corridors. The issuance of a rail corridor crossing permit on a Department-owned inactive rail corridor does not create a property right or vested interest in a rail corridor crossing and such permit is revocable in accordance with the provisions of Rule Chapter 14-57. Potential applicants are encouraged to contact the Department Central Rail Office to inquire as to the feasibility of a proposed rail corridor crossing before submitting an application.

STEPS After Submitting Application:

- 1 FDOT reviews the application to ensure that all necessary information is provided and the crossing is a public, at-grade rail crossing.
- 2 FDOT acknowledges receipt and seeks a response to the application from all affected parties.
- 3 If the application meets Rule 14-57.012, Florida Administrative Code criteria, and is agreed upon by all parties, FDOT will draft a Stipulation of Parties. This agreement outlines each party's responsibilities. The execution of the Stipulation of Parties serves as a Final Order and permit to open or close the crossing.
- 4 Following the execution of the Stipulation of Parties, a Crossing Inventory Form is submitted to the Federal Railroad Administration and crossing data is entered into the FDOT Railroad Highway Crossing Inventory.
- 5 If the parties cannot agree through a Stipulation of Parties, FDOT will issue a Notice of Intent to permit or deny the opening or closure of the crossing.
- 6 The Notice of Administrative Hearing Rights is submitted to all parties with the Notice of Intent, allowing 21 days in which to request an administrative hearing.
- 7 Acceptance of the Notice of Intent by all parties, or failure to file a request for a hearing in accordance with Chapter 120.57, Florida Statutes, by the petitioning party will result in the execution and distribution of a Final Order by FDOT.
- 8 If an administrative hearing is requested within 21 days, FDOT will refer the petition to the Division of Administrative Hearings for scheduling.
- 9 An Administrative Law Judge conducts a hearing and issues a Recommended Order.
- 10 A Final Order is then executed by the FDOT Secretary.
- 11 Following completion of the opening or closure, the Freight and Rail Office (FRO) will inspect the site for compliance with Department's standards.
- 12 Following project completion, a US DOT Crossing Inventory Form is created by the FRO and submitted to the Federal Railroad Administration. Crossing data is entered into the Department *RHCI by FRO and the District Rail Coordinator is notified of an update.

*Rail Highway Crossing Inventory (RHCI)