

14-57.012 Public Railroad-Highway Grade Crossings – Opening and Closure.

(1) Purpose. To establish standards for the opening and closing of public railroad-highway grade crossings. The objectives of these uniform standards will be to reduce the accident/incident frequency and severity at public railroad-highway grade crossings, and improve rail and motor vehicle operating efficiency.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; or any other applicant that has an agreement with a governmental entity to assume jurisdiction as a public crossing. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening and closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, Final Orders of the Department following administrative hearings conducted pursuant to Chapter 120, F.S., or upon a Stipulation of Parties. The burden of proof for the opening or closing of a crossing is on the applicant. A Final Order or a Stipulation of Parties concludes the application process. If the preliminary review of the application does not support the crossing opening or closure, or the application does not demonstrate a material change of circumstances has occurred at the crossing since the execution of a Final Order or a Stipulation of Parties, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location will be notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties. Unless otherwise provided in the Stipulation of Parties or Final Order, if a permitted public railroad-highway grade crossing has not been installed, inspected, approved, and opened for transportation within five (5) years of the date of execution of the Stipulation of Parties or issuance of the Final Order, the permit will be deemed expired. The expiration of the permit to open a new public crossing does not restrict the applicant from submitting future applications for the subject public railroad-highway grade crossing or other public railroad-highway grade crossing openings or closures.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-highway grade crossings to offset opening a new crossing.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.
8. 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.

(b) Conversion of Crossings. Conversion of private railroad-highway grade crossings to public use constitutes opening a new public crossing, and shall meet the same requirements.

(c) Active grade crossing traffic control devices meeting the criteria set forth in Rule 14-57.013, F.A.C., are required at all new public railroad-highway grade crossings.

(d) Closure of Public Railroad-Highway Grade Crossings. In considering an application to close a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Excessive restriction to emergency type vehicles resulting from closure.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

(e) Closure of Public Railroad-Highway Grade Crossings by the Department. The Department will initiate and maintain a crossing consolidation and closure program based on analysis of engineering and safety factors, and impact on operating efficiency to vehicle and rail traffic. Governmental entities will be notified of potential closures for review and recommendation. Closures by the Department will be considered based upon following:

1. Systems or Corridor Approach. Review of crossings on a specific corridor by railroads, cooperative teams (railroads, state, governmental entity), or state rail personnel, to determine redundant or unused crossings that are viable candidates for closure.
2. Diagnostic Team Safety Review. Diagnostic teams review and recommend crossing candidates for closure on a rail corridor, based on overall safety index, specific hazards, or response to a serious accident(s)/incident(s).
3. Rail Changes, Construction, or Improvement Impacts. Crossing closure candidates may result from track rehabilitation, new highway or railroad construction, adjacent crossing improvements or signalization, and changes in passenger or freight service.
4. Individual Recommendations: Recommendations for closure may be submitted by federal or state Safety Inspectors, Operation Lifesaver volunteers, Railroad Safety Committees, neighborhood associations, or other persons.

Rulemaking Authority 334.044(2) FS. Law Implemented 335.141, 341.302(10) FS. History--New 3-16-03, Amended 11-13-06, 10-9-11, 7-30-13.