

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1549

By: Representative Christiansen

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING RAILROAD  
EMPLOYEES; TO CLARIFY THE IDENTIFICATION REQUIRED OF  
A RAILROAD EMPLOYEE INVOLVED IN A RAILROAD ACCIDENT  
OR INCIDENT; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING RAILROAD  
EMPLOYEES; TO CLARIFY THE IDENTIFICATION  
REQUIRED OF A RAILROAD EMPLOYEE INVOLVED  
IN A RAILROAD ACCIDENT OR INCIDENT; AND  
TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 23, Chapter 12, Subchapter 5, is amended to add an additional section to read as follows:

23-12-514. Standard employee identification requirements – Findings – Definitions.

(a) The General Assembly finds that:

(1) The services provided by railroads are essential to the functionality of the state;

(2) The legislature is obligated to provide standard identification requirements for railroad employees involved in a railroad accident or incident;

(3) The Railway Safety Improvement Act of 2008, Pub. L. No. 110-432 mandated Federal Railroad Administration Certification for railroad



employees; and

(4) Providing standard identification requirements facilitates the investigation of railroad accidents or incidents for the investigating law enforcement officers or other safety officers.

(b) As used in this section:

(1) "Federal Railroad Administration-certified conductor" means a conductor, switchman, brakeman, trainman, or fireman licensed and certified by the Federal Railroad Administration;

(2) "Federal Railroad Administration-certified engineer" means an engineer licensed and certified by the Federal Railroad Administration;

(3) "Railroad accident or incident" means a collision or impact that:

(A) Occurs as a consequence to the flow of pedestrians, motor vehicles, or animals along the railroad system in the state; and

(B) Results in death, injury or property damage; and

(4) "Railroad manager" means a railroad employee overseeing and assisting in the operation of railroad transit.

(c)(1) Except as provided in subdivision (c)(2) of this section, a railroad employee involved in a railroad accident or incident shall not be required to present his or her driver's license for identification purposes to a law enforcement officer or other safety officer investigating the railroad accident or incident.

(2) In lieu of a driver's license under subdivision (c)(1) of this section, Federal Railroad Administration certification may be presented to a law enforcement officer or other safety officer by a:

(A) Federal Railroad Administration-certified conductor;

(B) Federal Railroad Administration-certified engineer; or

(C) Railroad manager.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that railroad employees and safe and effective railroad management are essential to the day-to-day railroad transit operations of the state; that the Railway Safety Improvement Act of 2008, Pub. L. No. 110-432 mandated Federal Railroad Administration Certification for railroad employees; that using the Federal Railroad Administration certification as the standard identification required for any

accidents or incidents involving railroads eliminates misinterpretations and sets both a standard for identification and understanding between law enforcement officers and other safety officers with railroad employees and members of railroad management; and that this act will convey how highly the State of Arkansas values its transportation infrastructure. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

**APPROVED: 3/14/19**