

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/19/21
A Bill

SENATE BILL 478

By: Senators C. Tucker, B. Sample
By: Representative M. McElroy

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
IMPLEMENT RAILROAD SAFETY MEASURES DURING A NATIONAL
PANDEMIC; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
IMPLEMENT RAILROAD SAFETY MEASURES DURING
A NATIONAL PANDEMIC; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

(1) The services provided by freight railroads are essential to the functionality of the state during a national pandemic; and

(2) It is necessary to grant the Department of Health jurisdiction of oversight to maintain safe working conditions for railroad employees and the citizens of Arkansas.

SECTION 2. Title 23, Chapter 12, Subchapter 1, is amended to add an additional section to read as follows:

23-12-106. National pandemic safety guideline enforcement – Definitions.

(a) As used in this section:



(1)(A) "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways within this state, including without limitation:

(i) Commuter railroad service or other short-haul railroad passenger service in a metropolitan area; or

(ii) High-speed ground transportation systems that connect metropolitan areas, without regard to whether those systems use new technologies not associated with traditional railroads.

(B) "Railroad" does not include rapid transit operations in a metropolitan area that are not connected to the general railroad system of transportation.

(b)(1) In the event of a national pandemic declared by the Centers for Disease Control and Prevention, a railroad operating in the state shall comply with the workplace guidelines provided by the Centers for Disease Control and Prevention.

(2) The Department of Health shall enforce the workplace guidelines provided by the Centers for Disease Control and Prevention under subdivision (b)(1) of this section.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that maintaining safe operating practices by railroad carriers is necessary for public safety and commerce efficiency; that allowing the Department of Health to enforce pandemic safety standards will ensure the safety of the citizens of this state by helping to alleviate and avoid consequences that can damage the state's infrastructure; and that this act conveys the importance of transportation infrastructure, uninterrupted commerce, and the state's duty to protect its citizens. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of 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.

/s/C. Tucker