

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 584

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO CREATE STANDARD REQUIREMENTS FOR PHYSICAL
MANIFEST DOCUMENTS REQUIRED TO BE KEPT BY A RAILROAD
TRAIN OPERATING ON A MAIN TRACK OR BRANCH LINE WITHIN
THE STATE; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE STANDARD REQUIREMENTS FOR
PHYSICAL MANIFEST DOCUMENTS REQUIRED TO
BE KEPT ON A RAILROAD TRAIN OPERATING ON
A MAIN TRACK OR BRANCH LINE WITHIN THE
STATE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) A railroad train operating without a physical manifest document exposes the public to unnecessary dangers and disruptions of commerce; and

(2) The intent of this act is to eliminate unnecessary dangers and disruptions of commerce imposed upon communities in and residents of Arkansas.

SECTION 2. Arkansas Code § 23-10-101 is amended to read as follows:

23-10-101. ~~Definition~~ Definitions.

As used in this act, ~~unless the context otherwise requires,~~



(1) "Branch line" means a secondary railroad line that branches off from a main line;

(2) "Main line" means a Class I railroad documented in current timetables filed as required under 49 C.F.R. § 217.7, as it existed on January 1, 2023, that:

(A) Transports five million (5,000,000) or more gross tons of railroad traffic a year; or

(B) Is used for regularly scheduled intercity or commuter railroad passenger service, or both, that does not include tourist, scenic, or historic railroad excursions;

(3) "Physical manifest document" means tangible paper documentation of railroad train and engine data;

(4) ~~"railroad"~~ "Railroad" or "railroad corporation" means all corporations, companies, or individuals owning or operating any railroad in this state whether as owner, contractor, lessee, mortgagee, trustee, assignee, or receiver; and

(5)(A) "Railroad train" means one (1) or more locomotives with or without cars, requiring an air brake test in accordance with 49 C.F.R. § 232, as it existed on January 1, 2023, or 49 C.F.R. § 238, as it existed on January 1, 2023, including without limitation:

(i) A single locomotive;

(ii) Multiple locomotives coupled together; or

(iii) One (1) or more locomotives coupled with one (1) or more cars.

(B) "Railroad train" does not include a locomotive or car during switching operations or when the operation of the locomotive or car is that of classifying and assembling cars within a railroad yard for the purpose of making or breaking up railroad trains.

SECTION 3. Arkansas Code Title 23, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

23-10-111. Required physical manifest document - Penalties - Negotiation.

(a) A railroad train shall not operate on a main line or branch line without at least one (1) copy of the railroad train's physical manifest document.

(b)(1) A person or a railroad corporation that violates this section is subject to a civil penalty of at least one thousand five hundred dollars (\$1,500) but not more than three thousand dollars (\$3,000) for each day that the violation persists.

(2) If the Director of State Highways and Transportation finds the violation to be grossly negligent or that a pattern of repeated violations has caused an imminent hazard of death or injury or has caused death or injury to an individual, the person or the railroad corporation that violates this subchapter is subject to a one-time fine of two hundred fifty thousand dollars (\$250,000).

(3) The civil penalties collected under subdivisions (b)(1) and (2) of this section shall be used by the Arkansas Department of Transportation for highway and infrastructure projects.

(c)(1) The director may negotiate the amount of the civil penalty under subsection (b) of this section.

(2) In determining the amount of a compromise, the director shall consider:

(A) The nature, circumstances, extent, and gravity of the violation;

(B) With respect to the violator, the degree of culpability, any history of violations, the ability to pay, and any effect on the ability to continue to do business; and

(C) Any other matters that law requires.

(d)(1) A penalty imposed under this section, if not promptly paid to the department, shall be referred to the Attorney General for collection in the judicial district in which the:

(A) Violation occurred;

(B) Railroad corporation has its principal executive office; or

(C) Person resides.

(2) A civil action under this subsection shall commence within three (3) years of the date of the violation.

(3) In a civil action proceeding under this subsection, a railroad corporation is deemed to know the acts of its railroad employees, railroad officers, and railroad agents.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that maintaining safe railroad operating practices is necessary for public safety and commercial efficiency; that maintaining proper documents onboard a railroad train operating within the state is necessary to ensure railroad train operation safety; that requiring a railroad train have a physical manifest document to provide to first responders in the case of an emergency is necessary for public safety; and that this act conveys the importance of transportation infrastructure, uninterrupted commerce, first responders, law enforcement, firefighters, 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 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.