

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 2005

By: Representative Hudson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING RAILROADS; TO
CREATE A LIMITATION ON THE LENGTH OF A TRAIN
OPERATING IN THIS STATE; TO CREATE A CIVIL PENALTY
FOR OPERATING A TRAIN OF EXCESSIVE LENGTH; TO DECLARE
AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING RAILROADS;
TO CREATE A LIMITATION ON THE LENGTH OF
A TRAIN OPERATING IN THIS STATE; TO
CREATE A RELATED PENALTY; AND TO DECLARE
AN EMERGENCY.

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

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

Subchapter 5 - Train Length

23-10-501. Legislative findings and intent.

(a) The General Assembly finds that trains of excessive length operating on a main line or branch line in this state expose the public to unnecessary danger and disruption of commerce.

(b) The General Assembly intends for this subchapter to create a requirement concerning train length that will eliminate disruptions of commerce and the danger imposed on communities and the general citizenry by trains of excessive length.



04/10/2025 9:10:20 AM ZRC136

23-10-502. Definitions.As used in this subchapter:

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

(2)(A) "Main line" means:

(i) A Class I railroad that is documented in current timetables filed by the Class I railroad with the Federal Railroad Administrator under 49 C.F.R. § 217.7, as it existed on January 1, 2025, over which five million (5,000,000) or more gross tons of railroad traffic is transported annually; or

(ii) A railroad used for regularly scheduled intercity or commuter rail passenger services.

(B) "Main line" does not include a railroad used for a tourist, scenic, historic, or excursion operation;

(3)(A) "Railroad" means nonhighway ground transportation that runs on rails or electromagnetic guideways in this state.

(B) "Railroad" includes without limitation a:

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

(ii) High-speed ground transportation system that connects metropolitan areas without regard to whether the high-speed ground transportation system uses new technologies not associated with traditional railroads.

(C) "Railroad" does not include a rapid transit operation in an urban area that is not connected to the general railroad system of transportation;

(4) "Railroad corporation" means a corporation, company, or individual that owns or operates a railroad in this state as an owner, lessee, mortgagee, trustee, assignee, or receiver;

(5)(A) "Train" means a locomotive, multiple locomotives coupled together, or one (1) or more locomotives coupled with one (1) or more cars that require an air brake test under 49 C.F.R. Part 232, as it existed on January 1, 2025, or 49 C.F.R. Part 238, as it existed on January 1, 2025.

(B) "Train" does not include:

(i) A locomotive or car during switching operations;

or

(ii) A locomotive or car that is operated to classify and assemble cars within a railroad yard for the purpose of making or breaking up trains; and

(6) "Train length" means the measurement of the total length of a train operating on a main line or a branch line within this state.

23-10-503. Train length – Penalty – Collection.

(a) A railroad corporation or an individual shall not run a train or permit a train to be run on any part of a main line or branch line that has a train length of eight thousand five hundred feet (8,500') or greater.

(b)(1)(A) A railroad corporation or an individual that violates this section is subject to a civil penalty of no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000) for each foot of train length over the limitation stated in subsection (a) of this section.

(B) A railroad corporation or an individual shall be subject to an additional civil penalty under subdivision (b)(1)(A) of this section for each day that the railroad corporation continues to operate a train in violation of subsection (a) of this section.

(2) A railroad corporation or an individual that violates subsection (a) of this section is subject to a one-time civil penalty of up to two hundred fifty thousand dollars (\$250,000) if the Director of State Highways and Transportation finds:

(A) The violation to be grossly negligent; or

(B) That a pattern of repeated violations has caused:

(i) An imminent hazard of death or injury to an individual; or

(ii) Death or injury to an individual.

(c) A civil penalty collected under this section shall be deposited into the Arkansas Department of Transportation Fund to be used for investment into the infrastructure of the state.

(d) The director shall determine the amount of a civil penalty imposed under subsection (b) of this section based on:

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

(2) With respect to the violator, the:

- (A) Degree of the violator's culpability;
- (B) Violator's history of violations;
- (C) Violator's ability to pay; and
- (D) Effect on the violator's ability to continue to do

business; and

- (3) Any other factors required by law.

(e)(1) The director shall refer a civil penalty assessed under this section to the Attorney General for collection of the civil penalty.

(2) After the Attorney General has received adequate information from the director to proceed with the collection of a civil penalty imposed under this section, the Attorney General shall bring a civil action to collect the amount of the civil penalty imposed under subsection (b) of this section in the district court of the county in which:

- (A) The violation occurred;
- (B) The defendant has its principal executive office, if the defendant is a railroad corporation; or
- (C) The defendant resides, if the defendant is an

individual.

(3) A civil action under this subsection shall be brought within three (3) years of the violation.

(4) In a proceeding under this subsection, a railroad corporation is deemed to have knowledge of the acts of its officers, agents, and employees.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that maintaining safe operating practices by railroads is essential to the day-to-day operations and commerce of this state; that maintaining sensible limitations on train length will ensure the safety of the residents of this state and help to alleviate and avoid the consequences of failing to maintain sensible limitations on train length that other states have suffered; that no industry may act irresponsibly by needlessly placing the desires of shareholders above the state, counties, and municipalities in which the industry operates; and that this act is immediately necessary because it demonstrates that this state values its transportation infrastructure, uninterrupted commerce, first responders, law enforcement, and firefighters and that the state will not

overlook the importance of the state's duty to protect its residents.
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.