

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Holland**

A Bill

ACT 399 OF 1993
HOUSE BILL 1431

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 12 OF TITLE
23 OF THE ARKANSAS CODE PERTAINING TO RAILROADS; AND FOR
OTHER PURPOSES."

Subtitle

"TO AMEND VARIOUS SECTIONS OF CHAPTER 12 OF TITLE 23 OF
THE ARKANSAS CODE PERTAINING TO RAILROADS."

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

SECTION 1. Arkansas Code 23-12-201 is amended to read as follows:

"23-12-201. Maintenance of right-of-way free from obstructions -
Penalty.

(a) All railroad corporations operating in this state shall maintain
their right-of-way at or around any railroad crossing of a public road or
highway free from grass, trees, bushes, shrubs, or other growing vegetation
which may obstruct the view of pedestrians and vehicle operators using the
public highways. The maintenance of the right-of-way shall be for a distance
of fifty (50) feet on each side of the centerline between the rails for the
maintenance width and for a distance of one hundred (100) yards on each side
of the centerline from the public road or highway for the maintenance length.

(b) Any railroad corporation failing or refusing to comply with the
provisions of this section shall be subject to a fine of not less than one
hundred dollars (\$100) nor more than five hundred dollars (\$500) for each
violation."

SECTION 2. Arkansas Code 23-12-301 is amended to read as follows:

"23-12-301. Railroad crossings to be under supervision of the Arkansas
Highway and Transportation Commission.

1 The Arkansas Highway and Transportation Commission shall have exclusive
2 power to:

3 (1) Determine and prescribe the manner, including the particular point,
4 of crossing and the terms of installation, operation, maintenance,
5 apportionment of expenses, use, and protection of each crossing of one
6 railroad by another railroad or street railroad by a railroad, so far as
7 applicable; and

8 (2) Alter or abolish any such crossing; and

9 (3) Require, where, in its judgment, it would be practical, a separation
10 of grades of any such crossing and prescribe the terms upon which the
11 separation shall be made and the proportions in which the expense of the
12 alteration or abolition of the crossings or the separation of the grades shall
13 be divided between the railroad or street railroad corporations affected or
14 between the corporations and the state, county, municipality, or other public
15 authority in interest."

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17 SECTION 3. Arkansas Code 23-12-411 is amended to read as follows:

18 "23-12-411. Warning boards required at crossings - Exception.

19 (a) Every railroad corporation in this state shall cause boards to be
20 placed, well-supported by posts or otherwise, and constantly maintained across
21 each public road or street where the public road or street is crossed by the
22 railroad on the same level.

23 (b) (1) The boards shall be elevated so as not to obstruct travel and
24 to be easily seen by travelers.

25 (2) On each side of the boards shall be printed, in capital
26 letters of at least the size of nine inches (9") each, the words, RAILROAD
27 CROSSING. (3) This section shall not apply to streets in cities or villages
28 unless the corporation is required to put up the boards by the officers having
29 charge of the streets."

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31 SECTION 4. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 5. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 6. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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APPROVED: 03-09-93

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