

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 747 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: S3/20/07

A Bill

HOUSE BILL 2346

5 By: Representative Wills  
6 By: Senator J. Taylor  
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9 **For An Act To Be Entitled**

10 AN ACT TO ESTABLISH PROCEDURES ALLOWING FOR THE  
11 DONATION OR SALE OF RIGHTS-OF-WAY OF RAIL LINES  
12 TO BE ABANDONED; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 THE RAIL ABANDONMENT ACT OF 2007.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 23, Chapter 12, Subchapter 2 is amended  
21 to add two (2) additional sections to read as follows:

22 23-12-206. Rail line abandonment process.

23 (a) After an operator of a railroad within the State of Arkansas has  
24 filed a notice of rail abandonment consistent with the Interstate Commerce  
25 Commission Termination Act of 1995 and notice of the proposed rail  
26 abandonment has been received by the Arkansas Economic Development  
27 Commission, the Arkansas Economic Development Commission shall be responsible  
28 for notifying appropriate entities of the proposed abandonment.

29 (b)(1) Within ten (10) working days of receipt of a notice to abandon  
30 a rail line by an operator of a railroad within the State of Arkansas, the  
31 Arkansas Economic Development Commission shall notify in writing:

32 (A) All regional mobility authorities and all regional  
33 intermodal authorities that are directly affected by the proposed rail line  
34 abandonment within their areas of jurisdiction; and

35 (B) If no regional mobility authorities or regional



1 intermodal authorities exist within the region to be affected by the proposed  
2 rail line abandonment, all mayors and county judges that are directly  
3 affected by the proposed rail line abandonment within their areas of  
4 jurisdiction.

5 (2) If there is an existing regional mobility authority or  
6 regional intermodal authority that is directly affected by a proposed rail  
7 line abandonment in their areas of jurisdiction, either or both of these  
8 authorities shall notify the Arkansas Economic Development Commission within  
9 ten (10) working days of the receipt of notice of the proposed rail line  
10 abandonment of their interest or lack of interest in obtaining or preserving  
11 the rail line proposed for abandonment.

12 (3) If there is no existing regional mobility authority or  
13 regional intermodal authority in the area proposed for rail line abandonment,  
14 the affected mayors and county judges within the area of the proposed rail  
15 line abandonment shall notify the Arkansas Economic Development Commission  
16 within ten (10) working days of the receipt of notice of the proposed rail  
17 line abandonment of:

18 (A) Their lack of interest in obtaining and preserving the  
19 rail line proposed for abandonment;

20 (B) Their interest in obtaining or preserving through  
21 existing resources the rail line proposed for abandonment; or

22 (C) Their interest in forming a new regional mobility  
23 authority or regional intermodal authority, part of whose purpose would be to  
24 obtain or preserve the rail line proposed for abandonment.

25 (4) If the mayors or county judges, or both, in the areas  
26 directly affected by the proposed rail line abandonment respond indicating  
27 their intention to form a new regional mobility authority or regional  
28 intermodal authority part of the purpose of which would be to obtain or  
29 preserve the rail line proposed for abandonment, the mayors or county judges  
30 are allowed not more than one hundred twenty (120) days from the notice of  
31 the proposed rail line abandonment to form a regional mobility authority or  
32 regional intermodal authority to obtain or preserve the rail line proposed  
33 for abandonment.

34 (5) Any costs associated with maintenance of the rail line  
35 proposed for abandonment shall be borne by the receiving party from the date  
36 of the notice of the proposed rail line abandonment until the ownership or

1 preservation of the abandoned rail line has been determined.

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3 23-12-207. Transfer of ownership or responsibility of railroad right-  
4 of-way.

5 (a) Any municipality, county, regional mobility authority, or regional  
6 intermodal authority may choose to operate or lease for operation any  
7 railroad right-of-way obtained or preserved from the abandonment of a rail  
8 line under § 23-12-206.

9 (b) Any municipality, county, regional mobility authority, or regional  
10 intermodal authority acquiring ownership of any railroad right-of-way  
11 obtained or preserved from the abandonment of a rail line under § 23-12-205  
12 shall be responsible for any maintenance of the abandoned rail line.

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16 /s/ Wills

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18 APPROVED: 3/30/2007