

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1549

5 By: Representative Christiansen
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING RAILROAD
9 EMPLOYEES; TO CLARIFY THE IDENTIFICATION REQUIRED OF
10 A RAILROAD EMPLOYEE INVOLVED IN A RAILROAD ACCIDENT
11 OR INCIDENT; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND THE LAW CONCERNING RAILROAD
16 EMPLOYEES; TO CLARIFY THE IDENTIFICATION
17 REQUIRED OF A RAILROAD EMPLOYEE INVOLVED
18 IN A RAILROAD ACCIDENT OR INCIDENT; AND
19 TO DECLARE AN EMERGENCY.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 23, Chapter 12, Subchapter 5, is
26 amended to add an additional section to read as follows:

27 23-12-514. Standard employee identification requirements – Findings –
28 Definitions.

29 (a) The General Assembly finds that:

30 (1) The services provided by railroads are essential to the
31 functionality of the state;

32 (2) The legislature is obligated to provide standard
33 identification requirements for railroad employees involved in a railroad
34 accident or incident;

35 (3) The Railway Safety Improvement Act of 2008, Pub. L. No.
36 110-432 mandated Federal Railroad Administration Certification for railroad



1 employees; and

2 (4) Providing standard identification requirements facilitates
 3 the investigation of railroad accidents or incidents for the investigating
 4 law enforcement officers or other safety officers.

5 (b) As used in this section:

6 (1) "Federal Railroad Administration-certified conductor" means
 7 a conductor, switchman, brakeman, trainman, or fireman licensed and certified
 8 by the Federal Railroad Administration;

9 (2) "Federal Railroad Administration-certified engineer" means
 10 an engineer licensed and certified by the Federal Railroad Administration;

11 (3) "Railroad accident or incident" means a collision or impact
 12 that:

13 (A) Occurs as a consequence to the flow of pedestrians,
 14 motor vehicles, or animals along the railroad system in the state; and

15 (B) Results in death, injury or property damage; and

16 (4) "Railroad manager" means a railroad employee overseeing and
 17 assisting in the operation of railroad transit.

18 (c)(1) Except as provided in subdivision (c)(2) of this section, a
 19 railroad employee involved in a railroad accident or incident shall not be
 20 required to present his or her driver's license for identification purposes
 21 to a law enforcement officer or other safety officer investigating the
 22 railroad accident or incident.

23 (2) In lieu of a driver's license under subdivision (c)(1) of
 24 this section, Federal Railroad Administration certification may be presented
 25 to a law enforcement officer or other safety officer by a:

26 (A) Federal Railroad Administration-certified conductor;

27 (B) Federal Railroad Administration-certified engineer; or

28 (C) Railroad manager.

29
 30 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 31 General Assembly of the State of Arkansas that railroad employees and safe
 32 and effective railroad management are essential to the day-to-day railroad
 33 transit operations of the state; that the Railway Safety Improvement Act of
 34 2008, Pub. L. No. 110-432 mandated Federal Railroad Administration
 35 Certification for railroad employees; that using the Federal Railroad
 36 Administration certification as the standard identification required for any

1 accidents or incidents involving railroads eliminates misinterpretations and
 2 sets both a standard for identification and understanding between law
 3 enforcement officers and other safety officers with railroad employees and
 4 members of railroad management; and that this act will convey how highly the
 5 State of Arkansas values its transportation infrastructure. Therefore, an
 6 emergency is declared to exist, and this act being immediately necessary for
 7 the preservation of the public peace, health, and safety shall become
 8 effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
 11 the expiration of the period of time during which the Governor may veto the
 12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
 14 overridden, the date the last house overrides the veto.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36