

INTERIM STUDY PROPOSAL 2021-112

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

**A Bill**

HOUSE BILL 1631

4 By: Representatives V. Flowers, Richardson, Jett, Godfrey, Ennett, Springer  
5 By: Senators L. Chesterfield, C. Tucker

6 Filed with: Arkansas Legislative Council  
7 pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

8 AN ACT TO REGULATE THE LENGTH OF RAILROAD TRAIN  
9 OPERATED ON A MAIN LINE OR BRANCH LINE; TO DECLARE AN  
10 EMERGENCY; AND FOR OTHER PURPOSES.

**Subtitle**

11 TO REGULATE THE LENGTH OF A RAILROAD  
12 TRAIN OPERATED ON A MAIN LINE OR BRANCH  
13 LINE; AND TO DECLARE AN EMERGENCY.

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

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24 SECTION 1. Arkansas Code Title 23, Chapter 12, is amended to add an  
25 additional subchapter to read as follows:

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27 Subchapter 11 – Railroad Train Operating Length

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29 23-12-1101. Legislative intent.

30 The General Assembly finds that:

31 (1) There are currently no regulations that specifically govern  
32 the length of railroad trains;

33 (2) Railroad companies across the country are increasing the  
34 length of their railroad trains as a way to reduce expenses;

1           (3) The Federal Railroad Administration and other federal  
2 agencies have investigated whether increasing the length of railroad trains  
3 is a safety risk;

4           (4) The operation on a main line or a branch line of a railroad  
5 train that is excessive in length exposes the public to unnecessary dangers  
6 and may cause disruptions of commerce; and

7           (5) The regulation of railroad train length is necessary for  
8 public safety.

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10       23-12-1102. Definitions.

11       As used in this subchapter:

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

14           (2) "Main line" means a Class I railroad documented in current  
15 timetables filed as required under 49 C.F.R. § 217.7, as it existed on  
16 January 1, 2021, that:

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

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

22           (3)(A) "Railroad" means a form of nonhighway ground  
23 transportation that runs on rails or electromagnetic guideways within this  
24 state, including without limitation:

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

27                           (ii) High-speed ground transportation systems that  
28 connect metropolitan areas, without regard to whether those systems use new  
29 technologies not associated with traditional railroads.

30                   (B) "Railroad" does not include rapid transit operations  
31 in a metropolitan area that are not connected to the general railroad system  
32 of transportation;

33           (4) "Railroad company" means any corporation, company, or  
34 individual that owns or operates any railroad in this state, whether as  
35 owner, contractor, lessee, mortgagee, trustee, assignee, or receiver, and  
36 their officers and agents; and

1           (5) "Railroad train" means one (1) or more locomotives with or  
2 without cars, requiring an air brake test in accordance with 49 C.F.R. § 232,  
3 as it existed on January 1, 2021, or 49 C.F.R. § 238, as it existed on  
4 January 1, 2021, including without limitation:

- 5                   (A) A single locomotive;  
6                   (B) Multiple locomotives coupled together; or  
7                   (C) One (1) or more locomotives coupled with one (1) or  
8 more cars.

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10           23-12-1103. Maximum railroad train length.

11           A railroad train operating on a main line or branch line shall not  
12 exceed eight thousand five hundred feet (8,500') in length.

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14           23-12-1104. Civil penalty – Negotiation.

15           (a) The Arkansas Department of Transportation may impose on a railroad  
16 company an administrative penalty of:

17                   (1) Not less than five hundred dollars (\$500) nor more than one  
18 thousand dollars (\$1,000) per foot over the maximum railroad train length  
19 authorized under § 23-12-1103; and

20                   (2) Not more than two hundred fifty thousand dollars (\$250,000)  
21 if a violation of § 23-12-1103 causes death or injury.

22           (b)(1) The amount of the administrative penalty under this section may  
23 be negotiated between the railroad company and the department.

24                   (2) In determining the amount agreed upon in negotiation, the  
25 Director of State Highways and Transportation may consider:

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

28                   (B) With respect to the violator:  
29                           (i) The degree of culpability;  
30                           (ii) Previous violations;  
31                           (iii) The ability to pay the penalty imposed; and  
32                           (iv) The ability to continue to do business if the  
33 penalty is imposed.

34           (c) The imposition of administrative penalties under this section be  
35 conducted under the Arkansas Administrative Procedure Act, § 25-15-201 et  
36 seq.

1           (d) The penalty collected under subsection (a) of this section shall  
2 be used by the department for highway and infrastructure projects.

3           (e) A penalty imposed under this section, if not promptly paid to the  
4 department, shall be referred to the Attorney General for collection in  
5 district court.

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7           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that maintaining safe railroad  
9 operating practices is necessary for public safety and commerce efficiency;  
10 that maintaining limitations on railroad train length will ensure the safety  
11 of the citizens of Arkansas; that a railroad company's desire to reduce costs  
12 is not more important than the safety of the public and railroad employees;  
13 and that this act conveys the importance of transportation infrastructure,  
14 uninterrupted commerce, and the state's duty to protect its citizens.  
15 Therefore, an emergency is declared to exist, and this act being immediately  
16 necessary for the preservation of the public peace, health, and safety shall  
17 become effective on:

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

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

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

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26 Referred by Representative V. Flowers

27 Prepared by: DTP/DTP