

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1103

"TO UPDATE THE REQUIREMENT FOR TRAINS TO SOUND A HORN AT RAILROAD
CROSSINGS AND TO ALLOW CERTAIN CITIES TO APPLY FOR A FEDERAL WAIVER."

Amendment No. 3 to House Bill No. 1103.

Amend House Bill No. 1103 as engrossed, H1/25/01:

Page 2. delete lines 6 through 10 and substitute the following:

(b)(1) However, a municipality may, by an ordinance referred to the electors and approved by a majority of the qualified electors voting on the issue in the municipality at a general election, prohibit the sounding of an audible warning device by a train at a railroad crossing equipped with sufficient safety features and traffic control devices to qualify for a waiver or an exemption by the Federal Railroad Administration under the federal Swift Rail Development Act of 1994, 49 U.S.C. § 20153.

(2) The ordinance shall set forth the form of the ballot question which shall include a statement of the purpose of the ordinance prohibiting the sounding of an audible warning device by a train at a railroad crossing.

(3) Notice of the election shall be given by the clerk of the municipality by one (1) publication in a newspaper having general circulation within the municipality or county not less than ten (10) days prior to the election.

(4) The ordinance referring the question to the electors shall be passed no later than fifty (50) before the next general election at which it is to subject to election.

(5) The mayor of the municipality shall proclaim the results of the election by issuing a proclamation and publishing it one (1) time in a newspaper having general circulation within the municipality or county.

(6)(A) The results of the election as stated in the proclamation shall be conclusive and the ordinance shall be effective thirty (30) days after the election, unless suit is filed in the circuit court in the county in which the municipality is located within thirty (30) days after the date of the election.

(B) No other action shall be maintained to challenge the validity of the ordinance unless suit is filed in circuit court within thirty (30) days after the date of the adoption of an ordinance by election."

AND

Page 2, line 11, delete "An ordinance" and substitute "In addition the requirements regarding the effectiveness of the ordinance under subdivision (b)(6) of this section, an ordinance"

The Amendment was read the first time, rules suspended and read the second time and _____

**By: Senator Wilkins
EN/VJF - 032920011641
VVF376**

Secretary