

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 866

TO PREVENT TRAINS FROM BLOCKING HIGHWAYS FOR EXTENDED PERIODS OF
TIME AND TO ENSURE THAT RAILROADS DO NOT INTERFERE WITH HIGHWAY
TRAFFIC.

Amendment No. 1 to Senate Bill No. 866

Amend Senate Bill No. 866 as originally introduced:

Page 1, line 8, delete "HIGHWAYS" and substitute "HIGHWAYS, ROADS, AND STREETS"

AND

Page 1, line 10, delete "TRAFFIC;" and substitute "TRAFFIC; TO DECLARE AN EMERGENCY;"

AND

Delete the subtitle in its entirety and substitute:

"TO PREVENT RAILROAD TRAINS FROM
BLOCKING HIGHWAYS, ROADS, AND STREETS
FOR EXTENDED PERIODS OF TIME; TO ENSURE
THAT RAILROAD TRAINS DO NOT INTERFERE
WITH HIGHWAY AND ROAD TRAFFIC; AND TO
DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 23-12-1007(a)(1), regarding the investigation and regulation of railroads, is amended to read as follows:
(a)(1) To properly exercise the exclusive jurisdiction conferred by this subchapter, the The State Highway Commission shall:
(A) make such Make investigations as that it deems necessary, or as requested by state, municipal, or county officials, to properly exercise the exclusive jurisdiction hereby conferred; and



~~(B) pursuant~~ Pursuant to required notice and hearing, shall promulgate all necessary orders or regulations concerning train operation, train movement, ~~permissible standing time for trains,~~ and all other related matters.

SECTION 2. Arkansas Code § 23-12-1007(b), regarding investigations and regulations, is repealed.

~~(b) Provided, unless and until the commission by order or regulation provides otherwise, it is unlawful for any corporation, company, or person owning or operating any railroad trains in the state to permit a standing train to obstruct any public highway, road, street, or other railroad crossing for more than ten (10) minutes.~~

SECTION 3. Arkansas Code § 23-12-1008(b), regarding unlawful delay and action on complaint, is repealed.

~~(b) After the initial ten minute period or such other period as may be prescribed by regulation of the commission, each ten minute period or other period as may be prescribed by regulation of the commission that the crossing is obstructed by a standing train shall constitute a separate offense, and penalties may be imposed accordingly.~~

SECTION 4. Arkansas Code Title 23, Chapter 12, Subchapter 10 is amended to add an additional section to read as follows:

23-12-1009. Maximum permissible standing time.

(a)(1) It is unlawful for a corporation, company, or person owning or operating a railroad train in this state to permit a standing railroad train to obstruct a public highway, road, street, or other railroad crossing for more than ten (10) minutes.

(2) After the initial ten-minute period, each ten-minute period that the railroad crossing is obstructed by a standing railroad train shall constitute a separate offense, and penalties may be imposed accordingly.

(b)(1) A certified law enforcement officer of a city, a town, a county, or the state may issue a citation to the owner or operator of the railroad train for a violation of this section.

(2) A certified law enforcement officer who issues a citation for a violation of this section may stop the railroad train to issue the citation to the railroad train crew who is responsible for the violation.

(c) A person who pleads guilty or nolo contendere to or is found guilty of violating this section is guilty of a violation, in addition to other penalties provided under law.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that roads are being blocked needlessly by stopped railroad trains; that this not only inconveniences road users but creates a public safety risk for the movement of emergency vehicles; and that this act is immediately necessary because unless there is a penalty, there is no incentive for railroad traffic not to obstruct roadways. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

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

By: Senator Fletcher
JSE/JSE - 03/15/11 01:26
JSE278

Secretary