

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. 2 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 Title 23, Chapter 12, Subchapter 10 is
amended to add an additional section to read as follows:

23-12-1009. Maximum permissible standing time – Intrastate railroad
trains.

(a)(1) It is unlawful for a corporation, company, or person owning a
railroad train engaged exclusively in intrastate transportation 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 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 shall serve the citation on the registered agent for service of process for the owner of the railroad train.

(c) The owner of the railroad train who pleads guilty or nolo contendere to or is found guilty of violating this section shall be fined one thousand dollars (\$1,000).

SECTION 2. 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 engaged exclusively in intrastate transportation; that this not only inconveniences road users but also 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 this type of railroad traffic to stop obstructing 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 - 03/21/11 12:33
JSE313

Secretary