

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2544

4
5 By: Representative Sumpter

For An Act To Be Entitled

6
7
8 AN ACT TO CREATE RAILROAD SAFETY ZONES; AND FOR
9 OTHER PURPOSES.
10

Subtitle

11
12 THE RAILROAD SAFETY ZONE ACT.
13
14
15

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

17
18 SECTION 1. Arkansas Code Title 23, Chapter 12 is amended to add an
19 additional subchapter to read as follows:

20 23-12-1101. Title.

21 This subchapter shall be known and may be cited as the "Railroad Safety
22 Zone Act".

23
24 23-12-1102. Definitions.

25 For the purposes of this subchapter:

26 (1)(A) "Railroad safety zone" means any area that meets the
27 following requirements:

28 (i) Is situated within five (5) miles of a hospital,
29 police station, or fire station; and

30 (ii) Has railroad tracks that, if in use, obstruct a
31 roadway upon which vehicular traffic flows to or from one (1) or more of the
32 following:

33 (a) A hospital;

34 (b) A police station; or

35 (c) A fire station.

36 (B) "Railroad safety zone" does not include an area that



1 meets the requirements of subdivision (1)(A) of this section if another
 2 roadway, underpass, overpass, or bridge for vehicular traffic is available
 3 and is the same distance or shorter than the roadway that may be obstructed
 4 by railroad traffic;

5 (2) "Roadway" means that portion of a street or highway
 6 improved, designed, or ordinarily used for motor vehicular travel; and

7 (3) "Street or highway" means the entire width between property
 8 lines of every way or place of whatever nature when any part is open to the
 9 use of the public, as a matter of right, for purposes of motor vehicular
 10 traffic.

11
 12 23-12-1103. Criminal liability.

13 (a) It is unlawful for railroad traffic to obstruct a roadway for more
 14 than five (5) minutes in a railroad safety zone, regardless of whether the
 15 railroad traffic is moving or stopped.

16 (b) Violation of this section shall be punished by a fine of not less
 17 than one hundred thousand dollars (\$100,000).

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

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

23 (d) The fines collected under this section shall be held by the
 24 collecting entity to be used exclusively for the construction of or
 25 improvement to roadways, underpasses, overpasses, or bridges that improve
 26 access for motor vehicular traffic to and from hospitals, police stations, or
 27 fire stations in the railroad safety zone in which the violation occurred.

28
 29 23-12-1104. Civil liability.

30 A violation of this subchapter that results in injury or death to a
 31 person or damage to property shall establish negligence as a matter of law,
 32 so that breach of duty is not a jury question, in any civil action brought
 33 against the owner or operator of the railroad engine.

34
 35 23-12-1105. Investigations – Regulations.

36 (a) The State Highway Commission shall investigate violations of this

1 subchapter.

2 (b) The commission shall promulgate rules necessary to implement the
3 requirements of this subchapter.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36