

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

HOUSE BILL 2346

By: Representative Wills

For An Act To Be Entitled

AN ACT TO ESTABLISH PROCEDURES ALLOWING FOR THE
DONATION OR SALE OF RIGHTS-OF-WAY OF RAIL LINES
TO BE ABANDONED; AND FOR OTHER PURPOSES.

Subtitle

THE RAIL ABANDONMENT ACT OF 2007.

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

SECTION 1. Arkansas Code Title 23, Chapter 12, Subchapter 2 is amended to add two (2) additional sections to read as follows:

23-12-206. Rail line abandonment process.

(a) Any operator of a railroad within the State of Arkansas that wishes to abandon all or part of an existing rail line within the state shall notify the Research and Planning Section Chief at the Arkansas State Highway and Transportation Department of its intent to abandon an existing rail line within one hundred eighty (180) days of the proposed abandonment.

(b)(1) Within ten (10) working days of receipt of a notice to abandon a rail line by an operator of a railroad within the State of Arkansas, the Arkansas State Highway and Transportation Department shall notify in writing:

(A) All regional mobility authorities and all regional intermodal authorities that are directly affected by the proposed rail line abandonment within their areas of jurisdiction; and

(B) If no regional mobility authorities or regional intermodal authorities exist within the region to be affected by the proposed rail line abandonment, all mayors and county judges that are directly affected by the proposed rail line abandonment within their areas of



1 jurisdiction.

2 (2) If there is an existing regional mobility authority or
3 regional intermodal authority that is directly affected by a proposed rail
4 line abandonment in their areas of jurisdiction, either or both of these
5 authorities shall notify the Arkansas State Highway and Transportation
6 Department in writing within ten (10) working days of receipt of notice of
7 the proposed rail line abandonment of their interest or lack of interest in
8 obtaining or preserving the rail line proposed for abandonment.

9 (3) If there is no existing regional mobility authority or
10 regional intermodal authority in the area proposed for rail line abandonment,
11 the affected mayors and county judges within the area of the proposed rail
12 line abandonment shall notify the Arkansas State Highway and Transportation
13 Department within ten (10) working days of the receipt of notice of the
14 proposed rail line abandonment of:

15 (A) Their lack of interest in obtaining and preserving the
16 rail line proposed for abandonment;

17 (B) Their interest in obtaining or preserving through
18 existing resources the rail line proposed for abandonment; or

19 (C) Their interest in forming a new regional mobility
20 authority or regional intermodal authority, part of whose purpose would be to
21 obtain or preserve the rail line proposed for abandonment.

22 (4) If the mayors or county judges, or both, in the areas
23 directly affected by the proposed rail line abandonment respond indicating
24 their intention to form a new regional mobility authority or regional
25 intermodal authority part of the purpose of which would be to obtain or
26 preserve the rail line proposed for abandonment, the mayors or county judges
27 are allowed not more than one hundred eighty (180) days from the notice of
28 the proposed rail line abandonment to form a regional mobility authority or
29 regional intermodal authority to obtain or preserve the rail line proposed
30 for abandonment.

31 (5) Any costs associated with maintenance of the rail line
32 proposed for abandonment shall be borne by the receiving party from the date
33 of the notice of the proposed rail line abandonment until the ownership or
34 preservation of the abandoned rail line.

35
36 23-12-207. Transfer of ownership or responsibility of railroad right-

1 of-way.

2 (a) The ownership of any railroad right-of-way obtained or preserved
3 from the abandonment of a rail line under § 23-12-206 shall not be
4 transferred to any party without offering a right of first refusal to the
5 railroad originally proposing the rail line for abandonment.

6 (b) Any municipality, county, regional mobility authority, or regional
7 intermodal authority may choose to operate or lease for operation any
8 railroad right-of-way obtained or preserved from the abandonment of a rail
9 line under § 23-12-206.

10 (c) Any municipality, county, regional mobility authority, or regional
11 intermodal authority acquiring ownership of any railroad right-of-way
12 obtained or preserved from the abandonment of a rail line under § 23-12-205
13 shall be responsible for any maintenance of the abandoned rail line.