

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/19/21

A Bill

SENATE BILL 478

5 By: Senators C. Tucker, B. Sample
6 By: Representative M. McElroy
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
10 IMPLEMENT RAILROAD SAFETY MEASURES DURING A NATIONAL
11 PANDEMIC; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO AUTHORIZE THE DEPARTMENT OF HEALTH TO
16 IMPLEMENT RAILROAD SAFETY MEASURES DURING
17 A NATIONAL PANDEMIC; AND TO DECLARE AN
18 EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative intent.

25 The General Assembly finds that:

26 (1) The services provided by freight railroads are essential to
27 the functionality of the state during a national pandemic; and

28 (2) It is necessary to grant the Department of Health
29 jurisdiction of oversight to maintain safe working conditions for railroad
30 employees and the citizens of Arkansas.
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32 SECTION 2. Title 23, Chapter 12, Subchapter 1, is amended to add an
33 additional section to read as follows:

34 23-12-106. National pandemic safety guideline enforcement –
35 Definitions.

36 (a) As used in this section:



1 (1)(A) "Railroad" means any form of nonhighway ground
2 transportation that runs on rails or electromagnetic guideways within this
3 state, including without limitation:

4 (i) Commuter railroad service or other short-haul
5 railroad passenger service in a metropolitan area; or

6 (ii) High-speed ground transportation systems that
7 connect metropolitan areas, without regard to whether those systems use new
8 technologies not associated with traditional railroads.

9 (B) "Railroad" does not include rapid transit operations
10 in a metropolitan area that are not connected to the general railroad system
11 of transportation.

12 (b)(1) In the event of a national pandemic declared by the Centers for
13 Disease Control and Prevention, a railroad operating in the state shall
14 comply with the workplace guidelines provided by the Centers for Disease
15 Control and Prevention.

16 (2) The Department of Health shall enforce the workplace
17 guidelines provided by the Centers for Disease Control and Prevention under
18 subdivision (b)(1) of this section.

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20 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that maintaining safe operating
22 practices by railroad carriers is necessary for public safety and commerce
23 efficiency; that allowing the Department of Health to enforce pandemic safety
24 standards will ensure the safety of the citizens of this state by helping to
25 alleviate and avoid consequences that can damage the state's infrastructure;
26 and that this act conveys the importance of transportation infrastructure,
27 uninterrupted commerce, and the state's duty to protect its citizens.
28 Therefore, an emergency is declared to exist, and this act being immediately
29 necessary for the preservation of public peace, health, and safety shall
30 become effective on:

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

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

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

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/s/C. Tucker