

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Senator C. Tucker
6

A Bill

SENATE BILL 584

For An Act To Be Entitled

8 AN ACT TO CREATE STANDARD REQUIREMENTS FOR PHYSICAL
9 MANIFEST DOCUMENTS REQUIRED TO BE KEPT BY A RAILROAD
10 TRAIN OPERATING ON A MAIN TRACK OR BRANCH LINE WITHIN
11 THE STATE; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.

Subtitle

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15 TO CREATE STANDARD REQUIREMENTS FOR
16 PHYSICAL MANIFEST DOCUMENTS REQUIRED TO
17 BE KEPT ON A RAILROAD TRAIN OPERATING ON
18 A MAIN TRACK OR BRANCH LINE WITHIN THE
19 STATE; AND TO DECLARE AN EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. DO NOT CODIFY. Legislative findings.

26 The General Assembly finds that:

27 (1) A railroad train operating without a physical manifest
28 document exposes the public to unnecessary dangers and disruptions of
29 commerce; and

30 (2) The intent of this act is to eliminate unnecessary dangers
31 and disruptions of commerce imposed upon communities in and residents of
32 Arkansas.

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34 SECTION 2. Arkansas Code § 23-10-101 is amended to read as follows:

35 23-10-101. ~~Definition~~ Definitions.

36 As used in this act, ~~unless the context otherwise requires,~~



1 (1) "Branch line" means a secondary railroad line that branches
2 off from a main line;

3 (2) "Main line" means a Class I railroad documented in current
4 timetables filed as required under 49 C.F.R. § 217.7, as it existed on
5 January 1, 2023, that:

6 (A) Transports five million (5,000,000) or more gross tons
7 of railroad traffic a year; or

8 (B) Is used for regularly scheduled intercity or commuter
9 railroad passenger service, or both, that does not include tourist, scenic,
10 or historic railroad excursions;

11 (3) "Physical manifest document" means tangible paper
12 documentation of railroad train and engine data;

13 (4) "railroad" "Railroad" or "railroad corporation" means all
14 corporations, companies, or individuals owning or operating any railroad in
15 this state whether as owner, contractor, lessee, mortgagee, trustee,
16 assignee, or receiver; and

17 (5)(A) "Railroad train" means one (1) or more locomotives with
18 or without cars, requiring an air brake test in accordance with 49 C.F.R. §
19 232, as it existed on January 1, 2023, or 49 C.F.R. § 238, as it existed on
20 January 1, 2023, including without limitation:

21 (i) A single locomotive;

22 (ii) Multiple locomotives coupled together; or

23 (iii) One (1) or more locomotives coupled with
24 one (1) or more cars.

25 (B) "Railroad train" does not include a locomotive or car
26 during switching operations or when the operation of the locomotive or car is
27 that of classifying and assembling cars within a railroad yard for the
28 purpose of making or breaking up railroad trains.

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30 SECTION 3. Arkansas Code Title 23, Chapter 10, Subchapter 1, is
31 amended to add an additional section to read as follows:

32 23-10-111. Required physical manifest document - Penalties -
33 Negotiation.

34 (a) A railroad train shall not operate on a main line or branch line
35 without at least one (1) copy of the railroad train's physical manifest
36 document.

1 (b)(1) A person or a railroad corporation that violates this section
2 is subject to a civil penalty of at least one thousand five hundred dollars
3 (\$1,500) but not more than three thousand dollars (\$3,000) for each day that
4 the violation persists.

5 (2) If the Director of State Highways and Transportation finds
6 the violation to be grossly negligent or that a pattern of repeated
7 violations has caused an imminent hazard of death or injury or has caused
8 death or injury to an individual, the person or the railroad corporation that
9 violates this subchapter is subject to a one-time fine of two hundred fifty
10 thousand dollars (\$250,000).

11 (3) The civil penalties collected under subdivisions (b)(1) and
12 (2) of this section shall be used by the Arkansas Department of
13 Transportation for highway and infrastructure projects.

14 (c)(1) The director may negotiate the amount of the civil penalty
15 under subsection (b) of this section.

16 (2) In determining the amount of a compromise, the director
17 shall consider:

18 (A) The nature, circumstances, extent, and gravity of the
19 violation;

20 (B) With respect to the violator, the degree of
21 culpability, any history of violations, the ability to pay, and any effect on
22 the ability to continue to do business; and

23 (C) Any other matters that law requires.

24 (d)(1) A penalty imposed under this section, if not promptly paid to
25 the department, shall be referred to the Attorney General for collection in
26 the judicial district in which the:

27 (A) Violation occurred;

28 (B) Railroad corporation has its principal executive
29 office; or

30 (C) Person resides.

31 (2) A civil action under this subsection shall commence within
32 three (3) years of the date of the violation.

33 (3) In a civil action proceeding under this subsection, a
34 railroad corporation is deemed to know the acts of its railroad employees,
35 railroad officers, and railroad agents.

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