

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 2005

5 By: Representative Hudson  
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7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING RAILROADS; TO  
10 CREATE A LIMITATION ON THE LENGTH OF A TRAIN  
11 OPERATING IN THIS STATE; TO CREATE A CIVIL PENALTY  
12 FOR OPERATING A TRAIN OF EXCESSIVE LENGTH; TO DECLARE  
13 AN EMERGENCY; AND FOR OTHER PURPOSES.  
14

## Subtitle

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16 TO AMEND THE LAW CONCERNING RAILROADS;  
17 TO CREATE A LIMITATION ON THE LENGTH OF  
18 A TRAIN OPERATING IN THIS STATE; TO  
19 CREATE A RELATED PENALTY; AND TO DECLARE  
20 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. Arkansas Code Title 23, Chapter 10, is amended to add an  
26 additional subchapter to read as follows:

### Subchapter 5 - Train Length

#### 23-10-501. Legislative findings and intent.

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29 (a) The General Assembly finds that trains of excessive length  
30 operating on a main line or branch line in this state expose the public to  
31 unnecessary danger and disruption of commerce.  
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33 (b) The General Assembly intends for this subchapter to create a  
34 requirement concerning train length that will eliminate disruptions of  
35 commerce and the danger imposed on communities and the general citizenry by  
36 trains of excessive length.



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2 23-10-502. Definitions.

3 As used in this subchapter:

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

6 (2)(A) "Main line" means:

7 (i) A Class I railroad that is documented in current  
8 timetables filed by the Class I railroad with the Federal Railroad  
9 Administrator under 49 C.F.R. § 217.7, as it existed on January 1, 2025, over  
10 which five million (5,000,000) or more gross tons of railroad traffic is  
11 transported annually; or

12 (ii) A railroad used for regularly scheduled  
13 intercity or commuter rail passenger services.

14 (B) "Main line" does not include a railroad used for a  
15 tourist, scenic, historic, or excursion operation;

16 (3)(A) "Railroad" means nonhighway ground transportation that  
17 runs on rails or electromagnetic guideways in this state.

18 (B) "Railroad" includes without limitation a:

19 (i) Commuter railroad service or other short-haul  
20 railroad passenger service in a metropolitan or suburban area; and

21 (ii) High-speed ground transportation system that  
22 connects metropolitan areas without regard to whether the high-speed ground  
23 transportation system uses new technologies not associated with traditional  
24 railroads.

25 (C) "Railroad" does not include a rapid transit operation  
26 in an urban area that is not connected to the general railroad system of  
27 transportation;

28 (4) "Railroad corporation" means a corporation, company, or  
29 individual that owns or operates a railroad in this state as an owner,  
30 lessee, mortgagee, trustee, assignee, or receiver;

31 (5)(A) "Train" means a locomotive, multiple locomotives coupled  
32 together, or one (1) or more locomotives coupled with one (1) or more cars  
33 that require an air brake test under 49 C.F.R. Part 232, as it existed on  
34 January 1, 2025, or 49 C.F.R. Part 238, as it existed on January 1, 2025.

35 (B) "Train" does not include:

36 (i) A locomotive or car during switching operations;

1 or

2 (ii) A locomotive or car that is operated to  
3 classify and assemble cars within a railroad yard for the purpose of making  
4 or breaking up trains; and

5 (6) "Train length" means the measurement of the total length of  
6 a train operating on a main line or a branch line within this state.

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8 23-10-503. Train length – Penalty – Collection.

9 (a) A railroad corporation or an individual shall not run a train or  
10 permit a train to be run on any part of a main line or branch line that has a  
11 train length of eight thousand five hundred feet (8,500') or greater.

12 (b)(1)(A) A railroad corporation or an individual that violates this  
13 section is subject to a civil penalty of no less than five hundred dollars  
14 (\$500) and no more than one thousand dollars (\$1,000) for each foot of train  
15 length over the limitation stated in subsection (a) of this section.

16 (B) A railroad corporation or an individual shall be  
17 subject to an additional civil penalty under subdivision (b)(1)(A) of this  
18 section for each day that the railroad corporation continues to operate a  
19 train in violation of subsection (a) of this section.

20 (2) A railroad corporation or an individual that violates  
21 subsection (a) of this section is subject to a one-time civil penalty of up  
22 to two hundred fifty thousand dollars (\$250,000) if the Director of State  
23 Highways and Transportation finds:

24 (A) The violation to be grossly negligent; or

25 (B) That a pattern of repeated violations has caused:

26 (i) An imminent hazard of death or injury to an  
27 individual; or

28 (ii) Death or injury to an individual.

29 (c) A civil penalty collected under this section shall be deposited  
30 into the Arkansas Department of Transportation Fund to be used for investment  
31 into the infrastructure of the state.

32 (d) The director shall determine the amount of a civil penalty imposed  
33 under subsection (b) of this section based on:

34 (1) The nature, circumstances, extent, and gravity of the  
35 violation;

36 (2) With respect to the violator, the:

1                   (A) Degree of the violator's culpability;  
2                   (B) Violator's history of violations;  
3                   (C) Violator's ability to pay; and  
4                   (D) Effect on the violator's ability to continue to do  
5 business; and

6                   (3) Any other factors required by law.

7           (e)(1) The director shall refer a civil penalty assessed under this  
8 section to the Attorney General for collection of the civil penalty.

9                   (2) After the Attorney General has received adequate information  
10 from the director to proceed with the collection of a civil penalty imposed  
11 under this section, the Attorney General shall bring a civil action to  
12 collect the amount of the civil penalty imposed under subsection (b) of this  
13 section in the district court of the county in which:

14                   (A) The violation occurred;

15                   (B) The defendant has its principal executive office, if  
16 the defendant is a railroad corporation; or

17                   (C) The defendant resides, if the defendant is an  
18 individual.

19                   (3) A civil action under this subsection shall be brought within  
20 three (3) years of the violation.

21                   (4) In a proceeding under this subsection, a railroad  
22 corporation is deemed to have knowledge of the acts of its officers, agents,  
23 and employees.

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25           SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
26 General Assembly of the State of Arkansas that maintaining safe operating  
27 practices by railroads is essential to the day-to-day operations and commerce  
28 of this state; that maintaining sensible limitations on train length will  
29 ensure the safety of the residents of this state and help to alleviate and  
30 avoid the consequences of failing to maintain sensible limitations on train  
31 length that other states have suffered; that no industry may act  
32 irresponsibly by needlessly placing the desires of shareholders above the  
33 state, counties, and municipalities in which the industry operates; and that  
34 this act is immediately necessary because it demonstrates that this state  
35 values its transportation infrastructure, uninterrupted commerce, first  
36 responders, law enforcement, and firefighters and that the state will not

1 overlook the importance of the state's duty to protect its residents.  
2 Therefore, an emergency is declared to exist, and this act being immediately  
3 necessary for the preservation of the public peace, health, and safety shall  
4 become effective on:

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

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

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

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