

1 State of Arkansas *As Engrossed: S3/18/25 H4/7/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 397

4

5 By: Senator D. Wallace

6 *By: Representative Rye*

7

8

For An Act To Be Entitled

9 AN ACT TO PROTECT CONFIDENTIAL PERSONAL INFORMATION
10 OF RAIL EMPLOYEES IN REPORTS INVOLVING RAILROAD
11 FATALITIES; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

TO PROTECT CONFIDENTIAL PERSONAL

16

INFORMATION OF RAIL EMPLOYEES IN REPORTS

17

INVOLVING RAILROAD FATALITIES.

18

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

20

21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 The General Assembly finds that:

23 (1) The services provided by freight railroads are essential to
24 the functionality of the state;

25 (2) It is the obligation of the General Assembly to protect rail
26 employees who are involved in accidents or incidents; and

27 (3) The requirements of this act are intended to eliminate, when
28 possible, undue harassment or assault of rail crew members involved in
29 railroad fatalities.

30

31 SECTION 2. Arkansas Code Title 23, Chapter 12, Subchapter 5, is
32 amended to add an additional section to read as follows:

33 23-12-515. Railroad fatality reports.

34 (a)(1) Except as provided in subsection (b) of this section, a public
35 record, as defined under the Freedom of Information Act of 1967, § 25-19-101
36 et seq., involving a railroad fatality shall be maintained by its custodian



1 in a manner that ensures the confidentiality of the personal information of
2 the railroad crew involved in the fatality.

3 (2) If information under subdivision (a)(1) of this section is
4 publicly disclosed, the personal information of the railroad crew shall be
5 redacted from the information.

6 (b)(1) Subsection (a) of this section does not apply if the requestor
7 is:

8 (A) The host or employing railroad;

9 (B) A person authorized by court order to obtain the
10 information under subsection (a) of this section;

11 (C) A law enforcement officer;

12 (D) An attorney for the State of Arkansas;

13 (E) A staff member of the Arkansas Department of
14 Transportation; or

15 (F) The United States National Transportation Safety Board
16 or a constituent agency of the United States Department of Transportation
17 acting under a mandate to investigate railroad accidents or incidents.

18 (2) A request under subdivision (b)(1) of this section shall be
19 made in written or electronic form.

20 (3) A person identified under subdivisions (b)(1)(B)-(E) of this
21 section shall only obtain information under subsection (a) of this section if
22 access to the information is necessary for the performance of his or her
23 duties.

24
25 /s/D. Wallace

26
27
28 **APPROVED: 4/21/25**
29
30
31
32
33
34
35
36