State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 2004

By: Representative D. Whitaker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION AND MAINTENANCE OF RAILROADS; TO CREATE STANDARD REQUIREMENTS CONCERNING RAILROAD TRAIN DEFECT DETECTORS AND TRENDING DEFECT DETECTOR TECHNOLOGY; TO REQUIRE CERTAIN INFORMATION TO BE PUBLISHED REGARDING DEFECT DETECTORS AND TRENDING DEFECT DETECTOR TECHNOLOGY; TO CREATE A PROCEDURE FOR THE DETECTION OF A DISCREPANCY IN THE NUMBER OF AXLES ON A RAILROAD TRAIN BY A DEFECT DETECTOR; TO CREATE CIVIL PENALTIES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE STANDARD REQUIREMENTS CONCERNING RAILROAD TRAIN DEFECT DETECTORS AND TRENDING DEFECT DETECTOR TECHNOLOGY.

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

SECTION 1. Arkansas Code Title 23, Chapter 12, is amended to add an additional subchapter to read as follows:

Subchapter 11 — Train Defect Detector Safety

23-12-1101. Legislative findings and intent.

(a) The General Assembly finds that in light of the February 2023 railroad train derailment in East Palestine, Ohio, and in light of the absence of any federal regulation of train defect detectors, the continuing

operation of railroad corporations with no oversight or regulation of hot box detectors operating within the state on a main railroad line or branch railroad line exposes the public to unnecessary dangers and disruptions of commerce.

(b) The General assembly intends for this act to eliminate unnecessary dangers and disruptions of commerce imposed on communities and residents of Arkansas.

23-12-1102. Definitions.

As used in this subchapter:

(1)(A) "Defect detector" means an integrated or standalone electronic device that scans passing railroad trains or equipment for a defect, including without limitation:

(i) A hot wheel bearing;

(ii) A hot wheel;

(iii) A shipment that has an excessive height or width;

(iv) Shifted lading; and

(v) Dragging equipment.

(B) "Defect detector" includes without limitation:

(i) An acoustic bearing detector;

(ii) A dragging equipment detector; and

(iii) A wheel impact detector;

(2)(A) “Railroad” means non-highway ground transportation that runs on rails or electromagnetic guideways in this state.

(B) "Railroad" includes without limitation a:

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

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

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

(3) "Railroad corporation" means a corporation, company, or

individual that owns or operates a railroad in this state as an owner, lessee, mortgagee, trustee, assignee, or receiver;

(4)(A) “Railroad train" means a locomotive, multiple locomotives coupled together, or one (1) or more locomotives coupled with one (1) or more cars that require an air brake test under 49 C.F.R. Part 232, as it existed on January 1, 2025, or 49 C.F.R. Part 238, as it existed on January 1, 2025.

(B) "Railroad train" does not include:

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

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

(5) "Restricted speed" means a speed that:

(A) Permits a railroad train to stop within one-half (1/2) of the range of vision; and

(B) Does not exceed twenty miles per hour (20 m.p.h.); and

(6)(A) "Trending defect detector technology" means an algorithm-based technology applied to a defect detector that allows for communication from one (1) defect detector to another defect detector in order to predict or detect a defect of a railroad train.

(B) "Trending defect detector technology" includes without limitation the communication between defect detectors of information concerning:

(i) The changing temperature of wheel bearings on a railroad;

(ii) Acoustic information; and

(iii) Other data that would lead to the discovery of a failure of rolling equipment.

23-12-1103. Defect detector — Minimum requirements.

(a) A defect detector shall be equipped with:

(1) A hot box detector;

(2) A hot wheel detector; and

(3) Dragging equipment detector technology.

(b)(1) A defect detector shall be equipped with an audible alarm that broadcasts on a radio channel frequency assigned to the specific territory in

which the defect detector is located by the Association of American Railroads.

(2) If a defect is detected, a defect detector shall be equipped to:

(A) Sound an alarm over the assigned radio channel frequency three (3) consecutive times for no longer than five (5) seconds and with five (5) seconds of silence in between each sounding of the alarm; and

(B) Repeat an audible message three (3) times with twenty (20) seconds of silence between each broadcast of the audible message stating the following information:

(i) The defect detector location milepost and name;

(ii) The track number if the defect detector is located in multiple track territory;

(iii) The total number of axles in the railroad train, including motive power; and

(iv) The location of defects within the railroad train or equipment.

(3) If a defect is not detected, the defect detector shall be equipped to provide an audible message that states the following:

(A) The location of the defect detector milepost and name;

(B) The track number in multiple track territory;

(C) The total number of axles in the railroad train, including motive power;

(D) The speed of the railroad train; and

(E) A statement that no defect was detected, including the phrase, "repeat no defects, out".

23-12-1104. Trending defect detector technology.

(a) A defect detector equipped with trending defect detector technology or similar technology shall:

(1) Not have a silent alarm; and

(2) Be listed to all operating crew who operate equipment on the railroad track on which the defect detector is located.

(b) If a railroad train passes a defect detector equipped with trending defect detector technology and a trending defect issue is detected:

(1) The operating crew of the railroad train shall stop in

accordance with safe railroad train handling procedures issued by the railroad corporation that owns or operates the railroad train;

(2) An inspection of the railroad train shall be made by the operating crew from a position on the ground;

(3) The railroad train inspection results shall be noted by the operating crew and presented to the appropriate officer of the railroad corporation, the dispatcher, or another qualified person; and

(4) If the inspection under subdivision (b)(2) of this section finds that the railroad train is safe to move, the railroad train may proceed at a speed that does not exceed:

(A) Ten miles per hour (10 m.p.h.) if the railroad train is carrying hazardous materials; or

(B) Thirty miles per hour (30 m.p.h.) if the railroad train is not carrying hazardous materials.

(c) If a railroad train that has a trending defect issue detected under subsection (b) of this section passes another defect detector equipped with trending defect detector technology and a trending defect issue is detected a second time:

(1) The operating crew of the railroad train shall stop in accordance with safe railroad train handling procedures issued by the railroad corporation that owns or operates the railroad train;

(2) The railroad train or equipment shall be inspected by the operating crew from a position on the ground;

(3) A determination shall be made by a qualified person whether the railroad train is safe to move based on the inspection required under subdivision (c)(2) of this section;

(4) After the inspection required under subdivision (c)(2) of this section, the railroad train or equipment shall be set out immediately by the operating crew at the nearest siding, spur, or designated repair track; and

(5) The railroad train or equipment shall not be moved unless a qualified person has thoroughly inspected and repaired the railroad train or equipment.

23-12-1105. Defect detector — Requirements.

(a) An installed defect detector shall remain on with all audible

alarms set to a volume high enough for an operating crew to hear reporting from the defect detector.

(b) A defect detector that is equipped with a hot wheel bearing detector shall have a sensitivity level no higher than one hundred ten degrees Fahrenheit (110°F).

(c)(1) If the repair of a defect detector is required, the railroad corporation that owns the defect detector shall notify the Arkansas Department of Transportation.

(2) A railroad train operating on a railroad around a defect detector that requires repair:

(A) Shall not exceed the restricted speed; and

(B) May resume timetable speed if the next defect detector on the railroad indicates that the railroad train has no defects.

23-12-1106. Information required to be published.

A railroad corporation shall publish and make known to all operating crews that operate railroad trains over railroad tracks equipped with defect detectors that:

(1) An operating crew of a railroad train that receives an alarm from a defect detector or a defect detector equipped with trending defect detector technology shall reduce the speed of the railroad train in accordance with the railroad corporation's operating rules until the defect detector is cleared;

(2) After receiving a defect detector message indicating a defect, the operating crew of the railroad train shall stop in accordance with the railroad corporation's operating rules and inspect the railroad train from a position on the ground;

(3) An operating crew of a railroad train receiving a defect message of dragging equipment or a similar message from a defect detector shall stop immediately in accordance with the railroad corporation's operating rules and inspect the railroad train from a position on the ground;

(4) If defects are found, the railroad train shall be inspected by the operating crew based on the industry standard of twenty (20) axles before and after the reported defect on both sides of the railroad train;

(5) An inspection of a railroad train that is required based on a report from a defect detector shall not be made from a vehicle or any other

form of transportation; and

(6) A person shall not relieve a railroad train operating crew or an operator of a railroad train or equipment from an inspection under this section while operating the railroad train or equipment within the state.

23-12-1107. Discrepancy in number of axles detected by defect detector.

(a) If a defect detector detects that a railroad train has at least two (2) fewer axles than the number of axles known to be in the railroad train, the discrepancy shall be reported to the proper railroad authority governing railroad train movement in the territory.

(b) If an axle count provided by a defect detector is at least two (2) or more axles than the number of axles known to be in the railroad train:

(1) The proper railroad authority governing railroad train movement in the territory shall be notified;

(2) The extra equipment or extra railroad train car shall be identified within five (5) miles of the location where the defect detector reported the defect;

(3) If communication is not established with the proper railroad authority, all movement of the railroad train shall stop within five (5) miles of the location where the defect detector reported the defect;

(4) The railroad train shall not proceed unless the extra equipment or extra railroad train has been identified;

(5) If the extra equipment is known to be hazardous, the railroad train shall not proceed without a radio waybill or proper documentation; and

(6) Operating crew at the operating controls of a moving railroad train or equipment shall not be permitted to copy or repeat radio waybill information.

23-12-1108. Civil penalty.

(a)(1) A person or railroad corporation who violates this subchapter is subject to a civil penalty of at least ten thousand dollars ($10,000) but not more than twenty-five thousand dollars ($25,000) for each day that the violation continues.

(2) A person or railroad corporation that violates this

subchapter is subject to a one-time civil penalty of five hundred thousand dollars ($500,000) if the Director of the State Highways and Transportation finds:

(A) The violation to be grossly negligent; or

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

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

(ii) Death or injury to an individual.

(b) A civil penalty collected under this section shall be deposited into the State Highway and Transportation Department Fund to be used for the maintenance, repair, and construction of the state highway system.

(c) If a violation of this subchapter results in a railroad train derailment in the vicinity of a municipality and a civil penalty is assessed under subdivision (a)(2) of this section, one-half (1/2) of the civil penalty shall be remitted to the Arkansas Department of Transportation and one-half (1/2) of the civil penalty shall be remitted to the affected municipality.

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

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

(2) With respect to the violator, the:

(A) Degree of the violator's culpability;

(B) Violator's history of violations;

(C) Violator's ability to pay; and

(D) Effect on the violator's ability to continue to do business; and

(3) Any other factors required by law.

SECTION 2. DO NOT CODIFY. Compliance.

A railroad corporation operating within this state has twelve (12) months from the effective date of this act to retune all defect detectors within the state to ensure compliance with this act.