

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4
5 By: Senator D. Wallace
6 *By: Representative Rye*
7

As Engrossed: S3/18/25

A Bill

SENATE BILL 397

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

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:
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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.
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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 report
35 involving a railroad fatality and all communications between police officers
36 and railroad crew members involved in a railroad fatality shall be maintained



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

3 (2) A report under subdivision (a)(1) of this section is a
4 public record as defined under § 25-19-103.

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

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

10 (A) The host or employing railroad;

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

13 (C) A law enforcement officer;

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

15 (E) A staff member of the Arkansas Department of
16 Transportation; or

17 (F) The Federal Railroad Administration or the United
18 States Surface Transportation Board if one or both have determined that a
19 violation of a Department of Transportation regulation or crew negligence was
20 the cause of the railroad fatality.

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

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

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28 /s/D. Wallace
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