

HB 1789 -- Local Community Rail Security Act of 2006

Sponsor: Zweifel

This bill establishes the Local Community Rail Security Act of 2006 and requires every operator of rail facilities in Missouri to provide a risk assessment of all rail facilities to state and local law enforcement personnel, emergency personnel, transportation officials, and other first responders by July 1, 2007. The bill specifies what the assessment must include.

By September 1, 2007, all rail operators must have an infrastructure protection program in place to protect all rail infrastructure in Missouri from acts of sabotage, terrorism, and other crimes. Specifically, the program must provide security for critical infrastructure including bridges, tunnels, and signal systems. The bill specifies what the rail operator must provide regarding critical infrastructure and what the program must include. The program must be updated annually.

The Department of Transportation must review the program and can order a rail operator to improve or change it. Any rail operator that fails to comply with an order of the department will be subject to a fine of \$50,000 for each day the operator is in violation.

Rail operators must comply with several specified requirements for facilities that handle cargo passing within 15 miles of a community facility. Any operator who fails to comply with these requirements will be subject to a fine of \$50,000 for each day the operator is in violation.

Rail operators must provide communications capabilities which are specified in the bill.

All contractors, subcontractors, or any other person working on rail facilities will receive training similar to the type received by rail operators and will undergo the same background, skills, and fitness-for-duty checks as the rail operators.

Punitive actions cannot be taken against any employee who reports a violation of these provisions. An employee subject to punitive actions may seek damages of \$1 million from the employer, in addition to any other remedies available such as back pay or reinstatement.