

FIRST REGULAR SESSION

HOUSE BILL NO. 388

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ZWEIFEL (Sponsor), DARROUGH, STORCH, KOMO,
MEADOWS, WALTON, YAEGER, OXFORD, BROWN (50) AND BURNETT (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1205L.01I

AN ACT

To amend chapter 389, RSMo, by adding thereto four new sections relating to the local community rail security act of 2007, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 389, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 389.1100, 389.1103, 389.1106, and 389.1109, to read as follows:

389.1100. 1. Sections 389.1100 to 389.1109 shall be known and may be cited as the
2 **"Local Community Rail Security Act of 2007".**

3 **2. By February 8, 2008, every operator of rail facilities in this state shall provide**
4 **to the Missouri state emergency management agency, the Missouri office of homeland**
5 **security, and the Missouri department of transportation multimodal operations a risk**
6 **assessment of all rail facilities in this state. The risk assessment shall describe the**
7 **following:**

8 **(1) All facilities and their functions;**

9 **(2) The types of cargo that move through such facilities within the preceding twelve**
10 **months, including the approximate quantities of hazardous materials and oil subject to**
11 **Chapter 1 of Title 49 of the Code of Federal Regulations;**

12 **(3) The extent to which hazardous materials or oil are stored in rail facilities,**
13 **including the location of such facilities and the approximate quantities of hazardous**
14 **materials or oil stored;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (4) The location of any rail facility through which hazardous materials or oil is
16 transported or at which such cargo is stored that lies within a fifteen mile radius of a
17 school, hospital, nursing home, public utility, or public safety facility; and

18 (5) The railroad's current security plan, which shall include:

19 (a) A description of the practices of the railroad designed to prevent acts of
20 sabotage, terrorism, or other crimes on rail facilities;

21 (b) The training program the railroad provides to its employees;

22 (c) The emergency response procedures of the railroad in dealing with acts of
23 sabotage, terrorism, or other crimes; and

24 (d) The procedures of the railroad in communicating with local and state law
25 enforcement personnel, emergency personnel, transportation officials, and other first
26 responders in the event of acts of sabotage, terrorism, or other crimes.

 389.1103. 1. By September 1, 2010, all rail operators shall have in place a
2 "Community Protection Plan" to protect rail infrastructure in this state from acts of
3 sabotage, terrorism, or other crimes.

4 2. The community protection plan shall specifically provide for the security of
5 critical infrastructure, which includes all points of vulnerability of the rail system that
6 handle hazardous cargo or oil, including rights of way, yards, bridges, tunnels, and signal
7 systems.

8 3. With respect to rail infrastructure, the community protection plan shall:

9 (1) Describe the railroad's methods for protecting critical infrastructure from acts
10 of sabotage, terrorism, or other crimes;

11 (2) Describe the manner and substance of initial and recurrent training provided
12 by the railroad to its employees to enable them to identify security threats and respond
13 appropriately to acts of sabotage, terrorism, or other crimes;

14 (3) The emergency response procedures of the railroad in dealing with acts of
15 sabotage, terrorism, or other crimes; and

16 (4) The procedures of the railroad in communicating with local and state law
17 enforcement personnel, emergency personnel, transportation officials, and other first
18 responders in the event of acts of sabotage, terrorism, or other crimes.

19 4. With respect to any rail facility through which hazardous materials or oil is
20 transported or at which such cargo is stored that lies within a fifteen mile radius of a
21 school, hospital, nursing home, public utility, or public safety facility, the community
22 protection plan shall also provide for:

23 (1) Inspection on a regular basis by personnel trained to determine the condition
24 of the facility and its vulnerability to acts of sabotage, terrorism, of other crimes;

25 (2) Storage of hazardous materials or oil only in secure facilities designed for such
26 storage, which shall not include rights of way;

27 (3) Procedures to prevent leaving locomotive equipment running while unattended,
28 and leaving unattended locomotive equipment unlocked;

29 (4) Methods by which the cabs of occupied locomotives may be secured against
30 unauthorized entry; and

31 (5) Security for all remote control devices to prevent access to such devices by
32 unauthorized personnel.

33 5. Each rail operator in the state shall provide a copy of its community protection
34 plan to the state emergency management agency, the office of homeland security, and the
35 department of transportation multimodal operations.

36 6. The department of transportation multimodal operations shall review the
37 community protection plan and shall have the authority to order a railroad to improve,
38 modify, or change its plan to comply with the requirements of sections 389.1100 to
39 389.1109. The department shall have the authority to fine a railroad fifty thousand dollars
40 per day for failure to comply with its orders or sections 389.1100 to 389.1109.

41 7. The community protection plan shall be updated by the rail operator at least
42 once every year, and the updated plan shall be submitted to the state emergency
43 management agency, the office of homeland security, and the department of transportation
44 multimodal operations.

 389.1106. No railroad or any other person covered by sections 389.1100 to 389.1109
2 may discharge or in any way discriminate against an employee who reports a violation of
3 sections 389.1100 to 389.1109. An employee who alleges a violation of these sections may
4 seek punitive damages of up to one million dollars for said violation, in addition to
5 whatever other remedies may be available.

 389.1109. 1. Sections 389.1100 to 389.1109 shall apply to railroads, contractors, or
2 subcontractors working on the facilities of a railroad, and any other individual or
3 corporation performing work on rail facilities in the state.

4 2. All employees of railroads, contractors, or subcontractors, and other individuals
5 or corporations performing work on rail facilities in the state, shall receive training in
6 section 389.1103. In addition, employees of rail contractors or subcontractors, and other
7 individuals or corporations performing work on rail facilities in the state, shall be required
8 to undergo the same background, skills, and fitness for duty checks as employees of the
9 railroad.

10 3. Unless opened by the agency it is submitted to, information submitted under
11 sections 389.1100 to 389.1109 is a closed record.

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