

The bill requires a railroad carrier that stops a train at an unsecured location with employees who have worked all their allowable hours to provide adequate personnel to secure the train within fifteen minutes after the expiration of allowable hours. The carrier shall continue to secure the train until employees with adequate time to perform their duties resume the preparation to move the train.

A carrier can incur anywhere from a \$500 to \$2,500 fine depending on the frequency of violation. The Public Service Commission is charged with enforcing this section.

The bill also adopts the Local Community Rail Security and Employee Education Act. The purpose of the act is to provide for the security and safety of local communities and facilities from transportation practices that fail to secure rail facilities and equipment from the threat of terrorism, and to ensure proper communication between the owners and operators of rail facilities and equipment with local and state first responders.

By July 1, 2008 every railroad carrier is required to provide a risk assessment for each railroad and facility that is under its ownership or control. The risk assessment will include: the location and functions of the railroad; the types of cargo that is moved; any hazardous cargo moved and the frequency it is moved; a description of how the carrier prevents acts of terrorism; the training programs required for employees; the emergency response procedures dealing with acts of terrorism; and the how the carrier communicates with first responders in the event of an act of terrorism.

By January 1, 2009, every carrier is required to develop and implement a confidential infrastructure protection program to protect against acts terrorism. The program shall address the security of all critical railroad infrastructure, and the carrier shall provide training to all employees on how to recognize and respond to acts of terrorism. All employees of a contractor or subcontractor of a carrier shall also receive the training. In addition, employees of a contractor or subcontractor shall undergo an evaluation of their background, skills, and fitness.

The program will be updated at least once every year. The commission shall review the program, may conduct inspections, and may order a carrier to improve, modify or change its program. The commission also has fining authority to carry out this section.

The bill also requires carriers with facilities that handle hazardous cargo to store the hazardous materials only in secure facilities, not leave locomotive equipment while running, ensure that the cabs of occupied locomotives are secured from terrorism, not use remote control locomotives to move hazardous materials unless the operator is able to maintain line-of-sight visibility, and secure remote control devices to prevent access by unauthorized personnel.

Every carrier shall provide communications which are able to timely alert emergency personnel in the event of terrorism, and notify its employees of the local or national threat level for the rail industry.

An employee who reports a violation of the act may not be punished by the carrier. If any punitive action is taken against an employee, he or she may seek civil damages.

Explanation of amendments, if any:

Senator Deb Fischer, Chairperson