



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5553

Introduced 01/27/06, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Community Rail Security Act of 2006. Provides that, not later than 180 days after the after the effective date of the Act, every operator of rail facilities in the State shall provide to local and State law enforcement and emergency officials a risk assessment of all rail facilities in the State. Establishes requirements for the risk assessment. Provides that, not later than 360 days after the effective date of the Act, all rail operators shall have in place a program to protect rail infrastructure in the State from acts of sabotage, terrorism, or other crimes. Sets standards for the infrastructure protection program, for a program to protect community facilities, and for communication between rail operators and State and local law enforcement and emergency officials. Provides that the Department of Transportation has authority to fine any rail operator or any other person covered by the Act up to \$50,000 per day certain violations. Prohibits punitive action against any employee reporting a violation of the Act, including employees of contractors, subcontractors, and others performing work on rail facilities. Provides for severability of the provisions of the Act.

LRB094 17900 DRH 53203 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Local
5 Community Rail Security Act of 2006.

6 Section 5. Risk assessment.

7 (a) Not later than 180 days after the effective date of
8 this Act, every operator of rail facilities in the state shall
9 provide to local and State law enforcement personnel, emergency
10 personnel, transportation officials, and other first
11 responders a risk assessment of all rail facilities in the
12 State. The risk assessment shall describe:

13 (1) all facilities and their functions;

14 (2) the types of cargo that move through those
15 facilities;

16 (3) any hazardous cargo that moves through those
17 facilities, including approximate amounts of that cargo;

18 (4) any storage of hazardous cargo in rail facilities;

19 (5) the distance from rail facilities that transport or
20 store hazardous cargo to community facilities such as
21 schools, hospitals, nursing homes, and other sensitive
22 community facilities;

23 (6) a description of the practices of the rail operator
24 that prevent acts of sabotage, terrorism, or other crimes
25 on rail facilities;

26 (7) all training programs that the rail operators
27 requires for its employees;

28 (8) the emergency response procedures of the rail
29 operator to deal with acts of sabotage, terrorism or other
30 crimes;

31 (9) the procedures of the rail operator to communicate
32 with local and State law enforcement personnel, emergency

1 personnel, transportation officials, and other first
2 responders in the event of acts of sabotage, terrorism, or
3 other crimes.

4 Section 10. Infrastructure protection from acts of
5 sabotage or terrorism.

6 (a) Not later than 360 days after the effective date of
7 this Act, all rail operators shall have in place a program to
8 protect rail infrastructure in the State from acts of sabotage,
9 terrorism, or other crimes, which shall be called an
10 infrastructure protection program.

11 (b) The infrastructure protection program shall provide
12 specifically for the security of critical infrastructure.
13 Critical infrastructure shall include all points of
14 vulnerability of the rail system that handle hazardous cargo,
15 such as bridges, tunnels, and signal systems. For critical
16 infrastructure, the railroad operator shall:

17 (1) provide notice to State and local law enforcement
18 personnel, emergency personnel, transportation officials,
19 and other first responders of the location, size, function,
20 and importance of the critical infrastructure;

21 (2) provide and describe methods of ensuring the
22 protection of critical infrastructure from acts of
23 sabotage, terrorism, or other crimes, which methods shall
24 include, at a minimum, 24-hour surveillance, monitoring,
25 and protection of those facilities;

26 (3) provide training to personnel of the railroad
27 operator to ensure that the railroad personnel are trained
28 and equipped to prevent acts of sabotage, terrorism, or
29 other crimes and to respond in the event of such acts.

30 (c) The infrastructure protection program shall include
31 inspection of all rail facilities, including rights of way,
32 yards, and other facilities, that handle hazardous cargo that
33 moves within 15 miles of community facilities, such as schools,
34 hospitals, nursing homes, and other sensitive community
35 facilities, on a regular basis by personnel trained to

1 determine the condition of the rail facilities and the
2 vulnerability of the rail facilities to acts of sabotage,
3 terrorism, or other crimes.

4 (d) Each rail operator in the State shall provide to local
5 and State law enforcement personnel, emergency personnel,
6 transportation officials and other first responders a copy of
7 its infrastructure protection program.

8 (2) The Department of Transportation shall review the
9 infrastructure protection program and shall have the
10 authority to order a rail operator to improve, modify, or
11 change its program to comply with the requirements of this
12 Act. The Department shall have the authority to fine the
13 rail operator \$50,000 per day for failure to comply with
14 its orders or this Act.

15 (e) The infrastructure protection program shall be updated
16 by the rail operator at least once every year, and the updated
17 plan submitted to local and State law enforcement personnel,
18 emergency personnel, transportation officials and other first
19 responders.

20 Section 15. Community facilities protection.

21 (a) Rail operators in the State shall observe the following
22 requirements for all facilities that handle cargo that passes
23 within 15 miles of a community facility:

24 (1) secure all facilities that handle or store
25 hazardous materials by providing adequate security
26 personnel;

27 (2) store hazardous materials only in secure
28 facilities designed for such storage, which shall not
29 include rights of way;

30 (3) never leave locomotive equipment running while
31 unattended or leave any unattended locomotive equipment
32 unlocked;

33 (4) have adequate personnel qualified to operate
34 trains available to assist, replace, or relieve train
35 operators who need assistance;

1 (5) ensure that the cabs of occupied locomotives can be
2 secured against outsiders who threaten hijack, sabotage,
3 or terrorism;

4 (6) limit the use of remote control locomotives to
5 equipment not involving hazardous materials;

6 (7) secure remote control devices to prevent access to
7 those devices by unauthorized personnel, including those
8 intent on acts of sabotage, terrorism, or other crimes;

9 (8) ensure that all employees connected with rail
10 facilities that transport hazardous materials within 15
11 miles of a community facility receive training related to
12 security, shipment of hazardous materials, and terrorism
13 prevention at least once every 12 months.

14 (b) The Department of Transportation shall have the
15 authority to fine any rail operator or any other person covered
16 by this Section up to \$50,000 per day for failure to comply
17 with this Section.

18 Section 20. Communications. Each rail operator in the State
19 must provide communications capability:

20 (1) to alert local and State law enforcement personnel,
21 emergency personnel, transportation officials, and other
22 first responders in the event of sabotage, terrorism, or
23 other crimes, and railroad radio does not satisfy the
24 requirements of this Section;

25 (2) to provide bridge tenders on moveable bridges the
26 ability to alert local and State law enforcement personnel,
27 emergency personnel, transportation officials, and other
28 first responders in the event of sabotage, terrorism, or
29 other crimes; and

30 (3) to notify rail workers of the local or national
31 threat level for the rail industry.

32 Section 25. Coverage.

33 (a) This Act applies to rail operators, any contractors or
34 subcontractors working on the facilities of the rail operator,

1 and any other individual or corporation performing work on rail
2 facilities in the State.

3 (b) All employees of railroad contractors or
4 subcontractors, and any other individual or corporation
5 performing work on rail facilities in this State, shall receive
6 training adequate to make them as well trained as employees of
7 a rail operator, and shall be required to undergo the same
8 background, skills, and fitness for duty checks as employees of
9 the rail operator.

10 Section 30. Prohibition on punitive action.

11 (a) No rail operator or any other person covered by this
12 Act may take punitive action of any kind against an employee
13 who reports violations of this Act.

14 (b) An employee subject to punitive action in violation of
15 this Section may seek damages in the amount of not more than
16 \$1,000,000 from any employer who takes that action, in addition
17 to other remedies, such as back pay, reinstatement, and other
18 damages.

19 Section 35. Application. This Act applies to the rail
20 operator, any contractors or subcontractors working on the
21 facilities of the rail operator, and any other individual or
22 corporation performing work on rail facilities in this State.

23 Section 40. Severability. If any provision of this Act is
24 at any time determined to be in conflict with any law, the
25 provision shall continue in effect only to the extent permitted
26 by law. If any provision of this Act is or becomes invalid or
27 unenforceable, that invalidity or unenforceability does not
28 affect or impair any other term or provision of this Act.