

House File 726 - Introduced

HOUSE FILE _____
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to railway security and providing for penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2024YH 82
4 eg/je/5

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1 1 Section 1. NEW SECTION. 327D.210 RISK ASSESSMENT.
1 2 1. A railway corporation shall prepare a railroad risk
1 3 assessment for the purpose of developing a rail security
1 4 program, describing all of the following:
1 5 a. Railroads owned, leased, or operated by the railway
1 6 corporation, and the function thereof.
1 7 b. The type of property transported by railroads owned,
1 8 leased, or operated by the railway corporation.
1 9 c. Hazardous materials and amounts thereof transported or
1 10 stored by railroads owned, leased, or operated by the railway
1 11 corporation.
1 12 d. Employee training required by the railway corporation.
1 13 e. Practices of the railway corporation to prevent, and
1 14 emergency response procedures in the event of, an attack,
1 15 sabotage, or other hostile action, including terrorism as
1 16 defined in section 708A.1, on railroads. The railway
1 17 corporation shall describe the procedures to communicate with
1 18 the department, state and local law enforcement agencies,
1 19 emergency personnel, and other first responders. The railway
1 20 corporation shall consult with the homeland security and
1 21 emergency management division of the department of public
1 22 defense.
1 23 2. On or before December 1, 2007, the railway corporation
1 24 shall provide a copy of the risk assessment to the department,
1 25 state and local law enforcement agencies, emergency personnel,
1 26 and other first responders.
1 27 Sec. 2. NEW SECTION. 327D.211 RAIL SECURITY PROGRAM ==
1 28 PENALTY.
1 29 1. On or before June 30, 2008, a railway corporation shall
1 30 establish a rail security program to protect the railroads in
1 31 the state, whether owned, leased, or operated by the railway
1 32 corporation, from an attack, sabotage, or other hostile
1 33 action, including terrorism as defined in section 708A.1.
1 34 2. The department shall review each rail security program
1 35 and may order a railway corporation to modify its program. If
2 1 the railway corporation fails to comply with the department's
2 2 order, the railway corporation is subject to a civil penalty
2 3 of fifty thousand dollars for each day of noncompliance.
2 4 3. The program shall require that railway corporation
2 5 employees be trained and equipped to report and respond to an
2 6 attack, sabotage, or other hostile action, including terrorism
2 7 as defined in section 708A.1.
2 8 4. After the department approves the program, the railway
2 9 corporation shall provide a copy of the program to state and
2 10 local law enforcement agencies, emergency personnel, and other
2 11 first responders.
2 12 5. The railway corporation shall update its program at
2 13 least once annually and provide a copy of the update to the
2 14 department, to state and local law enforcement agencies,
2 15 emergency personnel, and other first responders.
2 16 6. The department shall promulgate rules according to
2 17 chapter 17A to administer sections 327D.210 through 327D.213.

2 18 Sec. 3. NEW SECTION. 327D.212 COMMUNITY FACILITIES ==
2 19 PENALTY.

2 20 1. A railway corporation that transports property within
2 21 fifteen miles of a school, hospital, nursing home, or other
2 22 type of community facility identified by the department by
2 23 rule shall meet the following requirements:

2 24 a. Provide adequate security personnel to secure all
2 25 facilities that handle or store hazardous materials.

2 26 b. Store hazardous materials only in secure facilities
2 27 designed for such storage, which shall not include rights-of=
2 28 way.

2 29 c. Ensure that sufficient qualified personnel are
2 30 available to operate a train as needed to assist, replace, or
2 31 relieve other personnel who need such assistance.

2 32 d. Ensure that the cabs of an occupied locomotive can be
2 33 secured against an attack, sabotage, or other hostile action,
2 34 including terrorism as defined in section 708A.1.

2 35 e. Limit the use of remote control locomotives when
3 1 transporting hazardous materials.

3 2 f. Secure remote control devices to prevent access by
3 3 unauthorized personnel and other persons.

3 4 g. Ensure that all personnel that transport hazardous
3 5 materials receive security training on an annual basis
3 6 regarding hazardous materials.

3 7 2. The department may impose a civil penalty not to exceed
3 8 fifty thousand dollars for each day a railway corporation
3 9 fails to meet a requirement of this section.

3 10 Sec. 4. NEW SECTION. 327D.213 EMPLOYEE PROTECTION.

3 11 A railway corporation shall not take punitive action
3 12 against an employee who reports a violation of sections
3 13 327D.210 through 327D.212 to the department. An employee
3 14 subject to any punitive action may seek damages in an amount
3 15 not to exceed one million dollars from the railway corporation
3 16 that takes such action, in addition to other remedies such as
3 17 back pay, reinstatement, and other damages.

3 18 EXPLANATION

3 19 This bill provides new requirements for a railway
3 20 corporation relating to railroad security against an attack,
3 21 sabotage, or other hostile action, including terrorism. The
3 22 bill requires that, on or before December 1, 2007, a railway
3 23 corporation shall prepare a risk assessment to include a
3 24 description of the railroad, the property transported,
3 25 employee training, and security and emergency procedures.
3 26 Using the risk assessment, the railway corporation then
3 27 establishes a rail security program. The program must include
3 28 employee training for the purpose of reporting and responding
3 29 to an attack.

3 30 The bill also provides that if a railway corporation
3 31 transports property with 15 miles of a school, hospital,
3 32 nursing home, or other community facility as identified by the
3 33 state department of transportation by rule, specific security
3 34 requirements apply. The department may impose a civil penalty
3 35 on a railway corporation that fails to comply with such

4 1 requirements.

4 2 The bill also includes a provision to protect an employee
4 3 who reports a violation of the program and other security
4 4 requirements in the bill.

4 5 The bill requires that the department adopt rules to
4 6 administer the rail security provisions.

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