

BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON ECONOMIC SECURITY,
INFRASTRUCTURE PROTECTION, AND CYBERSECURITY

HEARING ON
TRANSIT SECURITY TRAINING PROCEDURES

SEPTEMBER 28, 2006

TESTIMONY OF
JOHN P. TOLMAN, VICE PRESIDENT AND
NATIONAL LEGISLATIVE REPRESENTATIVE
BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN,
A DIVISION OF THE RAIL CONFERENCE
OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS



Mr. Chairman, Mr. Ranking Member, and the members of the committee, I would to thank you for inviting me here today to testify on the issue of railroad security. On the behalf of the 39,000 members of the Brotherhood of Locomotive Engineers and Trainmen — and more than 70,000 Teamsters Rail Conference members — I would like to thank you for your interest in this subject.

The issue of railroad security is of vital concern to all railroad workers, including Teamster Rail Conference members represented by the BLET and the Brotherhood of Maintenance of Way Employes Division (BMWED). Each and every day, we are on the front lines of the nation's transportation system and see the woeful lack of security on our railroads. This lack of security is more than just troubling; it is tragic because we have seen the damage that can be done by accidents on the railroads and shudder to think of the damage that could be wrought by terrorism or sabotage.

It is frightening to think that there were more than 250 terror attacks on railroads world wide from 1995 until June of 2005. Since June 2005, we have seen attacks perpetrated in London and Mumbai, India. In the past 11 years, there has been one successful attempt to attack a railroad in the U.S. and several more attempted attacks. The attack in Hyder, Arizona, on October 9, 1995, killed an Amtrak employee and injured 78 other people. The case was never solved. More recently, plans were uncovered to attack the New York subway system on three different occasions.

The frequency and severity of the attacks on railroads worldwide and here at home demonstrate the urgency for change in the way our rail security system works. However, our current regulations are severely inadequate.

As you know, the Department of Homeland Security and the Transportation Security Administration spends nine dollars per airline passenger on security, but only spends one penny per rail/mass transit passenger. This is a pittance when compared to the number of riders each day on our nation's rail and mass transit systems. Each weekday, 11.3 million passengers in 35 metropolitan areas and 22 states use some form of rail or mass transit. These passengers ride on trains that cover over 10,000 miles of commuter and urban rail lines.

The very nature of the rail system makes it vulnerable to attack. In addition to the more than 10,000 miles of commuter and urban rail lines, there are 300,000 miles of freight rail lines. These lines are open and easily accessible to the general public.

In response to these concerns, we have taken a number of concrete steps. For example, the BLET and BMWED have drafted model security legislation that has been introduced at the state level in every section of the country. This legislation would accomplish the following:

- require rail operators to conduct a risk assessment of their facilities, cargo, and hazardous material storage procedures, paying special attention to storage within

- a fifteen mile radius of a school, hospital, nursing home, public utility, or public safety facility;
- develop a comprehensive security plan, to be filed with the state’s Transportation Department;
- implement a Community Protection Plan covering security, training, and emergency response; and
- provide for whistle-blower protection for all rail workers and rail contractor employees.

Also, at the May meeting of the Federal Railroad Administration’s Railroad Safety Advisory Committee, two of our State Legislative Board Chairmen made a presentation on currently-available locking devices for a locomotive’s automatic brake valve. These locks — which would prevent an unauthorized person from moving a locomotive — are already in use in some European countries and in other parts of the world.

Ultimately, though, the strongest response to potential security threats faced by the railroad and transit industries begins in this House. We believe that the disproportionate attention to homeland security and concentration of federal resources in the aviation industry has left rail and transit vulnerable. However, the Senate recently acted to change that calculus, which we applaud.

The amendment included in the version of H.R. 4954 adopted by the Senate addresses a number of the problems regarding rail security that were outlined in the Teamsters Rail Conference “*High Alert*” report, which was based on survey responses from more than 4,000 Rail Conference members employed nationwide. Rail workers, who reported the safety and security measures in place on any one workday during a year-long survey period, reported as follows:

- 94% of respondents said that rail yard access was not secure;
- 83% of respondents said that they had not received any, or additional, training related to terrorism prevention and response during the 12 months prior to the survey;
- 70% of respondents reported seeing trespassers in the yard; and
- only minimal security training had been provided to employees who have been warned that they could be the target of a terrorist attack.

The vulnerability assessment outlined in the Senate bill would address key areas that the Rail Conference feels are not adequately handled by the industry, and requires recommendations that include:

- improving the security of rail tunnels, bridges, switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Undersecretary as posing significant risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

- deploying equipment to detect explosives and hazardous chemical, biological and radioactive substances, and any appropriate countermeasures;
- training employees in terrorism prevention, passenger evacuation and response activities;
- conducting public outreach campaigns on passenger railroads;
- deploying surveillance equipment; and
- identifying the immediate and long-term costs of measures that may be required to address those risks.

The employee training called for in the Senate bill is one of the Rail Conference's most sought after security provisions. Throughout the country, railroad workers have established that their employers provide little or no specific training for terrorism prevention or response. In the *High Alert* survey, 84% of respondents said that they had not received any additional training in terrorism response or prevention in the 12 months preceding the survey; and 99% said they did not receive training related to the monitoring of nuclear shipments. This lack of training should be of critical interest to citizens who live near rail yards and tracks. The workers who lack this training will be the first ones to respond to incidents.

In the absence of training by the railroads, the Teamsters Rail Conference unions have worked together with five other unions to develop, on their own, a five day intensive Hazardous Materials and Rail Security training course for members, with funding from the National Institutes of Environmental Health Sciences grants. This training is provided through the National Labor College/George Meany Center in Silver Spring, MD.

We also strongly support the "whistleblower" provisions included in the bill. Railroad workers should not — and cannot — be subjected to dismissal when they provide security threat information to the government.

Rail labor has long expressed an interest in developing security training with Congress, the FRA and the carriers. We believe that the version of H.R. 4954 adopted by the Senate should be accepted in conference, because — if enacted into law — it will provide us the opportunity to do so.