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House Committee on Transportation and Infrastructure DEMOCRATS

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T&I Dems Introduce Rail Security Bill *Say rail overlooked in favor of aviation security since 9/11*

WASHINGTON—The Democratic leadership of the House Transportation and Infrastructure Committee on Thursday introduced legislation to provide more than \$1 billion for improving security on passenger and freight rail lines.

The Rail Security Act of 2005 is sponsored by Rep. James L. Oberstar (Minn.), Ranking Democrat on the full committee, and Rep. Corrine Brown (Fla.), Ranking Democrat on the Subcommittee on Railroads.

The text of Oberstar's statement on the introduction of the bill follows:

Introducing the Rail Security Act of 2005

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

May 12, 2005

Mr. Speaker, today, together with Subcommittee on Railroads Ranking Member Corrine Brown and 12 of my other colleagues, I introduce the "Rail Security Act of 2005."

It's been almost four years since the terrorist attacks of September 11, 2001, and one year since the terrorist train bombing in Madrid, Spain, that killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians since 1988. Last month, Spanish authorities found, in the home of a suspect in the Madrid bombing, a rough sketch of New York's Grand Central Terminal, the significance of which is being evaluated.

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The Madrid bombing was just the latest in a series of attacks on railroads worldwide. Between 1998 and 2003, there were 181 attacks worldwide on trains and rail-related targets such as depots, ticket stations, and rail bridges, resulting in an estimated 431 deaths and several thousand injuries. Yet the Federal Government has done little to enhance rail security in the United States. The Madrid bombing alone should have served as a wake-up call to Congress and the Administration.

Last year, the United States spent \$4.4 billion on aviation security, but only \$115 million on rail and transit security, even though five times as many people take trains as planes every day. The President's FY2006 Budget for the Transportation Security Administration proposes \$4.7 billion for aviation security and just \$32 million for highways, passenger rail, buses and other modes of surface transportation.

Amtrak alone has requested \$100 million in security upgrades and nearly \$600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, D.C. Securing Amtrak and other rail facilities is a formidable task, but Congress must get it done. Of course, that requires Federal leadership and Federal resources, both of which are long overdue. For four years now, our country still hasn't produced a national transportation security plan.

The Aviation Transportation Security Act of 2001 originally required the Department of Homeland Security (DHS) to develop and submit to Congress a National Strategy for Transportation Security. In 2003, then Transportation Security Administrator Admiral James Loy promised the plan by the end of that year. Most recently, the Intelligence Reform and Terrorist Prevention Act of 2004 required the plan to be produced by April 1, 2005. Unfortunately, the Department has pushed back the completion date for this document again. On April 5, 2005, the DHS sent a letter to Congress stating that the Department now intends to produce the National Strategy for Transportation Security to Congress in two to three months.

We cannot continue to delay security improvements while awaiting the National Strategy. Congress needs to act now to protect the safety and security of our Nation's railroads, rail passengers, rail workers, and communities served by them.

The Rail Security Act of 2005 requires that within 180 days of enactment, the Secretary of Homeland Security and the Secretary of Transportation shall develop and implement a railroad security assessment, a railroad security plan, and prioritized recommendations for improving railroad security. The bill also requires the Secretary of Homeland Security and the Secretary of Transportation to execute a memorandum of agreement governing the roles and responsibilities of their Departments in addressing railroad transportation security matters.

The bill authorizes more than \$1 billion to safeguard our Nation's rail network from terrorist threats, \$500 million of which is authorized for grants to State and local governments, railroad carriers, rail labor, and others for costs incurred for preventing or responding to terrorist activities or other security threats to intercity passenger rail and freight rail service.

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Under the bill, Amtrak will receive \$100 million for security upgrades, plus a total of \$597 million to make fire and life-safety improvements to tunnels on the Northeast Corridor in New York, New York, Baltimore, Maryland, and Washington, D.C. This funding is critical to protect Amtrak's 25 million passengers, two-thirds of whom travel along the Northeast Corridor.

The bill authorizes \$50 million for the Secretary of Homeland Security to create a research and development program to improve freight and intercity passenger rail security. The Secretary of Homeland Security is also required to develop a national plan for public outreach and awareness and a study on passenger, baggage, and cargo screening.

Moreover, the Rail Security Act of 2005 focuses on an issue that security bills often ignore: the importance of ensuring that key workers have the support and training required to protect our rail system, whether those workers are railroad employees or emergency responders.

Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain track and signal systems, dispatch trains, operate bridges, and repair cars. They are in the most direct position to spot security risks and potential threats. This bill requires rail carriers to provide security training to these workers to ensure that they are prepared to take appropriate action against threat conditions. The bill also strengthens whistleblower protections to ensure that workers who report or identify a security risk will not face retribution or retaliation from their employers. A rail worker should not have to choose between doing the right thing on security and holding on to his or her job. Despite whistleblower protections in current law, employees still experience employer harassment and intimidation when reporting accidents, injuries, and other safety concerns. This language will help ensure that these practices end.

Congressmen Henry Waxman, Elijah Cummings, and I asked the Government Accountability Office (GAO) in 2002 to examine ten communities to evaluate whether they were prepared to respond to rail incidents involving hazardous materials, whether accidental or intentional. Accidents in urban areas, such as the 2001 occurrence in the Howard Street Tunnel in Baltimore, Maryland, involving a fire fueled by hazardous materials, and a leak of hydrochloric acid from a parked tank car in an urban area in Lowell, Massachusetts, have called attention to the safety of hazardous materials shipped by rail. The recent tragedy in Graniteville, South Carolina showed the devastating effects such hazmat accidents can cause.

To my disappointment, GAO found that many emergency responders were not properly trained to respond to incidents involving hazardous materials and radioactive waste. In each of the ten communities evaluated, local fire department officials confirmed that fire department personnel had only received hazardous material awareness-level training, the lowest level of training recommended in National Fire Protection Association (NFPA) Standard 472, *Professional Competence of Responders to Hazardous Materials Incidents*. This training provides first responders with the knowledge and skills to identify a hazardous materials incident and to contact the appropriate response resource. However, NFPA representatives have advised me that the minimum level of training for first responders should actually be at the operations level, the second highest level of training described in NFPA Standard 472,

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which trains responders to plan and initiate a response to the incident. The Rail Security Act of 2005 requires this training.

GAO also found that while most local communities have equipment on hand to use in response to a hazardous material incident, some locations lacked important equipment, such as detectors, decontamination equipment, and personal protective gear needed to respond to accidents involving hazardous materials and radioactive waste. My bill addresses this need. It authorizes the Secretary of Transportation to make grants to State and local governments, as well as nonprofit employee organizations representing emergency responders, for advanced firefighter turnout gear.

The Rail Security Act of 2005 also ensures that emergency responders will be able to get real-time information for dealing with hazardous materials and passenger railroad incidents through the Operation Respond Institute. The bill provides Operation Respond with \$2.5 million for each of fiscal years 2005 through 2007 for deploying and expanding the Operation Respond Emergency Information System software, developing and implementing a railroad infrastructure mapping program, and establishing an alert and messaging capability for use during emergencies involving freight and passenger railroads.

The Rail Security Act of 2005 includes legislation that the House has overwhelmingly passed in previous Congresses, the Rail Passenger Disaster Family Assistance Act, which ensures that the needs of the families of the victims of terrorist attacks or accidents are addressed. This bill was similar to legislation we enacted in 1996 to address the treatment of families of the victims of airline crashes. We should do no less for those who ride our nation's passenger trains.

As we introduce this bill today, we invite other colleagues to join us in cosponsorship and work together to ensure its passage.

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