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SUBCOMMITTEE ON TRANSPORTATION SECURITY  
AND INFRASTRUCTURE PROTECTION

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HEARING ON  
RAIL AND MASS TRANSIT SECURITY  
INDUSTRY AND LABOR PERSPECTIVES

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TESTIMONY OF  
JOHN MURPHY, DIRECTOR  
TEAMSTERS RAIL CONFERENCE  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



Before the  
Subcommittee on Transportation Security and Infrastructure Protection  
**TESTIMONY OF JOHN MURPHY**  
Director of the Teamster Rail Conference

Good Afternoon. Madame Chairwoman Jackson-Lee, Ranking Member Lungren and Members of the Subcommittee, my name is John Murphy, Director of the Teamster's Rail Conference. I would like to thank you for inviting me here today to testify on the issue of railroad security. On the behalf of the more than 70,000 Teamsters Rail Conference members, I thank you for holding this hearing on this important subject.

The issue of railroad security is of vital concern to all railroad workers, including Teamster Rail Conference members represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Brotherhood of Maintenance of Way Employees Division (BMWED). The Teamsters Rail Conference is dedicated to improving rail security and safety in America to adequately protect rail workers and the communities they serve. 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, the Teamsters Rail Conference has 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 a May 2006 meeting of the Federal Railroad Administration's Railroad Safety Advisory Committee, two locomotive engineers from the Rail Conference 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. As recently as January 16, 2007 two boys escaped from a juvenile detention home in Nelsonville, Ohio, broke into a building that housed a locomotive, and took the locomotive on a 12-mile joy ride before being apprehended by police. If two juveniles can do this for fun, just think of what a terrorist could do with such a potential weapon of mass destruction. In October 2005, in Southern California, an individual hijacked a locomotive with a bow and arrow. In that case, the locomotive was stopped at a signal; the hijacker boarded the locomotive and forced the engineer and conductor to flee. Fortunately, the engineer disabled the locomotive by activating a remote fuel shut off switch. But what if the hijacker had killed or incapacitated the crewmembers? While stories of hijacking with a bow and arrow and joyriding juveniles may sound amusing, those stories starkly portray the continuing lack of safety and security on locomotives today that put their crew members and public at large in serious danger. We strongly urge the committee to mandate the use of such locking devices to prevent unauthorized movement of locomotives, and we advocate the "hardening" of locomotive cabs to prevent unauthorized intrusion into locomotives.

Ultimately, the strongest response to potential security threats faced by the railroad and transit industries begins here in Washington. We believe that the disproportionate concentration of federal resources in the aviation industry has left rail and transit systems vulnerable. While we applaud ongoing efforts to focus on the vulnerabilities of freight and passenger rail systems, we are concerned that we are not doing enough, fast enough.

One area of grave concern is that safety and security training for rail employees, and rail security measures in general, have been not been given the attention they deserve. We believe that the Transportation Security Administration's (TSA) recent proposals for rail transport of hazardous materials still falls short when it comes to the safety of rail employees and the public. Although the proposed rules bring some of the dangers of hazardous materials storage to light, they do not adequately address quality safety, security, and emergency response training for rail employees. We respectfully request the new Congress to pass legislation that will compel rail corporations to train their employees on proper safety and evacuation procedures; the use of appropriate emergency escape apparatus; the special handling of hazardous materials; and the roles and responsibilities of rail employees within the railroad's security plans, including an understanding of the plan's threat level index and notification to employees each time the threat level is changed.

Locomotive engineers, trainmen and track maintenance workers are the true first responders to rail emergencies - the eyes and ears of the industry. They are the first on the scene, and often the last to leave. Yet, the rail corporations do not have quality safety and security training for employees in place. That failure places these first responders in harm's way, and by implication puts the communities served by the railroads in harm's way as well. A good example is the recent CSX derailment in Kentucky near the Cincinnati airport. In that case, none of the rail employees knew what was in the train or how to contain the hazard and the local first responders began by dousing the flames with water which did not extinguish the fire and permitted the hazardous materials to spread by putting them in solution with the water.

Even since 9/11 and the attacks on rail and transit systems overseas, the security training given to rail employees has been minimal, usually comprised of nothing more than a printed brochure or 10-minute videotape. Moreover, 80 percent of our members who participated in a rail security and safety survey said that they had not received any additional security related training since 9/11. Therefore, we would welcome and support legislation that would mandate quality comprehensive security training for rail employees.

The lack of quality training is documented in the Teamsters Rail Conference report "*High Alert: Workers Warn of Security Gaps on Nation's Railroads.*" This report was based on survey responses gathered over the previous year from more than 4,000 Rail Conference members employed on freight and passenger railroads nationwide. The survey asked rail workers to report the safety and security measures in place on any one workday during the nearly year-long survey period. The report reveals a shocking inattention to security by the nation's largest rail corporations. Rail employees have little, if any, company-sponsored training on the handling of hazardous materials. The practice of leaving rail engines and other machinery unlocked is far too common. The report's conclusions are that the nation's rail system is vulnerable to terrorist attack, and the rail corporations have not taken seriously the safety of their employees and the public. The findings of that report include the following:

- 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 targets of a terrorist attack.

Madame Chairwoman, I would ask that this "High Alert" report be made part of the hearing record.

A week after the release of "*High Alert*", the Government Accountability Office (GAO) released its own report on rail security, prompting Senator Olympia Snowe (R-ME) to declare, "We are in a situation where our individual rail services across the country have no clear understanding of what the best means are for securing their rail systems."

Based upon these and other findings, comprehensive vulnerability assessments conducted by the appropriate federal agencies should be mandatory for all railroads. Such would aid in addressing

key areas that many believe are not adequately being handled by the industry. Such vulnerability assessments should be used as a basis for implementing 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 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.

Employee training 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 often be the first ones to respond to incidents.

The railroad industry has also not adequately trained and integrated its employees into the security plans currently required. Railroad employees remain largely in the dark regarding the carriers' security plans and, while we can appreciate that certain security information must remain confidential, we believe that employee hazmat and security training is critically lacking and must be expanded and improved. Rail employees must know and understand the basic framework of their employer's security plan, including their roles and limitations within the employers' overall security plans, how the plan's threat level matrix is structured, and how notification to employees will be transmitted each time the threat level is changed. Today, rail employees do not have this information. Rail employees are not trained to know and understand the carrier's threat level matrix, and they are not notified when the threat level is changed due to either general or specific threats.

Railroads boast that their workers are the eyes and ears of the industry, but we frankly feel more like canaries in a mine whose only clue of pending disaster will be when disaster strikes. As workers on the front line, our members will be solely relied upon by passengers, the public, and emergency responders to assist in the first critical moments of any rail emergency. Therefore, comprehensive security and response training for rail employees is an absolute must, and I strongly encourage this committee to address this long-outstanding issue.

In the absence of training by the railroads, the Teamsters Rail Conference unions have worked together with six other rail unions to develop, on their own, a five day intensive Hazardous Materials and Rail Security training course for members, with funding from a National Institute of Environmental Health Sciences training grant. This training is provided through the National Labor College/George Meany Center in Silver Spring, MD. Labor is doing its part, but we cannot do it alone. The carriers must step up to the plate, share the basic elements of their security plans with their employees, and provide comprehensive training to front line rail workers.

The Rail Conference also believes that one of the keys to railroad security and the protection of hazardous shipments from malicious intent is to strengthen security in and around yards and facilities where such materials in rail cars are stationary and in “storage incidental to movement.” These stationary shipments are extremely vulnerable to malicious intent. Privacy fencing, restricted access by outside non-railroad entities, improved safety and security training for rail employees, and perimeter security and patrols are among the more feasible solutions to improving security in rail yards and other “temporary storage” facilities. Shielding Toxic By Inhalation Hazard (TIH) shipments and other high-hazard materials on tracks within yards may also enhance rail security, i.e., placing these high-hazard cars on tracks not readily visible from areas of public access.

These are not just frontline rail workers who are raising concerns regarding the shocking lack of security where rail cars carrying highly toxic chemicals are sitting unsecured on the nation’s rail lines. There have been in-depth, multi-part rail safety investigative stories by local and national newspapers and broadcast news networks in over fifty cities across the United States. News media reports with headlines such as “Terrorism on the Rails”, “Terror Trains”, “Rolling Dirty Bombs?” and “Toxic Trains” have appeared in Sacramento, Buffalo, St. Louis, Kansas City, Miami, PBS, Fox News, Atlanta, Cincinnati, Fresno, New York City, Dallas-Ft. Worth, Omaha, Houston, Memphis, Washington, D.C., Pittsburgh, Philadelphia and dozens of other cities. The Teamsters Rail Conference has compiled a ten-minute video of news clips of investigative reports from television stations across the country that demonstrates how serious and widespread lax security measures are in the rail industry. We have distributed a copy of this DVD to each member of the Subcommittee, and we encourage you to take a few minutes to watch it.

I have also attached to my written testimony a copy of an investigative article by Carl Prine, a reporter for the Pittsburgh Tribune Review newspaper. For those that will say that our “High Alert” report is dated, and that rail security has significantly improved over the past few years, I recommend you read this documentation of numerous breaches in security at plants and rail lines across the United States. It paints a picture of an individual unchallenged as he climbed all over rail cars loaded with highly toxic or explosive materials. Even where the Federal Railroad Administration had noted defects in security in 2003 at some rail facilities, access was easily obtained four years later. I can’t help but think that this reporter went unchallenged in plain view of workers, in part, because rail workers have not been given the security awareness training that would cause them to recognize and report suspicious activity and security breaches to the proper authorities.

We support allowing Transportation Security Administration (TSA) and Department of Homeland Security (DHS) officials working with TSA to enter rail yards and other facilities where rail cars are stored or awaiting transportation to conduct security inspections and copy records pertinent to rail security. We also support electronic tracking of hazardous materials cars and chain of custody requirements for certain hazardous materials.

Wherever possible, high-hazard shipments should also be prohibited from being placed in stationary “incidental to movement” storage in high-population areas. This only makes sense given that the stated goal of terror organizations is to cause mass casualties. Limiting stationary “incidental to movement” storage in high-population areas would greatly reduce the incentive to attack such shipments simply because the impact of such an attack occurring in a remotely populated area would not achieve the terrorist’s stated goal of causing mass casualties.

The Teamster Rail Conference strongly supports the inclusion of “whistleblower” protection in any rail security legislation. Railroad workers should not — and cannot — be subjected to dismissal when they provide security threat information to the government.

The Teamster Rail Conference looks forward to working with this committee and the Congress to address the issues of rail security nationwide. I thank you for the opportunity to testify before you today, and I will try to answer any questions you may have.