

108TH CONGRESS
2D SESSION

H. R. 4604

To improve railroad security and to authorize railroad security funding, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2004

Mr. YOUNG of Alaska (for himself, Mr. QUINN, and Mr. PORTER) introduced
the following bill; which was referred to the Committee on Transportation
and Infrastructure

A BILL

To improve railroad security and to authorize railroad
security funding, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Railroads
5 against Enemy Efforts through Modernization, Planning,
6 and Technology Act”.

7 **SEC. 2. RAILROAD TRANSPORTATION SECURITY PLAN.**

8 (a) REQUIREMENT.—

9 (1) IN GENERAL.—The Secretary of Transpor-
10 tation, in consultation with the Under Secretary of

1 Homeland Security for Border and Transportation
2 Security and in accordance with the Memorandum of
3 Understanding executed under section 3, shall de-
4 velop a plan for the security of the Nation's rail-
5 roads. The plan shall include—

6 (A) identification and evaluation of critical
7 railroad assets and infrastructures;

8 (B) identification of threats to those assets
9 and infrastructures;

10 (C) identification of vulnerabilities that are
11 specific to the transportation of hazardous ma-
12 terials via railroad;

13 (D) identification of redundant and backup
14 systems required to ensure the continued oper-
15 ation of critical elements of the railroad system
16 in the event of an attack or other incident, in-
17 cluding disruption of commercial electric power
18 or communications networks;

19 (E) identification of security weaknesses in
20 passenger and cargo security, transportation in-
21 frastructure, protection systems, procedural
22 policies, communications systems, employee
23 training, emergency response planning, and any
24 other area identified by the plan;

1 (F) a plan for the Federal Government to
2 provide increased security support at high or
3 severe threat levels of alert, developed in con-
4 sultation with the freight and intercity pas-
5 senger railroads and State and local govern-
6 ments;

7 (G) procedures for establishing and main-
8 taining permanent and comprehensive consult-
9 ative relations among the parties described in
10 subsection (b); and

11 (H) a contingency plan, developed in con-
12 junction with freight and intercity and com-
13 muter passenger railroads, to ensure the contin-
14 ued movement of freight and passengers in the
15 event of an attack affecting the railroad system,
16 which shall contemplate—

17 (i) the possibility of rerouting traffic
18 due to the loss of critical infrastructure,
19 such as a bridge, tunnel, yard, or station;
20 and

21 (ii) methods of continuing railroad
22 service in the Northeast Corridor in the
23 event of a commercial power loss, or catas-
24 trophe affecting a critical bridge, tunnel,
25 yard, or station.

1 (2) EXISTING PRIVATE AND PUBLIC SECTOR
2 EFFORTS.—The plan shall take into account actions
3 taken or planned by both public and private entities
4 to address identified security issues and assess the
5 effective integration of such actions.

6 (3) RECOMMENDATIONS.—The Secretary of
7 Transportation shall develop prioritized rec-
8 ommendations for improving railroad security, in-
9 cluding recommendations for—

10 (A) improving the security of rail tunnels,
11 rail bridges, rail switching and car storage
12 areas, other rail infrastructure and facilities, in-
13 formation systems, and other areas identified
14 by the Secretary as posing significant railroad-
15 related risks to public safety and the movement
16 of interstate commerce, taking into account the
17 impact that any proposed security measure
18 might have on the provision of railroad service;

19 (B) deploying equipment to detect explo-
20 sives and hazardous chemical, biological, and
21 radioactive substances, and any appropriate
22 countermeasures;

23 (C) installing redundant and backup sys-
24 tems to ensure the continued operation of crit-
25 ical elements of the railroad system in the event

1 of an attack or other incident, including disruption
2 of commercial electric power or commu-
3 nications networks;

4 (D) conducting public outreach campaigns
5 on passenger railroads;

6 (E) deploying surveillance equipment; and

7 (F) identifying the immediate and long-
8 term costs of measures that may be required to
9 address those risks.

10 (b) CONSULTATION.—In developing the plan under
11 subsection (a), the Secretary of Transportation shall con-
12 sult with rail management, rail labor, owners or lessors
13 of rail cars used to transport hazardous materials, first
14 responders, shippers of hazardous materials, State De-
15 partments of Transportation, public safety officials (in-
16 cluding those within agencies and offices of the Depart-
17 ment of Homeland Security), and other relevant parties.

18 (c) REPORT.—

19 (1) CONTENTS.—Not later than 180 days after
20 the date of enactment of this Act, the Secretary of
21 Transportation shall transmit to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and Infra-
24 structure of the House of Representatives a report
25 containing the plan and prioritized recommendations

1 required by subsection (a), along with an estimate of
2 the cost to implement such recommendations.

3 (2) **FORMAT.**—The Secretary may submit the
4 report in both classified and redacted formats if the
5 Secretary determines that such action is appropriate
6 or necessary.

7 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated to the Secretary of
9 Transportation \$10,000,000 for fiscal year 2005 for the
10 purpose of carrying out this section.

11 **SEC. 3. MEMORANDUM OF UNDERSTANDING.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Secretary of Transportation and the Sec-
14 retary of Homeland Security shall execute a memorandum
15 of understanding governing the roles and responsibilities
16 of the Department of Transportation and the Department
17 of Homeland Security, respectively, in addressing railroad
18 transportation security matters, including the processes
19 the departments will follow to promote communications,
20 efficiency, and nonduplication of effort.

21 **SEC. 4. RAILROAD SECURITY UPGRADES.**

22 (a) **SECURITY IMPROVEMENT GRANTS.**—The Sec-
23 retary of Transportation is authorized to make grants to
24 railroads, hazardous materials shippers, owners of rail
25 cars used in the transportation of hazardous materials,

1 universities, colleges, and research centers, and State and
2 local governments (for railroad facilities and infrastruc-
3 ture) for full or partial reimbursement of costs incurred
4 to prevent or respond to acts of terrorism, sabotage, or
5 other railroad security threats, including providing for—

- 6 (1) automated security inspection;
- 7 (2) continued development and pilot deployment
8 of communications-based train control systems;
- 9 (3) emergency bridge repair and replacement
10 technology and testing;
- 11 (4) track, structure, and right-of-way integrity
12 monitoring;
- 13 (5) technologies for reduction of tank car vul-
14 nerability;
- 15 (6) demonstration of bridge and tunnel inspec-
16 tion technologies;
- 17 (7) establishment of a unified national railroad
18 emergency operations center;
- 19 (8) signal system security at turnouts;
- 20 (9) security and redundancy for critical commu-
21 nications, electric power (including traction power),
22 computer, and train control systems essential for se-
23 cure railroad operations or to continue railroad oper-
24 ations after an attack impacting railroad operations;

1 (10) the security of hazardous material trans-
2 portation by railroad;

3 (11) secure passenger railroad stations, trains,
4 and infrastructure;

5 (12) public security awareness campaigns for
6 passenger train operations;

7 (13) the sharing of intelligence and information
8 about railroad security threats;

9 (14) train tracking and interoperable commu-
10 nications systems that are coordinated to the max-
11 imum extent possible;

12 (15) additional police and security officers, in-
13 cluding canine units; and

14 (16) other improvements recommended by the
15 report required by section 2, including infrastruc-
16 ture, facilities, and equipment upgrades.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of
19 Transportation—

20 (1) \$5,000,000 for each of fiscal years 2005
21 and 2006 for automated security inspection;

22 (2) \$20,000,000 for continued development and
23 deployment of communications-based train control
24 systems;

1 (3) \$5,000,000 for each of fiscal years 2005
2 through 2008 for emergency bridge repair and re-
3 placement technology and testing;

4 (4) \$3,000,000 for fiscal year 2005 for track,
5 structure, and right-of-way integrity monitoring;

6 (5) \$3,000,000 for fiscal year 2005 for tech-
7 nologies for reduction of tank car vulnerability;

8 (6) \$20,000,000 for demonstration of bridge
9 and tunnel inspection technologies;

10 (7) \$10,000,000 for establishment of a unified
11 national railroad emergency operations center;

12 (8) \$1,500,000 for each of fiscal years 2005
13 and 2006 for signal system security at turnouts; and

14 (9) \$350,000,000 for fiscal year 2005 to carry
15 out paragraphs (9) through (16) of subsection (a).

16 Amounts appropriated pursuant to this subsection shall
17 remain available until expended.

18 **SEC. 5. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

19 (a) LIFE-SAFETY NEEDS.—The Secretary of Trans-
20 portation is authorized to procure fire and life-safety im-
21 provements to the tunnels on the Northeast Corridor in
22 New York, New York, Baltimore, Maryland, and Wash-
23 ington, D.C.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of

1 Transportation for the purposes of carrying out subsection
2 (a) the following amounts:

3 (1) For the 6 New York tunnels, to provide
4 ventilation, electrical, and fire safety technology up-
5 grades, emergency communication and lighting sys-
6 tems, and emergency access and egress for pas-
7 sengers—

8 (A) \$100,000,000 for fiscal year 2005;

9 (B) \$100,000,000 for fiscal year 2006;

10 (C) \$100,000,000 for fiscal year 2007;

11 (D) \$100,000,000 for fiscal year 2008;

12 and

13 (E) \$170,000,000 for fiscal year 2009.

14 (2) For the Baltimore & Potomac tunnel and
15 the Union tunnel, together, to provide adequate
16 drainage, ventilation, communication, lighting, and
17 passenger egress upgrades—

18 (A) \$10,000,000 for fiscal year 2005;

19 (B) \$10,000,000 for fiscal year 2006;

20 (C) \$10,000,000 for fiscal year 2007;

21 (D) \$10,000,000 for fiscal year 2008; and

22 (E) \$17,000,000 for fiscal year 2009.

23 (3) For the Washington, D.C., Union Station
24 tunnels, to improve ventilation, communication,
25 lighting, and passenger egress upgrades—

- 1 (A) \$8,000,000 for fiscal year 2005;
2 (B) \$8,000,000 for fiscal year 2006;
3 (C) \$8,000,000 for fiscal year 2007;
4 (D) \$8,000,000 for fiscal year 2008; and
5 (E) \$8,000,000 for fiscal year 2009.

6 (c) AVAILABILITY OF APPROPRIATED FUNDS.—
7 Amounts appropriated pursuant to this section shall re-
8 main available until expended.

9 **SEC. 6. MISCELLANEOUS TECHNICAL AND CONFORMING**
10 **PROVISIONS.**

11 (a) RAIL POLICE OFFICERS.—Section 28101 of title
12 49, United States Code, is amended by striking “the rail
13 carrier” each place it appears and inserting “any rail car-
14 rier”.

15 (b) REVIEW OF RAIL REGULATIONS.—Not later than
16 1 year after the date of enactment of this Act, the Sec-
17 retary of Transportation, in consultation with the Under
18 Secretary of Homeland Security for Border and Transpor-
19 tation Security, shall review existing rail regulations of the
20 Department of Transportation for the purpose of identi-
21 fying areas in which those regulations need to be revised
22 to improve railroad security.

23 (c) RAILROAD SECURITY.—Section 20101 of title 49,
24 United States Code, is amended by striking “safety” and
25 inserting “safety, including security,”.

1 (d) RAIL SAFETY REGULATIONS.—Section 20103(a)
2 of title 49, United States Code, is amended by striking
3 “safety” the first place it appears, and inserting “safety,
4 including security,”.

5 (e) CERTAIN PERSONNEL LIMITATIONS NOT TO
6 APPLY.—Any statutory limitation on the number of em-
7 ployees in the Transportation Security Administration of
8 the Department of Transportation, before or after its
9 transfer to the Department of Homeland Security, does
10 not apply to the extent that any such employees are re-
11 sponsible for implementing the provisions of this Act.

12 **SEC. 7. DEFINITION.**

13 For purposes of this Act, the term “railroad” has the
14 meaning given that term in section 20102 of title 49,
15 United States Code.

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