

109TH CONGRESS  
1ST SESSION

# H. R. 4106

To provide for the security and safety of rail transportation systems in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2005

Mr. CASTLE (for himself, Mr. PLATTS, Mr. BACHUS, Mr. WELDON of Pennsylvania, Mr. KIRK, and Mr. FITZPATRICK of Pennsylvania) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To provide for the security and safety of rail transportation systems in the United States, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Railroad Security and Public Awareness Act of 2005”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Rail worker security training program.
- Sec. 3. Public awareness.
- Sec. 4. Railroad security upgrades.

1 **SEC. 2. RAIL WORKER SECURITY TRAINING PROGRAM.**

2 (a) IN GENERAL.—Not later than 60 days after the  
3 date of enactment of this Act, the Secretary of Homeland  
4 Security, in consultation with appropriate law enforce-  
5 ment, security, and terrorism experts, representatives of  
6 railroad carriers, and nonprofit employee organizations  
7 that represent rail workers, shall develop and issue de-  
8 tailed guidance for a rail worker security training program  
9 to prepare front-line workers for potential threat condi-  
10 tions.

11 (b) PROGRAM ELEMENTS.—The guidance developed  
12 under subsection (a) shall require such a program to in-  
13 clude, at a minimum, elements that address the following:

14 (1) Determination of the seriousness of any oc-  
15 currence.

16 (2) Crew communication and coordination.

17 (3) Appropriate responses to defend oneself.

18 (4) Use of protective devices.

19 (5) Evacuation procedures.

20 (6) Psychology of terrorists to cope with hi-  
21 jacker behavior and passenger responses.

22 (7) Live situational training exercises regarding  
23 various threat conditions, including tunnel evacu-  
24 ation procedures.

25 (8) All employee training provisions included in  
26 the Transportation Security Directive (SD

1 RAILPAX–04–01 and SD RAILRAX–04–02) issued  
2 under the authority of section 114 of title 49,  
3 United States Code, by the Transportation Security  
4 Administration on May 20, 2004.

5 (9) Any other areas that the Secretary deems  
6 appropriate.

7 (c) RAILROAD CARRIER PROGRAMS.—Not later than  
8 60 days after the Secretary issues guidance under sub-  
9 section (a) in final form, each railroad carrier shall develop  
10 a rail worker security training program in accordance with  
11 that guidance and submit it to the Secretary for approval.  
12 Not later than 30 days after receiving a railroad carrier’s  
13 program under this subsection, the Secretary shall review  
14 the program and approve it or require the railroad carrier  
15 to make any revisions the Secretary considers necessary  
16 for the program to meet the guidance requirements.

17 (d) TRAINING.—Not later than 180 days after the  
18 Secretary approves the training program developed by a  
19 railroad carrier under this section, the railroad carrier  
20 shall complete the training of all front-line workers in ac-  
21 cordance with that program.

22 (e) UPDATES.—The Secretary shall update the train-  
23 ing guidance issued under subsection (a) from time to  
24 time to reflect new or different security threats, and re-

1 quire railroad carriers to revise their programs accordingly  
2 and provide additional training to their front-line workers.

3 (f) SECURITY TRAINING PROGRAM GRANTS.—The  
4 Secretary of Homeland Security is authorized to make  
5 grants to railroads (including intercity, heavy, and light  
6 rail), hazardous materials shippers, owners of rail cars  
7 used in the transportation of hazardous materials, univer-  
8 sities, colleges, and research centers, and State and local  
9 governments (for railroad facilities and infrastructure) for  
10 full or partial reimbursement of costs incurred to imple-  
11 ment the program detailed in subsection (a).

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Secretary of  
14 Homeland Security \$100,000,000 for fiscal year 2007 to  
15 carry out the purposes of this section. Amounts appro-  
16 priated pursuant to this subsection shall remain available  
17 until expended.

18 (h) DEFINITION.—For purposes of this section, the  
19 term “front-line workers” means heavy and light rail em-  
20 ployees who have daily access to the operations infrastruc-  
21 ture and passengers of their rail systems.

22 **SEC. 3. PUBLIC AWARENESS.**

23 Not later than 90 days after the date of enactment  
24 of this Act, the Secretary of Homeland Security, shall de-  
25 velop a national plan for public outreach and awareness.

1 Such plan shall be designed to increase awareness of  
2 measures that the general public, railroad passengers, and  
3 railroad employees can take to increase railroad system  
4 security. Such plan shall also provide outreach to railroad  
5 carriers and their employees to improve their awareness  
6 of available technologies, ongoing research and develop-  
7 ment efforts, and available Federal funding sources to im-  
8 prove railroad security. Not later than 9 months after the  
9 date of enactment of this Act, the Secretary of Homeland  
10 Security shall implement the plan developed under this  
11 section.

12 **SEC. 4. RAILROAD SECURITY UPGRADES.**

13 (a) SECURITY IMPROVEMENT GRANTS.—The Sec-  
14 retary of Homeland Security is authorized to make grants  
15 to railroads (including intercity passenger and heavy and  
16 light rail), hazardous materials shippers, owners of rail  
17 cars used in the transportation of hazardous materials,  
18 universities, colleges, and research centers, and State and  
19 local governments (for railroad facilities and infrastruc-  
20 ture) for full or partial reimbursement of costs incurred  
21 to prevent or respond to acts of terrorism, sabotage, or  
22 other railroad security threats, including providing for—  
23 (1) technologies for reduction of tank car vul-  
24 nerability;

1           (2) demonstration of bridge and tunnel inspec-  
2           tion technologies

3           (3) security and redundancy for critical commu-  
4           nications, electric power (including traction power),  
5           computer, and train control systems essential for se-  
6           cure railroad operations or to continue railroad oper-  
7           ations after an attack impacting railroad operations;

8           (4) the security of hazardous material transpor-  
9           tation by railroad;

10          (5) secure passenger railroad stations, trains,  
11          and infrastructure;

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

14          (7) the sharing of intelligence and information  
15          about railroad security threats;

16          (8) train tracking and interoperable commu-  
17          nications systems that are coordinated to the max-  
18          imum extent possible;

19          (9) additional police and security officers, in-  
20          cluding canine units; and

21          (10) all provisions included in the Transpor-  
22          tation Security Directives (SD RAILPAX-04-01  
23          and SD RAILPAX-04-02) issued under the author-  
24          ity of section 114 of title 49, United States Code,

1 by the Transportation Security Administration on  
2 May 20, 2004.

3 (b) RISK ASSESSMENTS.—Grants shall be awarded  
4 under section on the basis of the results of risk assess-  
5 ments—

6 (1) conducted by the Secretary of Homeland  
7 Security; or

8 (2) conducted by rail operators or owners, and  
9 reviewed and determined sufficient by the Secretary  
10 of Homeland Security.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to the Secretary of  
13 Homeland Security \$400,000,000 for fiscal year 2007 to  
14 carry out the purposes of this section. Amounts appro-  
15 priated pursuant to this subsection shall remain available  
16 until expended.

17 **SEC. 5. TIMELINES FOR RISK ASSESSMENT AND AGENCY**  
18 **COOPERATION.**

19 Not later than 90 days after the date of enactment  
20 of this Act, the Secretary of Homeland Security, shall—

21 (1) develop a plan and timeline for completing  
22 the Department's framework for analyzing sector  
23 risks, including risks to the United States rail sys-  
24 tem;

1           (2) evaluate whether the risk assessment meth-  
2           odology used by the Office for Domestic Prepared-  
3           ness should be leveraged to facilitate the completion  
4           of risk assessments for rail and other transportation  
5           modes; and

6           (3) set timelines for completing the memo-  
7           randum of understanding modal agreements for rail,  
8           mass transit, and research and development, which  
9           both the Department of Homeland Security and the  
10          Department of Transportation have agreed to pur-  
11          sue.

12 **SEC. 6. SECURITY STANDARDS AND INSPECTIONS.**

13          Not later than 90 days after the date of enactment  
14          of this Act, the Secretary of Homeland Security shall de-  
15          velop and issue, in coordination with the Secretary of  
16          Transportation and rail operators and owners—

17               (1) rail security standards outlining actions for  
18               securing rail systems that reflect industry best prac-  
19               tices; and

20               (2) a plan identifying how Transportation Secu-  
21               rity Administration rail inspectors will be used to  
22               measure, monitor, and enforce the security stand-  
23               ards issued under paragraph (1) and, if appropriate,  
24               recommendations for how rail asset owners should  
25               be required to enforce such standards.

1 **SEC. 7. STUDY OF FOREIGN RAIL SECURITY PRACTICES.**

2 The Secretary of Homeland Security shall—

3 (1) study select foreign rail security practices,  
4 and the cost and feasibility of implementing selected  
5 best practices that are not currently used in the  
6 United States, including—

7 (A) implementing covert testing processes  
8 to evaluate the effectiveness of rail system secu-  
9 rity personnel;

10 (B) implementing practices used by foreign  
11 rail operators that integrate security into infra-  
12 structure design;

13 (C) implementing random searches or  
14 screening of passengers and their baggage; and

15 (D) establishing and maintaining an infor-  
16 mation clearinghouse on existing and emergency  
17 security technologies and security best practices  
18 used in the passenger rail industry both in the  
19 United States and abroad; and

20 (2) report the results of the study, together  
21 with any recommendations that the Secretary may  
22 have for implementing covert testing, practices for  
23 integrating security in infrastructure design, random  
24 searches or screenings, and an information clearing-  
25 house to the Committee on Homeland Security and  
26 Governmental Affairs of the Senate, the Committee

1 on Homeland Security of the House of Representa-  
2 tives, the Committee on Commerce, Science, and  
3 Transportation of the Senate, and the Committee on  
4 Transportation and Infrastructure of the House of  
5 Representatives not later than 1 year after the date  
6 of enactment of this Act.

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